

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 15030**, request of Joe Coyle to construct a 85-foot tall monopole for personal wireless facilities on property generally located at 3300 North 1st Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/08/15 and 07/22/15
Planning Commission Action: 07/22/2015

STAFF RECOMMENDATION: Conditional approval

RECOMMENDATION: Conditional Approval (8-0: Sunderman, Corr, Hove, Lust, Scheer, Weber, and Cornelius voting 'yes'; Beecham absent).

Resolution No. PC-01466

OPPONENTS: 4

REASON FOR LEGISLATION:

Allow Verizon Wireless to construct an 85-foot monopole for personal wireless facilities at 3300 North 1st Street.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.7-12, concluding that the applicant evaluated other preferred siting and collocation alternatives within one-half mile of the proposed site and there were none. Siting on a large church site provides separation from the surrounding neighborhood and allows for the use of mature trees to help screen the facility. Due to the proximity of the proposed site to a residential neighborhood, lower-profile antenna arrays are appropriate and are proposed as part of the application, as well as all landscaping and screening required by the Design Standards. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan. The staff presentation is found on p.15.
2. On July 8, 2015, this application was removed from the Planning Commission's Consent Agenda for public hearing.
3. The applicant's July 8, 2015, testimony is found on p.15-17, and the applicant's response to the opposition is found on p.22-23.
4. The July 8, 2015, testimony in opposition is found on p.17-19.
5. On July 8, 2015, the Planning Commission voted 8-0 to defer action on this application for two weeks with continued public hearing on July 22, 2015, to allow the applicant and neighbors to meet.
6. The applicant's July 22, 2015, testimony is found on p.25, and the applicant's response to the opposition is found on p.26.
7. The July 22, 2015, testimony in opposition is found on p.25-26.
8. On July 22, 2015, the Planning Commission voted 8-0 to agree with the staff recommendation of conditional approval and adopted Resolution No. PC-01466 (p.3-5) approved Special Permit No. 15030, with conditions as set forth on p.12-13.
9. On August 4, 2015, a letter of appeal was filed by Timothy J. Reisdorff, 3333 Gregory Street (p.2).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: August 11, 2015

REVIEWED BY: David R. Cary, Acting Planning Director

DATE: August 11, 2015

City Council,

I wish to appeal Special Permit #15030. I do not feel it has met all criteria necessary to have been approved as it was. I would like the City Council to review this matter.

Sincerely,



Timothy J Reisdorff
3333 Gregory St.
Lincoln, NE 68521

RECEIVED
AUG 05 2015
Lincoln/Lancaster Co.
Planning Department

RESOLUTION NO. PC- 01466

SPECIAL PERMIT NO. 15030

1 WHEREAS, Oak Lake Evangelical Free Church has submitted an
2 application designated as Special Permit No. 15030 for authority to construct an 85' tall
3 monopole for personal wireless facilities on property generally located at 3300 North 1st
4 Street, and legally described as:

5 Lot 16 I.T., located in the Southwest Quarter of Section 11,
6 Township 10 North, Range 6 East of the 6th P.M., Lincoln,
7 Lancaster County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
9 held a public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood,
11 and the real property adjacent to the area included within the site plan for this wireless
12 facility tower will not be adversely affected by granting such a permit; and

13 WHEREAS, said site plan together with the terms and conditions
14 hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln
15 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
16 public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
2 County Planning Commission of Lincoln, Nebraska:

3 That the application of Oak Lake Evangelical Free Church, hereinafter
4 referred to as "Permittee", to construct an 85' tall monopole for personal wireless
5 facilities be and the same is hereby granted under the provisions of Section 27.68.030
6 the Lincoln Municipal Code upon condition that construction of said tower be in
7 substantial compliance with said application, the site plan, and the following additional
8 express terms, conditions, and requirements:

9 1. This approval permits an 85' tall monopole for personal wireless
10 facilities capable of accommodating the antennas of at least two wireless service
11 providers.

12 2. Before receiving building permits:

13 a. The Permittee shall complete the following instructions and
14 submit to the Planning Department for review and approval a
15 revised site plan including four copies showing the following
16 revisions:

- 17 i. Add a note stating that the tower will not be lighted.
- 18 ii. Revise the plan to show antenna arrays with stand-off
19 arms consistent with the photo simulations.
- 20 iii. Add a note to the site plan which states "All required
21 screening/landscaping as required by the Design
22 Standards to be shown at the time of building permit".

23 b. The Permittee must post a surety in the minimum amount
24 necessary to guarantee the removal of the facilities. The
25 surety must remain in effect for the life of the permit.

1 3. Before commencing use of the facility all development and
2 construction shall have been completed in substantial compliance with the approved plans.

3 4. All privately-owned improvements shall be permanently maintained
4 by the Permittee.

5 5. The site plan accompanying this permit shall be the basis for all
6 interpretations of setbacks, yards, locations of buildings, location of parking and
7 circulation elements, and similar matters.

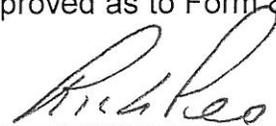
8 6. The terms, conditions, and requirements of this resolution shall run
9 with the land and be binding upon the Permittee, its successors, and assigns.

10 7. The Permittee shall sign and return the letter of acceptance to the
11 City Clerk. This step should be completed within 60 days following the approval of the
12 special permit. The City Clerk shall file a copy of the resolution approving the special
13 permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be
14 paid in advance by the Permittee.

15 The foregoing Resolution was approved by the Lincoln City-Lancaster
16 County Planning Commission on this 22nd day of July, 2015.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit #15030 - Verizon Wireless
- PROPOSAL:** To allow an 85'-tall monopole for personal wireless facilities
- LOCATION:** Oak Lake Evangelical Free Church located at 3300 North 1st Street
- LAND AREA:** Approximately 7.3 acres in area.
- CONCLUSION:** The applicant evaluated other preferred siting and collocation alternatives within one-half mile of the proposed site and there were none. Siting on a large church site provides separation from the surrounding neighborhood, and allows for the use of mature trees to help screen the facility. Due to the proximity of the proposed site to a residential neighborhood, lower-profile antenna arrays are appropriate and are proposed as part of the application, as well as all landscaping and screening required by the Design Standards. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** Lot 16 I.T., located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.
- EXISTING ZONING:** R-3 Residential
- EXISTING LAND USE:** This site is developed with a church, and associated outbuildings and parking areas.

SURROUNDING LAND USE AND ZONING:

- | | | |
|--------|--|----------|
| North: | Single-family Residential, Church | R-3 |
| South: | Church | R-3 |
| East: | Single-family Residential | R-3 |
| West: | Single-family, Multiple-family Residential | R-2, R-4 |

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 1.9 - The future Land Use Map of the Comprehensive Plans designates residential land uses for this site.

Page 4.4 - Placemaking - Current Practice

The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

Page 11.19 - Information technology

Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of "telecommuting" portends a city where people may be able to work from most any site – including their own home. In the economy of the future, information is likely to become the primary product. This product can be "manufactured" at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the "Placemaking" chapter for information on how wireless facilities should be located.

ANALYSIS:

OVERVIEW

The proposed site for the tower is at the south end of the church property. The grade across the site is relatively flat, with line of mature trees along a majority of the north lot line, and several stands of mature trees scattered around the south end. The applicant is seeking to site an approximately 85'-tall monopole (80'-tall tower, 5'-tall lightning rod) for wireless facilities to address inadequate coverage in this area for Verizon Wireless.

Wireless facilities are allowed in any zoning district by special permit per Lincoln Municipal Code (LMC) Section 27.63.720. However, provisions of the special permit require review per the provisions of Chapter 27.68 for Personal Wireless Facilities. The review using those provisions is as follows:

**STANDARDS FOR EVALUATION:
Conformity with Comprehensive Plan.**

1. The Plan states that “The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred.”

The Comprehensive Plan designates residential land uses for this site. Residential areas are not preferred locations, but wireless facilities can be appropriate in residential areas provided care is taken in their design and siting. Typical strategies include enhanced screening, low-profile antennas, or a limit on the height of the tower.

This request is for an 85'-tall monopole capable of collocating at least one additional carrier. In contrast to the typical, triangular ‘crows-nest’ array, the antennas are shown being attached with lower-profile stand-off arms. The proposed site takes advantage of screening afforded by existing trees on the site, and also includes the required 6'-tall security fence around the ground equipment and the additional screening required by the Design Standards.

Preference of site location in accordance with Chapter 27.68.080.

2. There are three location preferences as follows:
 - A. Preferred Location Sites:
 - (1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.
 - (2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

Staff finds the site to be a sensitive site, given the proximity to a residential neighborhood and residential land uses. Considered a sensitive site, the applicant is required to eliminate other all other potential preferred or limited preference sites within a one-half mile radius from consideration.

Compatibility with abutting property and land uses.

3. The proposed tower site is at the south end of a 7.3 acre church site. This site abuts churches on the north and south, single-family dwellings on the east, and North 1st Street on the west.

Wireless facilities are encouraged to first collocate on an existing facility. If there are none, industrial or commercial areas are next choice. Lacking commercial areas, large civic sites such as schools, churches and hospitals are preferred because they typically have the ability to provide adequate separation from adjacent uses. They also often times have mature landscaping which helps provide natural screening.

Uses which require a special permit may not be a compatible land use in every instance. The Planning Commission is allowed discretion with special permits to include measures to help mitigate the impact of such uses, and to enhance compatibility. A nexus, or direct relationship, between the impact and the mitigation must exist, however.

Adverse impacts such as visual, environmental or noise impacts.

4. There are no environmental affects such as noise or light to note. The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

The most significant impact is visual. The proposed siting of the tower at the south end of the site is intended to take advantage of the natural screening provided by the existing trees on this part of the site. Additional screening, as required by the Design Standards, is also shown on the landscape plan.

This siting is also near the neighboring church to the south. An alternate location more central to the site would provide more separation. However, the leadership of the adjacent church stated in writing (see attached email) they have no objection with where the tower is to be sited.

