

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1927

DATE: August 21, 2001

PROPOSAL: Cricket Wireless is proposing to collocate an antenna array on an existing broadcast tower, and expand the area to accommodate the ground-based equipment shelter.

LAND AREA: Approximately 4.13 acres.

CONCLUSION: Complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 32, Cumberland Heights, located in the SW 1/4 Section 35, T11N, R6E.

LOCATION: Northwest of Fletcher Avenue and North 7th Street.

APPLICANT: Daron Stewart
Cricket Nebraska Property Company
6655 South Lewis Avenue, Suite 200
Tulsa, OK 74136

CONTACT: Harvey Cooper
Abraham Kaslow, and Cassman
8712 West Dodge Road Suite 300
Omaha, NE 68114

EXISTING ZONING: AG, Agricultural

EXISTING LAND USE: Single-family Residential

SURROUNDING LAND USE AND ZONING:

North	Single-family Residential	AG
South	Local Utility (Telephone) Facility	AG

East	Single-family Residential	AG
West	Single-family Residential	AG

HISTORY: SP#1892 was approved April 2, 2001, allowing Qwest Wireless to construct a 123' monopole on this site. The facility was required to accommodate at least two additional carriers.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan calls for low-density residential future land use in this area.

ANALYSIS:

1. Typically, a request such as this seeking to collocate on an existing tower does not require a special permit. However, in this case the applicant is required to expand the land area described in the original Qwest special permit. This physical expansion of the approved site requires a special permit.
2. The legal description used by the special permit to delineate the area approved for the proposed facility must be that of the entire parcel (in this case, Lot 32), not the lease area of the telecommunications carrier. Future requests to collocate will then be eligible to apply for an administrative permit, provided the applicable criteria are satisfied.
3. Collocation is encouraged by Chapter 27.68 (Personal Wireless Facilities) of the Zoning Ordinance, and is consistent with the goal of reducing tower proliferation and maximizing the utility of existing facilities.
4. Collocation requests similar to this one were contemplated when SP#1892 was approved authorizing the 123' Qwest tower.

CONDITIONS:

1. Site Specific:
 - 1.1 This approval authorizes the placement of an antenna array and equipment shelter consistent with the site plan submitted for a period of 15 years.
2. General:
 - 2.1 Prior to issuance of building permits:
 - 2.1.1 A structural design analysis prepared by a licensed Nebraska engineer must be approved by the City.

2.1.2 The applicant will post a surety, approved by the City Attorney, in an amount sufficient to guarantee removal of the applicant's facilities.

3. Standard:

3.1 The following conditions are applicable to all requests:

3.1.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.

3.1.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

3.1.3 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

3.1.4 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.

3.1.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.1.6 The permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.

