

**CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1947

**DATE:** November 8, 2001

**PROPOSAL** Cricket is proposing to replace a 150' tall lattice tower with a 156' tall monopole (150' pole with 6' tall lightening rod). The carriers currently on the lattice tower will be relocated to the monopole after it is erected, and the old tower will be removed. A waiver of fall zoned is also requested.

**LAND AREA:** Approximately 14,200 square feet.

**CONCLUSION:** Replacement of an existing tower with an upgraded facility capable of accommodating additional carriers is encouraged. As a limited preference site, it is consistent with the requirements of LMC Chapter 27.68 (Personal Wireless Facilities) and complies with the Zoning Ordinance.

<b><u>RECOMMENDATION:</u></b>	Special Permit	Conditional Approval
	Waiver of Fall Zone	Conditional Approval

**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lots 9 and 10, Block 17, Ridgeway Addition.

**LOCATION:** Northeast corner 33<sup>rd</sup> and O Streets.

**OWNER:** B&J Partnership, LTD  
340 Victory Lane  
Lincoln, NE 68523

**APPLICANT:** Cricket Nebraska Property Company  
6655 S. Lewis Avenue Suite 200  
Tulsa, OK 74136

**CONTACT:** Harvey Cooper  
Abrahams, Kaslow and Cassman  
8712 West Dodge Road Suite 300  
Omaha, NE 68114-3419

**EXISTING ZONING:** B-1 Local Business District

**EXISTING LAND USE:** Retail Commercial

**SURROUNDING LAND USE AND ZONING:**

North	Single-family Residential	R-4
South	Retail Commercial	B-1
East	Retail Commercial	B-1
West	Retail Commercial	B-1

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates commercial land use in this area. While there are no goals that specifically address personal wireless facilities, 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**

**STANDARDS FOR EVALUATION (from Section 27.68.100):**

**Conformity with Comprehensive Plan.**

1. This application complies with the three goals stated above and conforms to the Comprehensive Plan.

**Preference of site location in accordance with Section 27.68.080.**

2. This application is considered a limited preference site under Section 27.68.080(a)(4) - sites on other commercially or industrially zoned property. It is located in a commercial district, but is relatively close to a residential district. It is replacing an existing pole and does not significantly increase the intrusion into the surrounding neighborhood, and has the added benefit of allowing two more carriers to provide coverage in this area without having to build an additional tower. This is consistent with the implicit goal of the wireless ordinance to maximize the utility of existing facilities.

**Compatibility with abutting property and land uses.**

3. This application is located in the O Street corridor, however the office/commercial zoning along O Street in this area is only ½ block deep. Adjacent to the north is R-4 zoning and single-family residences. Because all four lots from 33<sup>rd</sup> Street to Spiedell Monuments are under single ownership, the site is large enough to allow flexibility in siting the new tower. A more compatible location would be at the west edge of Lot 9, adjacent to the existing building, instead of at the east edge of Lot 10 adjacent to Spiedell Monuments. It should also be moved south to maintain the required fall zone from the rear property line, thereby providing a greater separation from the residences to the north. Consistent with relocating the monopole, instead of a waiver to the fall zone from the east and north property lines of Lot 10 as requested, a waiver to the fall zone from the south and west property lines of Lot 9 should be granted.

**Adverse impacts such as visual, environmental or noise impacts.**

4. The existing lattice tower is semi-transparent by the nature of it's design, and also because it does not support many antennas. The new monopole will support the antennas of the two carriers now on the lattice tower, as well as those of Cricket and a potential fourth carrier. It is important to attempt to minimize the visual impact of the new monopole because it is not semi-transparent like the lattice tower, and because of the proximity to the residential neighborhood and the O Street corridor. Additionally, any new antennas placed on it should be designed to present the minimum silhouette possible. For this reason, the typical triangular, platform-type antenna array shown on the plans must not be permitted on this tower. Allowed antennas should be limited to those that are either flush-mounted, or those where each antenna panel is attached by an individual arm.

**Availability of suitable existing structures for antenna mounting.**

5. The proposed replacement of one tower for another that is structurally capable of accommodating an additional carrier is considered a suitable use of an existing structure for antenna mounting.

