

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

**P.A.S.** Special Permit #1920

**DATE:** September 13, 2001

**PROPOSAL** Cricket Wireless is proposing to replace a 75' tall stadium light pole with a 91' tower. The existing stadium lights will be mounted on the new tower below the antenna panels. The ground-based equipment cabinets will be installed beneath the west stadium.

**LAND AREA:** Approximately 22.2 acres.

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

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

**LEGAL DESCRIPTION:** Lot 41 I.T., located in the SW 1/4 of Section 28, T10N, R7E.

**LOCATION:** 6000 A Street (Pius X Central High School)

**OWNER:** Pius X Central High School Corporation  
Lincoln, NE

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

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

**EXISTING ZONING:** R1 Residential District

**EXISTING LAND USE:** Senior High School

**SURROUNDING LAND USE AND ZONING:**

North	Single-family Residential	R1
South	Park	P
East	Senior High School	R1
West	Single-family Residential	R1

**HISTORY:** -SP#1847 was approved June 28, 2000, allowing Qwest Wireless to replace the northeast ball field light pole on this site with an 88' tall tower.  
-SP#1485 was approved January 28, 1994, allowing LT&T to replace the southeast ball field light pole on this site with an 84' tall tower.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates urban residential land use in this area. The following goals/stategies from the Comprehensive Plan are applicable:

1. Chapter III(B)(2) pg. 45 - Goal #4 - To preserve, protect, and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
2. Chapter V (H) pg. 149 - Goal #1 - Continue to assure that Lincoln and Lancaster County are fully served by development of the "Information Superhighway".
3. 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.

## **ANALYSIS**

### **OVERVIEW:**

This request is essentially identical to the two other special permits approved at this location, and proposes to replace the 75' light pole at the southwest corner of the football field with a new 91' tower (85' pole with a 6' lighting rod). This tower will support the existing lights along with Cricket's antenna array. The ground-based equipment cabinets associated with the tower are shown located under the west stadium, and are entirely screened from view.

### **STANDARDS FOR EVALUATION:**

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

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

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

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

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

3. This application has demonstrated the need for coverage in this area, an area dominated by residential uses. It seeks to minimize intrusion into the neighborhood by utilizing an existing facility, and using the most compact antenna array possible for the site.

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

4. The application mitigates adverse impacts by collocating the antennas with the existing ball field lights, and the ground-based equipment cabinets are shown located under the west stadium and are entirely screened from view. Additionally, twenty-eight Eastern White Pine trees that grow to a mature height of 36' will be planted along the west property line to screen the facility.

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

5. A light pole replacement is considered a suitable existing structure for antenna mounting. The only less intrusive location within the search ring would be in the steeple of the Church of the Holy Trinity directly south of this site across A street. However, the applicant states that the property owner was not willing to lease the facility.

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

6. Three other poles, 88', 84', and 75' in height, already exist on this site. Additionally, the scale of the proposed tower is consistent with typical facilities commonly associated with a senior high school campus.

**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 facility will be painted brown to match the other three poles supporting ball field lights.

**Ability to collocate.**

- 9. The facility is designed to accommodate an additional carrier. However, because of the shadowing effect caused with the use of the lights, collocation is unlikely.

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

- 10. There is an existing tree line along the west property line of the high school. Additionally, twenty-eight new pine trees will be planted along the west property line to further screen the site. However, the landscape plan must be revised to show a two-row, staggered tree planting layout to provide the maximum screening effect. The ground-based equipment is located under the west stadium and is entirely screened from view.

**CONDITIONS**

- 1. Site Specific:

- 1.1 This approval authorizes the replacement of the light pole at the southwest corner of the ball field to support an antenna array and ball field lights, along with an equipment shelter located under the west stadium consistent with the site plan submitted for a period of 15 years.

- 1.2 The landscape plan must be revised to show a two-row, staggered planting layout for the twenty-eight new trees to be planted along the west property line.

- 2. General:

- 2.1 Prior to issuance of building permits:

- 2.1.1 A structural design analysis prepared by a licensed Nebraska engineer must be approved by the City.

- 2.1.2 The surety in an amount sufficient to guarantee removal of the applicant's facilities must be approved by the City Attorney.

