

City Council Introduction: **Monday**, May 14, 2001  
Public Hearing: **Monday**, May 21, 2001, at **5:30 p.m.**

Bill No. 01R-120

## **FACTSHEET**

**TITLE:** **LETTER OF APPEAL** filed by Mohamed Dahab and Debra Dahab, appealing Planning Commission Resolution No. PC-00667 approving **SPECIAL PERMIT NO. 1903**, requested by Qwest Wireless, L.L.C., for authority to construct a 68' tall wireless communications facility on property generally located at South 37<sup>th</sup> and High Streets.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/18/01  
Administrative Action: 04/18/01

**RECOMMENDATION:** Conditional Approval (5-3: Krieser, Schwinn, Taylor, Duvall and Bayer voting 'yes'; Carlson, Steward and Newman voting 'no'; Hunter absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.9-10.
2. The applicant's testimony is found on p.13-14 and 15-16.
3. Testimony in opposition is found on p.14-15. The issues of the opposition are visual impact, destruction of aesthetic quality of the neighborhood, decrease in property values and interference with television and radio.
4. The applicant's response to the opposition is found on p.15-16.
5. The Planning Commission discussion is found on p.15-17.
6. On April 18, 2001, the Planning Commission agreed with the staff recommendation and passed Resolution No. PC-00667 (p.4-7) on a vote of 5-3 (Krieser, Schwinn, Taylor, Duvall and Bayer voting 'yes'; Carlson, Steward and Newman dissenting; Hunter absent). Also see Minutes, p.16-17.
7. On May 1, 2001, Mohamed Dahab and Debra Dahab filed a letter of appeal (p.002).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 7, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 7, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1903

May 1, 2001

Office of the City Clerk  
City of Lincoln  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear City Clerk:

Please consider this a Notice of Appeal of the decision of the Lincoln City/Lancaster County Planning Commission's decision on April 18 on Special Permit No. 1903 requested by Qwest Wireless. Please let us know the City Council process for considering the appeal.

Thank you.

Sincerely,

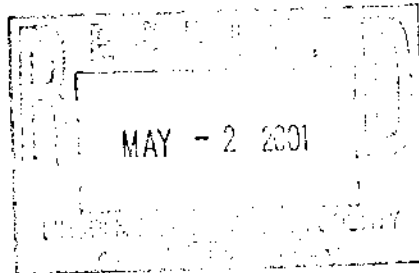


Mohamed Dahab  
3211 Weaver Lane  
Lincoln, NE




Debra Dahab  
3211 Weaver Lane  
Lincoln, NE

OUT PAID 1 JUN 2 17  
CITY OF LINCOLN  
RECEIVED



**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Don Wesely  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** April 20, 2001

**RE :** **Special Permit No. 1903**  
(Wireless communications tower at So. 37<sup>th</sup> & High Street)  
**Resolution No. PC-00667**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 18, 2001:

Motion made by Duvall, seconded by Schwinn, to approve **Special Permit No. 1903**, with conditions, requested by Qwest Wireless, L.L.C., for authority to construct a 68' tall wireless communications facility on property located at South 37<sup>th</sup> and High Streets. Motion for approval, with conditions, carried 5-3 (Krieser, Schwinn, Taylor, Duvall and Bayer voting 'yes'; Carlson Steward and Newman voting 'no'; Hunter absent).

The Planning Commission's action is final action unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

CCNOTICE/jlw

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Jill Bazzell, Qwest Wireless, L.L.C., 910 No. 43<sup>rd</sup> Ave., 2<sup>nd</sup> Floor, Omaha, NE 68131

RESOLUTION NO. PC- 00667

SPECIAL PERMIT NO. 1903

1           WHEREAS, Qwest Wireless, L.L.C. has submitted an application  
2 designated as Special Permit No. 1903 for authority to construct a 68' tall wireless  
3 communications facility on property located at S. 37th and High Streets, and legally  
4 described to wit:

5                     Lot 224, I.T. located in the Northeast Quarter of Section 6,  
6                     Township 9 North, Range 7 East of the 6th P.M., Lancaster  
7                     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 communications facility 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.

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

19           That the application of Qwest Wireless, L.L.C., hereinafter referred to as  
20 "Permittee", to construct a 68' tall wireless communications facility be and the same is  
21 hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal  
22 Code upon condition that construction of said wireless communications facility be

1 constructed in strict compliance with said application, the site plan, and the following  
2 additional express terms, conditions, and requirements:

3 1. This permit approves a 68' tall wireless communications facility for  
4 a period of 15 years.

5 2. Before receiving building permits:

6 a. The Permittee must provide structural engineering  
7 calculations for the monopole and the pier for its foundation  
8 sealed by a Nebraska Professional Engineer.

9 b. Permittee must post a surety, approved by the City Attorney,  
10 in the minimum amount necessary to guarantee the removal  
11 of the facilities. The surety may not be revoked or  
12 terminated during the term of the permit.

13 3. Before operating this personal wireless facility, all development and  
14 construction must conform to the approved plans.

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

19 5. The tower shall be inspected and maintained in accordance with  
20 the applicable standards for towers that are published by the Electronic Industries  
21 Association, as amended from time to time. At the time of this Special Permit, those  
22 standards were contained in the TIA/EIA-222-F. The facility operator shall conduct  
23 safety inspections in accordance with the EIA and FCC Standards and within 60 days  
24 of the inspection, file a report with the Department of Building and Safety.

1           6. All privately-owned improvements, including landscaping, must be  
2 permanently maintained by the Permittee.

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

6           8. The terms, conditions, and requirements of this resolution shall be  
7 binding and obligatory upon the Permittee and the Permittee's successors and assigns.  
8 The building official shall report violations to the City Council which may revoke the  
9 special permit or take such other action as may be necessary to gain compliance.

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

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

1           11     The Permittee shall sign and return the City's letter of acceptance  
2 to the City Clerk within 30 days following approval of the special permit, provided,  
3 however, said 30-day period may be extended up to six months by administrative  
4 amendment. The City Clerk shall file a copy of the resolution approving the special  
5 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
6 paid in advance by the Permittee.

7           The foregoing Resolution was approved by the Lincoln City-Lancaster  
8 County Planning Commission on this 18th day of April, 2001

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Special Permit #1903

**DATE:** March 8, 2001

**PROPOSAL:** Jill Bazzell, on behalf of Qwest Wireless, is requesting a Special Permit for a 68' wireless communications tower on property generally located at S. 37<sup>th</sup> and High Streets.

