

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Special Permit #1979

DATE: July 10, 2002

PROPOSAL Burlington Railroad is proposing a 143' tall broadcast tower to accommodate antennas for its private microwave communications system.

WAIVER REQUEST: The applicant is seeking a waiver to the landscaping design standard.

CONCLUSION: This request is located in the industrial corridor running parallel to and south of West O Street, a corridor in which the predominant land use is railroad facilities. The proposed tower is consistent with the existing development and land use pattern in this area, and given the existing development the waiver to the landscaping design standard is appropriate. If the waiver is approved, this request meets the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Special Permit: Waiver to Landscaping:	Conditional Approval Approve
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GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 109 I.T. located in the NW 1/4 of Section 27, T10N, R7E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: Southwest of the intersection of Northwest Roundhouse Drive and West O Street.

**APPLICANT/
OWNER** Chicago, Burlington and Quincy Railroad Company
4515 Kansas Avenue
Kansas City, MO 66106

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 457-5987

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Railroad Yard

SURROUNDING LAND USE AND ZONING:

North	Commercial, Industrial	I-1
South	Industrial, Vacant	I-1
East	Industrial	I-1
West	Industrial	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan's Land Use Plan designates industrial land uses in this area. The following general principle is applicable:

1. **Page F40** General Principles for all Commercial and Industrial Uses - Compatible with existing or planned residential uses.

ANALYSIS

OVERVIEW:

The Railroad is proposing to erect a 143' broadcast tower to support microwave antennas that are used to communicate with other railroad facilities in the area and with passing trains. It is not a wireless facility for cellular or personal communications services. A waiver to the Landscaping Design Standard for Broadcast Towers has also been requested.

While a distinction is made between this tower which is being built for private microwave antennas to support railroad operations and those built to support cellular telephone and PCS antennas, LMC Section 27.63.150 requires that the request be reviewed using Chapter 27.68 (Personal Wireless Facilities) for the purpose of zoning review. The review using those criteria follows.

STANDARDS FOR EVALUATION:

Conformity with the Comprehensive Plan.

1. This request is compatible with principles that seek to preserve neighborhood character while minimizing intrusion as much as possible. Additionally, this broadcast tower will help provide additional infrastructure to support an existing industry with minimal impact upon surrounding properties.

Preference of site location in accordance with Chapter 27.68.080.

2. This application is considered a Preferred Location Site under Lincoln Municipal Code (LMC) Section 27.68.080(a)(4) - a site located on a commercially or industrially zoned property.

Compatibility with abutting property and land uses.

3. This request is located in the industrial corridor south of West O Street, where the most prominent use is the rail yard and associated rail lines. The large area of the rail yard acts a buffer to the the nearest developed properties, which are located along West O Street (these are commercial and industrial uses). To the south, east and west of the proposed tower site is the rail yard proper. Existing development reflects land uses that historically have been deemed compatible with the railroad, uses that are also compatible with the proposed broadcast tower.

Adverse impacts such as visual, environmental or noise impacts.

4. A waiver to the Design Standard for Landscaping for Broadcast Towers is requested due to the proposed location of the tower within the rail yard. Given the nature of the surrounding industrial development in this area, there is no need for screening and a waiver to the landscaping is appropriate.

Availability of suitable existing structures for antenna mounting.

5. There are no suitable existing structures in this area to accommodate the necessary antennas.

Scale of facility in relation to surrounding land uses.

6. There are lights throughout the yard that are approximately 100' in height. Additionally, there is a water tower northwest of the site in excess of 100' in height.

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. The proposed tower site is located within a capitol view corridor. This application was reviewed by the Capitol Environs Commission with a finding of 'Little or No Adverse Impact'. The report from Ed Zimmer for the Capitol Environs Commission is included as an attachment. Also included is a copy of Figure 62 - Capitol View Corridors from the 1994 Comprehensive Plan. This map is based upon the 1977 Urban Design Plan for Nebraska Capitol Environs, and by reference is included in the 2025 Comprehensive Plan.

Color and finish.

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

Ability to collocate.

9. The tower is designed to accommodate only those antennas needed for railroad operations and is not designed to accommodate collocation.

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

10. The proposed site is in the middle of major rail yard and screening is not necessary.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. The proposed site is a Preferred Location Site.