- 3. Standard:

- 3.1 The following conditions are applicable to all requests:

- 3.1.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.

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

3.1.3 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

3.1.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.1.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

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

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

3.1.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

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Brian Will  
Planner



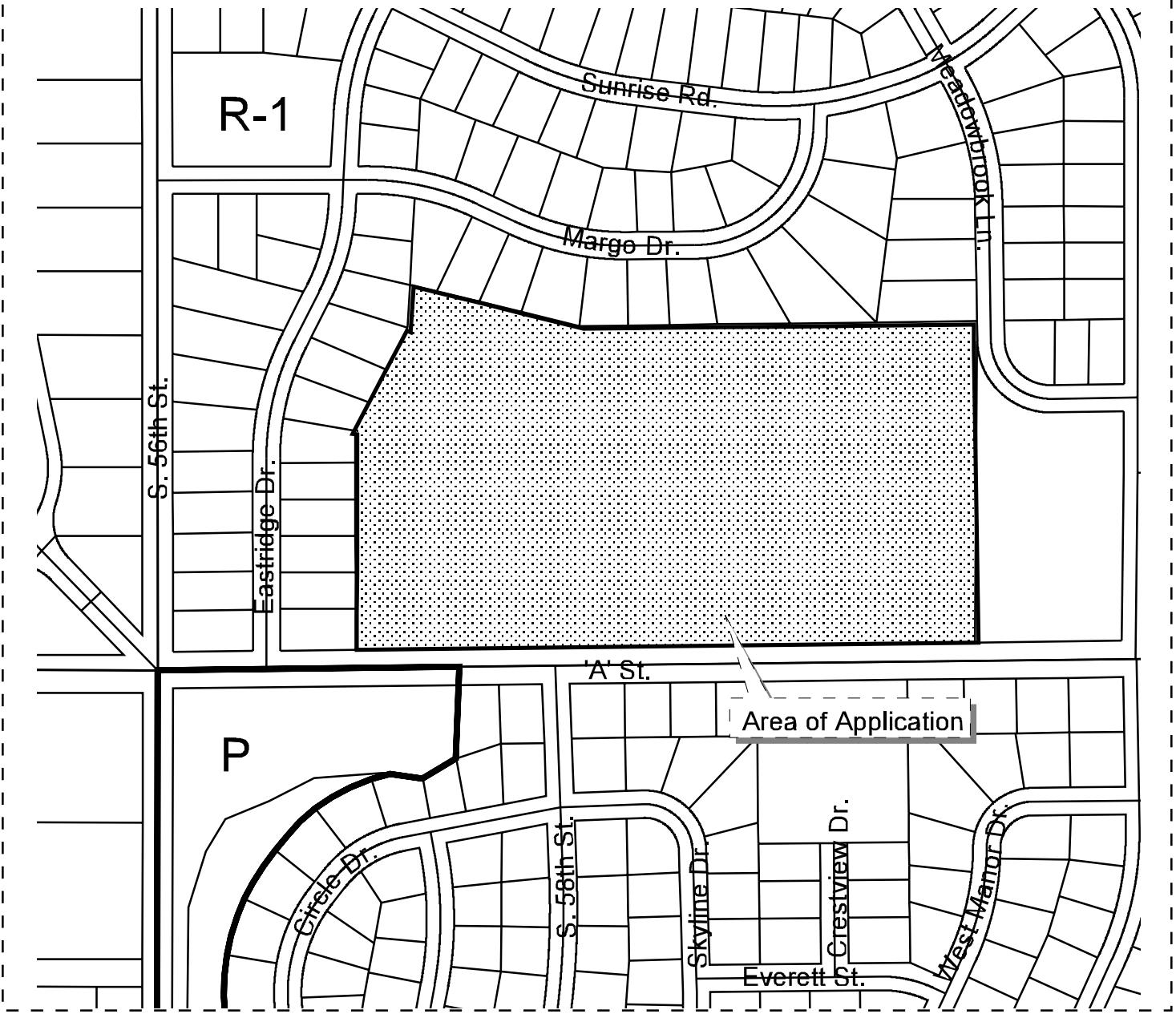
Area of Application

**Special Permit #1920**  
**6000 'A' St.**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

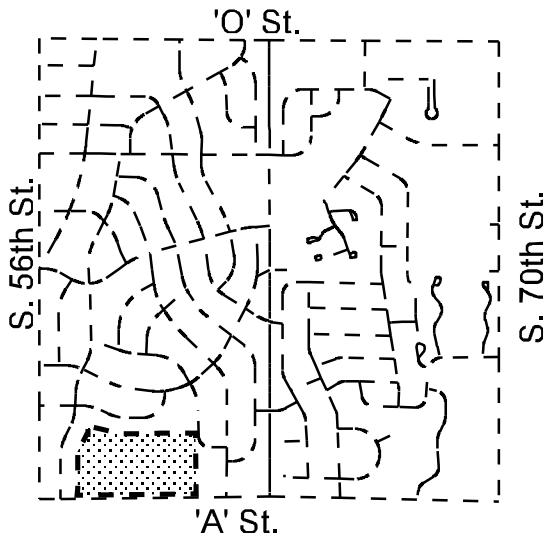
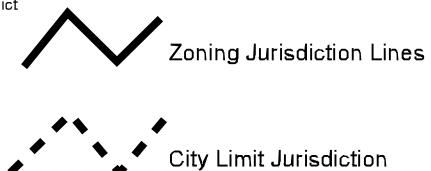


