

CITY OF LINCOLN/LANCASTER COUNTY u7PLANNING STAFF REPORT

P.A.S. Special Permit #1922

DATE: September 17, 2001

PROPOSAL Cricket Wireless is proposing to replace an existing 10' tall flagpole with a 40' tall flagpole, to be located on top of the existing 35' tall Commercial Federal clock tower building. The ground-based equipment cabinets will be installed inside the clock tower building. A waiver of the fall zone from 37.5' to 10' is requested.

LAND AREA: Approximately .44 acres.

CONCLUSION: This request represents the least intrusive way to provide needed coverage in this area by making use of an existing facility. It complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION

LEGAL DESCRIPTION: Lots 1, 2 and 3, Block 1, Central Park subdivision.

LOCATION: 2101 South 16th Street

OWNER: Commercial Federal Savings and Loan

APPLICANT: 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: B3, Commercial District

EXISTING LAND USE: Savings and Loan/Financial Services

SURROUNDING LAND USE AND ZONING:

North	Single-family Residential	B3
South	Hospital (Bryan/LGH West)	R4
East	Day Care Center	R4
West	Commercial/Retail	B3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial land use in this area. The following goals/strategies from the Comprehensive Plan are applicable:

1. Chapter III(A) pg. 37 - Goal #1 - Maximize opportunities for planned urban development which are sensitive to the natural qualities of the area, including land uses efficiently served by a balanced and energy efficient transportation system and community services and facilities.
2. Chapter VIII(A)(1)(a) pg. 189 - Compatibility - Harmony and suitability with the surrounding land uses and the natural environment and impact/mitigation on adjacent land uses such as buffering.
3. Chapter V (H) pg. 149 - Goal #1 - Continue to assure that Lincoln and Lancaster County are fully served by development of the "Information Superhighway".

ANALYSIS

OVERVIEW:

This request proposes to replace the existing 10' tall flagpole located on top of the Commercial Federal clock tower with a 35' flagpole. Cricket's antennas will be located inside the flagpole, and a lighted flag will be flown 24 hours a day. The total height of the facility (as measured to the top of the flagpoles) will increase from 45' to 75'.

The ground-based equipment cabinets associated with the tower are located inside the clock tower, and are not visible from outside of the facility. A waiver of fall zone from 37.5' to 10' is also requested.

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

1. This application is considered a camouflaged facility and is consistent with the Comprehensive Plan.

Preference of site location in accordance with Chapter 27.68.080.

2. This application is considered a preferred location under Lincoln Municipal Code (LMC) Section 27.68.080(a)(2) - a camouflaged application on a privately owned site.

Compatibility with abutting property and land uses.

3. This application is located in the traditional business district along South Street that extends from S. 9th to S. 17th Streets. The proposed tower is compatible with the existing uses found along this portion of the South Street corridor.

Adverse impacts such as visual, environmental or noise impacts.

4. The application minimizes visual impact by utilizing an existing facility, by locating the antennas inside the flag pole, and by placing the equipment cabinets inside the clock tower where they are not visible.

Availability of suitable existing structures for antenna mounting.

5. A flag pole replacement is considered a suitable existing structure for antenna mounting. The only less intrusive location within the search ring would be on Bryan/LGH West located southeast of this site. However, the applicant states that the property owner was not willing to lease the facility.

Scale of facility in relation to surrounding land uses.

6. This request is compatible with the scale of uses found in this B3-zoned commercial district, a district that also includes Bryan/LGH West, the County-owned, former St. Elizabeth Hospital campus, and Saratoga Elementary School.

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 is no negative impact on views, vistas, or historic structures/districts.

Color and finish.

8. The tower will have a galvanized finish consistent with LMC 27.68.100.

Ability to collocate.

9. The tower is not designed to be collocatable because there is not adequate space within the clock tower building to house the equipment cabinets of an additional carrier. Additionally, collocation will likely require a larger diameter pole, contrary to the intent of a camouflage application which is to minimize the diameter of the pole to reduce the visual impact of the facility.