CONDITIONS

Site Specific:

1. This approval permits a 143 foot tall broadcast tower with a waiver to the design standard for landscaping for broadcast towers consistent with the plans submitted.

General:

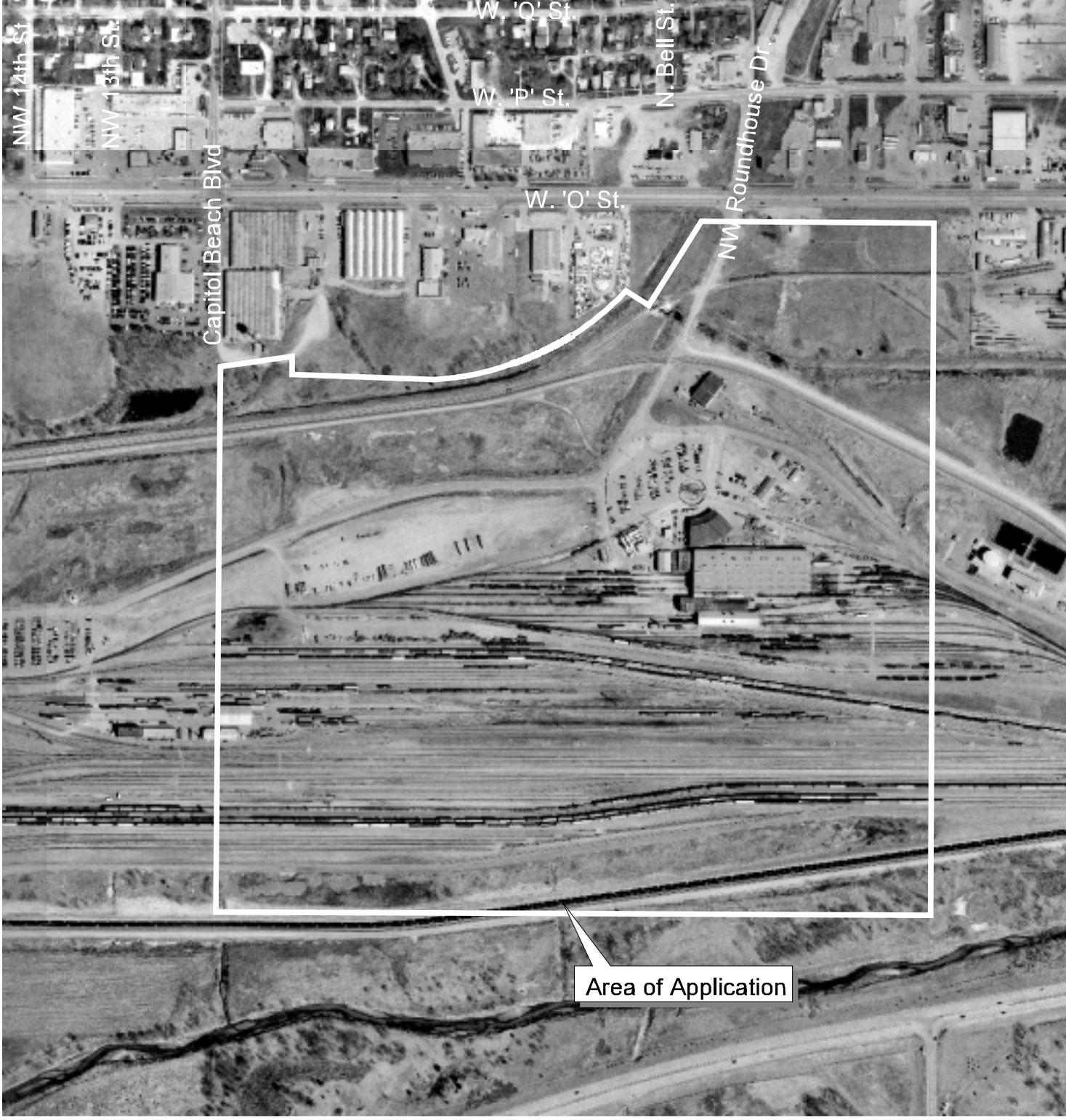
2. Before receiving building permits:
 - 2.1 The permittee shall have submitted 5 additional copies of the plans and the plans are acceptable.
 - 2.2 The construction plans shall comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 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.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 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, AICP
Planner

