

# City of Scottsbluff, Nebraska

Monday, October 13, 2014

Regular Meeting

## Item NewBiz1

### Special Use Permit

*SUP: Cell Tower in Ag Zone*

*Applicant(s): Verizon*

*Owner(s): City of Scottsbluff*

*Address: 100175 County Road 19*

*Location: N side Hwy 92 & E of C.R. 19*

Staff Contact: Annie Urdiales



SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report

To: Planning Commission  
From: Development Services Department  
Date: October 13, 2014  
Subject: Special Permit Request – Verizon  
Location: 100175 County Road 19  
Zoning: Ag  
Property Size: n/a  
# Lots/Units: n/a

**Background:** The applicant(s), Nevco Wireless representing Verizon has requested a (conditional) special use permit to allow for a cell 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. Verizon has signed an agreement with the City of Scottsbluff (property owners) of the land in which they are placing the cell tower. The cell tower will be situated north of Highway 92 and east of County Road 19.

The tower will be a 198’ monopole structure with no guy wires and not a three legged tower. It will look like a light standard at a ball field. The tower will be fenced with 6’ chain link fence with two strand barbed wire. There will be a prefab concrete building adjacent to the tower that will house the radio equipment and the compound will have a stoop light for added security.

**Analysis:** The property is zoned Agricultural and the applicant has submitted all proper paper work for the permit. The surrounding properties are also zoned A- Agricultural. Plans will be submitted to Development Services and reviewed when the building permit is applied for.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Special 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.

**Lot Sizes:** The acreage for this area is approximately 200 ± acres. A site plan showing layout of the tower is attached.

**Staff Recommendation:** Approve a Special Use Permit to allow for a cell tower supporting equipment in an Ag zoning district with no additional conditions.

**RECOMMENDATION**

**Approve**

Make a motion to approve the special use permit to allow for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district subject to the following condition(s):

**Deny**

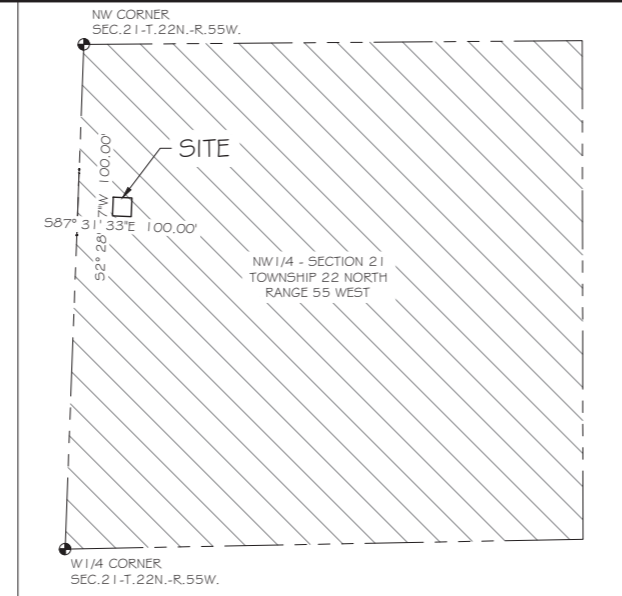
Make a motion to disapprove the special use permit to allow for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district, for the following reason(s):

**Table**

Make a motion to TABLE the special use per for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district for the following reason(s):



VICINITY MAP  
 NORTH NOT TO SCALE



PROPERTY DETAIL  
 NORTH NOT TO SCALE

PROPERTY LEGAL DESCRIPTION PER WARRANTY DEED, RECORDED AS DOCUMENT NO. 200G-3583 IN THE SCOTTSBLUFF COUNTY REGISTER OF DEEDS OFFICE ON JUNE 6TH, 2006.

THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTSBLUFF COUNTY, NEBRASKA, EXCEPTING THEREFROM THAT PARCEL DESCRIBED IN A RETURN OF APPRAISERS WHICH WAS FILED MAY 13, 1997 AND APPEARS OF RECORD IN BOOK 212 OF DEEDS AT PAGE 716 IN THE OFFICE OF THE REGISTER OF DEEDS OF SCOTTSBLUFF COUNTY NEBRASKA AND EXCEPTING FURTHER THE FOLLOWING DESCRIBED REAL ESTATE:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTSBLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 21, THENCE SOUTHERLY ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21, ON AN ASSUMED BEARING OF 500° 04' 56"E, A DISTANCE OF 1417.52 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21, BEARING 500° 04' 56"E, A DISTANCE OF 208.71 FEET, THENCE BEARING 589° 55' 04"W, A DISTANCE OF 208.71 FEET, THENCE BEARING N00° 04' 56"W, A DISTANCE OF 177.46 FEET, THENCE BEARING N49° 26' 43"W, A DISTANCE OF 1052.86 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHEASTERLY LINE OF A STRIP OF LAND AS SHOWN ON SURVEY PLAT DATED AUGUST 4, 1998, BY DONALD BRUSH, L.S. 511, THENCE BEARING N40° 33' 17"E, ON SAID SOUTHEASTERLY LINE OF STRIP OF LAND, A DISTANCE OF 25.00 FEET, THENCE BEARING S49° 26' 43"E, A DISTANCE OF 1034.01 FEET, THENCE BEARING N89° 55' 04"E, A DISTANCE OF 206.73 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.59 ACRES, MORE OR LESS.

**PROPOSED 100' X 100' LAND SPACE DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 809.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 187.78 FEET TO THE POINT OF BEGINNING; THENCE S87° 31' 33"E, 100.00 FEET; THENCE S02° 28' 27"E, 100.00 FEET; THENCE N87° 31' 33"W, 100.00 FEET; THENCE N02° 28' 27"E, 100.00 FEET TO THE POINT OF BEGINNING. SAID LAND SPACE CONTAINS 10,000 SQUARE FEET OR 0.2 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

**PROPOSED ACCESS RIGHT-OF-WAY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 809.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 37.26 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD "19" AND THE POINT OF BEGINNING; THENCE CONTINUE S87° 31' 33"E, 120.82 FEET TO THE BEGINNING OF A 14.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, ALONG SAID CURVE 21.99 FEET, THE CHORD OF WHICH BEARS N47° 28' 27"E, 19.80 FEET; THENCE N02° 28' 27"E, 102.00 FEET, THENCE S87° 31' 33"E, 15.00 FEET TO THE NORTHWEST CORNER OF THE PROPOSED LAND SPACE; THENCE S02° 28' 27"W, 100.00 FEET ALONG THE WEST LINE OF THE PROPOSED LAND SPACE; THENCE S87° 31' 33"E, 100.00 FEET ALONG THE SOUTH LINE OF THE PROPOSED LAND SPACE; THENCE S02° 28' 27"W, 30.00 FEET; THENCE N87° 31' 33"W, 249.78 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD "19"; THENCE N02° 19' 18"E, 14.00 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD "19" TO THE POINT OF BEGINNING. SAID LAND SPACE CONTAINS 6,880 SQUARE FEET OR 0.16 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

**PROPOSED 8' WIDE UTILITY RIGHT-OF-WAY CENTERLINE DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 809.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 37.26 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD "19" AND THE POINT OF BEGINNING; THENCE CONTINUE S87° 31' 33"E, 130.92 FEET; THENCE N02° 28' 27"W, 19.00 FEET TO THE POINT OF TERMINATION. SAID RIGHT-OF-WAY CONTAINS 149.92 LF, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

