



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Brett Walker, Planner

DATE: February 20, 2018

TITLE: Consideration of a Board Approval to place a monopole cell tower on the S1/2, Tract 10, Wallick and Murray Gardens, Laramie County, WY.

EXECUTIVE SUMMARY

Horizon Tower, LLC, on behalf of William E. & Mary E. Tunnick Liv Tr of 818 Sterling Drive, Cheyenne, WY 82009, has submitted an application for a Board Approval to allow for the construction of a cell tower, known as the Horizon Tower Monopole. A Board Approval is required for Wireless Telecommunications Services per Section 2-2-123, LCLUR.

BACKGROUND

A Variance application was submitted concurrently with this Board Approval Request, to allow for reduced setbacks from adjacent property lines. The Planning Commission denied the request at its January 25, 2018 public hearing. The applicant has since submitted a revised site plan for consideration, which meets the setback requirements.

Pertinent Regulations

Section 1-2-100 of the Laramie County Land Use Regulations, governing the Board Approval process.

Section 2-2-123 of the Laramie County Land Use Regulations governing Wireless Telecommunication Services (WTS).

DISCUSSION

PlanCheyenne (2014) contemplates Community Business as the future land use. The Community Business category emphasizes a range of retail and office uses to serve neighborhoods and the community and region, and some align with designated Commercial/Regional Activity Centers.

Many of the Community Business areas are already established and thriving, while others are in need of future reinvestment or redevelopment to retain their role as important destinations for commercial activities.

The Laramie County Comprehensive Plan (2016) contemplates Urban Rural Interface (URI) as the future land use. The Urban Rural Interface areas identified in the Land Use Plan Map are intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access, and a greater overall level of community services. Higher density residential, intensive commercial, employment centers and industrial uses are preferred in these areas. Large lot, low density residential or intensive agricultural uses are generally less suitable. While some of these areas may include existing agricultural uses, it is anticipated they are more service-oriented and may change and develop over time.

Per Section 2-2-123(c), a Board Approval is required for any tower that does not meet the following criteria:

- i. Antennas or towers located on Laramie County property provided a lease authorizing the facility has been approved by the County and is presented with the site plan application.
- ii. Antenna attachments to all existing structures in all zones except LR, MR, HR or MU, provided the antenna does not extend above the highest point of the existing structure.
- iii. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the Heavy Industrial District and in the regulatory area of Laramie County, provided the height does not exceed 100 feet.
- iv. Any antenna which is not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure.
- v. An antenna which is attached to an existing tower.

The tower proposed in this application does not meet any of the above-described criteria, thus a Board Approval is required. In order to grant approval, the Board shall find the following criteria are met:

- A. The proposed tower location has been selected in order to protect residential areas and adjacent land uses from potential impacts of towers and antennas;
- B. The applicant has located the proposed antenna on an existing tower or has demonstrated to the satisfaction of the Board that locating the proposed antenna on an existing tower is not feasible.
- C. The towers and proposed tower and antenna will be located, to the extent possible, in areas where the impact on the community is minimal.

Section 1-2-100 (a) of the Laramie County Land Use Regulations requires that the Laramie County Board of Commissioners shall find the following before granting Board Approval:

- i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
- ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
- iii. There is no defined negative impact to the community.

Additionally, public notice is required to be mailed to property owners within ½ mile of the property prior to building permit application for towers. Staff received no comments from adjacent landowners, but at the associated variance request hearing in January, one neighbor had concerns about access easements and whether the elevation of the land would rise.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:

- a. This application meets the criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations:
- b. This application meets the criteria for Board Approval pursuant to section 2-2-123(c) of the Laramie County Land Use Regulations:

And that the Laramie County Board of Commissioners grant Board Approval for Horizon Tower Monopole with no conditions.

PROPOSED MOTION

I move to grant Board Approval for Horizon Tower Monopole, located on the S1/2, Tract 10, Wallick and Murray Gardens, Laramie County, WY., with no conditions, and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

Attachment 1: Staff Aerial Map
Attachment 2: Applicant Justification Letter
Attachment 3: Agency Comment Report
Attachment 4: Coverage Exhibits 1 & 2
Attachment 5: Site Plan - Revised
Attachment 6: Resolution