The nearest homes are over 200' away to the east. Between them and proposed tower there is a mature stand of trees near the property line at the south end of the property. The homes to the west across North 1st Street are approximately 400' away, and also have a stand of mature trees between them and the proposed tower. The applicant has attempted to demonstrate the screening effect of the existing trees on the attached Site Photographs 1-8, and with the before and after photo simulations.

In cases similar to this one involving proximity to low-intensity or sensitive land uses, lower-profile antennas have been used to reduce the silhouette of the facility and enhance compatibility. They enhance the appearance of wireless facilities and lessen the visual impact. In this case, lower profile arrays are proposed, which are mounted to the tower with stand-off arms. This type of array is shown in the photo simulations, but not the site plan and must be updated

The plans submitted also show the screening required by the Design Standards. This includes the ground equipment being screened by a 6'-tall, wooden fence, as well a landscape planting schedule. The plants include deciduous and coniferous evergreen trees that are planted around the tower to screen it at the rate of 70% from the ground to eight (8) feet in height, where at least 50% or

more of the trees must to a mature height of thirty-five feet (35') or more. This screening also helps mitigate the visual impact of this facility at this location.

Availability of suitable existing structures for antenna mounting.

5. The applicant is required to eliminate all other preferred or limited preference sites within one-half mile of the proposed site, and demonstrate why they are not feasible per the Zoning Ordinance. This would include any potential collocation sites that would accommodate this carrier's antennas. There is only one potential site, that being an existing tower in a City park on the east side of I-180 directly east of this site. However, this carrier is already located on the tower, and this proposed facility is designed to address inadequate coverage given the current system.

Scale of facility in relation to surrounding land uses.

6. The height limit is 35' in the surrounding R-2, R-3 and R-4 residential zoning districts. However, the nearby dwellings in the area do not approach the maximum height limits. The tallest structures in the area are some two-story apartments on the west side of North 1st Street, and the four churches located along the east side of North 1st Street extending from Adams Street to the lot adjacent to the north of the subject property. Otherwise, the only other tall appurtenances in the area would include typical street lights, and the parking lot lighting used by some of the churches.

Horizontal separation reduces the effect of scale differential, and in this case serves to diminish the visual impact of the tower from the adjacent dwellings. The attached photo simulations attempt to depict the effect that physical separation has on the view of the tower from adjacent properties.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There are no historically significant structures in the area impacted by the proposed tower. The nearest capitol view corridor exists along the I-180 corridor.

This site is in located in the Turning Zone of the Lincoln Airport. In excess of 75' in height, a height permit must be approved by the Department of Building and Safety. The height permit application can be submitted at any time, but must be approved prior to approval of building permits.

Color and finish.

8. Per Chapter 27.68 the tower is required to have a galvanized finish, and because the tower is less than 200' in height no lighting is required by the FAA.

Ability to collocate.

9. The site plan shows the tower at 85' tall. It can accommodate the antennas of an additional carrier as required by chapter 27.68.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. As noted, existing trees help provide natural screening. Additionally, the screening required by the Design Standards which consists of a 70% screen from the ground to 8' in height, with 50% or more of the trees growing to a mature height of 35' or more is also depicted. The existing building and physical separation from the adjacent arterial street will also help screen views from the west and north.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. The subject site is considered a sensitive site, but there are no preferred sites in the area. The use of existing trees, planting additional screening and building a fence near the base of the tower, and adding lower-profile antennas all serve to help mitigate the impact of the facility.

CONDITIONS:

This approval permits an 85'-tall personal wireless facility capable of accommodating antennas for a total of at least two wireless service providers.

Site Specific:

1. Before receiving building permits the permittee shall complete the following instructions and submit the following documents and plans.
 - 1.1 Four copies of a revised site plan showing the following revisions:
 - 1.1.1 Add a note stating that the tower will not be lighted.

- 1.1.2 Revise the plan to show antenna arrays with stand-off arms consistent with the photo simulations.
- 1.1.3 Add a note to the site plan which states "All required screening/landscaping as required by the Design Standards to be shown at the time of building permit.
- 1.2 The permittee must post a surety in the minimum amount necessary to guarantee the removal of the facilities. The surety must remain in effect for the life of the permit.

Standard:

2. The following conditions are applicable to all requests:
 - 2.1 Before use of the facility all development and construction shall have been completed in substantial compliance with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 2.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
June 24, 2015

**CONTACT/
APPLICANT:**

Joe Coyle
312 East 70th Street
Kansas City, MO 64113
816-560-5035

OWNER:

Oak Lake Evangelical Free Church
3300 North 1st Street
Lincoln, NE 68521
402-474-3344

SPECIAL PERMIT NO. 15030

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 8, 2015

Members present: Lust, Scheer, Weber, Cornelius, Sunderman, Corr, and Beecham;
Harris absent; Hove arrived at 1:57 p.m..

The Consent Agenda consisted of one item **SPECIAL PERMIT NO. 15030**.

Special Permit No. 15030 was removed from the Consent Agenda and had separate public hearing at the request of a concerned citizen.

There being no other items on the Consent Agenda, no action was necessary.

**SPECIAL PERMIT NO. 15030, FOR AN 85-FOOT TALL
PERSONAL WIRELESS FACILITY, ON PROPERTY GENERALLY
LOCATED AT 3300 NORTH 1ST STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 8, 2015

Members present: Lust, Scheer, Weber, Cornelius, Sunderman, Corr, and Beecham;
Harris absent; Hove arrived at 1:57 p.m..

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: **Brian Will of Planning Staff** stated that this request is for a personal wireless facility, which is just north of new round about at North 1st and Adams Streets. There are fourth churches located along this stretch of 1st Street. The design of the facility is such that it would be able to co-locate at least one additional carrier, which is required by the ordinance. Staff has recommended that the facility be located at the church and farther away from the neighbors. Will referred to a letter from one of the neighbors that indicates they do not object to the location. The proposed location does take advantage of existing trees for natural screening along the east property line. Subject to the conditions of approval, staff recommends approval of this application.

Per a question of Corr regarding the location of Roper Park on the site map, Will identified the area. Corr also asked about the location of the Lincoln Parks' Shop and Storage Yard. Will was not sure about the location of that facility.

Proponents:

1. **Joe Coyle, 312 East 70th Street, Kansas City, Missouri**, testified representing the applicant SBA Communications, which is the tower company that would be

constructing and own this tower. Verizon Wireless would be the anchor tenant on the tower. He has been working closely with the city on this tower and realizes that it is considered a sensitive location. He also realizes that the city of Lincoln is very concerned with the appearance of these towers. He referred to a statement from the RF Engineer that is included in the report packet that this site is a capacity site that is going to help off-load other neighboring sites that are too exhaust – one of those sites is the flagpole site, which cannot hold as much equipment as the proposed site. They originally wanted the height of the facility to be 100 feet but they have brought it down to fit within the ordinance and to help with the aesthetics. Verizon needs a 70-foot line for their antennas. They will be using a shorter 4-foot stand-off arm to hold the antennas. This will allow Verizon to get their network functionality but will not be so obtrusive at the top of the tower. They have adhered to all the city's requirements. In terms of landscaping, there will be 27 trees planted at the base and a 6-foot tall wood fence; six of the trees will grow to be 35-feet tall as required by the design standards.

Corr asked for clarification in terms of the circumference, where it needed to be off-loaded, and where the capacity would be? Coyle indicated that the ordinance requires that they look a mile radius around the site to see if there are any existing sites, which there are not. The engineer's statement explains that there are several sites surrounding this site and refers to the Roper Park site, which is the stealth flagpole site. He provided coverage maps to Planning that showed before and after images and included several other surrounding sites. By looking at the coverage maps, it is easy to visualize why this site is needed. It is no longer just about coverage and having sites along the interstate, it is about helping people out in their homes. People vote with their usage. The SBA is not going to build a site that is not going to have a lot of traffic on it, as it costs over \$200,000 to put up one of these facilities. The increased usage and the advance in technology with phones today is what drains the network; therefore, we are seeing more of these sites in residential areas. In terms of the impact on property values, this may actually increase the value. If there are four devices running in a home, these sites will allow the network to function even better. Verizon has one of the best networks and wants to continue to help serve the Lincoln community.

Beecham asked for clarification in terms of the landscaping – both existing and proposed. Referring to an aerial picture, Coyle explained various components of the picture which help with the aesthetics. Planning generally would like them to try to abut a building with the tower closer to the owner/applicant's physical structure. The reason they ended up a little further south was because there is an existing span of trees and they are going to have their access to the tower pass between two trees that are approximately 15 feet apart. There are four to five trees that are 30- to 40-feet tall that would buffer them from 1st Street. He also referenced a span of mature trees that provide a nice buffer from the backyards of eight to ten residential properties. There will be an additional 27 plantings around the fence, which will all serve to screen this site nicely. In his opinion, it will be screened better with both the existing natural screen and the city's extensive landscaping requirements, better than any other site that he has been associated with.

Beecham asked if there are plans to put landscaping closer to the houses for the site line. Coyle indicated that on east side, the design standards require that the entire compound be surrounded but there will be nothing between the fence of the tower and the existing at the property line.

Beecham asked if there were any neighborhood meetings conducted. Coyle indicated that they did not meet with the neighbors. When working with the neighboring church, the search area basically included the two church sites. The neighboring church indicated that they wanted to put feelers out to the neighborhood before they would visit with him. They conducted some outreach to the neighborhood and he was told that the objections were quite low. The other church membership decided that this wasn't right for them. Coyle stated that this site is over 200 feet away from residences in one direction and 400 feet in another direction. He has worked with sites where there are residences on all four sides that are 90 feet away. They did not conduct any meetings with the neighbors.