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

10. The facility will appear as a flag pole with a flag to be flown 24 hours a day. The associated equipment cabinets are located inside the clock tower and are not visible. The design standards exempt towers located on top of existing structures, so no additional landscaping is required.

CONDITIONS

1. Site Specific:

- 1.1 This approval authorizes the replacement of the flag pole on the Commercial Federal clock tower with waiver of fall zone from 37.5' to 10', 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 surety in an amount sufficient to guarantee removal of the applicant's facilities must be approved by the City Attorney.

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

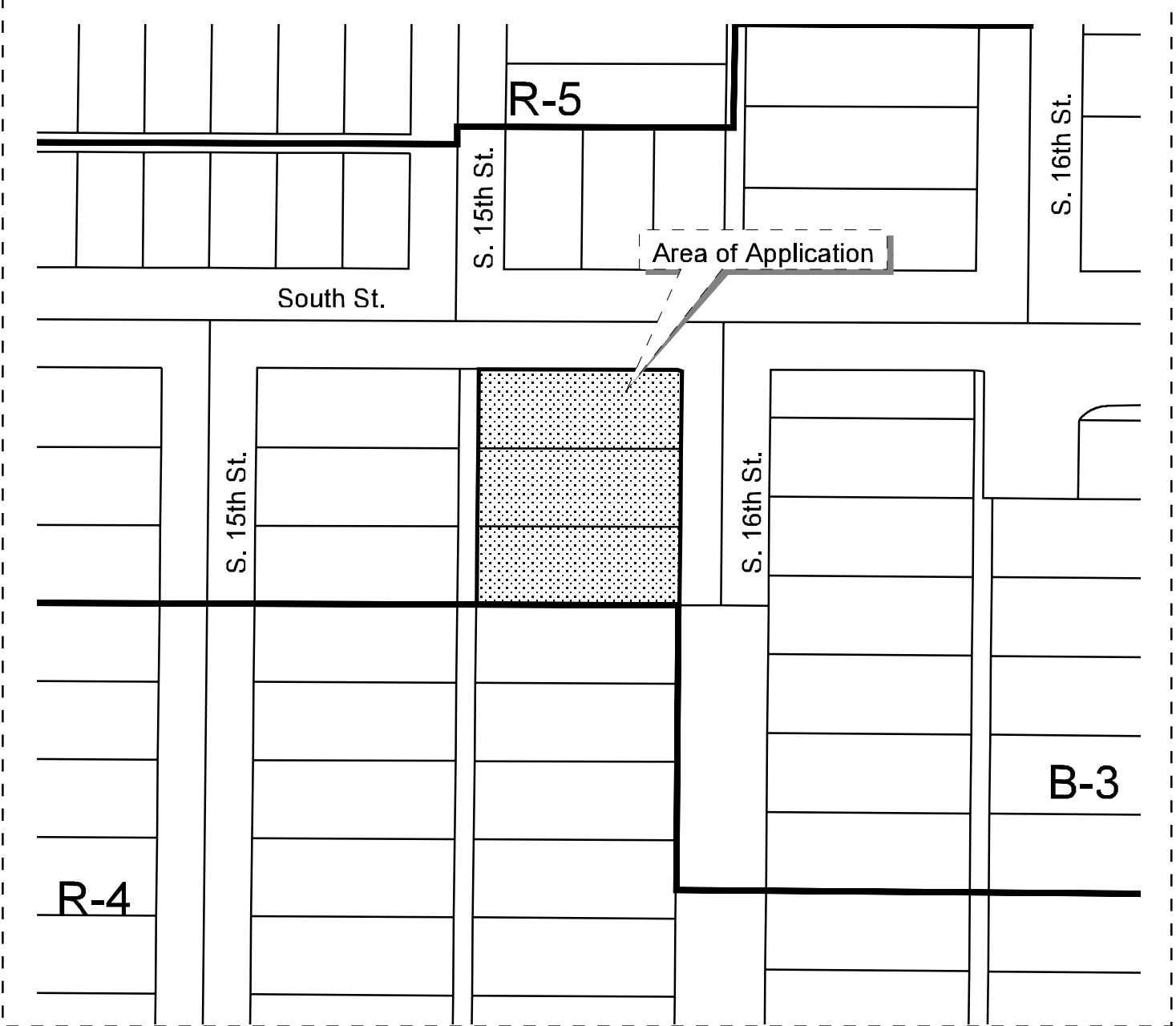


Special Permit #1922
2101 S. 16th St.