### **GENERAL INFORMATION:**

**APPLICANT:** Jill Bazzell  
Qwest Wireless  
910 N. 43<sup>rd</sup> Ave, 2<sup>nd</sup> Floor  
Omaha, NE 68131  
(402) 558-4924

**CONTACT:** Same

**LOCATION:** S. 37<sup>th</sup> and High Streets

**LEGAL DESCRIPTION:** Lot 224, I.T. located in the NE Quarter of Section 6, T9N, R7E, Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** R-2 Residential District

**EXISTING LAND USE:** Church Parking Lot

**SURROUNDING LAND USE AND ZONING:** Zoned P Public Use and developed with Southeast High School to the north; zoned R-2 Residential District to the east and south, developed with single family dwellings to the east and a church to the south; zoned R-1 Residential to the west and developed with a parochial school; zoned R-2 Residential to the northwest and developed with single family residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Urban Residential in the 1994 Lincoln-Lancaster County Comprehensive Plan.

The application is consistent with the goals to:

- Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
- Protect and enhance features which give Lincoln and Lancaster County its distinctive character, supporting a desirable quality of life.
- Protect and enhance the State Capitol, its Environs, and vistas to our premier landmark as a particular asset and responsibility of this community.



## **ANALYSIS:**

### **OVERVIEW:**

1. This is a request for a 68' wireless communications tower. The pole will replace an existing light pole in a church parking lot.
2. Qwest previously approached Lincoln Public Schools to locate a tower on the Southeast High School site.
3. The location originally proposed was adjacent to the parking lot on S. 40<sup>th</sup> Street. The site would have been visible to the residents across the street and next to the parking lot and would have also impacted a view of the Capitol.
4. The Urban Design Committee recommended that the tower be moved to a site that was more internal to the school campus, that would have a lesser impact on the residential uses in the area.
5. Qwest and Lincoln Public Schools were unable to come to terms on a more internal location.
6. The proposed location abuts the Southeast High campus to the north, the church to the south and the Cathedral School to the west. The dwellings to the east are densely screened with existing trees. The dwellings to the northeast are not in direct view of the proposed tower.

### **STANDARDS FOR EVALUATION:**

#### **Conformity with Comprehensive Plan.**

7. The application is consistent with the goals of the Comprehensive Plan.

#### **Preference of site location in accordance with Chapter 27.68.080.**

8. The site is classified as a sensitive location since it is residentially zoned and in close proximity to residential uses. However, the proposed tower is adjacent to institutional uses to the north, south and west. The proposed tower is screened from the dwellings to the east by a dense tree mass. The proposed tower is not in the line of sight to the dwellings to the northeast.

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

9. The proposed tower is compatible with the institutional uses and screened from the residential uses. Parking lot lights, similar to the existing lights, will be attached to the pole to help it blend in with the area.

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

10. The adverse visual impacts are proposed to be mitigated by replacing parking lot lights on the new pole.

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

11. The application proposes to replace an existing parking lot light pole with a taller pole.

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

12. The facility blends with the institutional church and school uses to the north, south and west. The residential uses to the east are screened by a large mass of trees. The proposed facility is out of the line of sight of the residences to the northwest.

**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.**

13. There are no known negative impacts.

**Color and finish.**

14. The tower is proposed to be black to match the existing light poles.

**Ability to co-locate.**

15. The facility is constructed to accommodate co-location, however it is unlikely that another provider would co-locate below the height of the proposed antennas due to the height of the mature tree line. A taller pole would accommodate additional providers, however, would be more noticeable.

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

16. The existing tree mass to the east provides screening to the residential uses to the east. The church to the south screens the facility to the south.

**Impact on natural resources, open spaces, recreational trails, and other recreational resources.**

17. There are no known negative impacts.

**STAFF RECOMMENDATION: Conditional Approval**

**CONDITIONS:**

**Site Specific:**

1. This approval permits a 68' tall wireless communications facility for a period of 15 years.

**General:**

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 Provide structural engineering calculations for the monopole and the pier for its foundation sealed by a Nebraska Professional Engineer.
  - 2.2 The permittee shall post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. The following conditions are applicable to all requests:
- 3.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.
  - 3.2 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.
  - 3.3 The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
  - 3.4 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
  - 3.5 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.
  - 3.6 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.7 The permitted 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.
  - 3.8 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.

- 3.9 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

Jennifer L. Dam, AICP  
Planner

# SPECIAL PERMIT NO. 1903

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 18, 2001

Members present: Krieser, Carlson, Schwinn, Steward, Newman, Taylor, Duvall and Bayer; Hunter absent.

Planning staff recommendation: Conditional approval.

### Proponents

**1. Jill Bazzell of Qwest Wireless** presented this application to replace an existing parking lot light with a 68' pole with cellular antennae on the top. This site is designed to provide coverage for the area bordered by 33rd Street to the west and 48<sup>th</sup> Street to the east, Normal to the north and Pioneers to the south. There were other sites explored and ruled out. Qwest worked with Southeast High School for over a year; however, that particular location was found to impact the Capitol View Corridor. At the suggestion of the Urban Design Committee, Qwest proposed to move the facility more internal to the school site; however, they were unable to work out another acceptable location or lease agreement. Qwest looked for other sites in the area, i.e. park on 33<sup>rd</sup> & Sheridan; however, Qwest is attempting to avoid locating their facilities in public parks at this time because it appears that the neighbors do not want cell towers in their parks. They also tried Sheridan Lutheran Church but the building is not tall enough.

The next least obtrusive was this application to replace the light pole. It blends with the church and school uses; the residential uses to east are screened by trees; it is out of the line of sight of residents to the northwest; and the church screens the facility to the south.

Qwest mailed letters to property owners within 300'. One call was received by Qwest with interference questions. The Planning staff received a call from another gentlemen opposed but Bazzell did not have his name or address. His main concern was that he thought it was closer to his property than it is actually proposed.

Carlson inquired about the height of the Cathedral of Risen Christ to the west for a possible alternative location. Corby Dill of Qwest indicated that they could not do a camouflage mount on that facility because of the way the top of that church is. It is also a little out of range.

Steward noted that the information on page 75 of the agenda is informative to a point that Qwest cannot locate on the school property because they cannot negotiate a lease, but for all of these eight different attempts, what's the sticking point on the lease with the school? Bazzell responded that there are about seven issues on the lease and the school was not interested in the location proposed by Urban Design Committee. Steward thought this was strange. This is public funds, and public property, and we are trying as a community, as well as Qwest as the provider, to put these towers in the most unobtrusive places as possible for the general public, and it seems like Qwest is getting stonewalled for an otherwise generally acceptable location from a technological and aesthetic perspective. Bazzell's response was that it is the school's property and they feel that

where Urban Design had recommended moving it would have more impact on the school property and what they had planned for the school use. Steward suggested this be taken up under other advisement.

Jennifer Dam of Planning staff clarified that Qwest and LPS had originally proposed a site that was in the parking lot on 40<sup>th</sup> that was in direct view of about 10 houses with no screening and in the Capitol View Corridor. The Urban Design recommended that it be located on school property but at a more internal location in an area in the ball field to the east of the school or in the parking lot area close to some of the portables. LPS suggested that it be placed in the front yard along Van Dorn and that proposal was never formally brought back to Urban Design. Staff heard no more at that point in time, and then Qwest came forward with this location.