Opponents:

1. **Robert Marshall, 3339 Gregory Street, Lincoln**, came forward and stated that he lives on the west side of Gregory. He is also the secretary of Roundtable Heights Homeowners Association. He stated that the organization has not been contacted by the church. He noted that one neighbor indicated that a church member came over and talked to his wife. Marshall visited with people up and down the street and no one has been contacted or surveyed in terms of this application. Marshall provided a letter addressing his concerns to the Planning Commission members. He indicated that Mr. Will's reports contains incorrect information, noting that this has been going on for 145 days. He stated that some of the neighbors received notices on July 1 and some didn't receive them until July 6, even though it was postmarked June 26. Marshall referred to the staff report dated February 4, 2015, and indicated that there are incorrect statements, including the reference that there is no residential property within 200 feet. He indicated that according to the plans, it is 71 feet 4 inches to the east lot line. The maximum distance of any lot is 130 feet. All the properties on the west side of Gregory are within 200 feet, which are identified in his letter. He noted that the Comprehensive Plan refers to the use of public space, which should be first priority. There is an ideal space at 5th and Adams Street, which is near the Parks Storage Shop or Roper Park. He asked if these were even considered. Why would they put this in a residentially-zoned area. Other issues include the mature trees to the east. He noted that there were mature trees that went to 3150 Gregory but they were suddenly taken out. A lot of these trees are dying and there are piles of wood that house rodents. There are also concerns with the ditch, which causes flooding. The addition of infrastructure, will cause more water to flow. At 3150 Gregory, which is the church property, a parking lot was installed without screening. This area is not being carefully maintained by the standards that are set forth by the Planning Department. He does not want this to be approved and he believes they should have had more time to prepare. This is not just an aesthetic value but it also impacts the quality of life in their neighborhood. He indicated that one neighbor who recently moved here from California indicated he didn't care

because he believes that the government will do anything they want. He believes that this is wrong. They should have been notified earlier.

Corr asked about the location of the drainage ditch. Marshall showed the location by referring to a site plan that illustrates the distance of 71 feet from the lot line fences where there are swing sets and play houses. The ditch runs through the property into a retention area, which is maintained by volunteers. Two years ago the city put in a culvert because it was under sized but they still get water in their utility sheds. Why didn't the Planning Department consider these things and ask other people in the city about the flooding concerns in the area.

2. Clifford Lindholm, 3320 Gregory Street, stated that he just received the notification letter on July 1, and stated that this tower will be in his backyard. He asked if the first group of trees are going to be removed. He indicated that he and Mr. Marshall maintain the property behind his property. He indicated that these trees are dying and they won't be there long. He spoke to Mr. Bartels about 16 years about the flooding issues and was told that the city would eventually come in and clean out the ditch. Lindholm stated that the trees are in the ditch. If they straighten this out, the trees will be gone. The trees being proposed around the tower will be put at 8-feet tall and will eventually grow to 35 feet but he won't be around to see them mature. He and his wife are both retired and they are considering down sizing and concerned about the property value when someone sees this tower from his deck. Would you buy a house with an 85-foot tower setting in your backyard? He talked to the church and asked them why the neighbors weren't involved in the beginning and received an "oh well".

3. Tim Reisdorff, 3333 Gregory Street, came forward in opposition. He referred to a map and showed the location of the proposed site, the existing stealth tower and the maintenance shop. In a 1-mile radius, based off the proposed site, there are many other appropriately-zoned locations. He noted that these are Nebraska values and not Kansas City or New York values and we expect a little bit more; maybe we shouldn't be so trusting. The Planning Department has taken the applicant at face value but sometimes profits are a factor in these decisions. Is the church the only option because it is the cheapest option? Reisdorff asked how the applicant went about contacting anyone. They claim that they want to increase the coverage for Superior Street, I-180 and Interstate 80. If you draw a circle based on the proposed location, there are a lot of different options other than just two churches. Did they contact every owner of the land parcels available in that 1-mile radius? Is this actually a need or is it a want? He has a Verizon cell phone and he has never had a problem with it. He used to design cell tower sites as a job in the past. He knows that if you are underneath a tower, you will not get any better reception. You have to be farther out. You will only receive what you pay for in terms of service. He doesn't believe that they are meeting the criteria and this would set a bad precedent to allow a cell tower on church property – this is sacred ground. He showed an illustration with mature trees around the tower and stated that you can't hide a 10-foot man with 4-foot people around him. This is an 85-foot tower and you will be able to see it from any part of the city. He is also concerned about kids being able to climb over the 6-foot tall fence around the tower. Kids are curious and

they will want to check it out. Reisdorff showed a picture of an existing monopole tower and stated that it doesn't matter what you do to the base of the it – it is a huge tower. The design shows one antenna but they need to have them at different heights to get different frequencies? How many antennas will be needed?

4. Elaine Samsel, 3421 Gregory Street, stated that her father is the owner of this property, which is located in the north part of the neighborhood. She shares the concerns of the neighbors in the area. Her father is out of town. She is at home for the summer and she was asked by a neighbor if they received a notification letter. Not being the homeowner, she did not. She opened her father's mail to find that this tower was going to be put up in their neighborhood. Her father had no idea and he had no chance to be here. She indicated that it was the July 4th weekend and who was home to receive this letter. She called her father and he wanted to know everything discussed here. She stated that they will have a clear view of the tower. They have a nice yard with no one behind them; however, she noted that the trees behind them are dying and there will be nothing to shield them from the tower. Her father will be retiring and will want to sell his house. What will happen to the property value because of this pole? She is outraged by the fact that they had no idea that this was going on and she had to be told by a neighbor. If she wouldn't have been there, they would not have known and it would have likely just appeared one day. She is glad of that the public forum occurred but is disappointed that it was at such inconvenient time for those who work, and that it was hidden from them. This is very disappointing. You should have told us. There are many other better places for this site, including the church at 1st & Superior, next to Max E. Roper Park or the Parks Department at 5th and Adams, which is public land rather putting it on private land next to residences. This is not acceptable.

Staff Questions:

Beecham asked Brian Will if they ever deal with screening that is not adjacent to the tower but farther away to protect site lines. When a tree is planted close to a property, it can actually block more of a view than when it is planted farther away. Will stated that this is not part of the requirements but they do take it into consideration when they look at the appropriateness of the site. In the case of a cell tower like this, the existing trees are something that are considered. In this case, there are a fair number of existing trees, which was considered. Will believes that the majority of the existing trees are located at the southern end of the property. There is a screening requirement as part of the design standards regardless of the existing trees which require trees and plants to be planted.

Beecham referenced the comments relating to the condition of the existing trees, i.e. aging. Is this considered? Will indicated that he is not a tree expert. He indicated that they are mature trees but is not able to judge the condition of the trees.

Beecham asked if there was representation from the church here today. Brian was not sure.

Lust asked why the staff report is dated February 4, 2015. Will noted that there is a discrepancy on the date of the report. This is a date from a prior report that was carried over and that the correct date should be today's date. The dates that was referenced by one of the speakers was the date that this application was submitted. Will stated that this application did not proceed directly to the Planning Commission but was delayed. Upon staff review, there were several questions and things that they asked the applicant to address. These things were addressed prior to being scheduled on the Planning Commission's agenda.

Lust asked for clarification relating the notice. Will indicated that once an item is scheduled on the Planning Commission's agenda, notice is sent out to all property owners within 200 feet and the neighborhood and homeowner associations that are on file. The same procedure was followed in this case. The notice on this application went out the same time as all other items on this agenda.

Lust asked if the applicant resolved everything to staff's satisfaction. Will stated that the issues were resolved to the degree that they could be. One of the difficulties here is that in the future the demand is going to be such that these facilities will need to work their way near and into neighborhoods – this is going to be a challenge. How is this going to be accomplished. Will stated that they look for sites such as churches, schools, hospitals, larger sites where scale is appropriate and are large enough to provide some separation. In this case, there are neighborhoods in all directions. The Lincoln Parks Storage facility is located next to the interstate just across the from their other tower; therefore, they would not require them to site investigate this one because it is within close proximity to their existing facility. Sites such as these are likely going to go continue to be favorite sites as these facilities move closer to neighborhoods.

Lust asked who should be contacted at the city level if the neighborhood did have complaints about the lack of maintenance on the church property. Will stated that if there are drainage issues, they would need to talk to Public Works/Watershed Management. If they have concerns regarding weeds or trash, they can contact Weed Control. Will was not aware of any complaints or ongoing concerns on this property until today. If they would contact staff, staff would be directed to the appropriate agency for help.

Corr asked for further clarification in terms of the notification letters when items are put on the Planning Commission agenda. Will explained that items are placed on a working agenda when they are submitted, which is approximately four weeks out. The public notice is published in the newspaper eight days before the hearing and notification are mailed 10 days prior to the hearing date.

Corr stated that there seems to be a lot of questions about the measurements. How did staff measure the 200 feet? Will explained that he believes that some of the numbers were misinterpreted on the site plan. He measured from the tower to the nearest dwelling to the east, which is approximately 200 feet. The measurement of 74 feet is measured from the south property line back to the tower, which he showed on the site

map. The nearest residence is more than 200 feet. It is a busy site plan so it could be easy to misinterpret the measurements.

Corr stated that sometimes when they are working with a church and a wireless facility, they try to co-locate it inside something that is already on the church building. Is there a large cross or something that could be worked with to help hide this a little bit. Will indicated that they could put an addition on the church and enclose the tower, but it will be an issue of cost. This church is not a tall church and there would not be anything existing that would be tall enough that would work for this carrier or others.

Scheer asked if the distance from the tower to the residential structures to the east is 200 feet or more. Will stated that he cannot remember where he measured but he believes that it is to the lot line. In worse case scenario, it would be to the house.

Scheer stated that it seems that these kind of issues become more and more prevalent and questioned the relationship between the applicant and the landowner that the applicant is building the tower on and the responsibility of maintaining the landscape that the applicant is being asked to install. The responsibility would be on the church to maintain the landscaping and the ability of the owners, i.e. churches to be able to do this. He asked how the city makes sure that this gets maintained properly over time to maturity. Will stated that it will be the responsibility of the property owner. The special permit runs with the land. The owner will eventually sign a letter of acceptance acknowledging the conditions of approval. Scheer asked if the owner is notified through this process and there wouldn't be any misunderstanding about who is responsible to make sure the landscaping is maintained. Will stated that the owner will need to acknowledge in writing the conditions of approval.

