

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

**P.A.S.** Special Permit #1950

**DATE:** November 8, 2001

**PROPOSAL** Qwest Wireless is seeking to mount a single antenna array that protrudes 8' above the top of the roof line on the Union Bank and Trust building.

**LAND AREA:** Approximately 3.65 acres.

**CONCLUSION:** By locating on top of an existing building, impact upon surrounding properties is minimized while still providing needed coverage in this area. As a preferred location, it is consistent with the requirements of LMC Chapter 27.68 (Personal Wireless Facilities) and complies with the Zoning Ordinance.

<b>RECOMMENDATION:</b>	Conditional Approval
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**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lots 1, Block 1, Ridge Place 3<sup>rd</sup> Addition.

**LOCATION:** 6801 South 27<sup>th</sup> Street

**OWNER:** Union Bank and Trust Company  
PO Box 82535  
Lincoln, NE 68501

**APPLICANT:** Sharon Martin  
Qwest Wireless, LLC  
910 North 43<sup>rd</sup> Street  
Omaha, NE 68131

**CONTACT:** Same

**EXISTING ZONING:** O-3 Office Park District

**EXISTING LAND USE:** Bank/Office

**SURROUNDING LAND USE AND ZONING:**

North	Vacant	R-1
South	Retail Commercial	B-2
East	Restaurant	B-5
West	Office (under construction)	O-3

**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 preferred location under Section 27.68.080(a)(4) - a site in a commercially or industrially zoned district where the facility is minimally intrusive and has a minimal impact upon the surrounding area.

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

3. This application is located in a major commercial/retail center near the intersection of South 27<sup>th</sup> Street and Pine Lake Road. The proposed facility is compatible with the existing uses found in this commercial center.

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

4. The application minimizes visual impact by only protruding 8' above the roofline, 4' more than the existing satellite dish antennas. The equipment cabinets are entirely screened from view.

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

5. A rooftop application of this type is considered a suitable existing structure for antenna mounting.

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

6. This request is compatible with the scale of uses found in this commercial center which includes South Pointe Pavilions, DuTeau Chevrolet, and an existing 150' tall broadcast tower at the LES substation.

**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. This facility is locating on an existing building and collocation is not applicable.

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

10. 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 placement of an 8' tall antenna array on the Union Bank and Trust building 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 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 correct legal description.

2.1.3.2 Change S. 28<sup>th</sup> Street to S. 27<sup>th</sup> Street.

2.1.3.3 Provide an accurate graphic scale.

2.1.3.4 A signed surveyor's certificate.

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

F:\FILES\Planning\PC\PERMITS\SP\1900\SP1950 Qwest 6801 S 27th.bjw.wpd



S. Pass Dr.

Ridgeline Ct.

Ridgeline Rd.