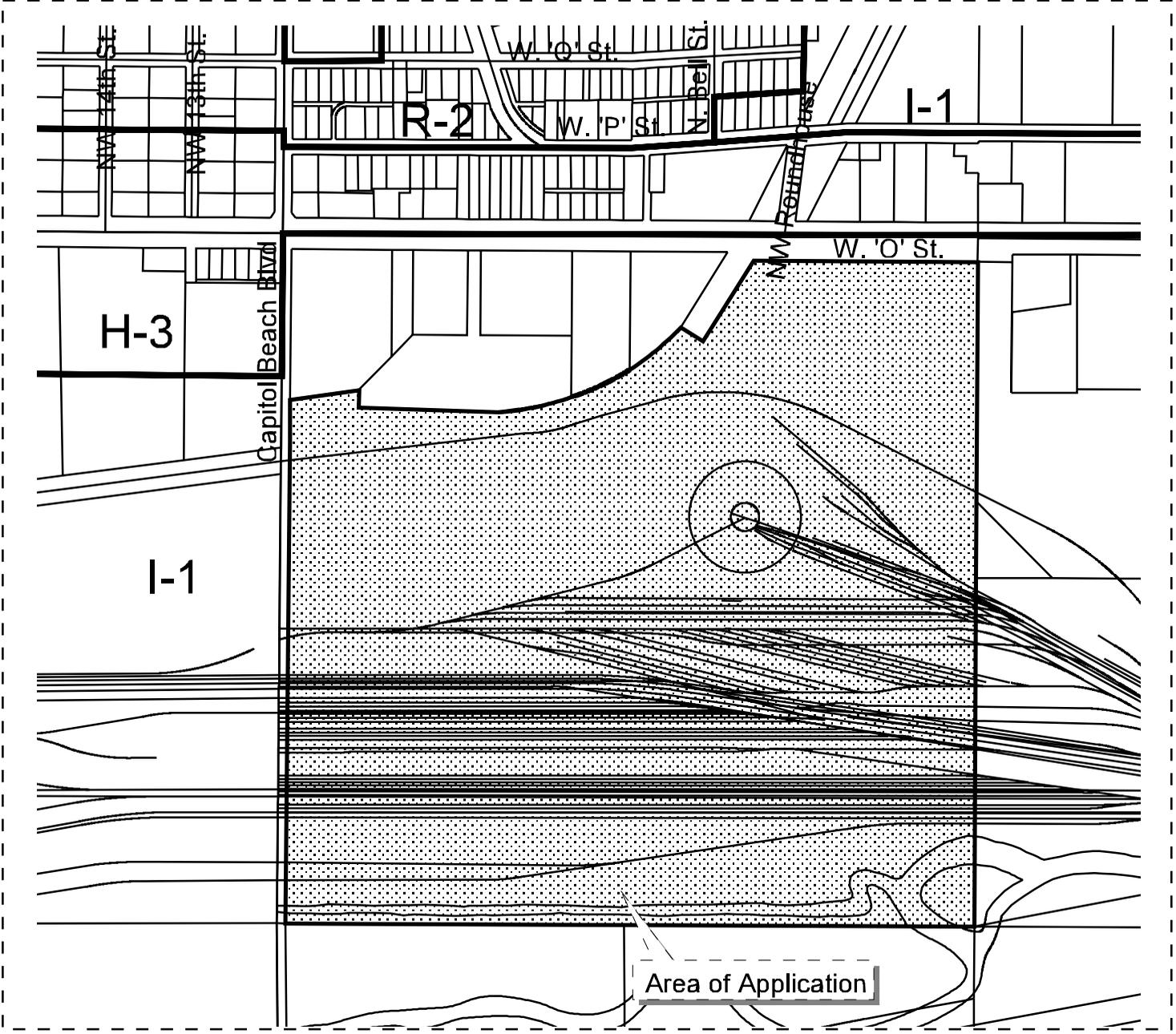


**Special Permit #1979
SW 12th & W. 'O' St.
Broadcast Tower**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

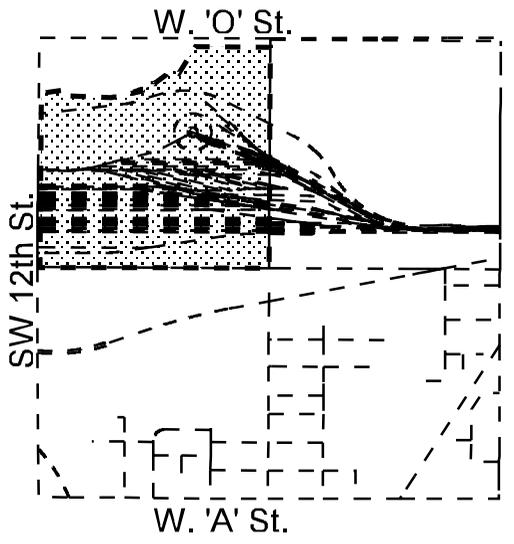