**Special Permit #1920**  
**6000 'A' St.**

**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. 28 T10N R7E



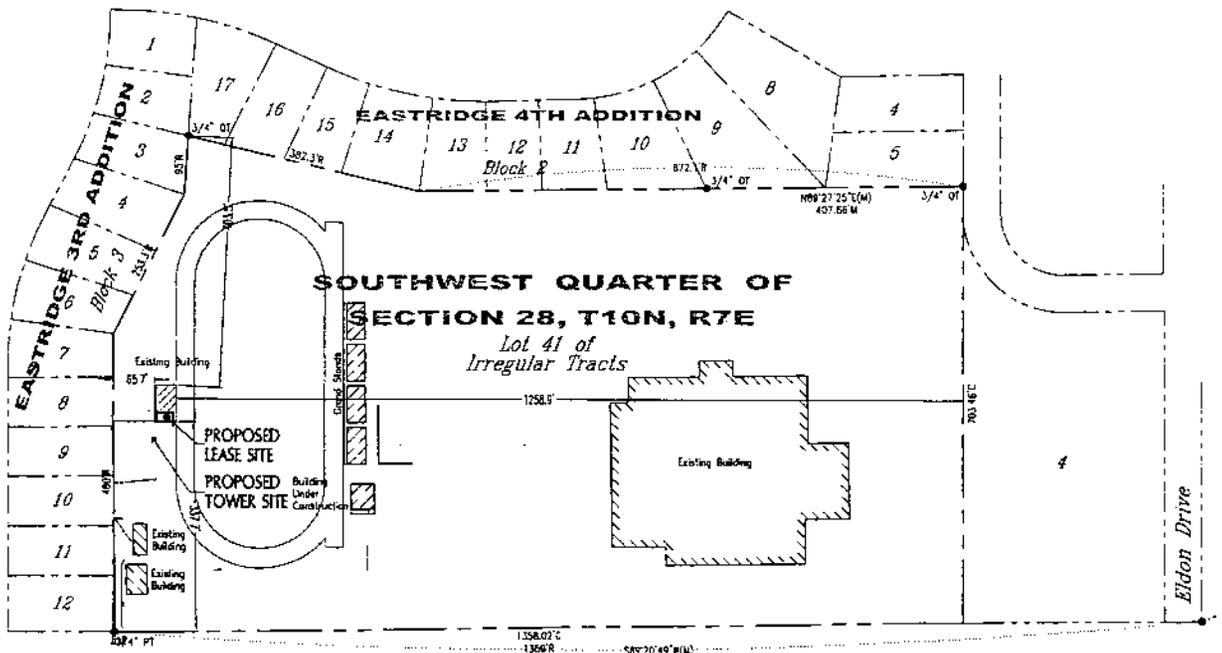
**LEGAL DESCRIPTION (PARENT PARCEL)**

LOT 41 OF IRREGULAR TRACTS IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND A TRIANGULAR PORTION OF LOTS 4, 5 AND 6 BLOCK 3 EASTRIDGE THIRD ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA MORE FULLY DESCRIBED AS: THAT PART OF LOT 4 DESCRIBED AS BEGINNING AT THE SOUTHEASTERLY CORNER THEREOF AND RUNNING THENCE IN A NORTHWESTERLY DIRECTION ALONG THE SOUTH LOT LINE A DISTANCE OF 19 FEET; THENCE RUNNING IN A NORTHEASTERLY DIRECTION ON A STRAIGHT LINE TO THE NORTHEASTERLY CORNER OF SAID LOT; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ALONG EAST (REAR) LOT LINE TO THE POINT OF BEGINNING; THAT PART OF LOT 5 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER THEREOF AND RUNNING THENCE IN A NORTHWESTERLY DIRECTION ALONG NORTH LOT LINE A DISTANCE OF 19 FEET; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION TO A POINT OF INTERSECTION WITH THE SOUTH LOT LINE AT A POINT 19 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE RUNNING A SOUTHEASTERLY DIRECTION ALONG SOUTH LOT LINE A DISTANCE OF 19 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE RUNNING IN A NORTHEASTERLY DIRECTION ALONG THE EAST (REAR) LOT LINE TO THE POINT OF BEGINNING; AND THAT PART OF LOT 6 DESCRIBED AS BEGINNING AT THE NORTHEASTERLY CORNER THEREOF AND RUNNING THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTH LOT LINE A DISTANCE OF 19 FEET; RUNNING THENCE IN A SOUTHERLY DIRECTION ON A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT; THENCE RUNNING IN A NORTHEASTERLY DIRECTION ALONG THE EASTERLY (REAR) LOT LINE TO THE POINT OF BEGINNING.

Parent Parcel Legal Description per Limited Title Report issued by NEBRASKA TITLE COMPANY dated March 12, 2001.