Area of Application

S. 27th St.

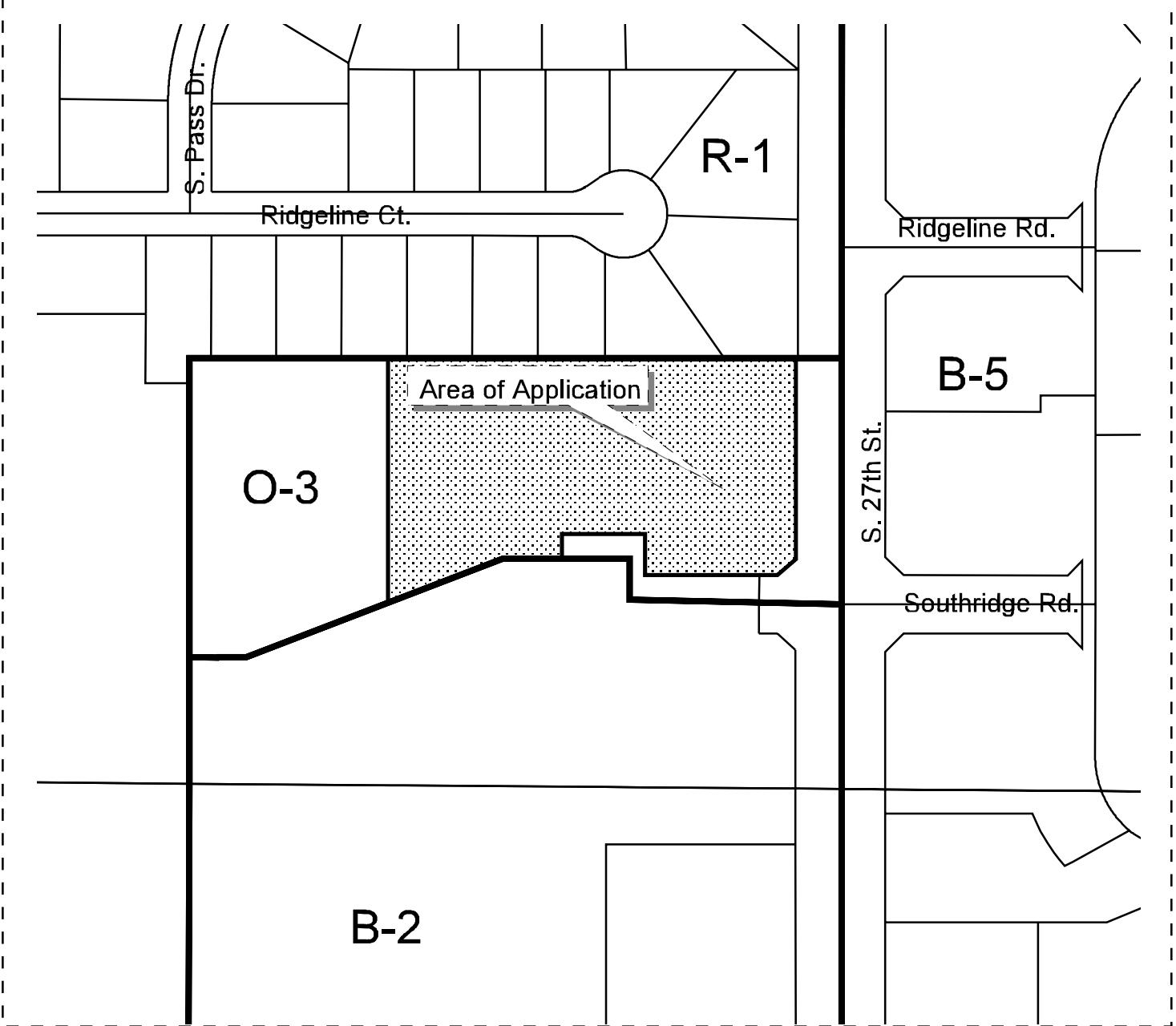
Southridge Rd.

**Special Permit #1950**  
**6801 S. 27th St.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

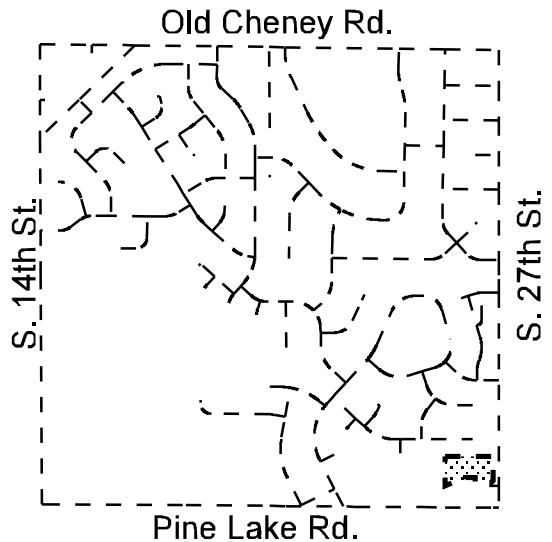
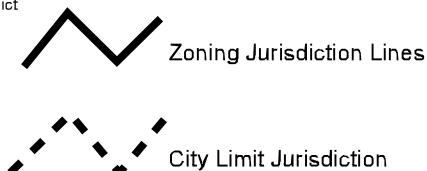


**Special Permit #1950**  
**6801 S. 27th St.**

**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 Business 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. 13 T9N R6E



**LEGAL DESCRIPTION PARENT PARCEL**

Lot 1, Block 1, Ridge Place 2nd Addition, Section 24, Township 9 North, Range 8 East of the Sixth Principal Meridian, City of Lincoln, Lancaster County, Nebraska.