Weber referred to the older trees back against the fence. If these were to die, who is responsible for maintaining this? Will stated that if it is on the church property, then it would be their responsibility; however, he noted that there is no requirement for those trees to be there. There are many trees on the site. The design standards relate to the plantings around the tower in terms of what is required. If these existing trees die and are removed, there is no requirement that they be replaced.

Scheer stated that there is no condition that these mature trees either remain or get replaced if they die. Will stated that this is correct. Scheer indicated that we need to be careful when referring to the mature trees actually assisting in our ability to understand how this facility is to be screened. He understands that it is not a condition but it is part of the Planning Commission's deliberation. Will stated that they are discussing current conditions. The trees could die but they could live. Anything could happen – the church could go out and plant more trees but may be not. These trees could die and not be replaced.

Beecham stated that as part of the Planning Commission's due diligence, they need to be sure to ask which landscape pieces are required and which just happen to be there. Will stated that this is a good distinction.

Will indicated that in respect to the applicant and talking to the neighbors, the Planning Department staff suggests that they do this to each applicant. This was suggested on multiple occasions in this case, as recently as last week, when Will received a call from one of the neighbors opposing it but the applicant did not meet with them. There is no way that staff can require them to do this.

Applicant Rebuttal:

Joe Coyle came forth and stated that once the notification letters were sent out, Mr. Will informed him that he received a couple of phone calls. The notice was mailed to 52 individuals and so he thought that a couple of phone calls was very typical for this type of proposal. He has had many meetings and conferences in the past, and he has come to these meetings and heard concerns about health and things that can easily be rebutted during the public forum. This is a monopole and not a self-support tower. The height has been reduced and the tower will not be lit, etc. The applicant wanted to move forward on this. He noted that the notice requirement was adhered to. A lot of today's testimony had to do with the holiday coming into play. He assured everyone that they were not trying to put one over on anyone by showing up here today after the July 4th holiday. They have project time lines and try to move these forward as quickly as possible for their clients. Coyle referred to the introductory paragraph of the staff report indicating that the city is committed to supporting this type of technology.

In terms of the water issue, Coyle indicated that they did a phase 1 environmental study, which is a 200-page report that looks at archeology concerns, wetlands, etc., and this came back clean. Any kind of runoff or drainage issues would be addressed by their design firm. The compound that is used is crushed rock and water will typically drain through the gravel into the ground so there isn't an extensive increase in runoff to the east of the property. In terms of the quality of life issues, some people would welcome a cell tower to their neighborhood. One of the opponents indicated he never had a problem with this Verizon phone. Coyle indicated that he may someday if they don't continue to expand in this way – this is the future of wireless and data usage in our communities. They can't discount the fact that phones are used thousands of time everyday to place 9-1-1 calls. They want to continue to not have problems with their cell phones. In terms of the fence, they proposed a wood fence versus a chain link, which makes it harder for the kiddos to get over it. Coyle noted that the tower has anti-climbing devices and it is locked up – they keep these compounds as safe as possible.

As for concerns about the property values, Coyle noted that they did not conduct a property evaluation study at this site because the separate distance is such that it is in as close proximity as other sites that have been built recently. In his experience, the latest evaluation that he received in a Nebraska town for a building site in a residential area, it concluded that in today's world a cell tower is akin to a public utility pole, a water tank, and the public realizes that these are necessary and needed today.

Lust stated that she is generally supportive of the project but it is the Planning Commission's policy that they like the applicants to meet with the neighborhood before

they come to them. For example, they recently deferred an application for two weeks with someone who already met with the neighbors five times in trying to work out a project. She understands project time lines, but asked the applicant to explain why a two week delay to have a neighborhood meeting would be unreasonable. Coyle stated that if this is something that the Commission would require, he would look into it. Lust indicated that it may not be required but it may be discussed during the debate on this application.

Beecham asked if anyone from the church is present today. Coyle indicated that someone is present but is not prepared to speak.

Lust asked if the church representative could answer the question as to whether or not meetings with the neighbors have been held.

Scheer asked if the applicant contacted the two individuals who expressed concern about the project. Coyle indicated that he was not given this information and did not make any contact. He spoke to the church pastor and asked him if anyone had contacted that church after the notice went out. The pastor indicated to him that one person reached out to them when they received the notice.

Lust allowed Dale Ribble, 512 Oregon Trail, the pastor of Oak Lake Church, to come forward. He stated that the reason they didn't conduct a neighborhood meeting is because they are just renting the land and they felt it was the tower company who wanted to build it, therefore, it was their responsibility to get together the with neighborhood, as the church cannot explain the details of the project. Ribble would happily open the church for a neighborhood meeting and participate. He stated that he is present today to hear if there was any interest in the project.

Beecham stated that the discussion has indicated that the maintenance of the landscape and property will be the responsibility of the church. Ribble indicated that they have had this discussion with the tower company and they talked about requiring the tower company to be responsible for maintaining the part that they rent.

ACTION BY PLANNING COMMISSION:

July 8, 2015

Beecham moved to defer this application for two weeks with continued public hearing limited to new testimony only; seconded by Corr.

Beecham stated that a special permit is making an exception to the rule in terms of what is allowed in a neighborhood. It is helpful to hear from the applicant as well as the neighborhoods. Living, working or worshiping in an area – they know things about the area that the Planning Commission members may not know. Having heard some of the concerns and listening to the applicant, a meeting could go a long way in answering the questions of the neighborhood and possibly finding a middle ground on some of these issues. Companies such as Pyramid and Verizon have been doing this long enough, it

would be to their benefit to hold neighborhood meetings in order to answer questions before it gets to this stage. She would be much more comfortable voting on this after they have had the chance to sit down and talk.

Lust agreed with Beecham's comments. She believes that this may be a very good site for the cell tower and is generally supportive of the project; however, the neighbors are mostly upset about the lack of knowledge of this project going forward and the lack of opportunity for input. This is something that can be addressed with the 2-week deferral to allow for an opportunity to explain the project in greater detail and address the concerns that the neighbors have.

Sunderman indicated that he is likely going to vote for the project but agrees that one neighborhood meeting is a good idea.

Cornelius agreed with Sunderman's comments. He is generally supportive of the project. Most of the testimony in opposition relates to a problematic relationship between the church and the neighborhood – there was not a lot of engagement there. The pastor is here to find out what the neighbors think. Cornelius is surprised to find out the pastor isn't involved enough in the neighborhood to know this. He is hesitantly voting in favor of the deferral. He doesn't believe there are serious issues with the application. The bigger issue that seems to be valid is the problem around the holiday weekend and dealing with incoming business correspondence and homeowners who may be away and not receiving their mail in a timely manner – for these reasons, he will support the deferral.

Corr agreed with Cornelius' comments, stating that most of the opposition to the project related to the relationship with the neighborhood and the church and how they are maintaining their land. She stated that there are many avenues to report these concerns but they are done on a complaint-driven basis. She encouraged the neighbors to report these concerns before an application such as this comes forward – there is a neighborhood hotline – you can call and report it or go online to report these on the action line. Cornelius stated that if there is an issue with a neighbor, you can talk to your neighbor and not get the city involved. Corr further encouraged neighborhoods to make sure their homeowners/neighborhood contact information is provided to the city so they get these notifications appropriately.

Motion for a 2-week deferral carried 8-0, Lust, Scheer, Weber, Cornelius, Sunderman, Corr, Hove, and Beecham voting 'yes'; Harris absent.

SPECIAL PERMIT NO. 15030
PERSONAL WIRELESS FACILITY,
ON PROPERTY GENERALLY LOCATED AT
3300 NORTH 1ST STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 22, 2015

Members present: Corr, Cornelius, Harris, Hove, Lust, Scheer, Sunderman, and Weber; Beecham absent

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: **Brian Will of Planning Staff** came forward to explain that this item was held over to hear new information only, since there was opposition from neighbors.

Lust asked if a neighborhood meeting has occurred since that time. Will said yes, it took place at the church and there was a good turnout of approximately thirty neighbors.

PROPONENTS:

Joe Coyle came forward representing the applicant. The 2- hour neighborhood meeting was fruitful. There were neighbors and congregation members present, many of whom gave testimony at the last Planning Commission meeting. Many questions were answered about how and why the site was selected. Some concerns were addressed. There was a lot of concern about who will maintain trees surrounding the site. It is now understood that SBA and the property owner have a lease agreement. If the landscaping is not maintained, SBA would be in violation of the special permit so the recourse would be to go to the City.

Weber asked if the existing mature trees were part of the permit. Coyle said no, only the new ones. SBA will be responsible for those. The existing trees are mentioned only because they are there now serving as a buffer.

Corr asked if anything substantially changed on the application. Coyle said nothing was changed as a result of the meeting.

OPPONENTS:

1. Robert Marshall, Secretary of Roundtable Heights Homeowner's Association, came forward to thank Mr. Coyle and Mr. Will for their cooperation and participation in working with the neighborhood. There is still opposition to this application. One thing that remained an issue with the neighborhood was site selection. His understanding was that the site location was restricted to two lots. There are others that are less obtrusive to the neighbors that were never considered or were suggested and declined. That makes it appear as though the City and the Planning Commission are basically just

“rubber stamping” what Verizon wants and that upsets the neighborhood. Other wireless facilities located in neighborhoods have more attractive brick towers or similar camouflaging or they are shorter. Another suggestion from the neighbors was to relocate the tower to the southwest part of the lot where it would be surrounded by the church and a water retention area. The owners of the towers should have a bond requirement for maintaining the tower. The church seemed to indicate that they do not have the money to maintain even the existing trees. Most of the neighbors felt that this is a “done deal” and, therefore, did not wish to return to the meeting today. The number of members in the association that showed up to the meeting reflects how much opposition there is.