**Scale of facility in relation to surrounding land uses.**

6. A 150' tower is not inconsistent with the development along the O Street corridor, but it is not at a scale that is compatible with the surrounding residential to the north. While this application is for the replacement of an existing tower, care must still be taken to ensure it is done in a manner that does not increase the intrusion into the surrounding neighborhood.

**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 replacement monopole will be designed to accommodate four carriers.

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

10. The landscape plan does not show the required landscaping along the east perimeter of the compound. Whether the monopole is sited as shown or relocated to the west edge of Lot 9 as recommended in this report, landscaping must comply with the requirements of City of Lincoln Design Standards Section 3.05(7.9).

**CONDITIONS**

1. Site Specific:

- 1.1 This approval authorizes the placement of a 156' tall monopole capable of accommodating four carriers for a period of 15 years, provided the existing 150' lattice tower is removed no later than six (6) months after the date the new monopole becomes operational.

- 1.2 Typical triangular platform-type antenna arrays are not allowed on the monopole.

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 to guarantee removal of the applicant's facilities must be approved by the City Attorney.

2.1.3 A revised site plan that includes the following:

2.1.3.1 The monopole relocated to the west edge of Lot 9 to a point that is no closer than 78' to the north property line of Lot 9, and no closer than 78' to the east lot line of Lot 10.

2.1.3.2 The required landscaping per the City of Lincoln Design Standards Section 3.05(7.9).

2.1.4 A waiver to fall zone from the west and south property lines of Lot 9 to allow the the monopole to be relocated to a point on the site that is no closer than 78' to the north property line of Lot 9, and no closer than 78' to the east lot line of Lot 10.

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:

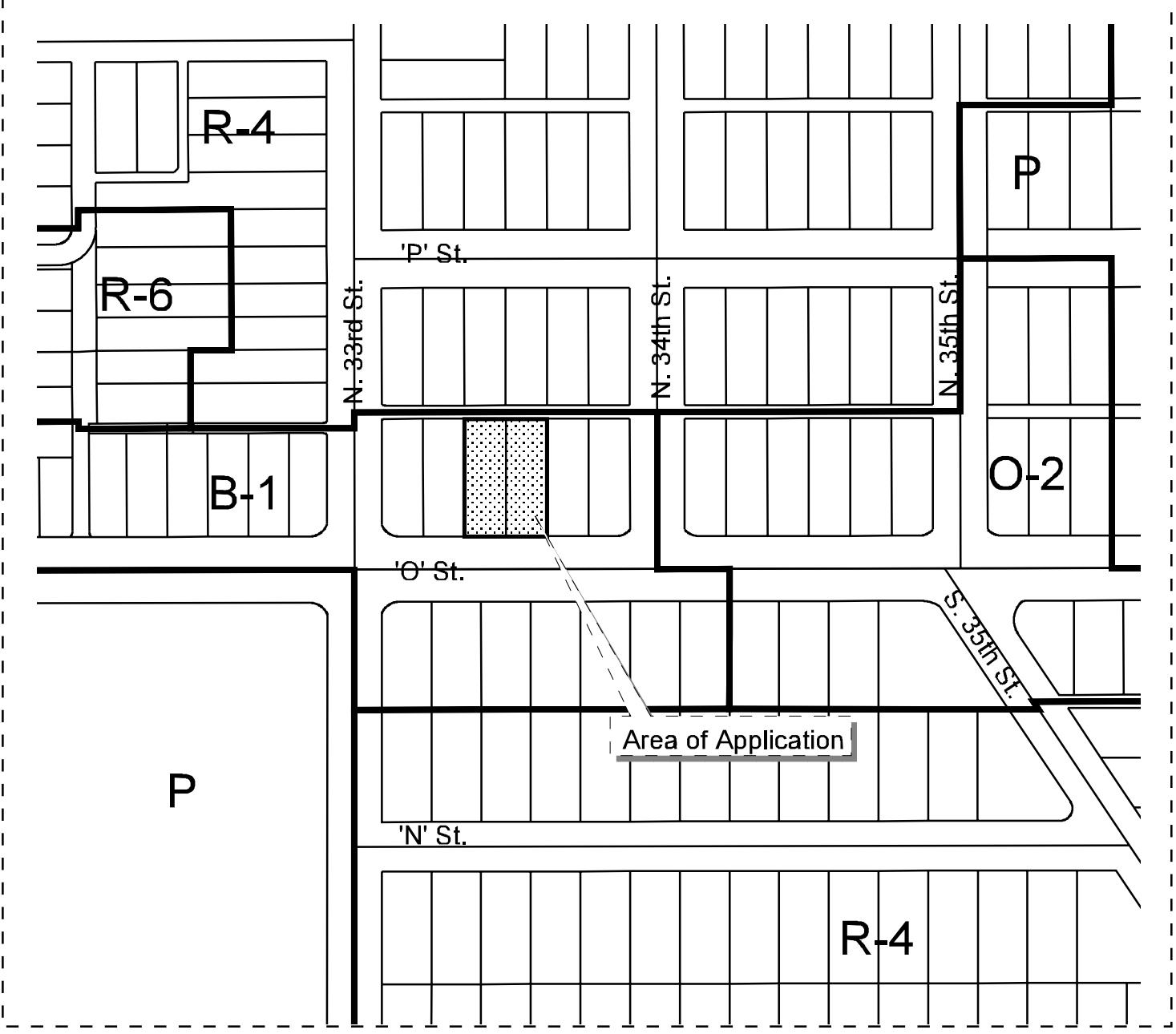
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Brian Will, AICP  
Planner