**LEGAL DESCRIPTION LEASE SITE**

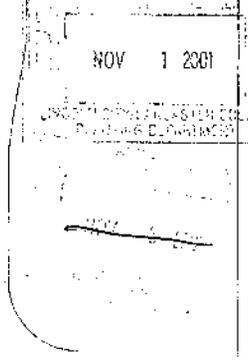
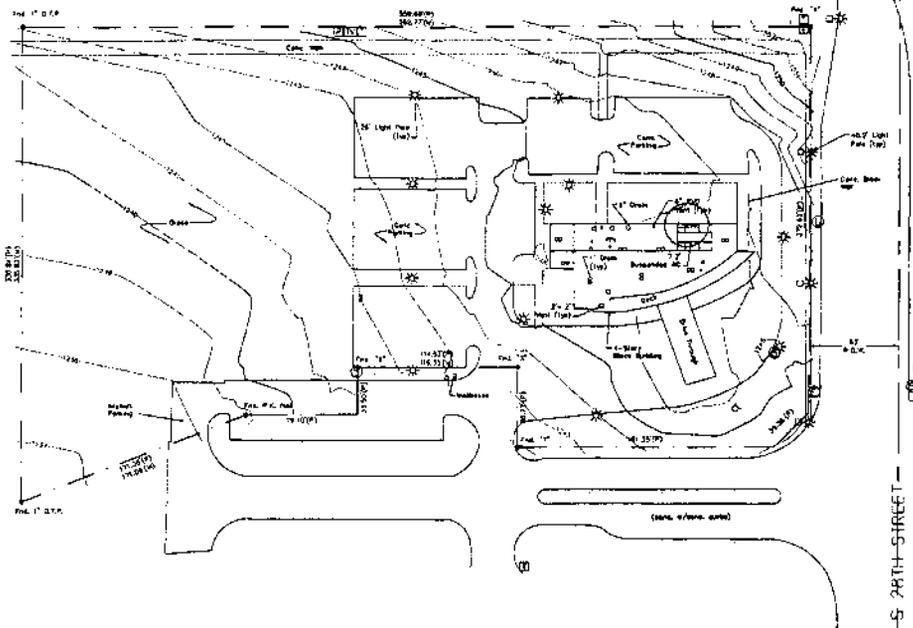
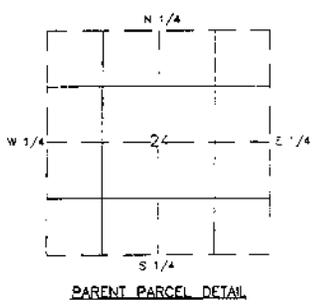
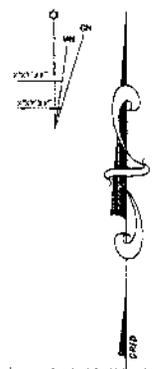
**LEGAL DESCRIPTION ACCESS EASEMENT**

**LEGAL DESCRIPTION UTILITY EASEMENT**

**ZONING**  
Office

Note: Subject property apparently falls within the confines of a Zone "C" as determined by the FEMA-FHA Flood Risk Map 315273 0040-C, City of Lincoln, Nebraska revised 3-10-05.

GENCOGRAPHIC INFORMATION:  
City of Lincoln, situated  N West 100m,  
20th and Pine Lines.  
Elevation: 1088.15 - 1100.