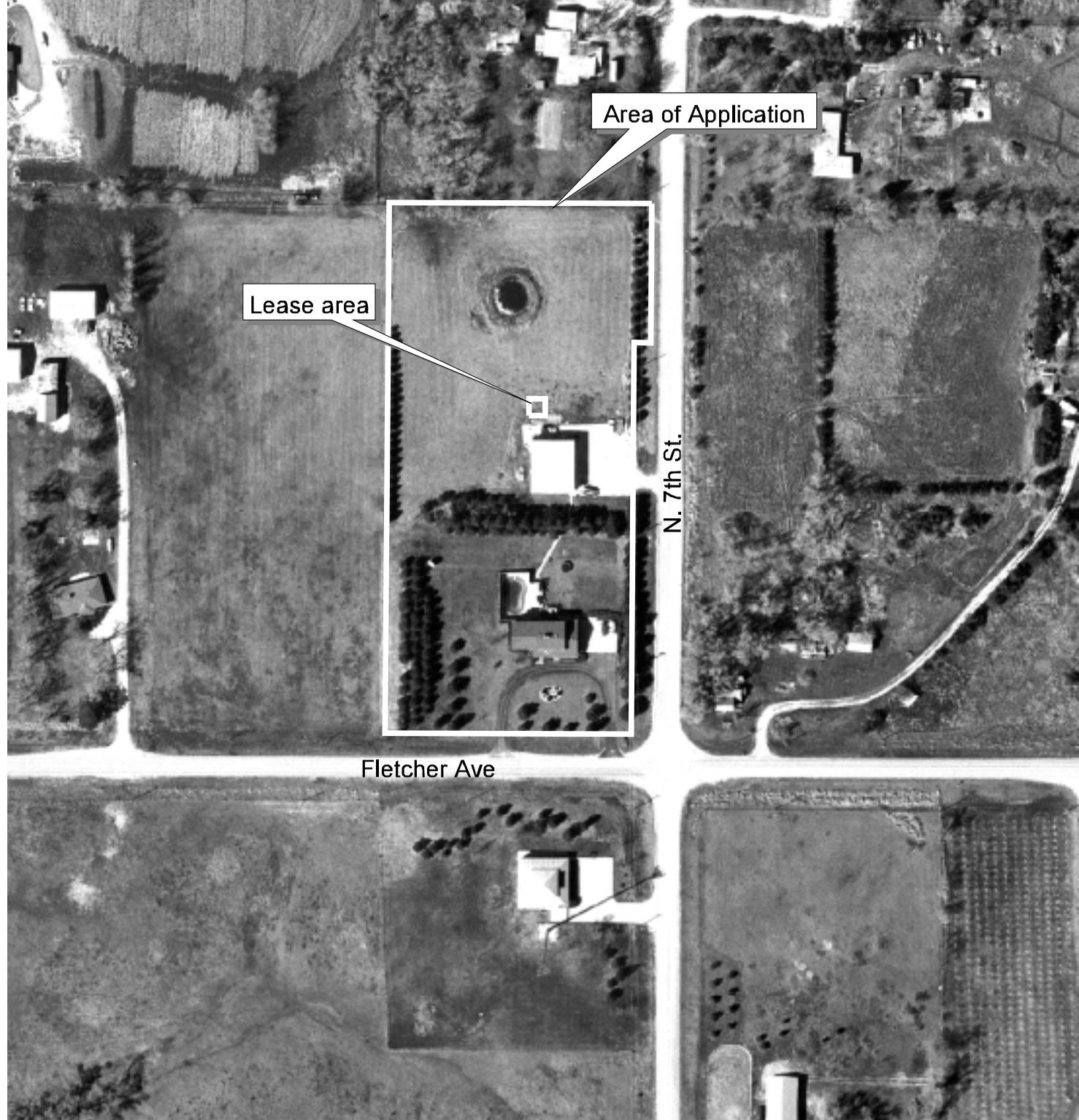
3.1.7 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgements for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.