**Special Permit #1947  
N. 33rd & 'O' St.**



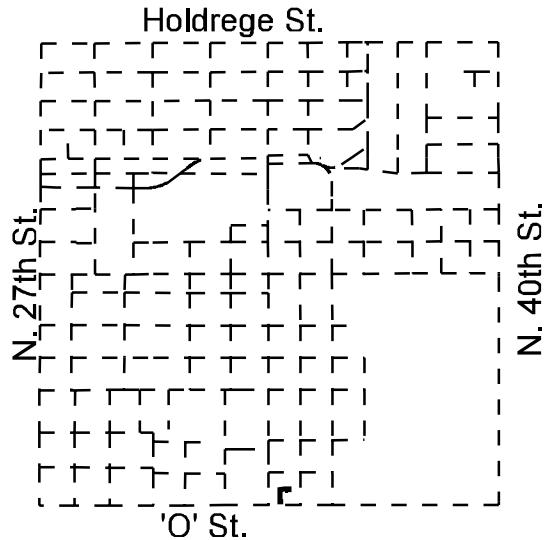


**Special Permit #1947**  
**N. 33rd & 'O' St.**

**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. 19 T10N R7E



**UTILITY NOTES**

1. This survey does not show any hidden or covered service and/or utility lines and no responsibility or liability is assumed by the surveyor for the failure to show said lines even though they may exist.
2. The approximate location of the underground utilities shown on this drawing (if any) are as per information given to us by the utility involved. Before digging in this area call "One Call" 344-3563, for field location of these utilities.
3. Utility lines illustrated hereon are field location (as per point marks or other visible evidence).

**BENCHMARK**

Benchmark located at the northwest corner of building approximately 18.00 east of proposed monopole. Benchmark elevation = 1230.41

**FLOOD ZONE**

Subject area located in Zone C Zoned "C" areas of minimal flooding as illustrated in FLOOD INSURANCE RATE MAP City of Lincoln, Nebraska, Lancaster County COMMUNITY-PANEL NUMBER 315273 0025 D Map Revised: June 18, 1997

**TOWER NOTES**

1. PROPOSED MONOPOLE  
GROUND ELEVATION = 1229  
PROPOSED MONOPOLE HEIGHT = 150'  
LATITUDE = 40°48'49.9"N  
LONGITUDE = 96°40'19.4"W