NO.	DATE	REVISION	BY	CHK'D BY
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

**LEGEND**

- (M) MEASURED DISTANCE
- (P) PLAT DISTANCE
- (R) RECD DISTANCE
- (S) RECORDED DISTANCE
- FOUND CORNER
- SET CORNER
- CENTER LINE DRIVE
- ✱ LIGHT POLE
- ☐ POWER BOX
- ⊕ SATELITE DISH
- ☒ TELEPHONE BOX
- ☒ TELEVISION BOX
- ⊕ WATER (FIRE) HYDRANT
- ⊕ UTILITY MANHOLE
- ⊕ SANITARY MANHOLE
- ⊕ SANITARY MANHOLE

**COMMUNITY LAND SURVEYING**

**LINCOLN OFFICE**  
1027 High Road, Suite 3  
Lincoln, NE 68502  
Phone: (402) 471-5290  
Fax: (402) 471-5781



**SITE INFORMATION**

UNION BANK 6801 S 27TH STREET LINCOLN, NE LIN028D
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**DESIGN TYPE**

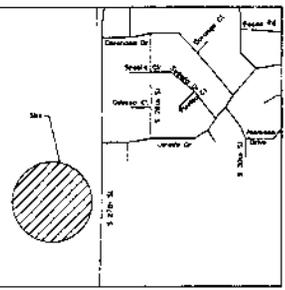
METAL POLE MOUNTED  
ANTENNAS AND OUTDOOR  
EQUIPMENT

**SHEET TITLE**

SITE PLAN

SHEET NUMBER	REV.
C-1	0

PLOT DATE: 07 MAY 02



The LARIES as shown on this drawing were developed from the information provided. This is not intended to be the complete inventory of utilities in this area. It is the client's/contractor's responsibility to verify the location of utilities (whether shown or not) and protect their utilities from any damage.