3.1.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

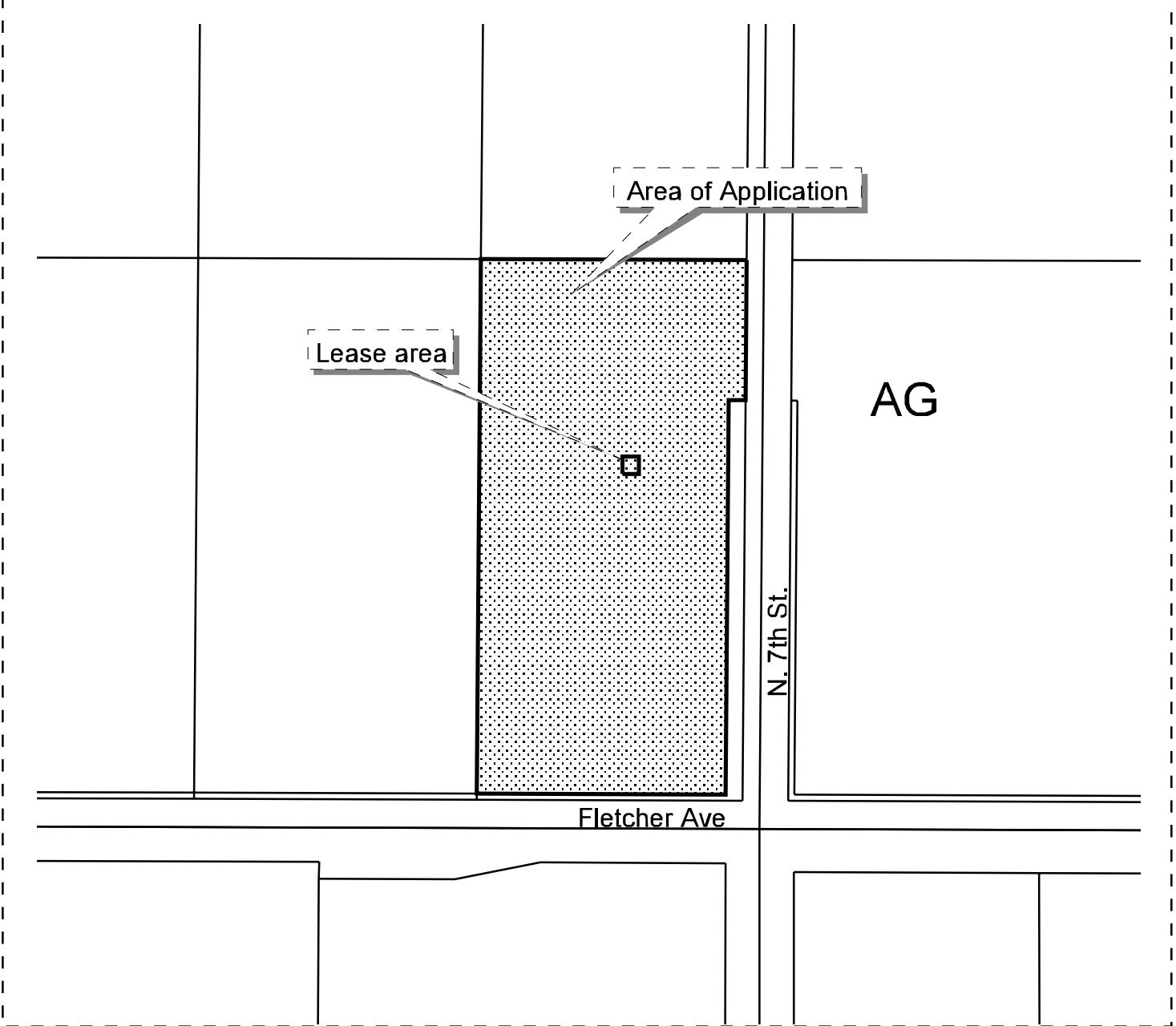
Brian Will
Planner

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**Special Permit #1927
N. 7th & Fletcher Ave.**