APPLICANT REBUTTAL:

Coyle returned to clarify that the Verizon search area only included this property and the one to the south. The area is always driven to see if there are alternate locations. Some of the other options did not pan out as viable options. To be clear, Verizon did not say that other locations would not work but rather that the landowners did not agree to the use. Alternate locations away from the desired search area have been rejected due to the importance of the area for a capacity site, versus a coverage site. The height of the tower in residential areas is allowed to be 100 feet. Technological proof of the height necessary to achieve the capacity goals is required by ordinance. In this case, the 80-foot tower with the 5-foot lightning rod was sufficient. A shorter bell tower type design would not work for this type of tower, which is needed in this location.

Corr said there is an existing pole in Roper Park. She wondered if it is feasible to make that tower taller and if it would address the coverage issue. Coyle said it would not work. He showed coverage maps that clearly illustrated the gaps in data coverage in the area where the tower is proposed. This information was presented to the neighborhood and the graphics were so clear that the neighbors were even able to predict where the next tower would need to be located to fill in coverage gaps.

Corr asked about the possibility of incorporating a cross or bell tower design. Coyle said it could be done but it is not a requirement. It would be the church or landowner that would request something like that. The most compact, standard model was proposed. Corr added that it must increase the cost to do a different design. Coyle agreed that implementing what is called a “stealth” design does add additional expense, so unless it is a requirement, it is standard to start with the normal pole design.

Weber wondered if the cross design that was shown to neighbors changed any opinions. Coyle replied that a neighbor brought that up at the meeting and it was discussed. This church is a 1-story building so even putting a stealth design near the church building would seem out of scale and unnatural.

ACTION BY PLANNING COMMISSION:

July 22, 2015

Cornelius moved approval, seconded by Sunderman.

Cornelius said this request appears to meet the requirements for approval and the land owner is amenable to the arrangement. There are calls for camouflage but the 85-foot bell tower or a cruciform tower would have just as much visual impact as a monopole of the same height. It may make some emotional impact to make that change at this stage, but once the tower is in place, visually, it would not change the impact. As was mentioned on the last application, which he would have supported if it had not been amended, wireless facilities are part of the world now and they must go where they are needed or systems will not work. There is a general agreement among stakeholders. Neighbors are afraid of the change to the vista, but looking at this one, it will not be particularly extreme.

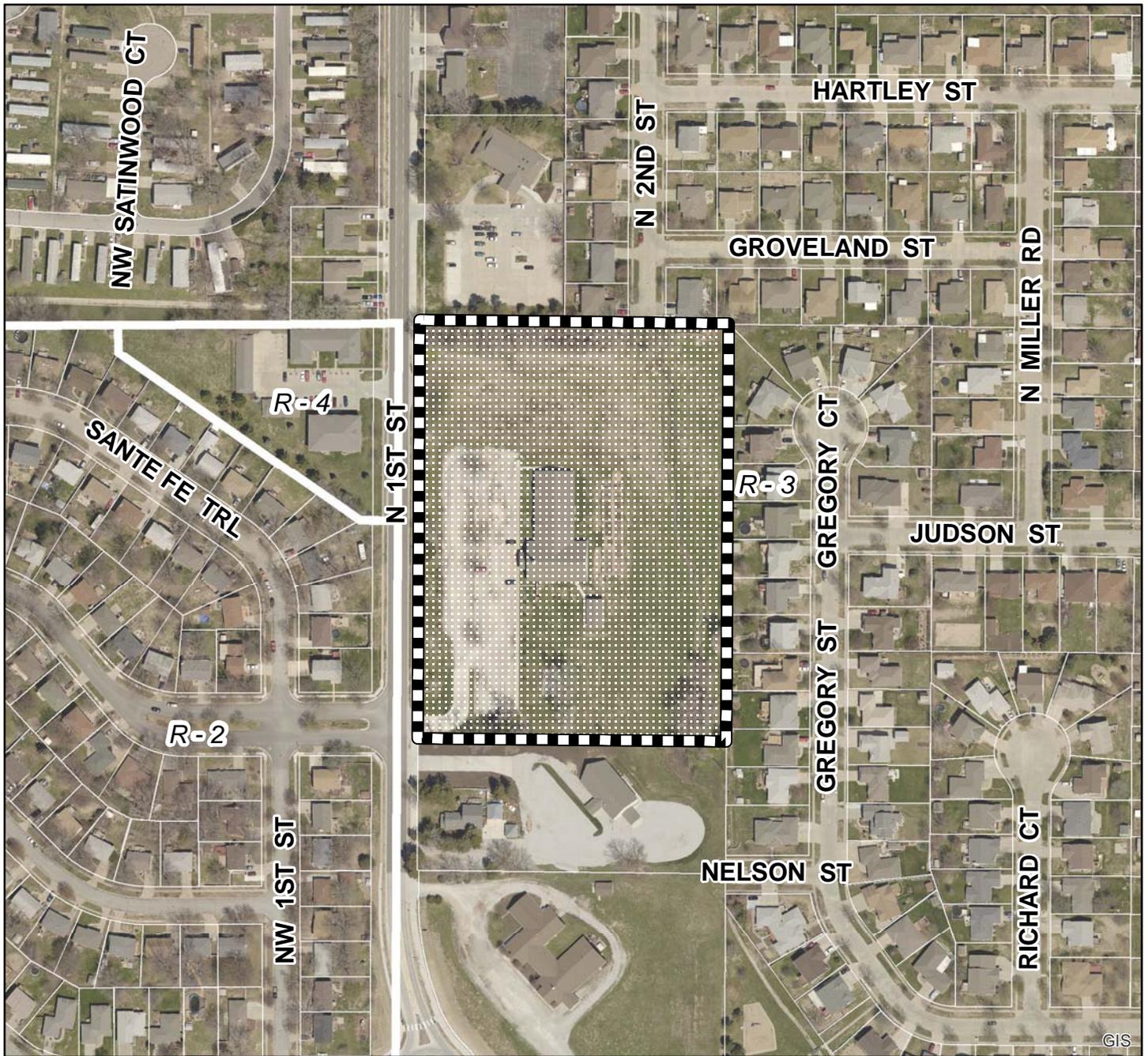
Weber said that with regard to the trees that are listed on the application, only the trees within the permit area should be accepted. There is no control over trees outside that area. There is no problem with the description of the property. But it says the location selected takes advantage of existing trees. That language should not be there because those could be gone tomorrow.

Scheer said he agrees with Weber. To have existing conditions and context described is important, but there should not be information that helps to support the application in question. He will support the motion but wanted to state that he finds it troublesome and hopes there can be a better solution.

Lust stated she will also support the application. She feels for the neighbors who had a nice open site, but if the best care was taken in selecting the location, this needs to move forward. With regard to the discussion on the mature trees, conditions of parts of the property that are not necessarily part of site plan should still be considered since there needs to be a description of what is there, though it is also important to acknowledge that those conditions may change.

Corr stated she views the mature trees as a bonus that will help provide coverage until the new ones are established.

Motion carried 8-0: Beecham absent.



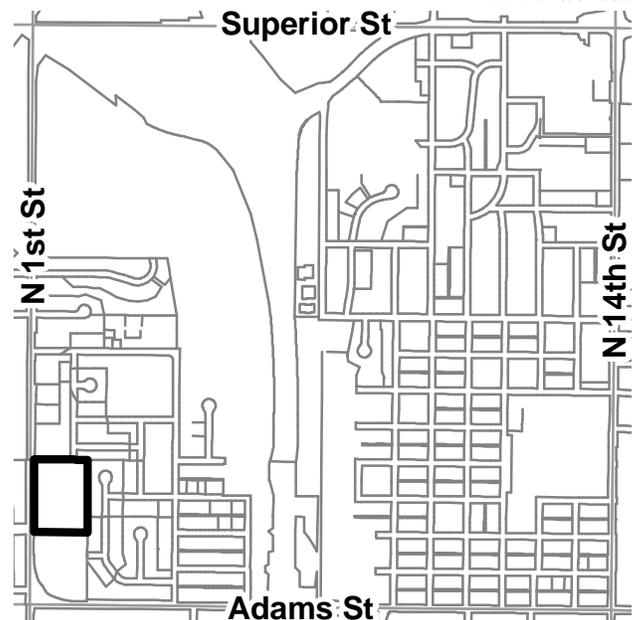
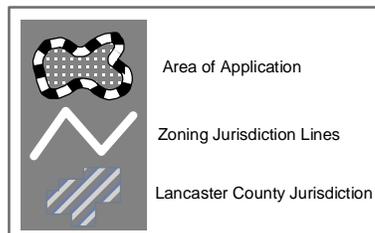
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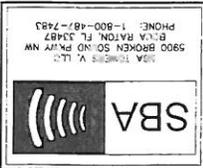
Special Permit #: SP15030
N 1st & Adams St