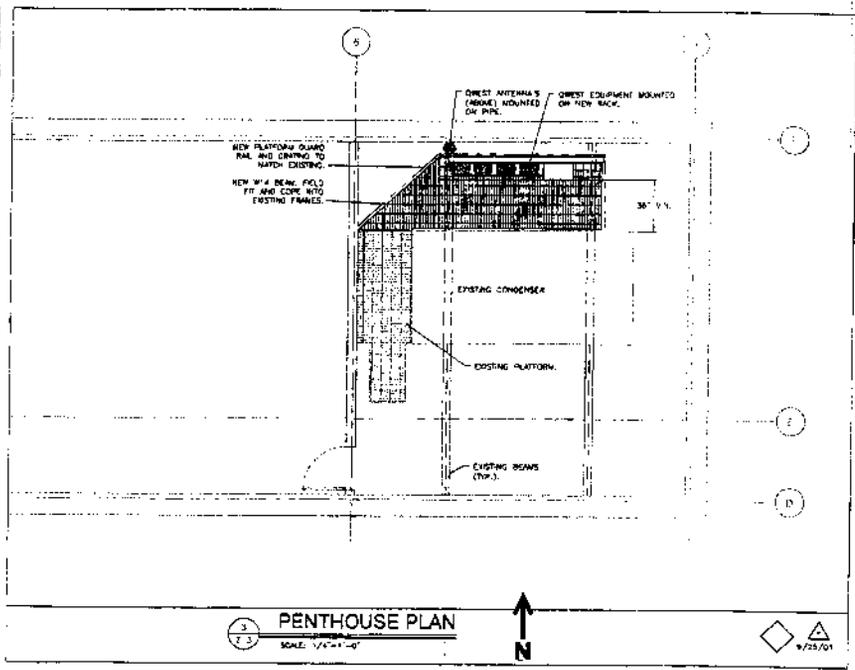
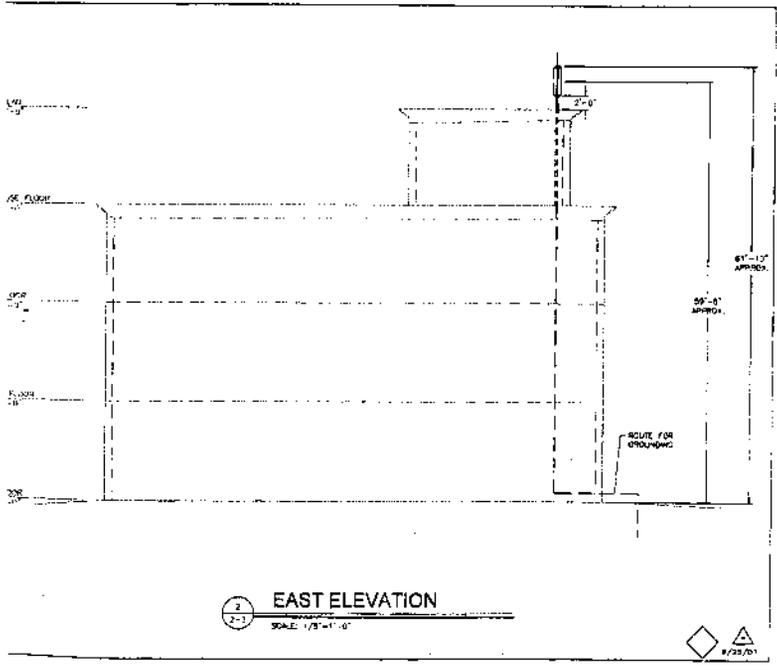
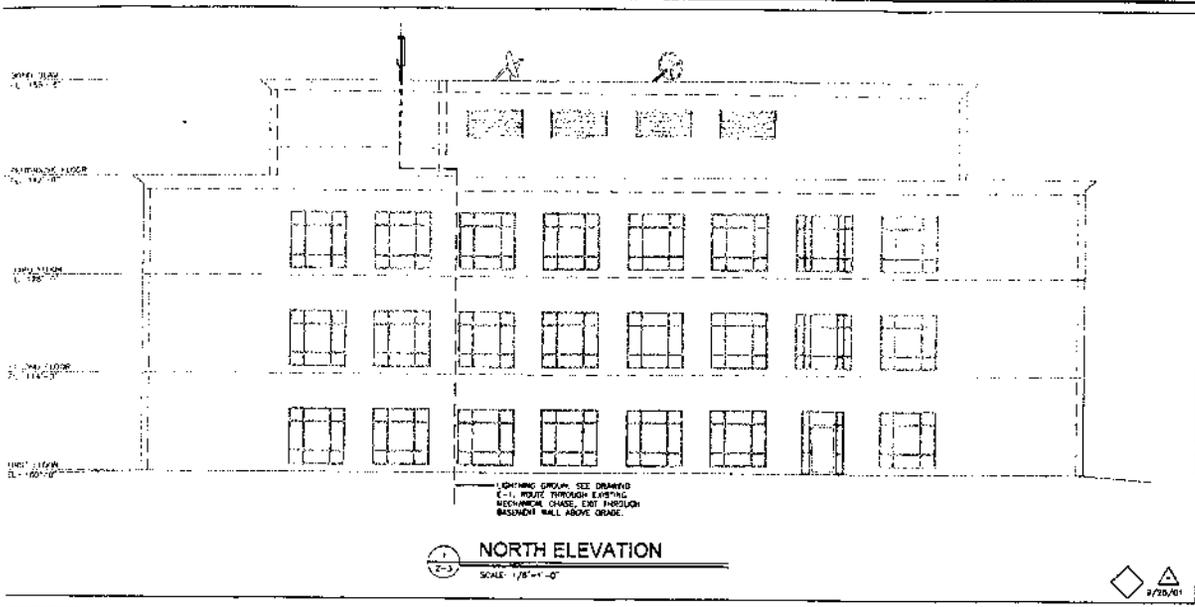


**Surveyor's Certificate**

I, James M. Voland, a Professional Registered Land Surveyor under the laws of the State of Nebraska, certify the above plat, map or contract is the best of my knowledge and belief. Distances are measured in feet and decimals of a foot.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SURVEYOR 2440



REV	DATE	REVISIONS	BY	CHECK	APP
1	9/25/01				

NOV 1 2001



BY: MET GAD RJD AMY JAO

SITE INFORMATION  
UNION BANK  
6801 S 27TH STREET  
LINCOLN, NEBRASKA  
LN-026D

DESIGN TYPE  
ROOF TOP POLE MOUNTED  
ANTENNAE AND OUTDOOR  
EQUIPMENT

SHEET TITLE  
ARCHITECTURAL  
ELEVATIONS

SHEET NUMBER  
**Z-3**

DATE PLOTTED: SEPTEMBER 25, 2001



UNION STATE BANK  
LINCOLN, NEBRASKA

BEFORE



UNION STATE BANK  
LINCOLN, NEBRASKA

AFTER