Carlson wondered why it couldn't go on top of the school. Dill stated that the school is not tall enough. The school roof level is lower than the original proposed location. To move to the area where Urban Design had recommended, Qwest was looking at a 100' or taller pole because of the elevation difference in that area.

### Opposition

**1. Mohamed Dahab**, 3211 Weaver Lane, testified in opposition. He has several concerns to be considered. He is very disappointed that this action is coming forward at this time. He just became aware of it last week, April 6<sup>th</sup>. This is an incredibly unsightly pole behind his house and he just received the letter from the Planning Department on April 10<sup>th</sup>. He is quite puzzled why this is coming forward for a final vote at this point in time. He is disappointed because this tower is an incredible eyesore and destroys the aesthetic quality of the neighborhood and has the potential for lowering property values. He knows Sheridan Lutheran and Qwest are the only two parties that will benefit. The rest of us suffer reduced visual quality of our neighborhood and possibly reduced property values. For all of us to benefit, this tower must go on public property if it has to go in this neighborhood.

Dahab showed pictures – the screening referred to is actually scrub trees, and the proposed location of the tower is less than 10' from the property line. It is almost in his living room.

Dahab is concerned about interference with radio and public television. He does not have cable. He called an electrical engineering professor at UNL about the radio frequency interference and he was told that the signal is supposed to be on a much higher band frequency and should not interfere with radio and television, but yet it is quite possible that interference might occur.

Dahab urged that this is a project that needs to be in the public domain. He does not think Qwest has explored all alternatives with LPS and he believes it can go on top of the school building.

**2. Carolyn Reifler**, a neighbor to Dahab, testified in opposition. She does not want to look at a tower. As far as the trees for screening, they are all leaf trees so there are only leaves on them in the summer and the rest of the time they will have to look at the tower in the parking lot. They finally

put reflectors to reflect the parking lot lighting away from their homes. Who is to say they are not putting more communications on that tower? This is a residential neighborhood and we don't want any tower in our neighborhood.

**3. Deb Dahab** testified in opposition. She emphasized the correspondence dated February 8<sup>th</sup> from Qwest to the Planning Dept. It talks about the possibility of future collocation. The proposed height is now 68' but the correspondence says it may be required to be higher in the event of collocation in the future. If that happens the tower would then not be as described but would have to be larger and would look less like a light pole. She is not convinced that it will look like the light poles that are already in the parking lot.

### Staff questions

Steward asked whether this specific proposal has gone back through the Urban Design Committee. Dam indicated that it has not. Urban Design only reviews proposals on public property. LES and LPS both requested that Urban Design review proposals on their site. Steward presumes that staff has not been present during the negotiations with LPS. Dam concurred. Since LPS is public property and we have a public concern, Steward inquired whether there is a mechanism or opportunity from one public agency to another to engage or intercede in such negotiations. Rick Peo, City Law Department, does not think the city staff has any ability to mandate LPS to come to any particular conclusion or to agree to any terms. Obviously, the city has the ability to communicate with them and seek their cooperation, but that is just advisory.

Carlson thought there were federal regulations regarding interference. Dam agreed. It is enforced through the Federal Communications Commission (FCC), and she does have a phone number and complaint forms. The city does not enforce this, but by federal law the cellular frequencies are not supposed to interfere with radio and television.

Bayer referred to the picture presented by the neighbors showing a location where "tower" is written on the pavement. Dam clarified that that is not where the tower is going to be located. The pole would have to be located where it is shown on the site plan, which is about 127.2' from the two existing buildings to the east, and almost 68' from the property line.

Bayer commented that a person in the community opposed to towers came to him yesterday and said there was a federal judge in the east who ruled that Planning Commission and government bodies can use aesthetics as reasons to deny an application. Dam believes there have been a couple of cases on that and she will provide the information to the Commission.

### Response by the Applicant

Bazzell advised with regard to the markings on the pavement. When Qwest goes through site selection, their real estate consultant works with the landlord and they chose the site marked on the ground; however, Qwest then did a site walk and determined that it was too close to the residential properties. The specific location of the pole was then moved more internal to the site. The spray

paint has not been removed. This tower will be located in the same place as an existing light pole. She referred to a similar light pole replacement done at Indian Hills Church; however, this one will be 2' shorter.

With regard to decrease in residential property values, Bazzell stated that there has never been any proof that cell towers decrease property values. The tower is proposed at 68' in height.

With regard to the February 8th letter, Bazzell advised that when Qwest submits an application, they are typically required to go taller for future collocation. We are simply stating that the pictures submitted will not be what we would put in – it would be 85' and bigger in diameter to support the weight of another carrier. We wanted to make the fact known. Bayer clarified with Bazzell that this is an application for 68' only – if someone wanted to collocate, could you add 17' to the top of the tower? Bazzell stated that additional height would require another permit. If someone wanted to collocate below the 68', that could be done administratively—above 68' has to come back for another public hearing.

Dam further clarified that the ordinance requires that towers under 100' be constructed to accommodate collocation. At 68' it is unlikely that someone would collocate on it. In other places we have required higher towers and structures, but given the proximity of the residences east of this tower and the way the Indian Hills tower worked so nicely, we left the approval specifically at 68'.

Steward asked whether the original proposal on the school property would have been accepted by the staff. Dam indicated that it would not. The original location proposed was on the parking lot on 40<sup>th</sup> Street on the school property. The staff would have urged a different location to minimize the impacts. It is possible that there is another location on the school property that might be acceptable but that is not before us. LPS felt strongly that more internal sites would affect future use of the school grounds.

With regard to the rents collected from public property locations, Carlson asked whether those rents are targeted to specific areas of the budget. Dam stated that the rent would go to the school. None of that goes to the City.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 18, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn.

Carlson's preference would be to use something on the school property. We want these to blend in. Tower locations on church steeples should be explored. If there is no camouflage opportunity, then the second consideration is distance. We do have distance as an option and that should be explored. The public should shoulder the aesthetic burden and share in the financial gains.

Steward is not convinced that the public schools have allowed a complete and full expiration of other potentials for this location. Until he can be convinced that there has been open and



cooperative evaluation of other potential operative sites that would satisfy the vendor, he can't support this because we have spent so much time on criteria for location and on the aesthetics and it's all in the public interest. If we have a public institution in this city that is not engaged in that process, then we need to do something about the engagement. He wonders how many people on the public school grounds use cell phones.

Bayer's concern is that we are punishing the applicant because our school system isn't willing to be responsive. He has a difficult time with that.

Motion for conditional approval carried 5-3: Krieser, Schwinn, Taylor, Duvall and Bayer voting 'yes'; Carlson, Steward and Newman voting 'no'; Hunter absent.