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.11 T10N R06E

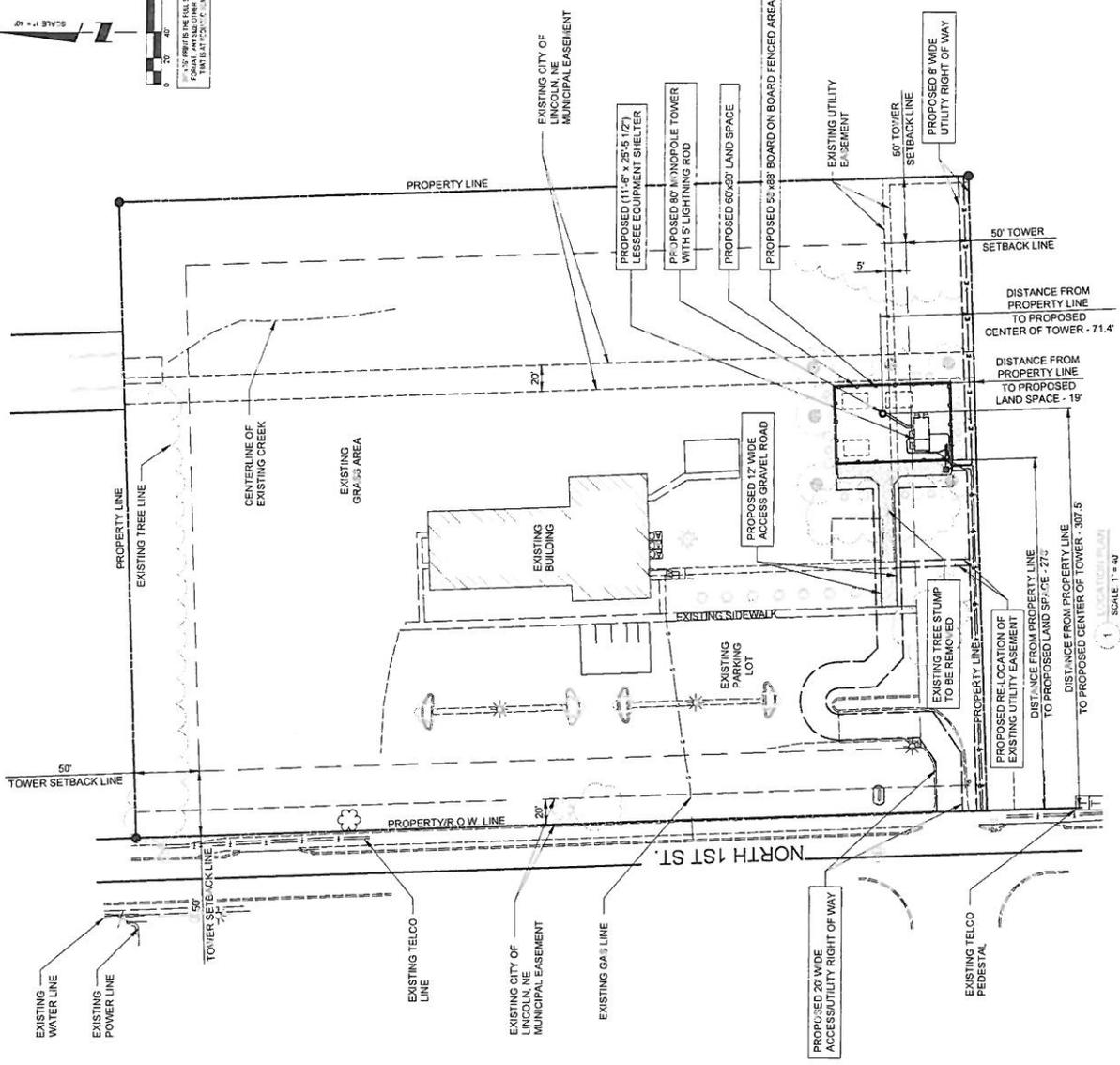
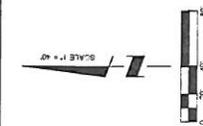




NO.	DATE	DESCRIPTION
A	08/17/15	REVISED TOWER HEIGHT
B	08/17/15	REVISED PER COMMENTS
C	08/17/15	REVISED PER COMMENTS

SITE NE-16009-B
LINCOLN 11
 3300 N. 1ST STREET
 LINCOLN, NE 68521

PROJECT # 09-0014
 DATE 09/01/14
 SHEET TITLE LOCATION PLAN
 SHEET NUMBER LP



- LEGEND**
- STORMWATER
 - POWER POLE
 - ELEC TRANSFORMER BOX
 - CONIFEROUS TREE
 - OVERHEAD ELECTRIC
 - FENCE BARE WIRE
 - CONCRETE SURFACE
 - GRAVEL SURFACE

NOTE: PER THE ENVIRONMENTAL REVIEW THIS SITE MAY PROCEED WITH NO FURTHER ENVIRONMENTAL REVIEW.

- HAZARD RESTRICTIONS TO BE ENTERED INTO EMS (PRIOR TO SUBMISSION OF AGREEMENT FOR SIGNATURE).
- VICINITY CREEK A SMALL CREEK IS LOCATED APPROXIMATELY 70-FT EAST (DOWNGRADIENT) OF THE PROJECT SITE AND DISCHARGES INTO OAK CREEK LOCATED APPROXIMATELY 4,500-FT SOUTH OF THE SUBJECT PRESENCE OF THE VICINITY CREEK, SOIL EROSION BEST MANAGEMENT PRACTICES AND SEDIMENTATION CONTROLS, INCLUDING A SOIL EROSION AND SEDIMENTATION CONTROL PLAN SHALL BE IMPLEMENTED DURING ON-SITE CONSTRUCTION ACTIVITIES TO MITIGATE THE RISK OF IMPACT TO THE VICINITY CREEK.
- STAGING AND STOCKPIILING OF SOIL, CONSTRUCTION MATERIALS MUST NOT OCCUR ON THE EAST SIDE OF THE TERTIARY CONTAINMENT - GIVEN THE PROXIMITY OF THE CREEK TO THE PROJECT SITE AND TO MITIGATE IMPACTS TO THE VICINITY CREEK, ALL SOIL STOCKPILES MUST BE LOCATED WITHIN THE EQUIPMENT SHELTER TO PROVIDE TERTIARY CONTAINMENT.
- MAKE SURE TO ENTER THE DATES OF ALL DUE DILIGENCE REPORTS INTO EMS AND UPGRADE EACH ITEM INTO WEB LIBRARY.
- PLEASE INDICATE ON THE FIRST PAGE OF THE EES THAT YOU HAVE NOTIFIED THE OPERATIONS MANAGER OF THE EXISTENCE OF AN EES FOR THIS SITE.

Diggers Hotline
 Nebraska 1-888-555-5555
 (NORTH PLATTING) 1-505-234-2222
 (LINCOLN) 1-505-234-2222

HUSKER SURVEYING
 4525 Lincoln Ave. Ste. 415
 Lincoln, NE 68516
 (402) 432-2311
 www.huskersurveying.com



SBA
SBA Tower, V. LLC
5800 BRICKEN ROUND PKWY NW
DUBLIN, OH 43017
PHONE: 1-800-487-3843



TERRA
CONSULTING GROUP, LTD.
600 Busse Highway
Park Ridge, IL 60068
Ph: 847/598-6400
Fax: 847/598-6401