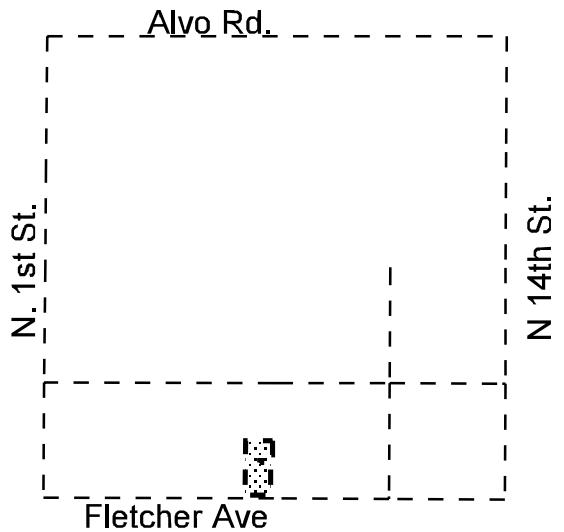


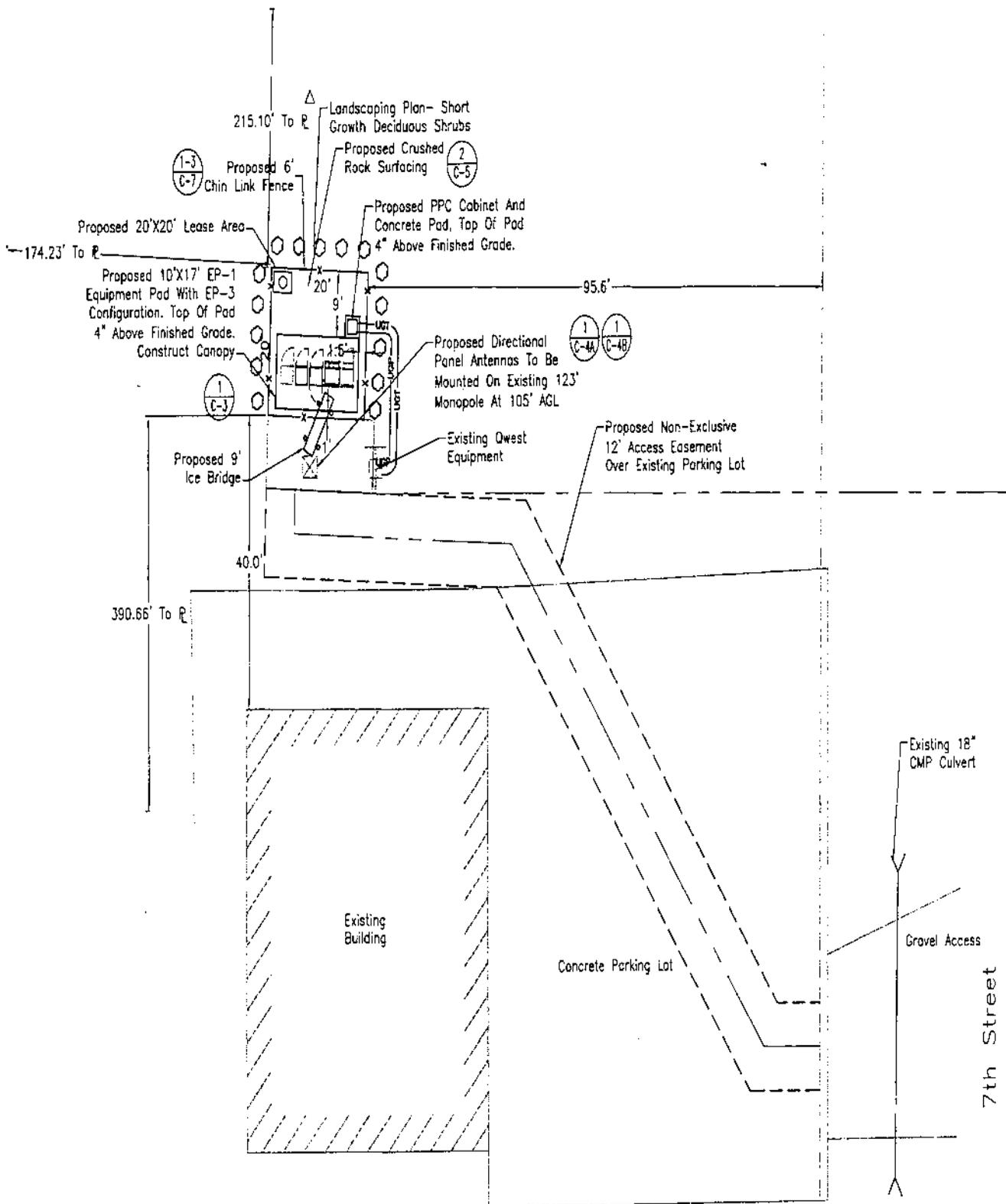
Special Permit #1927 N. 7th & Fletcher Ave.

Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation 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. 35 T11N R6E