Note: This is final action unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Special Permit #1903**  
**Qwest Wireless**  
**S 37th & Sheridan Blvd.**

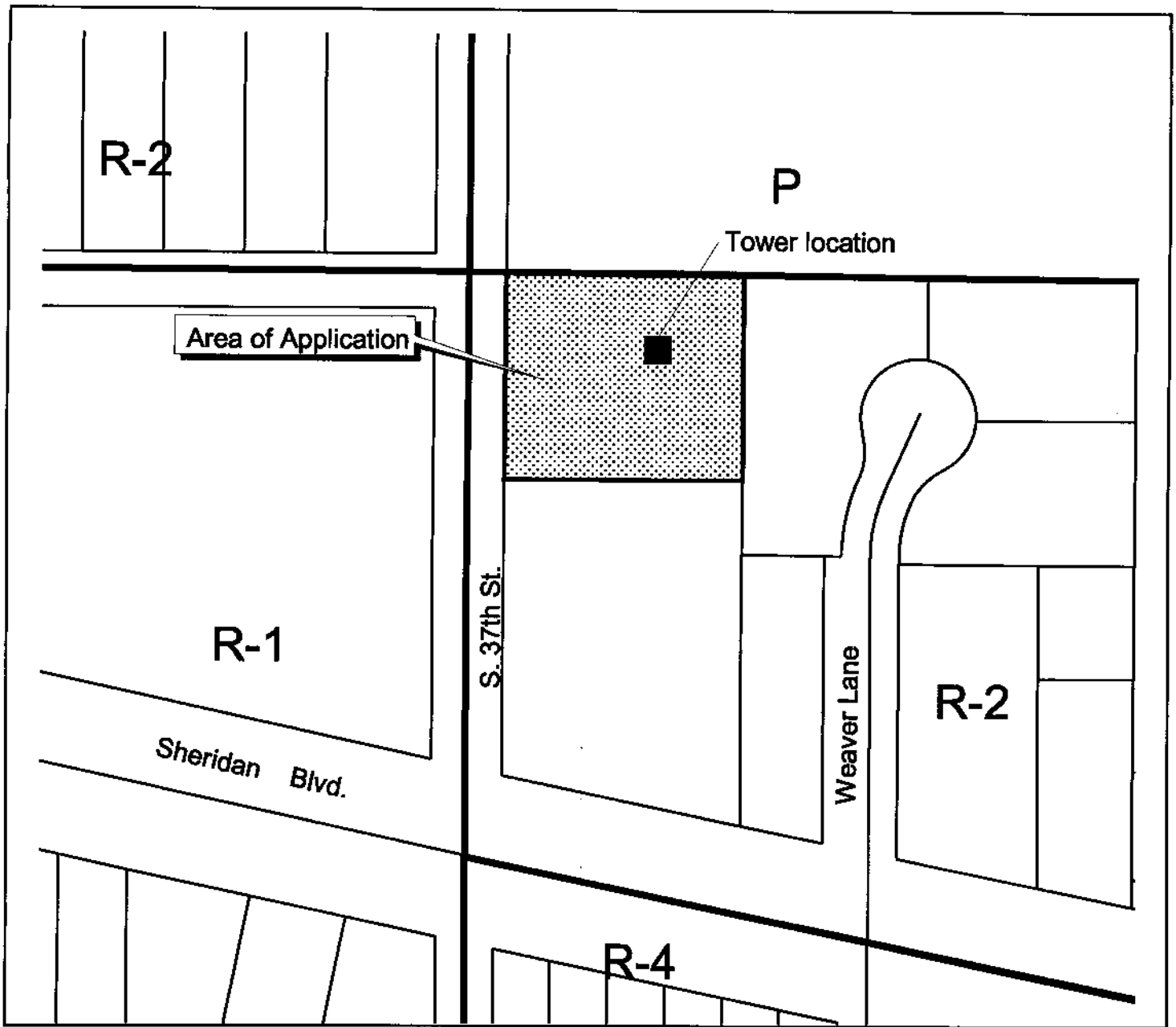


Sheet 1 of 2

Date: \_\_\_\_\_

Photograph Date: 1997 018

Lincoln City - Lancaster County Planning Dept.

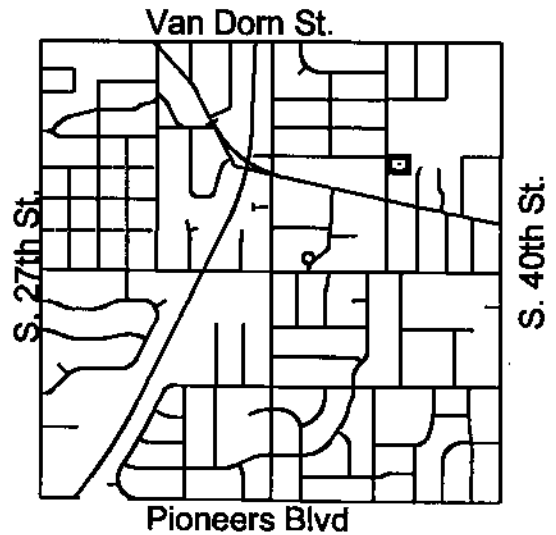
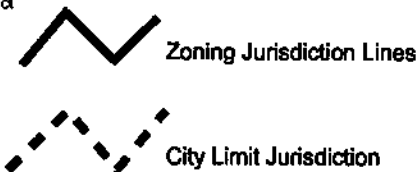


**Special Permit #1903**  
**Qwest Wireless**  
**S 37th & Sheridan Blvd.**

**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
- E-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 6 T9N R7E