NO.	DATE	DESCRIPTION
A		REVISED FOR REVIEW
B		REVISED FOR COMMENTS
C		REVISED FOR HEIGHT

SITE NE-16009-B

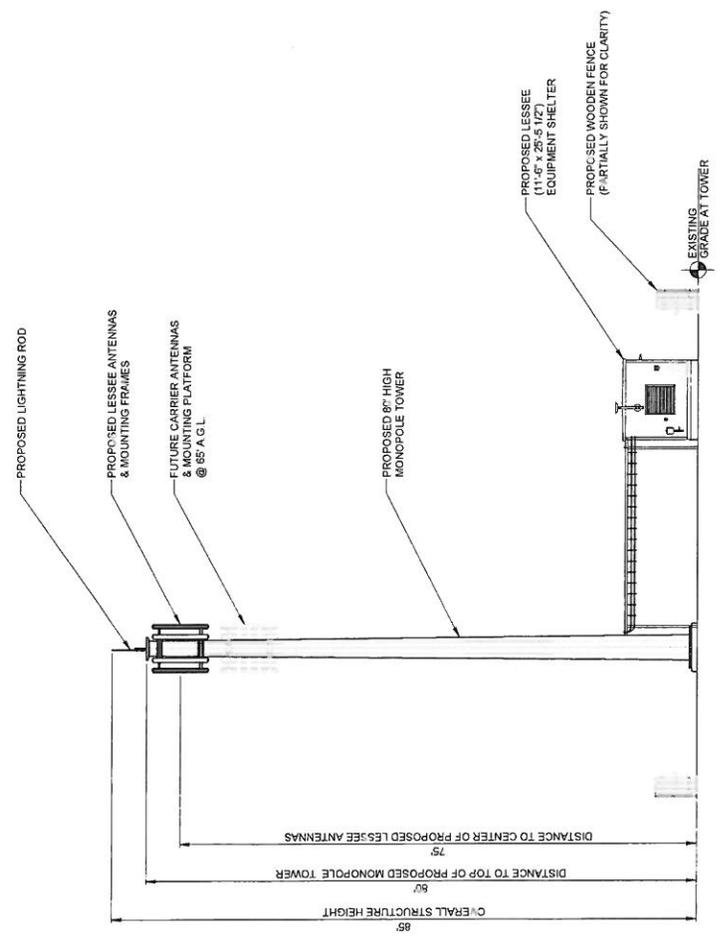
LINCOLN 11

3100 N. 1ST STREET
LINCOLN, NE 68521

DESIGNED BY	DATE	PROJECT #
CHECKED BY	REVISED BY	

SHEET TITLE
SITE ELEVATION

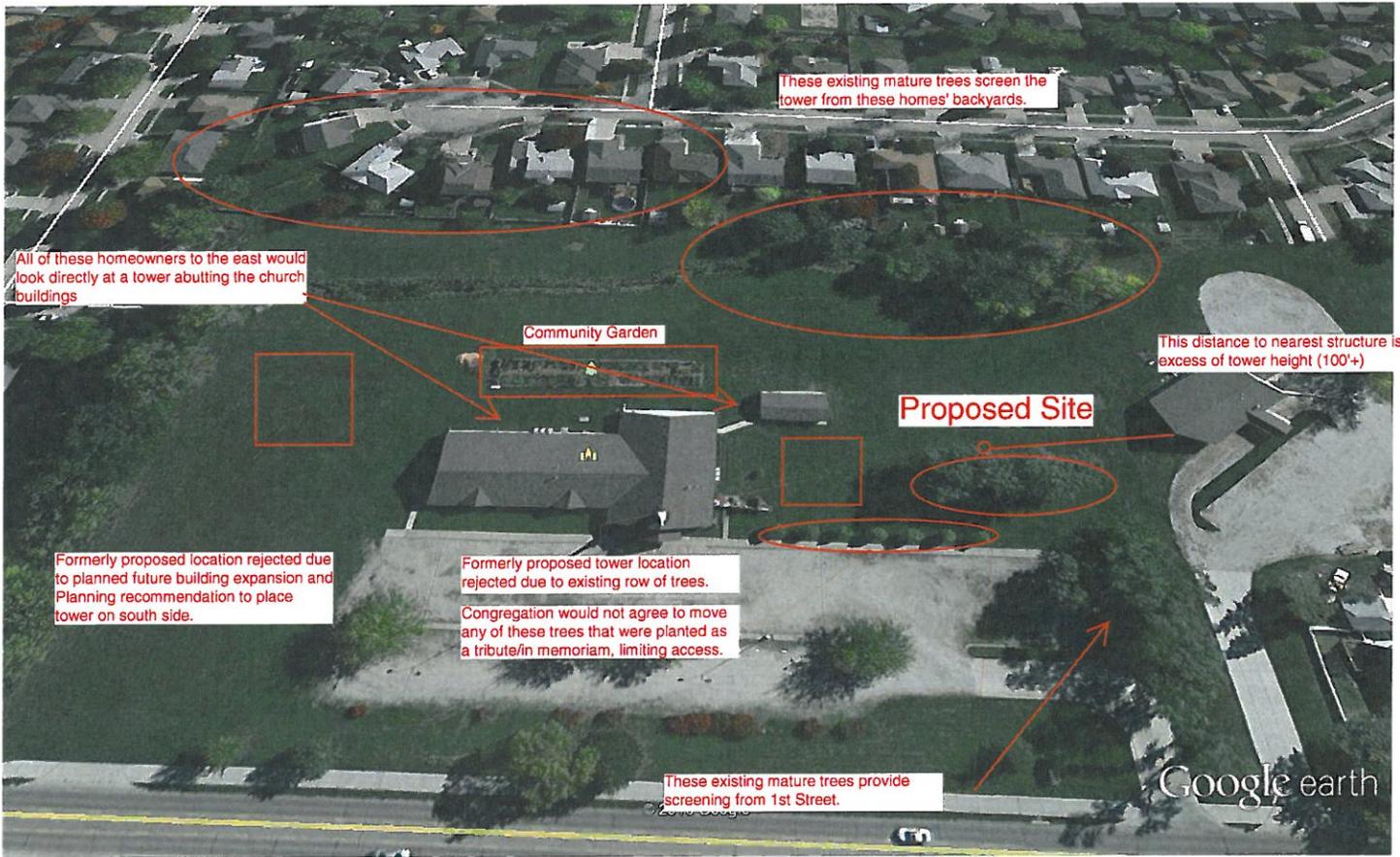
SOFT NUMBER
ANT-1



SCALE: 1/8" = 1'-0"

NOT TO SCALE FOR DIMENSIONS
THAT IS AT NEARLY 20 TO 1

1 WEST ELEVATION



Google earth



PROPERTY VIEWS



Site Photograph 1 – Looking north at the Property



Site Photograph 2 – Looking southeast at the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:
June 30, 2014





Site Photograph 3 – Looking east at the Property



Site Photograph 4 – Looking west at the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:

June 30, 2014





Site Photograph 5 – Looking north away from the Property



Site Photograph 6 – Looking south away from the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:

June 30, 2014





Site Photograph 7 – Looking west away from Property



Site Photograph 8 – Looking east away from the Property

Site Photographs

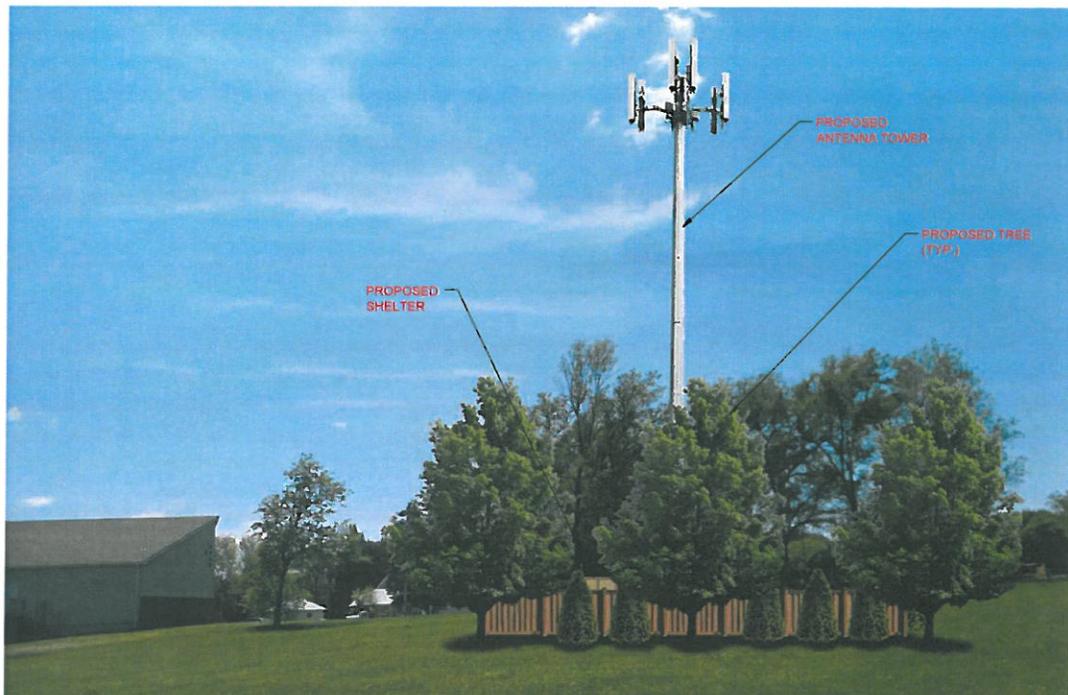
SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:
June 30, 2014





BEFORE



AFTER

LINCOLN 11

View Facing WEST





LINCOLN 11

View Facing EAST



AFTER

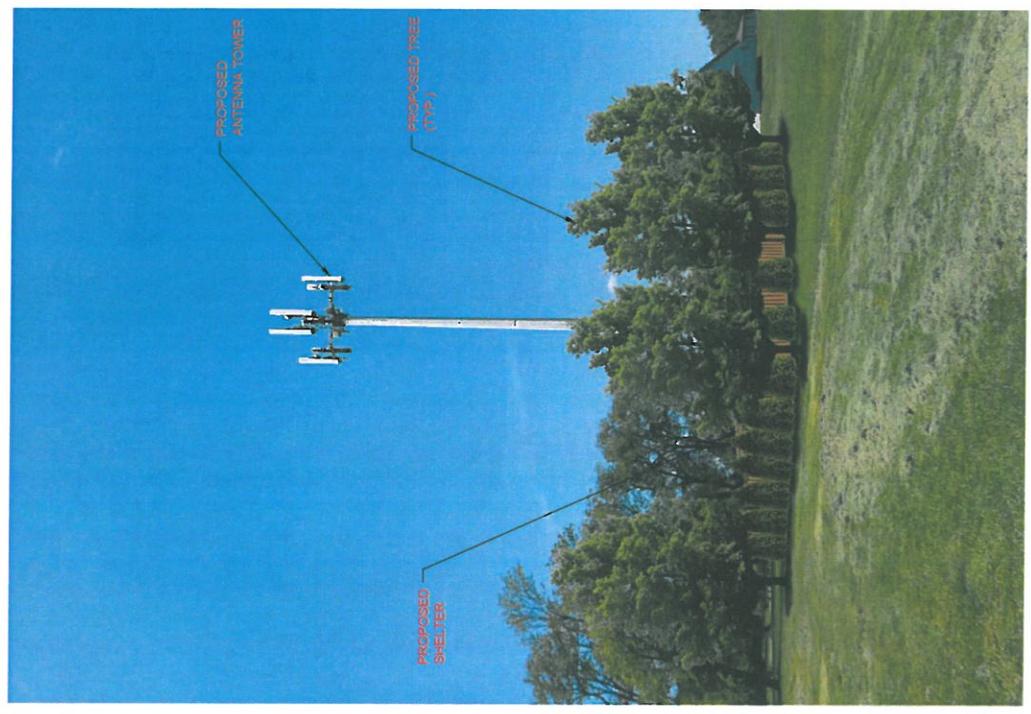


BEFORE



LINCOLN 11

View Facing NORTH



AFTER

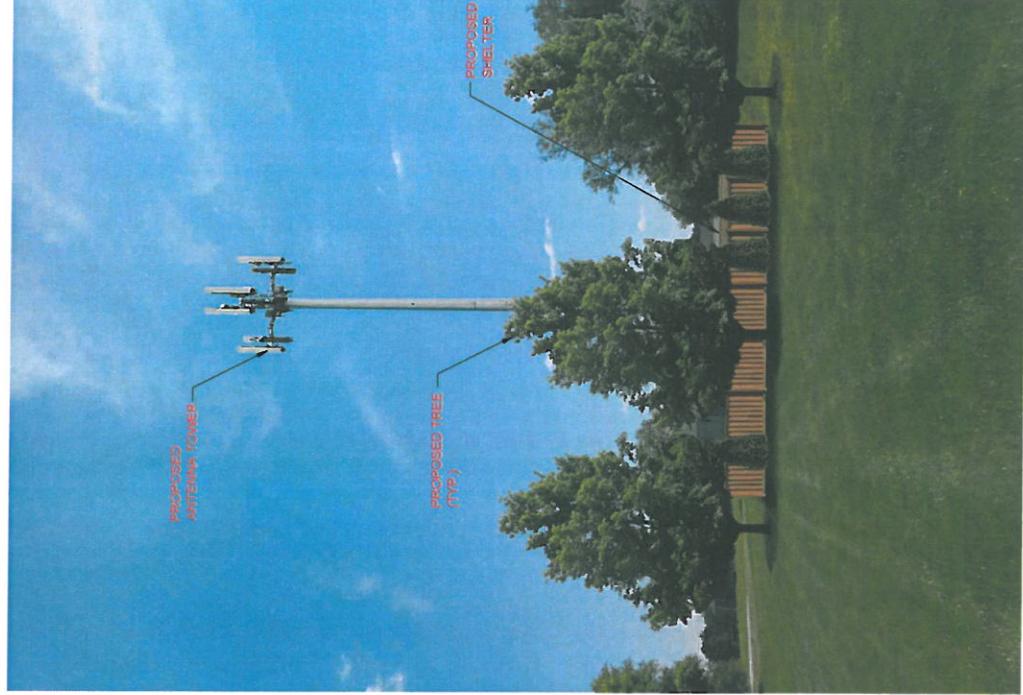


BEFORE



LINCOLN 11

View Facing SOUTH



AFTER



BEFORE



PYRAMID NETWORK SERVICES, LLC.