**COMPOUND LEGAL DESCRIPTION**

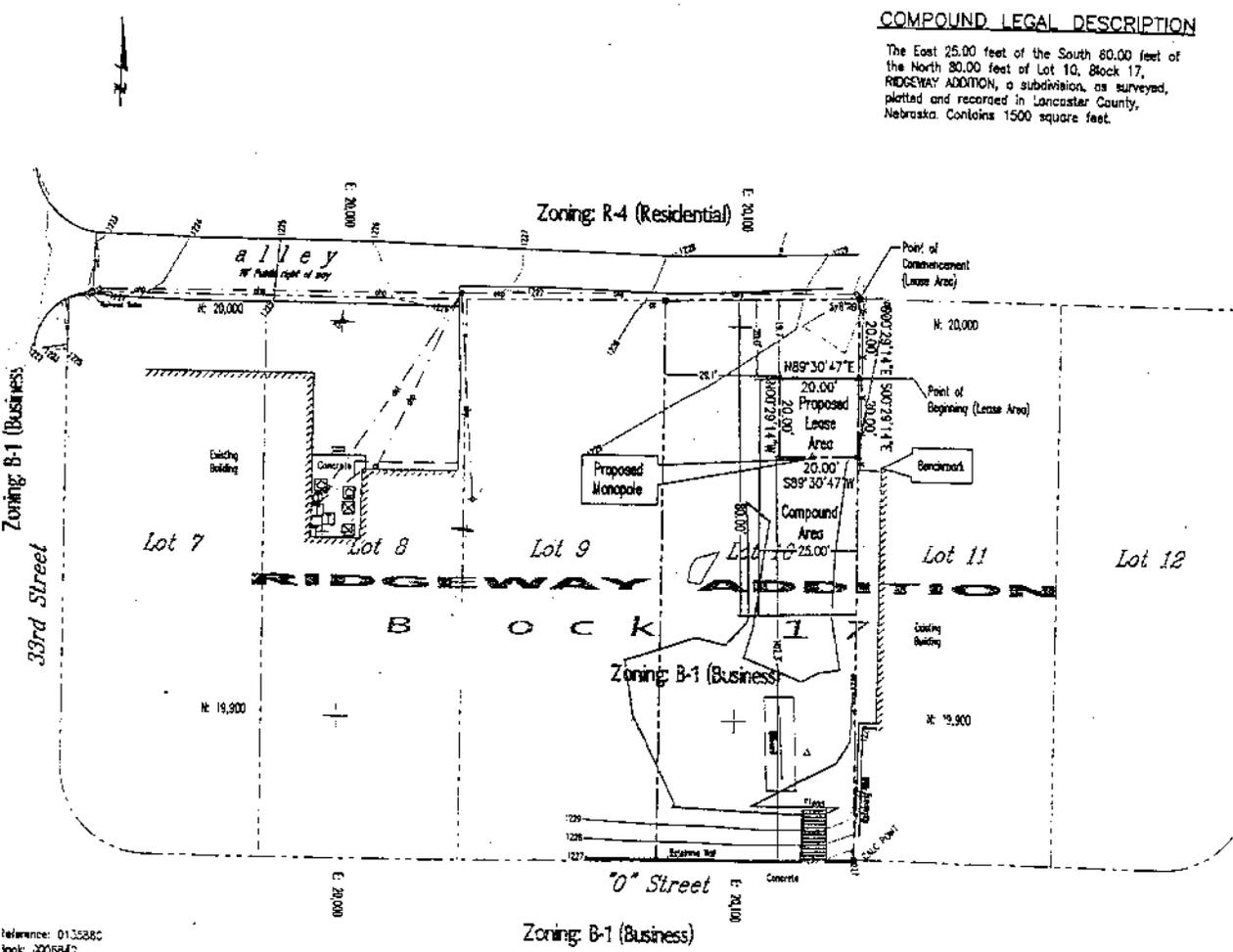
The East 25.00 feet of the South 80.00 feet of the North 80.00 feet of Lot 10, Block 17, RIDGEWAY ADDITION, a subdivision, platted and recorded in Lancaster County, Nebraska. Contains 1500 square feet.

**PARENT LEGAL DESCRIPTION**

Lot 10, Block 17, RIDGEWAY ADDITION, a subdivision, as surveyed, platted and recorded in Lancaster County, Nebraska.

**LEASE LEGAL DESCRIPTION**

That part of Lot 10, Block 17, RIDGEWAY ADDITION, an addition to the City of Lincoln, as surveyed, platted and recorded in Lancaster County, Nebraska, described as follows:  
Commencing at the northeast corner of said Lot 10;  
Thence South 00°29'14" East (assumed bearings) for 20.00 feet along the east line of said Lot 10 to the TRUE POINT OF BEGINNING;  
Thence South 00°29'14" East for 20.00 feet along said east line;  
Thence South 89°30'47" West for 20.00 feet;  
Thence North 00°29'14" West for 20.00 feet;  
Thence North 89°30'47" East for 20.00 feet to the Point of Beginning.  
Contains 400 square feet.