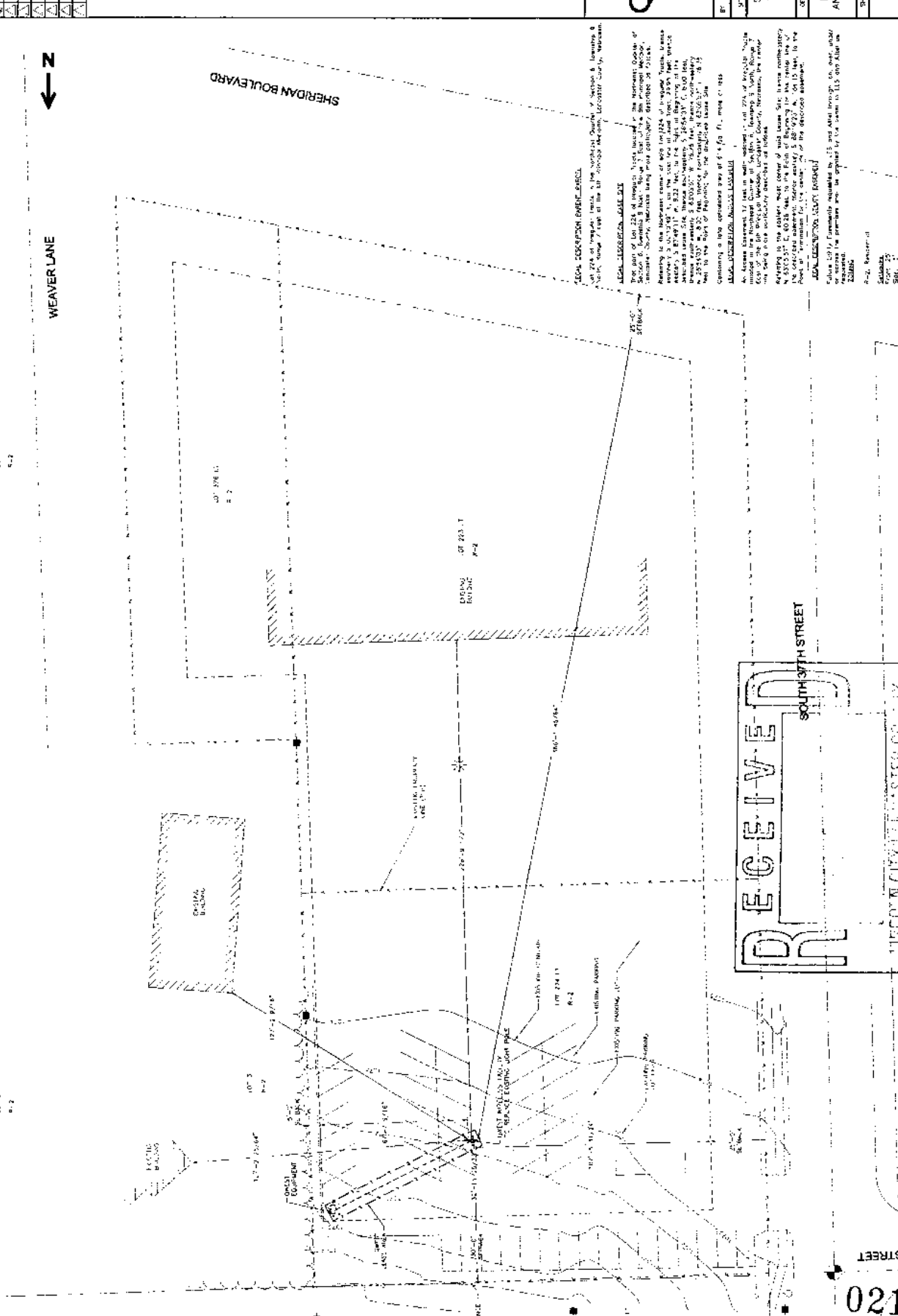
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REV	DATE	DESCRIPTION	BY	CHECKED
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2				
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WEAVER LANE  
← Z

SHERIDAN BOULEVARD



RF - S-K    080    W/L  
 SITE INFORMATION  
 SHERIDAN LUTHERAN CHURCH  
 3700 SHERIDAN BOULEVARD  
 LENOIR, IN  
 LIN-023

STRUCTURE  
 METAL POLE MOUNTED  
 ANTENNAS AND OUTGATOR  
 EQUIPMENT

ENLARGED SITE PLAN  
 & DETAILS

SHEET NUMBER  
**Z-3**  
 0



Scale: Vertical = 1" = 20'  
 Horizontal = 1" = 30'

ENLARGED SITE PLAN  
 SCALE: 1/4" = 10'-0"

**RECEIVE**  
 SOUTH 37TH STREET

LINCOLN CITY, LINCOLN COUNTY  
 PLANNING AND DEVELOPMENT DEPARTMENT

021

10' 12" 1/4"

**LEGAL DESCRIPTION EMERALD HILLS**  
 All that part of the East 1/4 of the North 1/4 of Section 8, Township 6 North, Range 7 East of the 1st Range Meridian, Lincoln County, Missouri.

**LEGAL DESCRIPTION ASHLEY BLVD**  
 All that part of the East 1/4 of the North 1/4 of Section 8, Township 6 North, Range 7 East of the 1st Range Meridian, Lincoln County, Missouri.

**LEGAL DESCRIPTION SHERIDAN BOULEVARD**  
 All that part of the East 1/4 of the North 1/4 of Section 8, Township 6 North, Range 7 East of the 1st Range Meridian, Lincoln County, Missouri.

**STANDARD STRUCTURAL STEEL NOTES**

1. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
2. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
3. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
4. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
5. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.

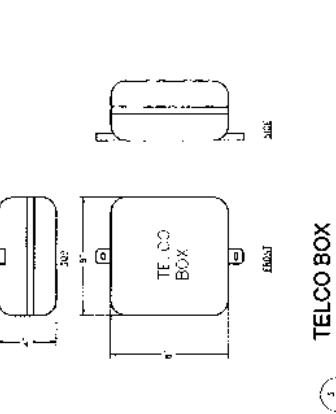
**STRUCTURAL STEEL NOTES**

1. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
2. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
3. ALL WELDED JOINTS SHALL BE WELDED WITH THE SPECIFICATION INDICATED.
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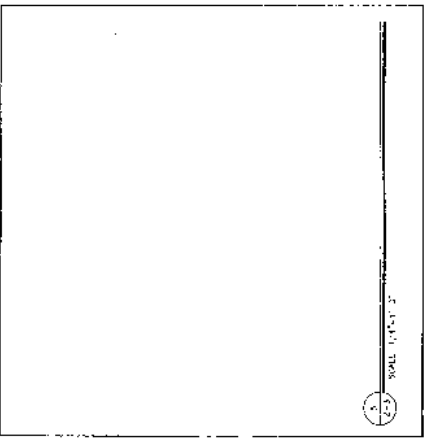
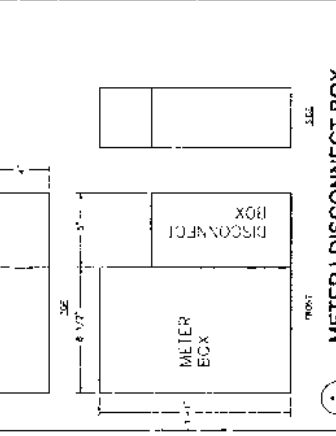
**SITE WORK NOTES**

1. ALL WORK SHALL BE AS INDICATED ON THE DRAWINGS AND SPECIFICATIONS IN THE SPECIFICATIONS.
2. ALL WORK SHALL BE AS INDICATED ON THE DRAWINGS AND SPECIFICATIONS IN THE SPECIFICATIONS.
3. ALL WORK SHALL BE AS INDICATED ON THE DRAWINGS AND SPECIFICATIONS IN THE SPECIFICATIONS.
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8. ALL WORK SHALL BE AS INDICATED ON THE DRAWINGS AND SPECIFICATIONS IN THE SPECIFICATIONS.