Special Permit #1979
SW 12th & W. 'O' St.
Broadcast Tower

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. 27 T10N R6E



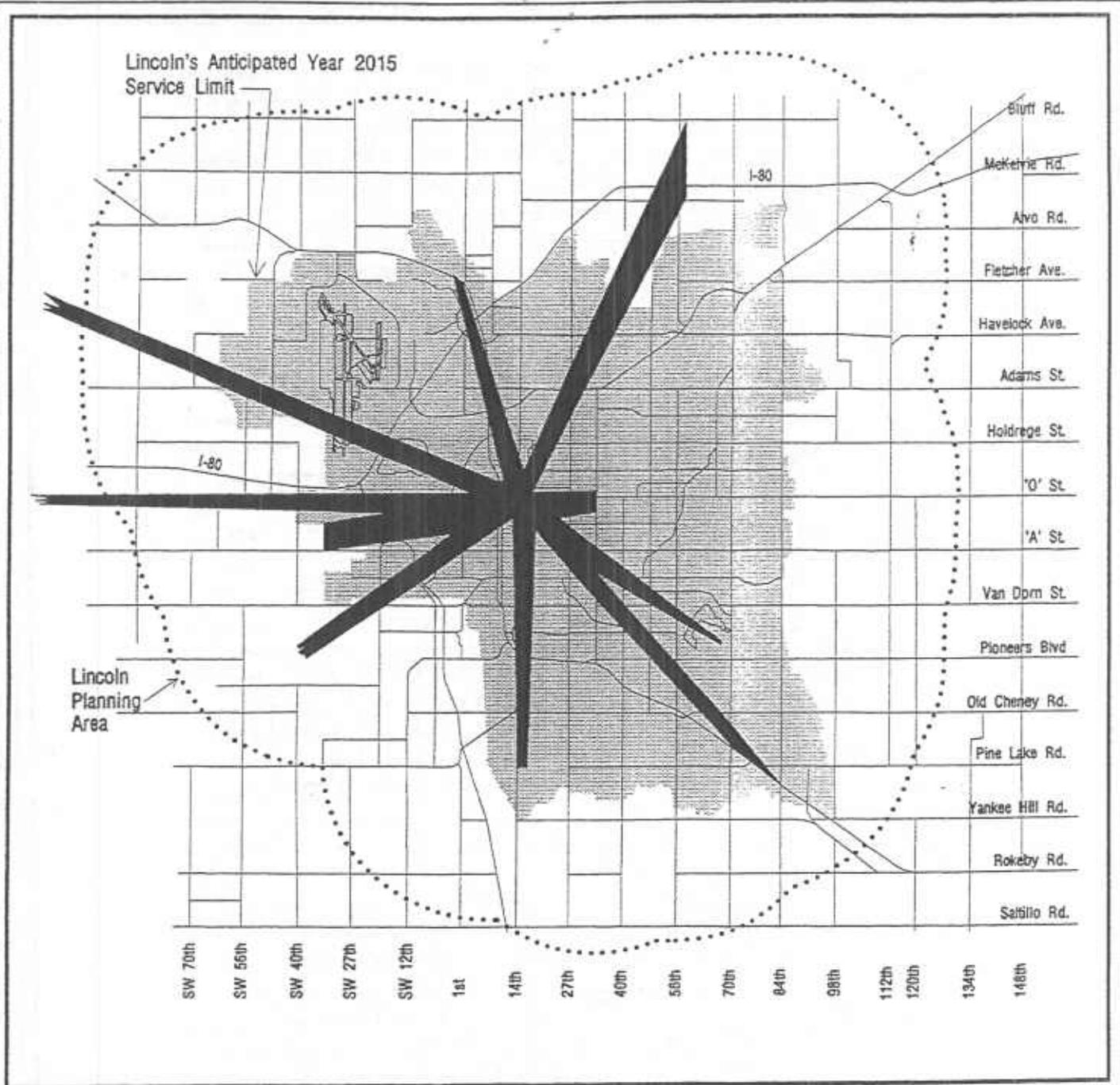
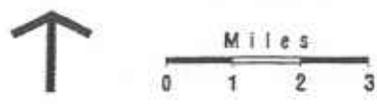