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

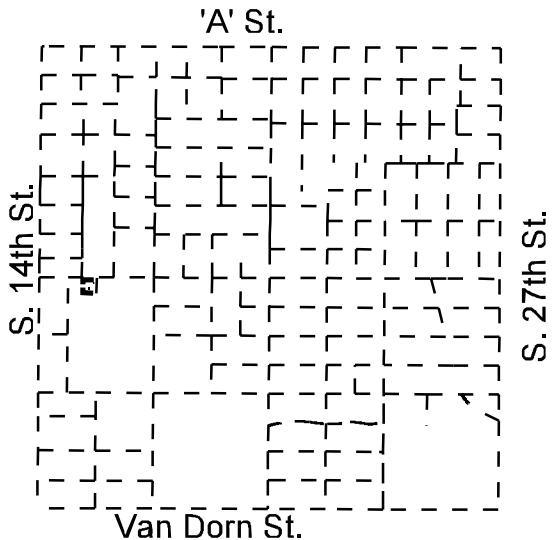
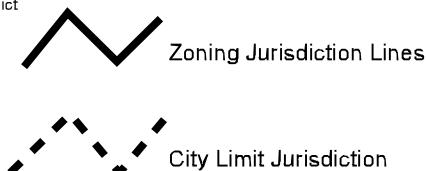


Special Permit #1922
2101 S. 16th St.

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. 36 T10N R6E



Sheet ___ of ___

Date:

15th S

Lot 1

Lot 2

Lot 3

Lot 16

South Street

R=23.50'
S59°30'24"E
C=3.13'
A=3.14'

N90°00'00"E
125.30' R

Lot 1

Lot 52

Cricket lease area located
inside Clock Tower
(See sheet C-18)

Lot 2

Lot 51

Lot 3

Lot 50

Lot 4

Lot 49

16th Street

SUBDIVISION

128.00' R
N89°57'35"W

S40°00'00"E
149.10' C

100.156'

100.156'

3/4" Pipe

Lot 24

Lot 23

Lot 22

Lot 21

May partitioned for location June 19, 1985

N00°00'00"E
150.80' R

150.80' R

150.80' R

150.80' R



FLOOD ZONE

Lease area located in flood zone "C" as scaled from Flood Insurance Rate Map, City of Lincoln, Lancaster County, Nebraska. Community Panel Number 315273 0040 C. Map Revised March 18, 1985.

LEGEND

- STREET LIGHT
- FENCE
- BOUNDARY LINE
- BUILDING
- CORNERS FOUND
- MEASURED DIMENSIONS
- PLAT DIMENSIONS
- PINCH TOP PIPE
- OPEN TOP PIPE
- SOLID BAR
- REBAR

LAND SURVEYOR'S CERTIFICATION

I hereby certify that this topographic survey was made by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

[Signature]

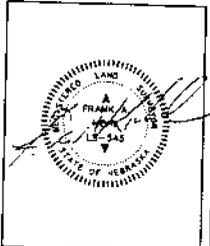
Date of Survey: July 31, 2001

LRA File Number: 10-LN-017-C1.dwg

Book: 00051#1
Page: 13

DRAWN BY: MAF
CHECKED BY: RDO

SUBMITTALS		
DATE	DESCRIPTION	REV
08/28/01	CONSTRUCTION REVISION	1



PROJECT NO
LIN-017C

SITE NAME
MAPLE LODGE

SHEET TITLE
SITE SURVEY

SHEET NUMBER: C-1A
REVISION: JOB NO. 91035.30

LIN-017C, Maple Lodge
2101 South 16th Street, Lincoln, NE 68502



View from residential area north of site (before improvements)

LIN-017C, Maple Lodge
2101 South 16th Street, Lincoln, NE 68502



View from residential area north of site (after improvements)