**LEGEND**

- |         |                          |
|---------|--------------------------|
| △       | CORNERS SET (5/8" REBAR) |
| ◆       | CORNERS FOUND            |
| M       | MEASURED DIMENSIONS      |
| P       | PLAT DIMENSIONS          |
| R       | RECORD DIMENSIONS        |
| PT      | PINCH TOP PIPE           |
| OT      | OPEN TOP PIPE            |
| SB      | SOLID BAR                |
| RB      | REBAR                    |
| — G —   | GAS                      |
| — W —   | WATER                    |
| — UGP — | UNDERGROUND POWER        |
| — OP —  | OVERHEAD POWER           |
| —       | PROPERTY LINE            |
| ▨       | BUILDING                 |
| ○ 12"   | DECIDUOUS TREE AND SIZE  |

**LAND SURVEYOR'S CERTIFICATE**

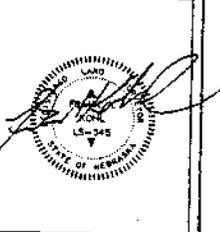
I hereby certify that this topographic survey was made by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

*[Signature]* 2091



DRAWN BY:	CHECKED BY:
MAP	JPB

SUBMITTALS		
DATE	DESCRIPTION	REV
10/18/01	CONSTRUCTION REVISION	0

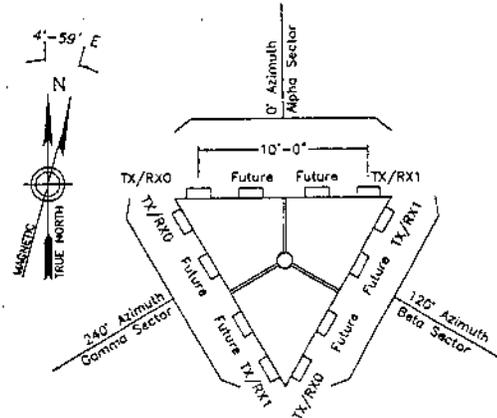


PROJECT NO. LIN-0091
SITE NAME WOODS PARK
SHEET TITLE SITE SURVEY
SHEET NUMBER C-1
REVISION JOB NO 71025 04

reference: 013588C  
book: 2005842  
page: 53

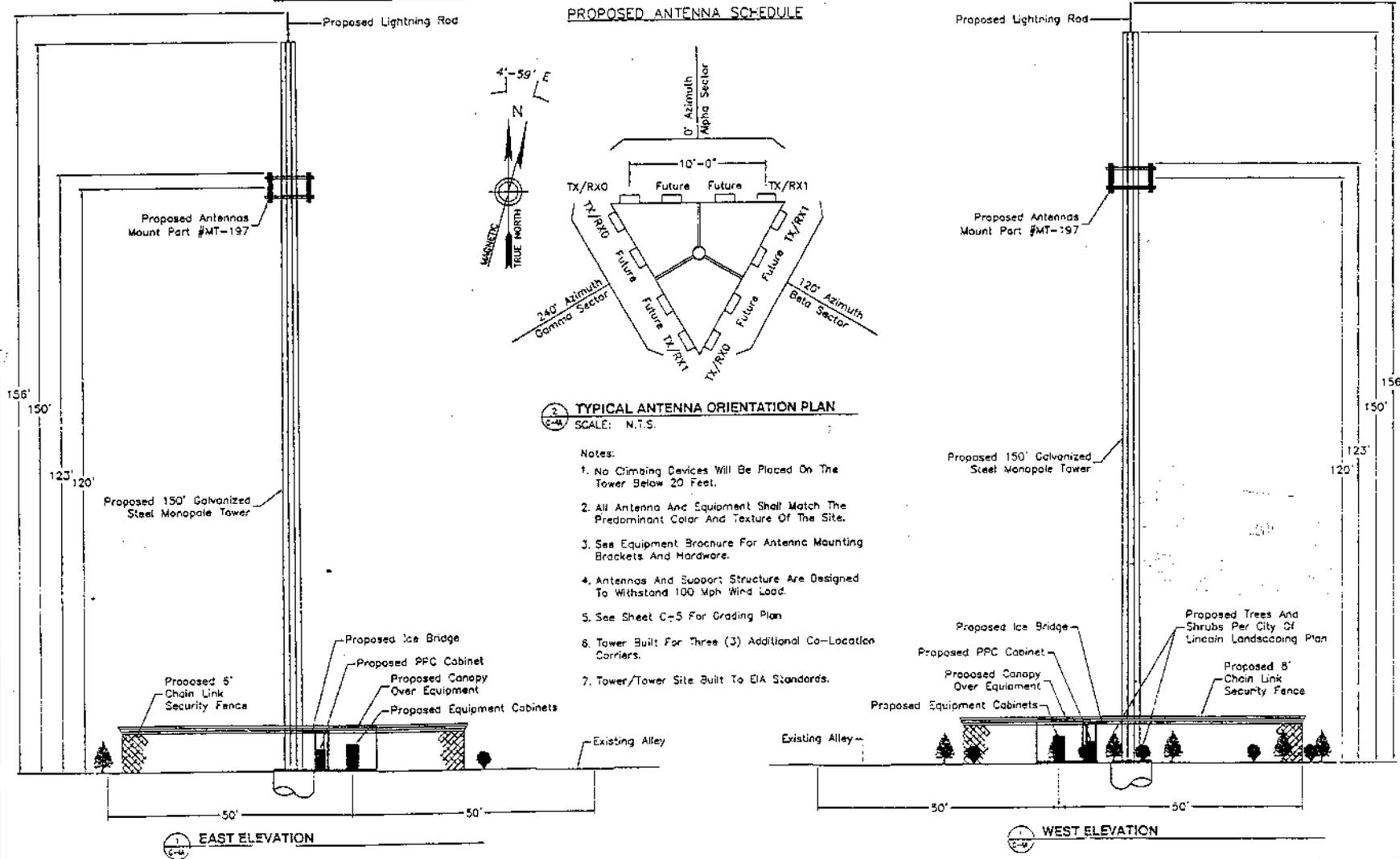
SECTOR	AZIMUTH (TN)	AZIMUTH (MN)	ANT. HEIGHT (FEET)	DOWNTILT (DEGREE)	NUMBER OF ANTENNAS	ANTENNA MODEL NUMBER	CABLE LENGTH (FEET)	CABLE TYPE	COLOR CODE