Figure 62
Capitol View Corridors:
City Perspective



**Lincoln City/Lancaster County
 Comprehensive Plan**

 Capitol View Corridor

BNSF MICROWAVE TOWER

SPECIAL PERMIT SITE PLAN

ENGINEER & PREPARER

OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE. 68501
PHONE: 474-6311

OWNER & DEVELOPER

BNSF RAILROAD
MR. ROB STROMMEN
4515 KANSAS AVE.
KANSAS CITY, KS 66106
PHONE: (913)551-4616

LEGAL DESCRIPTION

LOT 109 I.T. LOCATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M. CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

MAY 01, 2002

WAIVERS

1. REQUIREMENT FOR REQUIRED LANDSCAPING AROUND THE MICROWAVE TOWER FENCE ENCLOSURE.
2. REQUIRED HEIGHT OF 75' MAXIMUM HEIGHT FOR BROADCAST TOWERS IN THIS ZONING DISTRICT. THIS TOWER WILL BE 143' ABOVE EXISTING GRADE.

GENERAL NOTES

1. THE SURVEY BASE MAP WAS PREPARED AND PROVIDED BY BNSF RAILROAD.

APPROVAL

THE FOREGOING SPECIAL PERMIT #1939A WAS APPROVED BY THE CITY COUNCIL
RESOLUTION # _____ ON THIS _____ DAY OF _____ 20__

ATTEST: _____
CITY CLERK

PROFESSIONAL ARCHITECT'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

5/29/02
DATE

Stephen L. Clymer
STEPHEN L. CLYMER

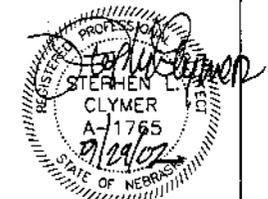
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PRELIMINARY PLAT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

May 29th 2002
DATE

Michael R. Johnson
MICHAEL R. JOHNSON, L.S. NO. 526

OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SURVEYORS - ARCHITECTS
1111 LINCOLN MALL - LINCOLN, NEBRASKA 68501
402-474-6311 - FAX 402-474-6310
LINCOLN, NEBRASKA GRAND ISLAND, NEBRASKA OMAHA, NEBRASKA



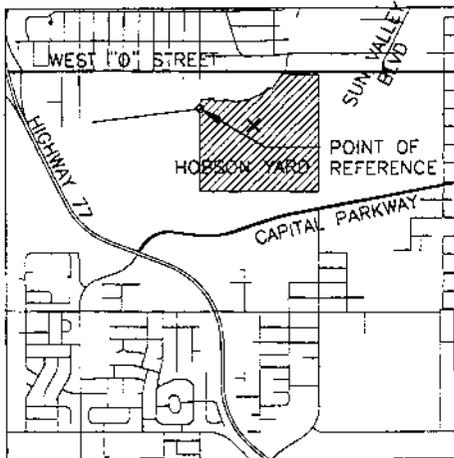
COVER PLAN
BNSF MICROWAVE TOWER
SPECIAL PERMIT
LINCOLN, NEBRASKA 2002

Checked by: TWH
approved by: SLC
QA/QC by: SLC
project no.: 02-0346
drawing no.: 200105
1st submitto: 5/29/02