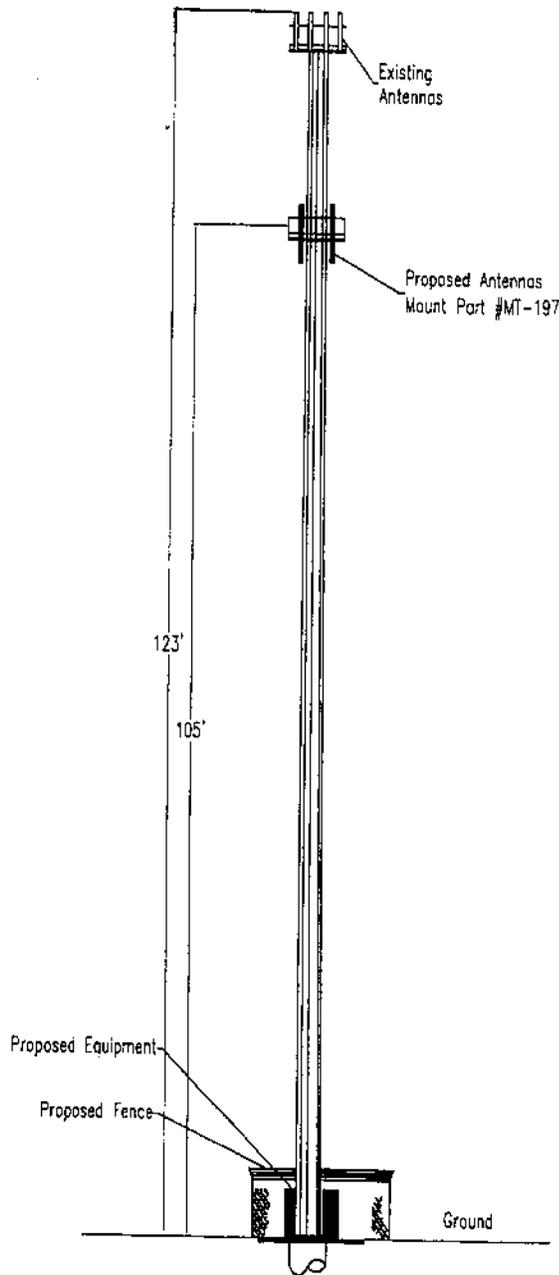




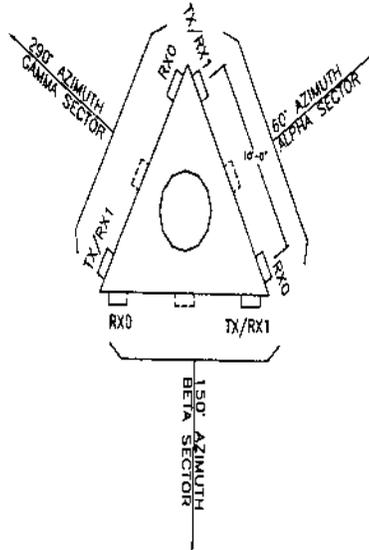
(1) DETAILED SITE PLAN
 (C-2) SCALE: 1" = 20'

ANTENNA SCHEDULE

SECTOR	AZIMUTH (TN)	AZIMUTH (MN)	ANT. HEIGHT (FEET)	DOWNTILT (DEGREES)	NUMBER OF ANTENNAS	ANTENNA MODEL NUMBER	CABLE LENGTH (FEET)	CABLE TYPE	COLOR CODE
1	60	68	105	0	2	EMS RV-65-18-02	125	1 5/8"	TX1/RX1: Yellow Brown RX2: Yellow Yellow White
2	150	158	105	0	2	EMS RV-90-18-02	125	1 5/8"	TX1/RX1: Red Brown RX2: Red Red White
3	290	298	105	0	2	EMS RV-90-18-02	125	1 5/8"	TX1/RX1: Green Brown RX2: Green Green White