1	0	8	120	3	2	EMS RV-65-19-00	130	1 5/8"	TX1/RX1: YELLOW BROWN RX2: YELLOW YELLOW WHITE
2	120	128	120	3	2	EMS RV-65-19-00	130	1 5/8"	TX1/RX1: RED BROWN RX2: RED RED WHITE
3	240	248	120	3	2	EMS RV-65-19-00	130	1 5/8"	TX1/RX1: GREEN BROWN RX2: GREEN GREEN WHITE

PROPOSED ANTENNA SCHEDULE



TYPICAL ANTENNA ORIENTATION PLAN  
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. See Sheet C-5 For Grading Plan
  6. Tower Built For Three (3) Additional Co-Location Carriers.
  7. Tower/Tower Site Built To EIA Standards.



EAST ELEVATION

WEST ELEVATION



DRAWN BY: ALJW  
CHECKED BY: JPB

SUBMITTALS		
DATE	DESCRIPTION	REV
10/30/01	ZONING	0



PROJECT NO.  
LIN-0091  
SITE NAME  
WOODS PARK

SHEET TITLE  
TOWER ELEVATIONS

SHEET NUMBER: C-4A  
REVISION: 01/25/01

LIN-0091, Kearns  
3300 O Street, Lincoln, Nebraska



Public perspective southeast of site - 34rd Street & O Street (before improvements)

LIN-0091, Kearns  
3300 O Street, Lincoln, Nebraska



Public perspective southeast of site - 34rd Street & O Street (after improvements)

LIN-0091, Kearns  
3300 O Street, Lincoln, Nebraska



Public perspective northeast of site - 34rd Street & P Street (before improvements)

LIN-009I, Kearns  
3300 O Street, Lincoln, Nebraska



Public perspective northeast of site - 34rd Street & P Street (after improvements)