**TELCO BOX**



**METER DISCONNECT BOX**



**RECEIVED**

PLANNING & ZONING DEPARTMENT

022

ENLARGED SITE PLAN

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

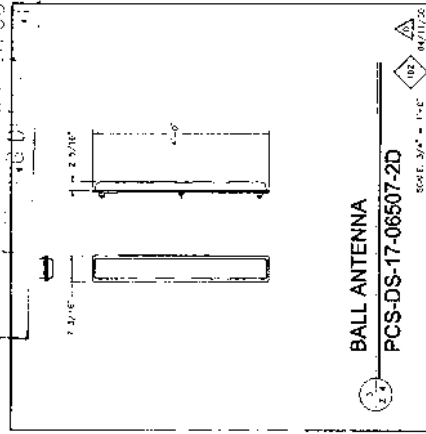


BY: P. J. K.	CHK: C. M. G.	APP: M. P. L.
SITE INFORMATION:		
SHERIDAN UNITED CHURCH		
3100 SHERIDAN AVENUE		
LINCOLN, NE		
L.I.N. 0223		
SHEET TYPE:		
METAL POLE MOUNTED		
ANTENNAS AND OUTDOOR		
EQUIPMENT		
SHEETING:		
ENLARGED SITE PLAN		
& DETAILS		
SHEET NUMBER:	REV:	DATE:
Z-4	0	

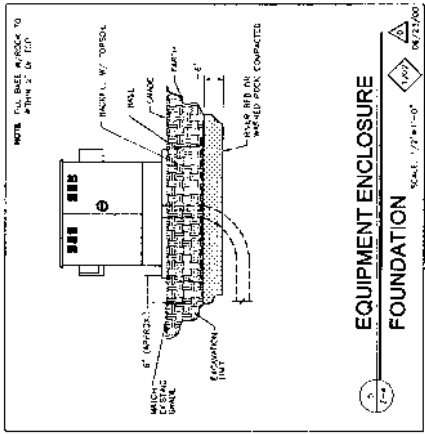
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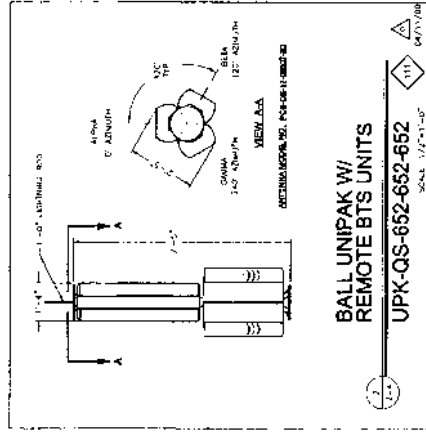
NO.	DATE	BY	REVISIONS



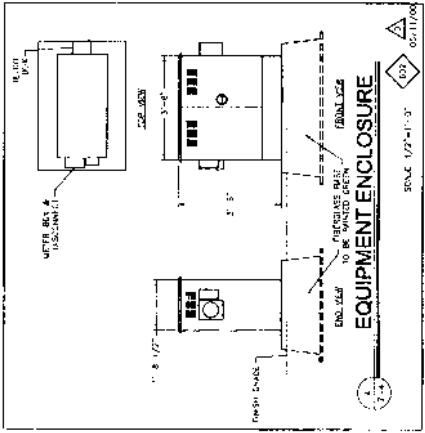
**BALL ANTENNA**  
PCS-DS-17-06507-2D  
SCALE: 3/4\"/>



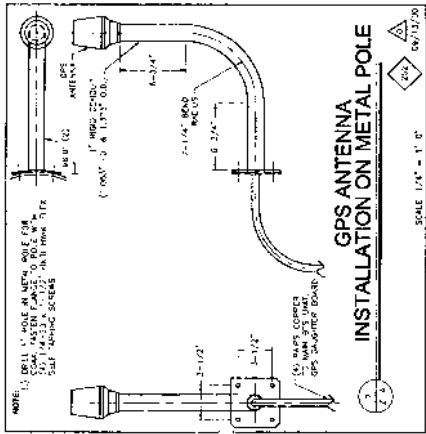
**EQUIPMENT ENCLOSURE FOUNDATION**  
SCALE: 1/2\"/>



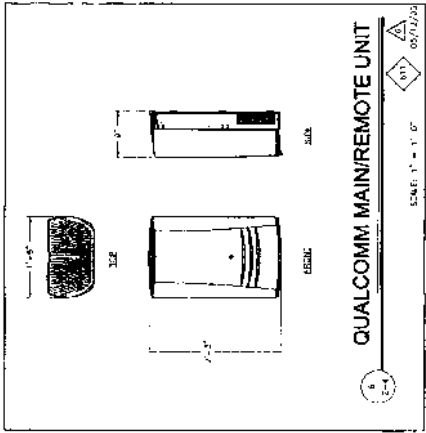
**BALL UNIPAK W/ REMOTE BTS UNITS**  
UPK-QS-652-682-652  
SCALE: 1/2\"/>



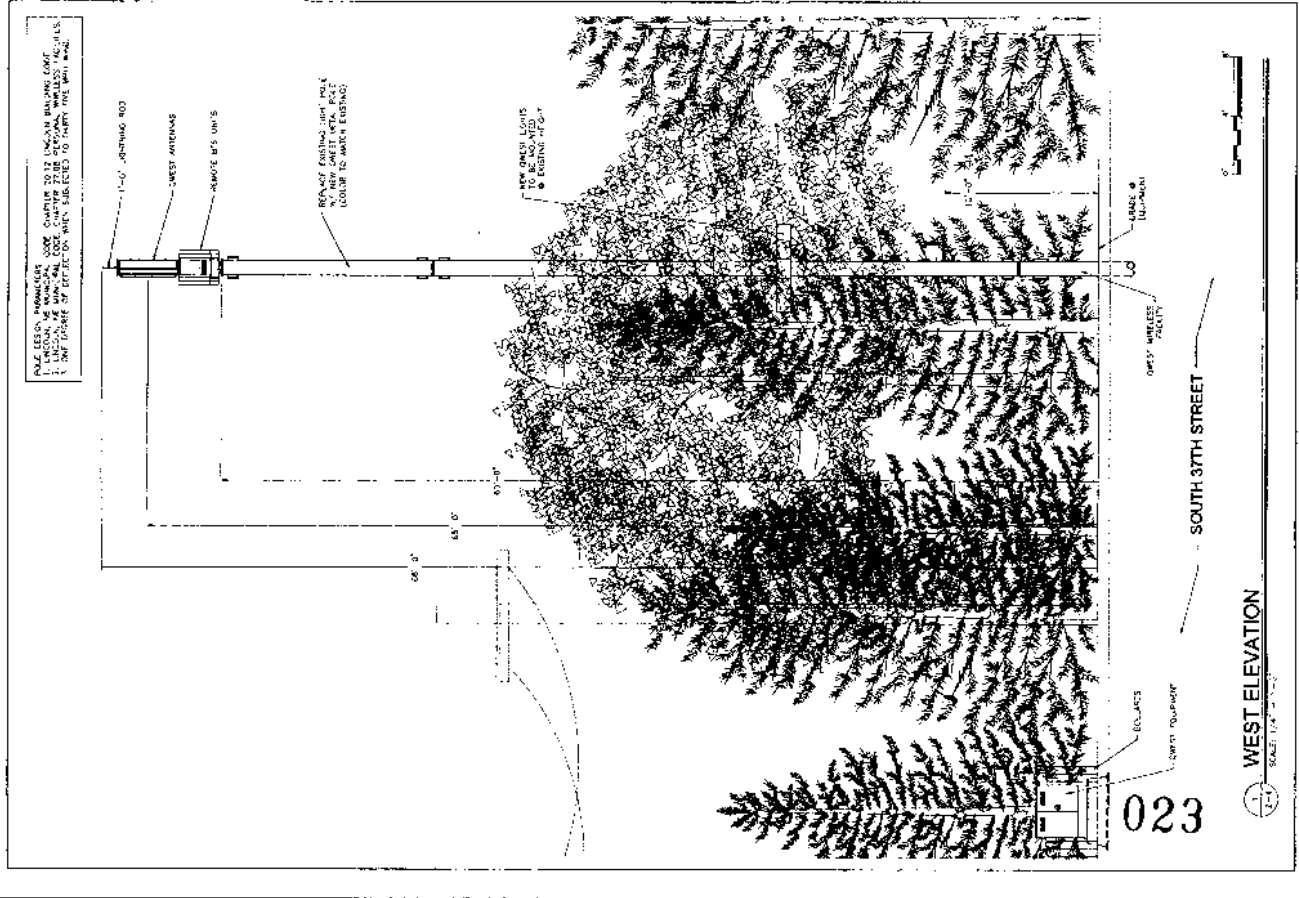
**EQUIPMENT ENCLOSURE**  
SCALE: 1/2\"/>