**LEGAL DESCRIPTION (PROPOSED LEASE AREA)**

That part of Lot 41 of Irregular Tracts in the Southwest Quarter of Section 28, Township 10 North, Range 7 East of the 6th P.M., and a triangular portion of Lots 4, 5 and 6, Block 3, EASTRIDGE 3RD ADDITION, a subdivision, as surveyed, platted and recorded in Lancaster County, Nebraska, described as follows:  
 Commencing at the southeast corner of Lot 12, EASTRIDGE 3RD ADDITION, a subdivision, as surveyed, platted and recorded in Lancaster County, Nebraska;  
 Thence North 00°01'11" West (assumed bearings) for 338.42 feet along the east line of said EASTRIDGE 3RD ADDITION;  
 Thence North 89°46'10" East for 67.94 feet to the southwest corner of an existing concrete structure and the TRUE POINT OF BEGINNING;  
 Thence North 00°04'39" East for 14.20 feet along the west edge of said concrete structure;  
 Thence North 89°46'10" East for 27.60 feet;  
 Thence South 00°04'39" West for 14.20 feet to the south edge of said concrete structure;  
 Thence South 89°46'10" West for 27.60 feet to the Point of Beginning.  
 Contains 392 square feet.



**LAND SURVEYOR'S CERTIFICATION**

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

*[Signature]*  
 Date of Survey: June 22, 2001

Reference: 013514C  
 29-LN-013-C1B  
 Book: 00068  
 Page: 50

"A" Street



DRAWN BY:	CHECKED BY:
SAB	ROO

SUBMITTALS		
DATE	DESCRIPTION	R
06/04/01	CONSTRUCTION REVISION	



PROJECT NO.
SITE NAME

SHEET TITLE  
**SITE SURVEY**

SHEET NUMBER	REVIS
C-1A	JOB #

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LIN-013C, Roberts Park  
6000 A Street, Lincoln, NE 68510



View from public access southeast of site (after improvements)

LIN-013C, Roberts Park  
6000 A Street, Lincoln, NE 68510



View from residential area south of site - 5731 A Street (after improvements)

LIN-013C, Roberts Park  
6000 A Street, Lincoln, NE 68510



View from residential area west of site - across from 1312 Eastridge Drive (after improvements)