MAY 30 2002

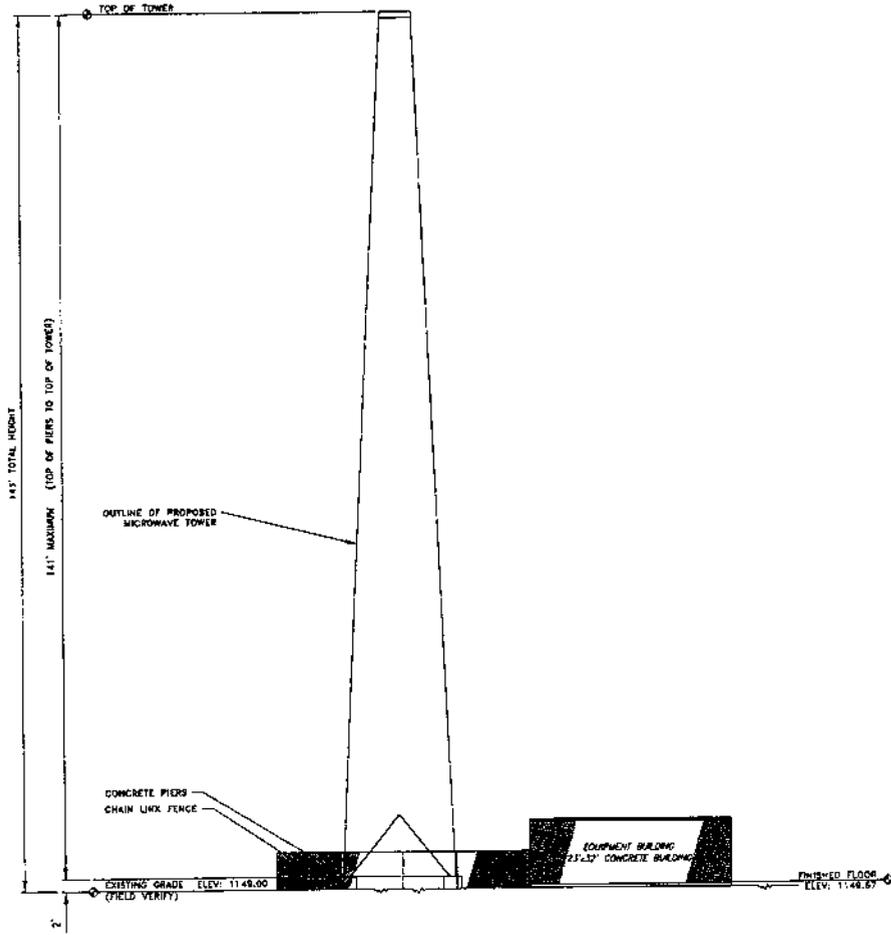
SHEET
1 OF 4

VICINITY MAP

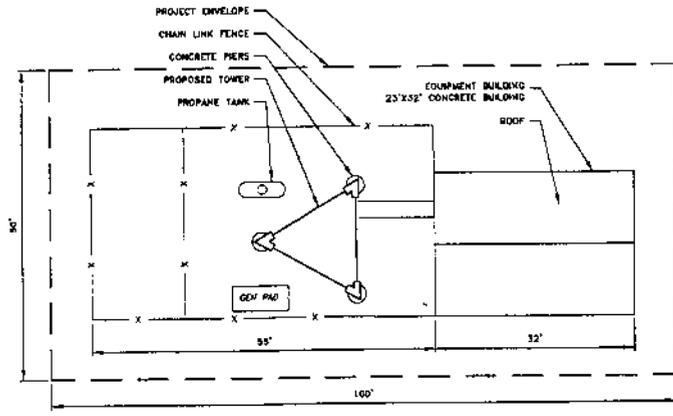


DATE PLOTTED: 05/29/02 10:00 AM

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ELEVATION - TOWER & BUILDING
 SCALE: 1" = 20'



PLAN VIEW - TOWER & BUILDING
 SCALE: 1" = 20'


OLSSON ASSOCIATES
 ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS
 1111 GARDNER AVENUE - SUITE 200 - LINCOLN, NEBRASKA 68502
 402-474-4311 - FAX 402-474-8440
 LINCOLN OMAHA GRAND ISLAND HELLSPRING
 HAWARD CITY PLOMBOUR DENVER

LINCOLN CITY/ANGASTER COMMUNITY PLANNING DEPARTMENT
 MAY 30 2002

ELEVATION & PLAN OF TOWER & BUILDING
BNSF MICROWAVE TOWER SPECIAL PERMIT
LINCOLN, NEBRASKA 2002

drawn by: TWH
 checked by: SLC
 approved by: SLC
 QA/QC by: SLC
 project no.: 02-0346
 drawing no.: 200105
 1st submittal: 5/29/02

SHEET
4 OF 4

TELECOMMUNICATIONS, SIGNAL, & STRUCTURES

BURLINGTON NORTHERN SANTA FE RAILWAY
4515 KANSAS AVE
KANSAS CITY, KS 66106

Gary Bunce
Manager Telecomm Systems
Phone No. - (913) 551-4616
Fax No. - (913) 551-4053

BNSF



May 15, 2002

Honorable City Council
City of Lincoln, Nebraska

Dear Council:

This letter is provided in addition to the building permit and tower permit applications. The applications are in reference to the install/construction of a pre-fabricated concrete building and a new tower to be located within BNSF Hobson Yard.