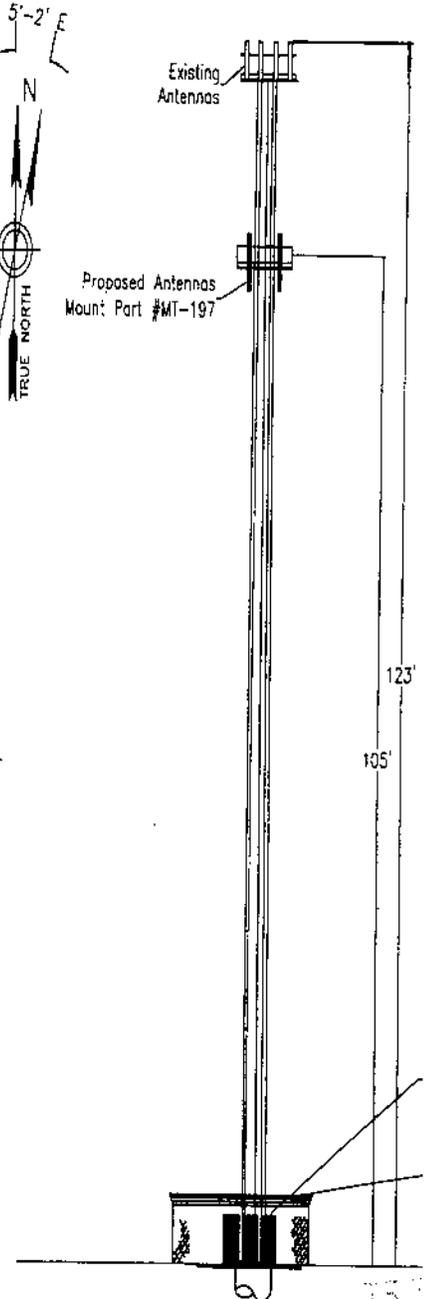


1 SOUTH ELEVATION
C-4 SCALE: 1" = 20'

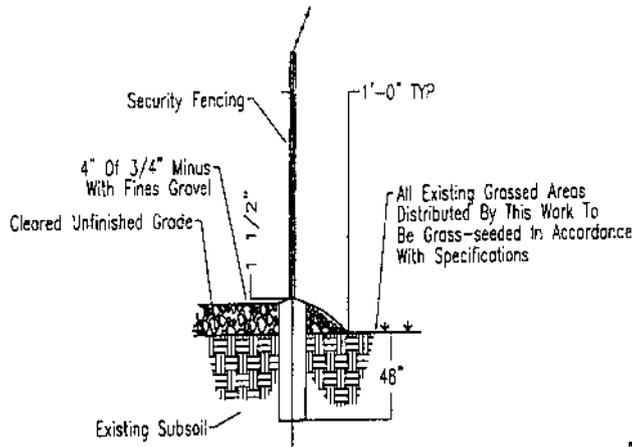


2 TYPICAL ANTENNA ORIENTATION PLAN
C-4 SCALE: N.T.S.

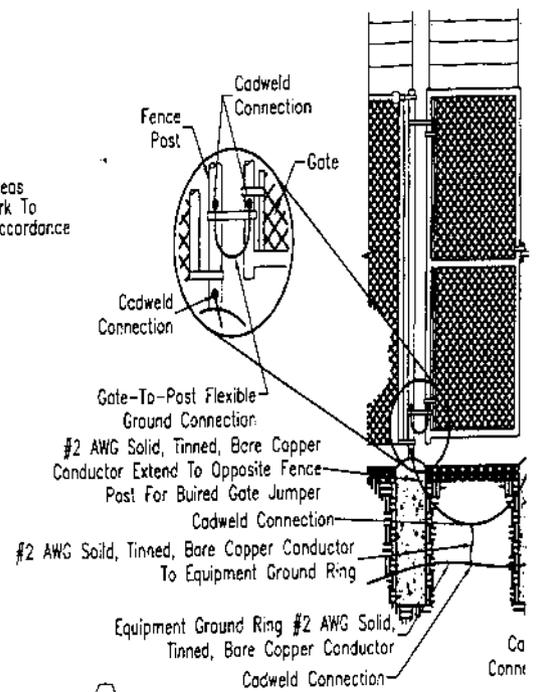
- Notes:
1. No Climbing Devices Will Be Placed On The Tower Below 20 Feet.
 2. All Antenna And Equipment Shall Match The Predominant Color And Texture Of The Site.
 3. See Equipment Brochure For Antenna Mounting Brackets And Hardware.
 4. Antennas And Support Structure Are Designed To Withstand 100 Mph Wind load.
 5. Initial Installation Is 6-Antennas, Future Growth Addition Of 3-Antennas