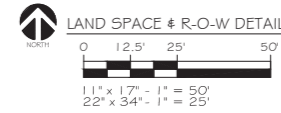
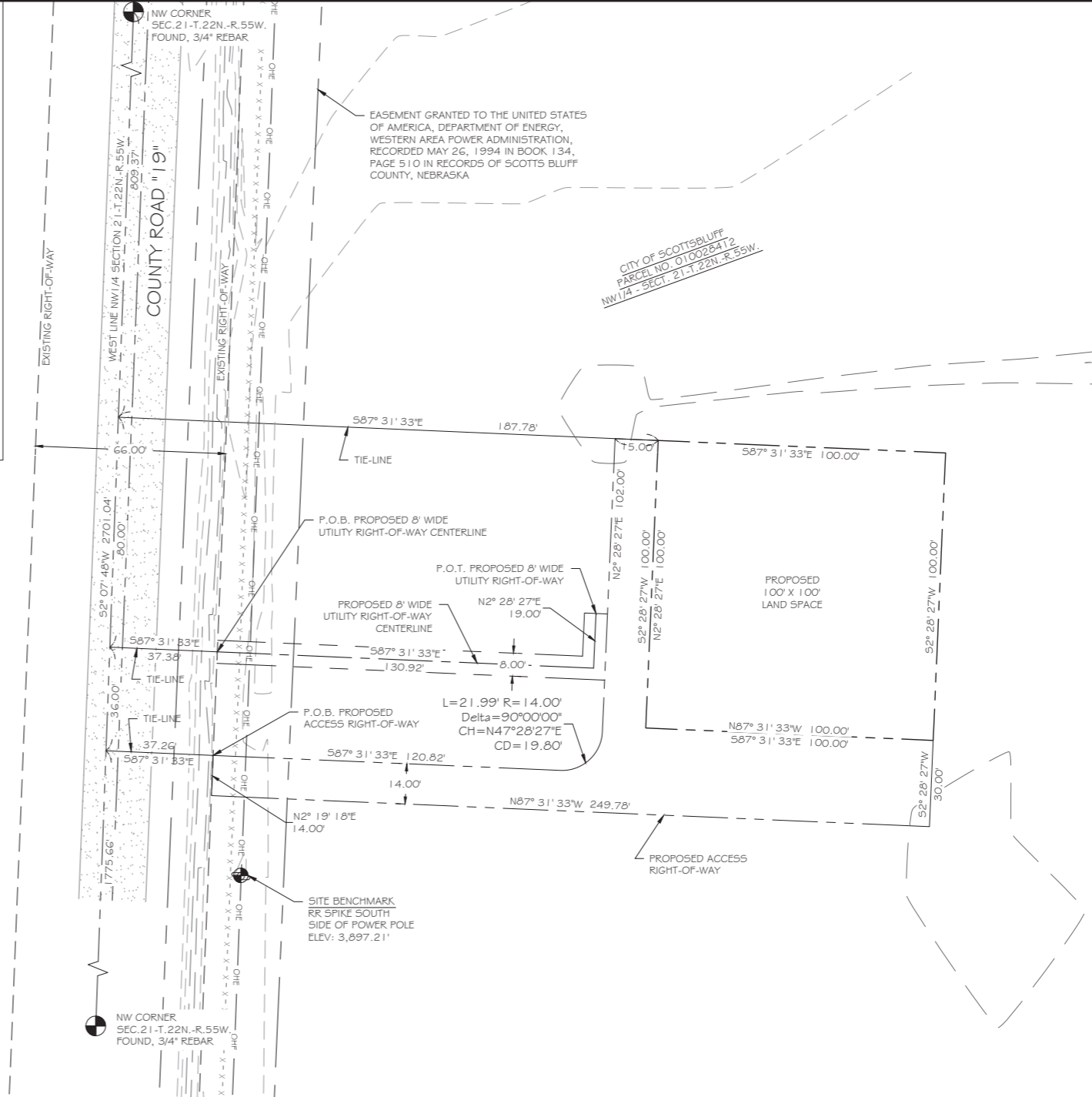
LEGEND	
	EXISTING
	OVERHEAD ELECTRIC
	STORM SEWER
	SECTION LINE
	PROPOSED LAND SPACE
	PROPOSED RIGHT-OF-WAY SIDELINE
	PROPOSED RIGHT-OF-WAY CENTERLINE
	P.O.B. POINT OF BEGINNING
	RECORDED AS WATER VALVE
	TELEPHONE PEDESTAL
	UTILITY POLE
	LIGHT POLE
	GRAVEL