**GPS ANTENNA INSTALLATION ON METAL POLE**  
SCALE: 1/4\"/>

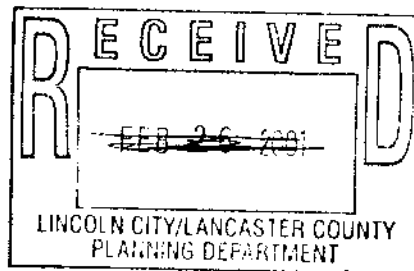


**QUALCOMM MAIN/REMOTE UNIT**  
SCALE: 1\"/>



**Qwest Wireless**

SITE INFORMATION: SUPERIOR COMMUNICATIONS CENTER, 1100 S. LINCOLN, LINCOLN, NE 68502-1979  
 LINK-023  
 METAL POLE MOUNTED ANTENNAS AND OUTDOOR EQUIPMENT  
 ELEVATION & DETAILS  
 SHEET NUMBER: Z-5  
 REV: 0



February 8, 2001

City of Lincoln  
Jennifer Dam  
555 S. 10<sup>th</sup> Street, STE 213  
Lincoln, NE 68508

RE: Sheridan Luthern Church, 3700 Sheridan Blvd. – LIN023B

Dear Ms. Dam:

The following is the Personal Wireless Service Facilities Application Requirements as per your request.

- The record owner is enclosed in the "Property Owner."
- The statement of permission is enclosed.
- The type of site we are proposing is a stealth application, a light pole installation.
- The Metes and Bounds description has been enclosed in the drawing package.
- The Plot Plan has been enclosed.
- There are digital photographs, some representative of sight lines, enclosed.
- The Site Elevation has been enclosed in the drawing package.
- Before and after photographs have been enclosed.
- Landscaping is not required on stealth applications.
- This site is zoned R-2, and is not a preferred site; However, Section 27.17.040, Permitted Special Uses, (h) Broadcast Towers, are allowed if a Special Use Permit is obtained. Other Preferred sites in the area were researched and were ruled out for various reasons (see the enclosed "RF/RE Explanations.") How and why the proposed site meets our coverage objective is also included in the "RF Explanations." The distance between the proposed light pole replacement and the nearest residentially zoned area is 0', since the church is zoned residential.
- Equipment information has been enclosed.
- A colors and material brochure has been enclosed.
- The tower will be black to match the existing light poles. The equipment box will be a neutral green. There will be bollards placed around the base of the equipment as a barrier.
- Since this is a light pole installation, there will be minimal adverse effects on adjacent property. We will only need a height of 68', but may be required to go higher for future co-location. We are proposing the antennas to be at the top of the tower, looking similar to a "Top Hat." This design is very small and stealthy, compared to other providers installations, and minimizes the adverse visual impact on adjacent properties while providing Qwest the coverage needed in the area. If we have to make the tower taller for future co-location, the antennas would then hug the tower, and look different than renderings submitted with this application. The design of the pole will be a slender design, to look like a light pole. If the pole is made taller for colocation, the same slender pole cannot be used. A larger diameter



pole has to be used to hold our equipment along with the larger equipment of another carrier.

- The inspection and maintenance of the equipment will be performed by field engineers who follow a regular routine for inspection, usually in four- to six-week cycles. They also perform regular service internally with the appropriate software. Major problems, while considered to be infrequent, will be attended by backup arrangements prepared to treat each problem according to the characteristics of the problem.
- Copies of Environmental Documents have been enclosed labeled as Environmental I & II Documents
- All sites are screened for FAA requirements; and for any site requiring FAA registration, its approval will be provided at the time of obtaining a building permit. A letter has been enclosed summarizing the screening result, namely that it is in compliance with FAA regulations, along with backup data from the screening program.
- All sites are structurally built to meet the requirements of Lincoln's Ordinance Section 27.68.110 (6)(d), however, since this site is a stealth application, it would have the least amount of impact on the surrounding areas if it were not made co-locatable. The installation is designed to withstand 100 m.p.h. winds, and is included in the "Equipment Information." A statement of co-location has been included under "Permission/Co-location".
- The RF Systems Engineer has enclosed an explanation, from a technical standpoint, why it is necessary to have a tower within ½ mile of any other tower.
- The inspection and maintenance program will follow the EIA Maintenance List, which has been enclosed.
- Upon completion of the city approval process and at the time of obtaining a building permit, the following items will be recorded at the Register of Deeds: A Memorandum of Agreement with the property owner along with any access or utility easements. These items are not filed at this time in order to avoid encumbering the landowner's title prematurely.
- A Performance Bond in the amount of \$35,000.00 has been included as surety for the facilities located at 3700 Sheridan Blvd., Lincoln, Nebraska 68506, the address of this application.
- The Applicant understands that the Lincoln Ordinance, by which this application is reviewed and approved, also contains indemnity documentation that establishes an agreement between the Applicant and the City of Lincoln, as a condition of this application's approval according to the Ordinance.

This should be all the information as required by the checklist. If you have any questions, please feel free to contact me on my mobile at (402) 290-6533.

Thank you,



Jill Bazzell  
Real Estate Consultant  
Qwest Wireless, L.L.C.