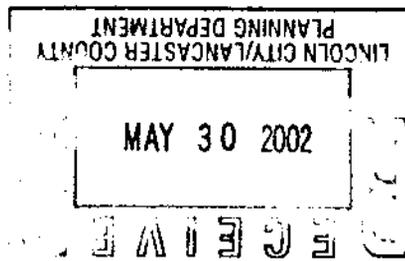
APPLICANT is requesting a new building and tower in order to provide and further enhance communications needs to the surrounding Hobson Yard facilities and to the passing of trains in this area. APPLICANT is requesting a tower height of 140' to insure proper path reliability and clear any path obstructions. APPLICANT is currently upgrading its private microwave system in this region. This particular segment being upgraded expands over 800 miles across three states from Galesburg, IL to Alliance, NE. The system upgrade covers a total of thirty-two (32) sites and provides complete dispatching, telecommunications, and data needs throughout this entire region.

APPLICANT certifies to the planning commission the following:

- 1) It is the owner of the land upon which the undisguised ground mounted wireless communications facility is proposed.
- 2) The new tower structure is NOT located in the flight paths of local airports wherein it would constitute a potential hazard to air safety.
- 3) The new tower is designed per TIA-EIA 222-F, which is the accepted U.S. standard for communication tower design throughout the country.
- 4) The new pre-fabricated concrete building is designed per the 1991 Uniform Building Code, the 1991 Uniform Mechanical Code, and the 1999 National Electric Code. The building design and construction meets or exceeds all requirements to comply with the State of Nebraska. Plans for the building have been reviewed by an outside third party and were found to be in compliance of all building codes. The building will be inspected prior to shipment into the State of Nebraska by an accredited inspector.
- 5) The facility will comply with all federal, state and local rules and regulations.

Sincerely,
Gary Bunce
Manager Telecomm Systems

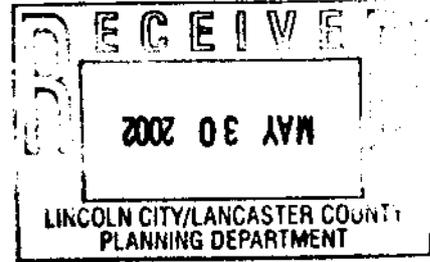
Cc: Robert Strommen (BNSF)
Joan Darling (Olsson Associates)
Steve Clymer (Olsson Associates)





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

29 May 2002



Mr. Kent Morgan, Interim Planning Director
Planning Department
County-City Building
555 South 10th Street, Suite 213

Re: Burlington Northern Santa Fe Railway Microwave Tower
OA Project No. 2002-0346

Dear Mr. Morgan:

Please find the enclosed documents for the above mentioned project:

- A. Drawings (11 x 17 format).
 - 1. Cover Sheet, 11 copies.
 - 2. Legal Plan, 11 copies.
 - 3. Site Plan, 11 copies.
 - 4. Elevation & Plan of the Tower & Building, 11 copies
- B. Ownership Certificate
- C. City of Lincoln Zoning Application for Special Permit.
- D. Letter from BNSF authorizing Stephen Clymer, Olsson Associates, as agent for project.
- E. Letter from BNSF - Applicant Certifications
- F. Application Fee, \$585.00
- G. Site Photographs; 3 sets of 5 photos

Design criteria:

- 1. *Wetlands*: The tower location is not within any designated wetland areas.
- 2. *Tower height*: The tower will be approximately 143' high from grade.
- 3. *Tower use*: The tower will not be used for personal wireless cellular telephone communication. It will be used exclusively for BNSF and is a microwave broadcast tower.
- 4. *Capitol Environs Views*: See enclosed photographs. Note the existing truss-like towers for yard lighting. We have been advised by Norm Bottger, Yard Manager for Hobson Yard, BNSF, that these towers are 100' high. Please note, from the photos, a water tower to the north of our site. We do not foresee significant impact to views of the capitol with the addition of this new tower; especially in light of these other existing adjacent structures.
- 5. *Airport Height Regulations*: The tower height does not violate airport height restrictions.