**TITLE REVIEW:**

- NEBRASKA TITLE COMPANY  
 TITLE NO. 6082068  
 EFFECTIVE DATE: JANUARY 28, 2014
- SCHEDULE B ADDITIONAL EXCEPTIONS:
- 3A. - 3D. NON-SURVEYING STATEMENTS
- 3E. TERMS AND CONDITIONS CONTAINED IN THE RETURN OF APPRAISERS ASSESSING DAMAGE FOR THE APPROPRIATION OF THE PROPERTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A MUNICIPAL WELL FIELD AND RESTRICTIVE EASEMENT ON THE REMAINING TRACT, RECORDED MAY 13, 1997 IN BOOK 212, PAGE 716, RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EXCEPTION NOT SHOWN ON SURVEY. DOES NOT AFFECT LAND SPACE.
- 3F. TERMS AND CONDITIONS CONTAINED IN CONTRACT AND GRANT OF EASEMENT TO THE UNITED STATES OF AMERICA, DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION, RECORDED MAY 26, 1994 IN BOOK 134, PAGE 510; RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EASEMENT IS SHOWN ON SURVEY. DOES NOT AFFECT LAND SPACE. THE ACCESS & UTILITY RIGHTS-OF-WAY CROSS THIS EASEMENT.
- 3G. TERMS AND CONDITIONS CONTAINED IN RETURN OF APPRAISERS RECORDED IN BOOK 83, PAGE 434; RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EASEMENT IS NOT SHOWN ON SURVEY. DOES NOT AFFECT THE LAND SPACE.

**SURVEYOR'S NOTES:**

- 1) AN ATTEMPT WAS MADE TO LOCATE ALL PROPERTY CORNERS AND MONUMENTS. WHERE NO MONUMENTS WERE FOUND, THE PROPERTY LINE WAS DRAWN BASED ON RECORDED AND/OR FILED DOCUMENTS.
- 2) THE SURVEY FOR THIS MAP WAS PERFORMED BY RAMAKER & ASSOCIATES, INC. REVIEW WAS PERFORMED BY MICHAEL J. OEHME, SURVEYOR NO. LS-532.
- 3) NOT TO BE USED AS CONSTRUCTION DRAWINGS.
- 4) THE LOCATIONS OF UNDERGROUND UTILITIES WAS DETERMINED BY FIELD OBSERVATIONS AND VISIBLE MARKINGS ONLY AT TIME OF SURVEY.
- 5) THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A LAND SPACE AND ASSOCIATED RIGHT-OF-WAYS. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
- 6) PROPERTY DESCRIPTION FROM INFORMATIONAL REPORT BY NEBRASKA TITLE COMPANY, TITLE NO. 6082068.
- 7) THIS MAP WAS PREPARED WITH THE AID OF INFORMATIONAL REPORT BY NEBRASKA TITLE COMPANY, TITLE NO. 6082068, EFFECTIVE DATE JANUARY 28, 2014.
- 8) BEARINGS ARE REFERENCED TO THE WEST LINE OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST, SURVEYED TO BEAR N02° 07' 48"E.
- 9) DATUM: NEBRASKA STATE PLANE COORDINATE SYSTEM, US FOOT.



**RAMAKER & ASSOCIATES, INC.**  
 1120 Dallas Street, Sauk City, WI 53583  
 Phone: 608-643-4100 Fax: 608-643-7999  
 www.Ramaker.com

**verizonwireless**  
 10801 BUSH LAKE ROAD  
 BLOOMINGTON, MN 55438



Certification & Seal:  
 I hereby certify that this Survey Document was prepared and the related Survey Work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Nebraska.



Michael J. Oehme, PLS  
 License Number: LS-532, Date: 04/15/14

MARK	DATE	DESCRIPTION
	04/15/14	DATE ISSUED:
	FINAL	ISSUE PHASE:
		PROJECT TITLE:

PROJECT LOCATION:  
 HIGHWAY "92" & COUNTY ROAD "19"  
 SCOTTSBLUFF, NE 69361  
 SCOTTS BLUFF COUNTY

**NEO I - HAIG**

PROJECT TITLE:  
**PLAT OF SURVEY**

SCALE:

R & A NUMBER	20145-114
PROJECT NUMBER	27845
SHEET NUMBER	1 OF 1