Reason why Southeast High School, a preferred location, is not legally feasible.

We have been working with various members of Lancaster Public Schools in an attempt to lease ground space on school property for the purpose of installing wireless facilities since November 1999. To date, we have not been successful in this endeavor. The following is a timeline detailing our efforts.

- November 1999 ➤ Qwest Wireless began lease negotiations with the Lincoln Public Schools (LPS) for a proposed cell site at Southeast High School.
- January 2000 ➤ Qwest Wireless met with the Lincoln Public Schools on three different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- February 2000 ➤ Qwest Wireless met with the Lincoln Public Schools on two different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- March 2000 ➤ Qwest Wireless met with the Lincoln Public Schools on eight different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- April 2000 ➤ Qwest Wireless met with the Lincoln Public Schools on five different occasions in an effort to come to an agreement for the proposed cell site at Southeast High School.
- October, 2000 ➤ Qwest Wireless went to Urban Design for approval of the proposed cell site at Southeast School, but the application was denied because Urban Design recommended a site more internal to Southeast High campus, away from 40th Street and residences, which is not where LPS wanted it.
- November & December 2000 ➤ Qwest Wireless continued to work with LPS to try and come to a mutually acceptable lease and site location, but was unable to.
- January 17, 2001 ➤ Qwest Wireless formally pulls all applications with the Lincoln Public Schools.

As you can see, after much time and effort, a lease agreement and site location that was acceptable to all parties was unattainable. We then had to find an alternate location.

Sent To: Jennifer 03-05-01  
From: Bruce A. Fischer, Bldg & Safety  
Reviewed By: King Little

Building Permit No.: SP1903

QWest Wireless new monopole @ Sheridan Luthern Church

March 5, 2001

Status: Denied

Comments:

1. Please provide structural engineering calculations for both the monopole as well as the pier for it's foundation, sealed by a Ne. P.E.

Sent To: denifer 03-05-01  
From: Bruce A. Fischer, Bldg & Safety  
Reviewed By: King Little

Building Permit No.: SP1903

QWest Wireless new monopole @ Sheridan Luthern Church

March 5, 2001

Status: Denied

Comments:

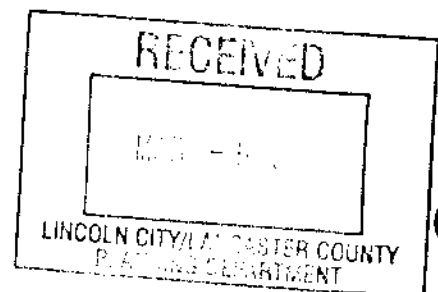
1. Please provide structural engineering calculations for both the monopole as well as the pier for it's foundation, sealed by a Ne. P.E.

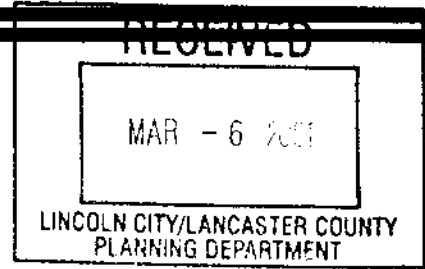
# Memorandum



**To:** Jennifer Dam, Planning Department  
**From:** Gary Lacy, Public Works and Utilities *ALL*  
**Subject:** Special Permit #1903, 3700 Sheridan Blvd., Qwest Wireless  
**Date:** March 1<sup>st</sup>, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Permit #1903, 3700 Sheridan Blvd. Public Works has no objections to this request.





March 2, 2001

Ms. Jennifer Dam  
Planning Department  
555 South 10<sup>th</sup> Street, #213  
Lincoln, NE 68508

RE: Special Permit – #1903

Ms. Dam:

The Lincoln Airport Authority is not opposed, based upon information provided, to the proposed structure as specified in the material provided.

Thank you for the notice. Please call if you have any questions.

Sincerely,  
AIRPORT AUTHORITY

A handwritten signature in black ink, appearing to read "Robert P. McNally". The signature is fluid and cursive, written over the printed name.

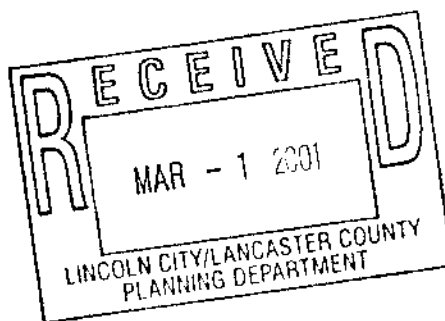
Robert P. McNally  
Deputy Director, Operations

# Memorandum

**To:** Jennifer Dam, Planning  
**From:** Rachel Martin, Parks and Recreation  
**Date:** March 1, 2001  
**Re:** 3700 Sheridan Blvd.

Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions.





Jennifer L Dam

03/08/2001 11:06  
AM

To: Planning\_Landuse1  
cc: jbazzel@uswest.com  
Subject: SP1903 Qwest tower at Sheridan Luthern off agenda

SP 1903 is for the agenda. The applicant did not provide coverage objectives (or RF explanation) or an explanation of why other "limited preference sites" were not available. Additionally, the "signature/permission" of property owner does not provide information regarding the position the people signed hold in the church giving them the ability to sign for the church.





**Sheridan Lutheran Church**

3700 Sheridan Boulevard

Lincoln, NE 68506

Fax: 402-483-5334

Phone: 402-483-4577

E-mail: [sheridan@alltel.net](mailto:sheridan@alltel.net)

DATE: March 21, 2001

TO: City of Lincoln

FROM: Pastor Larry Arganbright

A handwritten signature in black ink, appearing to read "Pastor Larry Arganbright".

Keith Plummer, Lenora Hanna, and Dennis Burson are authorized to negotiate with QWEST for a site lease at Sheridan Lutheran Church, 3700 Sheridan Blvd. If you have any questions, please contact me.



Qwest Wireless, LLC  
910 North 43<sup>rd</sup> Ave.  
2<sup>nd</sup> Floor  
Omaha, NE 68131

Corby Dill  
RF Systems Engineer  
Office: 402/566-8287  
PCS: 402/520-0030  
Fax: 402/566-9992  
Email: cdill@uswest.com

March 21, 2001

**RF Report for LIN023 (3700 Sheridan Blvd.)**

1. **Coverage Objective:** This site is designed to cover an area bordered by 33<sup>rd</sup> Street on the west, and 48<sup>th</sup> Street on the east. It should also cover from Normal Blvd on the north to Pioneers Blvd to the south.
2. **Alternate Locations**
  - A. *There are no alternate locations ruled out for RF reasons within a half mile of this location.*
3. **Advantages of chosen location**
  - A. *The chosen site meets all coverage objectives within the coverage area, without causing undue interference in other areas of Lincoln.*
4. **Conclusion**
  - A. **The site at 3700 Sheridan Blvd is the best site to achieve engineering coverage objectives in this area.**