TELECOMMUNICATIONS CONSTRUCTION SERVICES AND CONSULTING

6519 Towpath Road
E. Syracuse, NY 13057
315-399-8741
315-445-0653 Fax

May 11, 2015

Via Federal Express

Mr. Brian Will
City of Lincoln
Planning Department
555 S. 10th Street, Ste. 213
Lincoln, NE 68508

RE: Application for Special Permit for Personal Wireless Facility

Dear Brian:

SBA Communications is proposing the construction of a new monopole telecommunications tower located at Oak Lake Evangelical Free Church at 3300 N 1st Street, Lincoln, NE 68521. Please find enclosed application materials and a check 0000340 in the amount of \$792.00. We will be happy to continue to work with the City to answer any questions not answered in the application materials or to further explain or clarify the points of the project.

Sincerely,

Joe Coyle
Project Manager (Applicant)
(816) 560-5035
jcoyle@pyramidns.com



27.68.090 Application Requirements – Narrative

The subject property at 3300 N. 1st Street was selected for the proposed site due to a network need identified by Verizon Wireless. As explained in the attached statement from Mr. Ryan Mueller, a nearby site is near exhaust. This proposed site would act as a capacity site to help enhance performance on Verizon's network. SBA Communications is seeking to build this site for Verizon as the first carrier on the tower. The tower height and ground lease area will also accommodate at least one other co-locator as required by Lincoln's Code (Section 27.68.110 (d)).

Verizon's Search Area was very specific to assure the desired network functionality, as is common for capacity sites. The Search Area included parcels owned by Northwest Lincoln Church of Christ whom declined the offer to lease space for the tower, and Oak Lake Evangelical Free Church, whom has agreed to lease a portion of their property to SBA. These parcels were identified by Verizon RF as the only properties having sufficient green space to host a tower site in the needed location. The surrounding area is residential with little or no other sufficient tower siting space within at least 0.4 miles in any direction. Due to the predominantly residential uses in the area, the proposed tower site is considered to be a Sensitive Location Site (Section 27.68.080 (c)). There are no Preferred Location Sites within the service area of the proposed facility. The use of a preferred location site outside of Verizon RF engineers Search Area is not technologically feasible. The attached statement from Mr. Mueller and the maps he provided illustrate how this proposed site would fill in and support other existing and surrounding Verizon sites by adding capacity to the network. Section 27.68.100 (c)(1) also requires that good faith efforts were taken to secure a Preferred Location Site or Limited Preference Site within one-half mile of the proposed facility. To the best of our knowledge, based on driving the half mile radius around the proposed site and using online ownership and zoning resources, there are no public or commercially or industrially zoned properties that fit the definitions of Preferred Location or Limited Preference as defined in Section 27.68.080.

Section 27.68.090 requires the applicant to state the distance between the proposed facility and the nearest residential unit and residentially zoned properties. The nearest residential unit is a home approximately 230' to the southwest of the proposed base of the tower. The distance to the nearest residentially zoned property from the base of the tower is approximately 71' to the south, in excess of the minimum Fall Zone setback requirement of one half the height of the structure (Section 27.68.110 (g)).

The fencing proposed for the tower compound is a board on board treated wood fence that discourages climbing by children, and provides a solid and more aesthetically pleasing appearance than a standard chain link fence. The fence will be 6 feet high and access will be through a locked gate. The tower shall be fitted with anti-climbing devices.



PYRAMID NETWORK SERVICES, LLC.

TELECOMMUNICATIONS CONSTRUCTION SERVICES AND CONSULTING

6519 Towpath Road
E. Syracuse, NY 13057
315-399-8741
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The proposed location of the tower was determined after several alternate locations were investigated. We have included an aerial photo of the property with comments regarding the siting on the property. The initial plan was to place the tower to the north of the church building. Both the church and the City preferred the south side of the parcel – see attached Planning email. A second location was then proposed nearer to the existing church out building. The church was very sensitive about disturbing a row of trees planted along the parking lot. The trees were planted to memorialize the passing of a church member’s children and therefore could not be relocated to allow an access drive. That fact, in large part, pushed the site approximately 80’ further south to the proposed location. The access drive is designed to pass in between an existing line of four trees that are at least 30 to 40 feet tall. The tower will be to the east, or behind, these trees which will screen the tower and shelter from 1st Street. Also, the mature trees directly east of the proposed location provide excellent natural screening from the residences along Gregory Street to the east. We understand that the City has concerns about the site being near the adjacent property line to the south. The move directly behind the trees was purposeful to take advantage of the trees’ screening and buffer. We did reach out to the adjacent church to the south and provided them with the proposed site plan for review and offered to meet to discuss the project. The church point of contact, Jim Ferguson, stated that they do not take issue with the proposed location, nor did they need to meet to discuss the project – see attached email. The landscape plan included in the construction drawings includes planting 27 new trees around the compound fence, as required by the Code.

In order to further minimize any adverse visual effects, we are currently confirming Verizon’s ability to use flush-mount antennas. It was brought to our attention that though we may meet the minimum requirements of the Code that flush-mount antennas would be required. As soon as this design element is approved by Verizon’s RF engineers we will update the City.

Finally, the standard maintenance program involves visiting the site approximately one time per month.



10801 Bush Lake Road
Bloomington, MN 55438

1/26/2015

Ryan M. Mueller
Verizon Wireless
1620 M Street, Lincoln, NE 68508

City of Lincoln, NE – Planning Department
555 S. 10TH Street, Suite 213, Lincoln, NE 68508

To Whom It May Concern,

Please accept this letter of explanation regarding the design and search area for the proposed Verizon Wireless site LIN-WATCHTOWER in Lincoln, Nebraska.

Verizon Wireless continually evaluates our network with regards to customer experience and our resources that are deployed. In the urban environment of Lincoln, we have completed our initial 4G LTE build out and are working on the addition of frequencies to our existing locations. However, in certain instances, our existing network resources are trending usage that is exhausting due to poor performing RF environment with relation to terrain and proximity of a best serving antenna sector. The proposed location is set to improve our customer experience in the area between I-80, I-180, and Superior Street.

Response for the section of code : Why the use of a preferred location site is not technologically, legally or economically feasible. Currently there are no preferred location in the proposed search area or within a ½ mile radius. The proposed search area is to offload our existing LIN-TOWNES location that is East of the search area. The LIN-TOWNES structure is a stealth flag pole that does limit Verizon Wireless design with the inability to deploy tower mounted electronics and multipath design. The proposed tower will have the ability to have such a design to better serve our customers with a more efficient RF signal in the area of the search ring.

Response for the section of code : How and why the proposed site is required to meet service demands for the proposed facility and citywide network. The proposed LIN-WATCHTOWER location is positioned to offload the existing LIN-TOWNES sector that is at exhaust due to limited design. The new structure will allow for tower mounted electronics and multipath design. LIN-WATCHTOWER will provide a best serving site to the defined service area and allow optimization of the surrounding sites that are at exhaust.

Response for the section of code : A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions. Verizon Wireless issued a search ring to provide capacity offload of the LIN-TOWNES location. The search ring antenna height required was a seventy foot antenna centerline. This proposed location is a offload so there is not a significant need to have a tall structure in place to meet the objectives. As design for antenna, industry trends for remote electronics and multipath, Verizon Wireless will deploying this design. Verizon Wireless has rights to transmit different frequencies, some are higher in the 1700-2100 MHz, while others are lower between 700 and 900 MHz. These different ranges require different separation of antenna spacing, which has been accounted for in the design.

Sincerely,

Ryan M. Mueller
Engineer III Consultant - RF
Verizon Wireless

Joe Coyle

From: Joe Coyle <jcoyle@pyramidnetworkservices.com>
Sent: Monday, May 11, 2015 8:06 AM
To: 'Joe Coyle'
Subject: FW: Cell Tower Proposal at Oak Lake Church

From: Jim.Ferguson@DuncanAviation.com [mailto:Jim.Ferguson@DuncanAviation.com]
Sent: Thursday, May 07, 2015 6:36 AM
To: Joe Coyle
Subject: RE: Cell Tower Proposal at Oak Lake Church

We don't have any issues with the tower. At this time, I don't believe we'd need to meet.

Thanks,
Jim

From: "Joe Coyle" <jcoyle@pyramidnetworkservices.com>
To: <Jim.Ferguson@DuncanAviation.com>
Date: 05/04/2015 02:29 PM
Subject: RE: Cell Tower Proposal at Oak Lake Church

Hi Jim,

I've asked your neighbors to the north, Oak Lake Church, to reach out to you. They have come back around and have agreed to lease us space to build a tower. I have asked them to plan a short meeting with you to discuss our proposal. The proposed site location is near your property line behind an existing stand of trees. Since they have chosen the south side of their property for the site, I have asked them to be good neighbors and go over the site plan and the reasoning behind the area they chose for the monopole tower. They did not like the idea of the tower on the North side of the property due to the possibility of future expansion in that direction. The proposed location of the tower meets all of the current Lincoln zoning setback requirements. Oak Lake also did require that we place the tower to be more than tower height away from your nearest structure. Also, the Lincoln landscaping requirements are the most demanding I've seen – we will be planting 27 trees of 3 different species around the fenced lease area! It will be one of the nicest looking compounds I've been involved with.

If you don't mind, may I please pass along your email address to Pastor Dale Ribble and one of the elders handling the project for them, Dennis Hartmann?

I've attached the Site Plan for your review and an engineering letter explaining that if a monopole were to fail it is designed to collapse on itself. If you approve of the Plan and prefer not to have a meeting for some reason, please let me know.

Thanks Jim.

Joe Coyle

Project Manager
Pyramid Network Services, LLC
(816) 560-5035 (M)
jcoyle@pyramidns.com