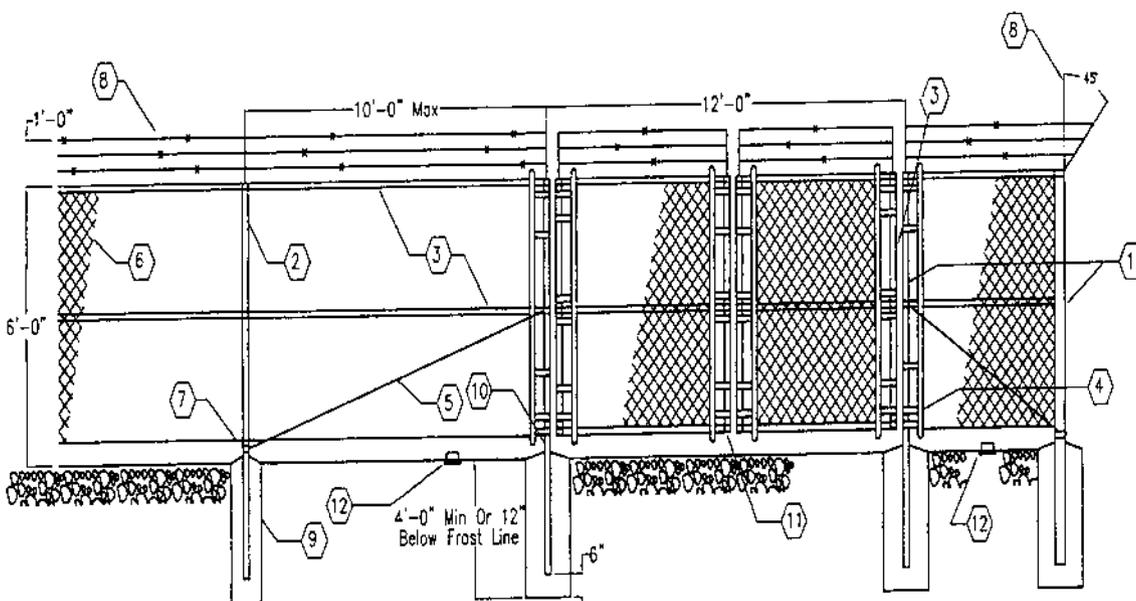
1 NORTH ELEVATION
C-4 SCALE: 1" = 20'



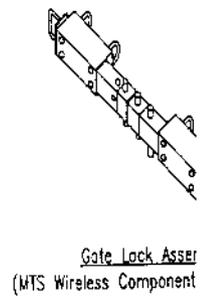
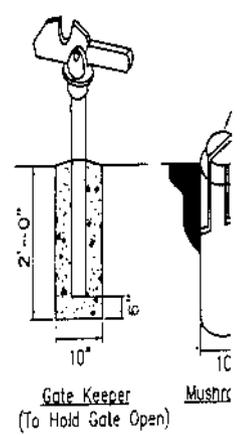
1 SITE GRAVEL & EDGE AT FENCE DETAIL
C-7 SCALE: NTS



2 TYPICAL GATE GROUND
C-7 SCALE: NTS



3 SECURITY FENCING DETAIL
C-7 SCALE: NTS



Fence Notes
* All Fence Materials Shall Be Provided And Installed Per Astm Specifications

- 1 4" Id Schedule 40 Pipe For Gate Posts & 3" Id Schedule 40 Pipe For Corner Posts.
- 2 2-3/8" Od Schedule 40 Pipe For Intermediate Posts.
- 3 1-5/8" Od Schedule 40 Pipe For Top Rail Brace Posts & Gate Framing.
- 4 Tension Bar
- 5 3/8" Dia Brace Rod
- 6 9 Gauge 2x2 Fencing Mesh
- 7 #7 Tension Galvanized Steel Wire
- 8 (3) Double Strands Of 12-1/2 Gauge Twisted Wire To Match Fabric Barbed Wire On Vertical Post With 14 Gauge, 4-point Barbs Spaced On Approx. 5" O.c. On Single 45° Support Arms.
- 9 12" Dia Concrete Footing (interm Post) 18" Dia Concrete Footing (corner & Gate Post)
- 10 1-1/2" Crown Above Finish Grade.
- 11 Gate Latch: 1-3/8" O.d. Plunger Rod W/ Mushroom Type Catch With Padlocking Eye.
- 12 Gate Keepers: Install To Automatically Engage Gateleaves Open And Manually Released.