Mr. Kent Morgan
29 May 2002
Page 2

Requested Design Waivers:

1. The maximum allowable height in I-1, Industrial is 75'. Our tower is 143' high from grade. Therefore, we are requesting a waiver to allow a maximum height of 143'.
2. We are requesting a waiver for required landscape screening, as the tower location is within the center of a working railroad yard.

Please call if you have any questions regarding this request for a Special Permit.

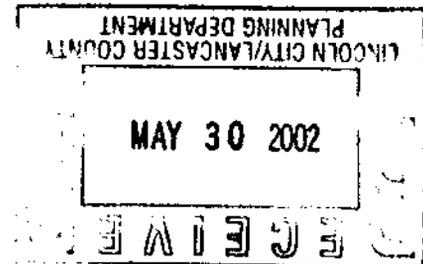
Sincerely,



Stephen Clymer, AIA

cc: Rob Strommen, BNSF

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PLANNING DEPARTMENT COMMUNICATION

TO: Brian Will

DEPT: Land Use

CC: NCEC Aug. packet

DATE: July 8, 2002

FROM: Ed Zimmer for Nebraska Capitol
Environs Commission

DEPT: Info (HP)

RE: S.P. 1979 by CB&Q RR for
microwave communication tower
at Hobson Yard

Olsson Associates, on behalf of CB& Q Railroad Company, has applied for Special Permit 1979 to install a 143' microwave communication tower in Hobson Yard, within a Capitol vista corridor, south of West O Street and east of Highway 77/Homestead Expressway. The tower would be in the general vicinity of a water tower located south of 1001 West O Street, but the communication tower would be more internal to the railyard, southeast of the water tower.

The Environs Commission discussed the matter under its responsibility to advise the Planning Commission on special permits which may impact significant views of the Capitol. The proposed site is within the area identified as "Country View Corridor 10d" in the 1977 "Urban Design Plan for Nebraska Capitol Environs," which is cited in LMC 27.56 in defining significant view corridors to the Capitol. "Country View Corridor 10d" extends along Interstate 80 from a point about 7 miles west of the Lancaster-Seward County line in an east-southeasterly direction to the Capitol, and encompasses Highway 6/West O Street from approximately Emerald eastward.

The description of this view corridor in the 1977 "Urban Design Plan" notes that in addition to the more distant views, this corridor provides a view of extended duration along the Interstate, where the view aligns with the highway right-of-way for 2½ miles from NW 84th to NW 48th Streets. There are also significant views of the whole Capitol tower from the elevated portion of Highway 77/Homestead Expressway (formerly West Bypass) between Capitol Parkway West and West O Street, and along West O Street east from about Sun Valley Blvd.

The Environs Commission suggested that staff work with the applicant to analyze the possible impact of the proposed tower, and then report this analysis to the Planning Commission. Members indicated that they were hopeful that the proposed tower would not have adverse impact on significant public vistas to the Capitol, but stated they could not complete an analysis based on the materials provided.

I reviewed additional maps and sketches with Steve Clymer of Olsson Associates, and visited the proposed site with Clymer, as well as viewing it from each of the relevant perspectives. My analysis is that the proposed tower would have little or no adverse impact on significant vistas to the Capitol tower, and my recommendation is that the Special Permit be approved. I will briefly describe the analysis behind this recommendation.

The three public vistas to the tower that I reviewed are:

- 1) Interstate 80 vista, from NW84th to NW48th;

The tower would be at minimum a few miles distant from the viewer, and south of the line of sight

to the Capitol. An unlit, galvanized tower should have little or no impact on this vista.

2) Homestead Expressway (Highway 77) from the viaduct north of Capitol Parkway West;

The Homestead Expressway view over the railyard is one of the best mid-range views of the Downtown skyline and the Capitol tower. The relatively flat railyard provides a low and active foreground to the taller distant features. The proposed tower would be north of the best views and would take its place among 100' tall light towers, the water tower, and other "furnishings" of this busy industrial area. Furthermore, the views can only be glimpsed while travelling on the busy roadway perpendicular to the vista. The proposed tower seems unlikely to diminish this viewing opportunity.

3) West O Street, east from Highway 77 junction.

Glimpses of the Capitol tower occur periodically along West O, but a continuous vista does not occur until one is considerably east of the proposed communication tower.

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