

PLANNING COMMISSION CITY OF LEXINGTON

DETERMINATION FORM

On **September 4, 2013**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **Approval** (Approval/Disapproval) of a **Special Use Application** (Rezoning, Special Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) Request located at **107 South Adams Street** (Location) for **Horvath Communications** (Name).

The Lexington Planning Commission made the following motion:

Motion by: **Seth McFarland**

Seconded by: **Nancy Evans**

Motion: **Recommend approval of the special use permit application by Horvath Communications for a wireless communications facility as presented.**

Roll Call. **Voting “aye” were Bennett, Smith, Hardiman, Quintero, Fagot, Evans, McFarland, Heineman. Motion carried.**

Pamela Baruth
Planning Secretary



Application for Special Use Permit

- 1. Applicant's Name Derek McGrew / Agent Horvath Communications
- 2. Applicant's Address 312 W. Colfax Ave, South Bend, IN 46601
- 3. Applicant's Telephone Number 317-507-4541
- 4. Owner's Name John G. Redding
- 5. Owner's Address 4A East Shore Dr2, Johnson Lake, NE 68937
- 6. Owner's Telephone Number 308.785.2678
- 7. Purpose of Special Use Permit Telecommunications Facility
- 8. Present Zoning M-2
- 9. Within City Limits Yes Within Zoning Jurisdiction Yes
- 10. Legal Description Attached
- 11. Street Address of Property or Approximate Location End of Ivan Street
- 12. Site Plan (if applicable) Attached

I/We the undersigned do hereby acknowledge that I/We do fully understand and agree to comply with the provisions and requirements for an application for a special use permit as described above. I/We the undersigned do hereby agree to allow City of Lexington employees or agents working for the City of Lexington, to enter the above referenced property as it pertains to this application.

John G. Redding
Signature of Owner

[Signature]
Signature of Applicant

Administrative Use Only

Date Submitted _____
Filing Fee \$100.00
Cert. Of Ownership _____
Date Sign Posted _____

Case Number _____
Accepted By _____
Date Advertised _____
Date of Public Hearing _____

NARRATIVE

Horvath Communications and Tisdale Nebraska, LLC respectfully request your consideration of a zoning approval to construct a wireless communications facility located in the Industrial Park at the end of Ivan St on the Southwest side of town. There is a demonstrated need for wireless coverage in Lexington, NE, as Tisdale Nebraska, LLC currently has no coverage in Lexington. When this site is fully constructed, Tisdale Nebraska, LLC customers and tourists traveling through the area as well as the surrounding community will be able to have state of the art wireless service, browse the internet, use other cell phone, smart phone, computer and handheld devices to use You Tube, play video games, text, send emails as well as many other data applications not mentioned.

There is a nearby tower, but it is far too short to provide wireless service in this area. When a situation like this occurs, Tisdale Nebraska, LLC partners with a tower company such as Horvath Communications who build the tower then aggressively markets the tower to all of the carriers licensed in the area. As a search for a tower site is conducted, many factors are taken into consideration, including the zone of a property, the ability of the property to meet setbacks, Landowner interest, environmental concerns, FAA, and sometimes most importantly, the surrounding general view-shed of where a tower *should* be located. This property was able to meet setbacks, and is nowhere near any residences.

Currently the property is being used as a storage facility. The tower site is located on the western portion of the property, well placed to meet setbacks and fill the coverage gap. The size of the lease area is being proposed in order to provide space for future wireless tenants. This type of facility only requires approximately one visitor per month for maintenance. While the site is actually in operation 24 hours per day, the site is visited for maintenance during typical business hours, unless an emergency visit is required. The tower will not require tower lighting per the attached FAA approval. The only measurable noise emitted from the site would be from a backup generator, which is housed within the prefabricated shelter. This means that this noise would be similar to a typical air conditioner, and not heard from any adjacent property. Telecommunications facilities are often placed in Agricultural or Industrial

Area Map





Application for a 150' Telecommunications Facility

Lexington, NE

Presented by: Derek McGrew

Horvath Communications, Inc.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76137

Aeronautical Study No.
 2013-ACE-1208-OE

Issued Date: 07/08/2013

Brad Hunsberger
 Horvath Towers III, LLC
 312 W. Colfax Ave.
 South Bend, IN 46601

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole HV760 - Lexington West
 Location: Lexington, NE
 Latitude: 40-46-37.06N NAD 83
 Longitude: 99-45-05.14W
 Heights: 2392 feet site elevation (SE)
 155 feet above ground level (AGL)
 2547 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 01/08/2015 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2508. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2013-ACE-1208-OE.

Signature Control No: 188476610-193221710

(DNE)

Vee Stewart
Specialist

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

Additional information for ASN 2013-ACE-1208-OE

An aeronautical study was completed on this structure with the submitted above ground level (AGL) height of 199 feet. The study determined that an AGL height of 168 feet exceeds FAR 77.17(a)(3) by 31 feet. The sponsor/rep has provided an e-mail reducing the AGL height to 155 feet. At the revised AGL height of 155 feet the structure would not exceed FAA obstruction standards.

Upon receipt of notification from the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take immediate corrective action as is necessary to eliminate the harmful interference.

Frequency Data for ASN 2013-ACE-1208-OE

| LOW FREQUENCY | HIGH FREQUENCY | FREQUENCY UNIT | ERP | ERP UNIT |
|--------------------------|---------------------------|---------------------------|------------|---------------------|
| 698 | 806 | MHz | 1000 | W |
| 806 | 824 | MHz | 500 | W |
| 824 | 849 | MHz | 500 | W |
| 851 | 866 | MHz | 500 | W |
| 869 | 894 | MHz | 500 | W |
| 896 | 901 | MHz | 500 | W |
| 901 | 902 | MHz | 7 | W |
| 930 | 931 | MHz | 3500 | W |
| 931 | 932 | MHz | 3500 | W |
| 932 | 932.5 | MHz | 17 | dBW |
| 935 | 940 | MHz | 1000 | W |
| 940 | 941 | MHz | 3500 | W |
| 1850 | 1910 | MHz | 1640 | W |
| 1930 | 1990 | MHz | 1640 | W |
| 2305 | 2310 | MHz | 2000 | W |
| 2345 | 2360 | MHz | 2000 | W |

TOPO Map for ASN 2013-ACE-1208-OE