PZ-17-00271 - Horizon Tower Monopole

1 inch = 150 feet



Laramie
County,
Wyoming



Date: 2/12/2018

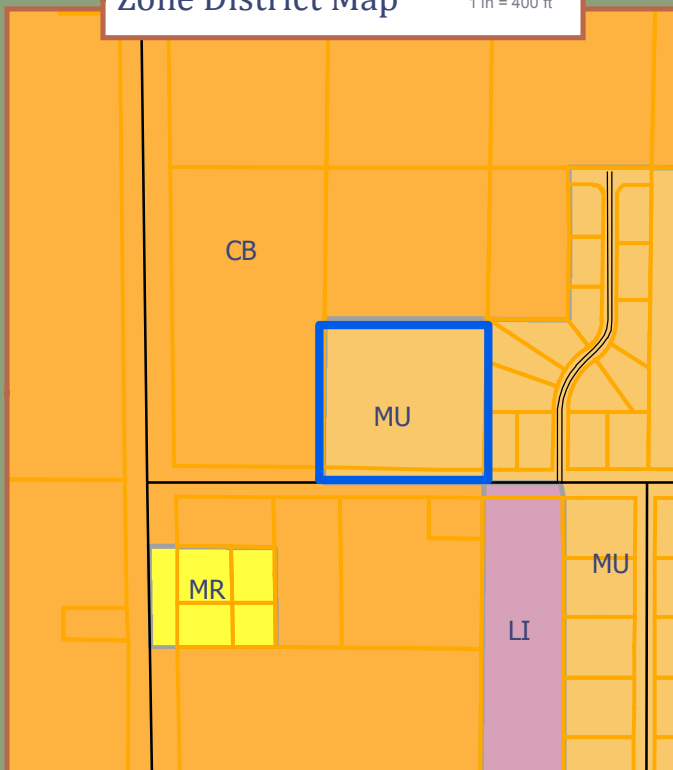
Board
Approval
of a
Wireless
Telecom
Services

This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS)

The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability of the data. The CLCCGIS furthermore assumes no liability associated with the use or misuse of this information.

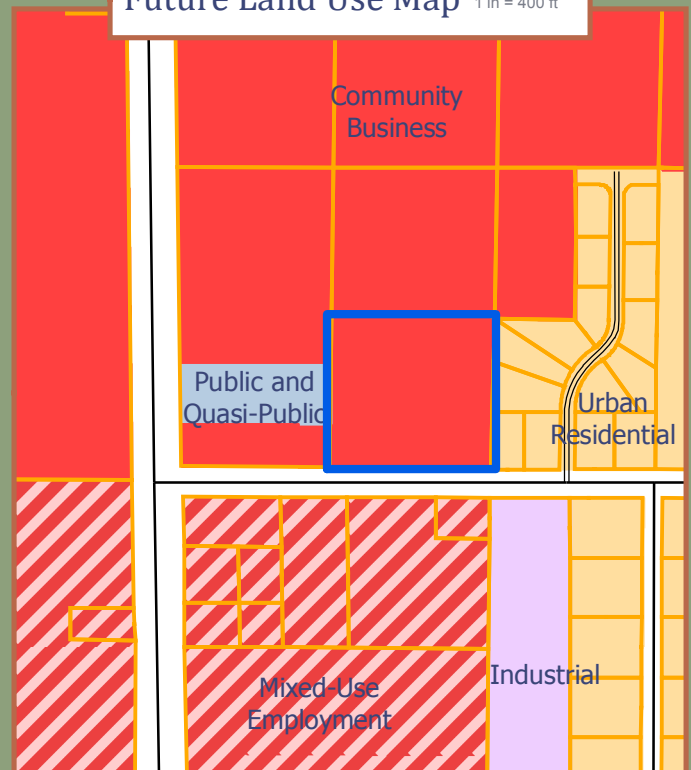
Zone District Map

1 in = 400 ft



Future Land Use Map

1 in = 400 ft



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December 14, 2017

Laramie County Planning and Development
Mr. Brad Emmons, Director
Ms. Rebekah Puchek, Planning Technician
3966 Archer Parkway
Cheyenne, WY 82009

RE: Board Approval Application – Horizon Tower Monopole, 112 Murray Rd. /202 Murray Rd.

Applicant: Horizon Towers, (by Stephan Kelly, contractor to Horizon Towers)

Location: 112 Murray Rd. / 202 Murray Rd.

Request: Approval to build a 79 foot telecommunication monopole plus 6 foot lightening rod, and approval to add an additional 10 foot section plus lightning rod, in the future, if necessary.

Dear Mr. Emmons and Ms. Puchek:

Please accept this letter as partial fulfillment of the requirements of an application for a Board Approval submittal package. Horizon Towers (Horizon), as applicant, is requesting approval to build a 79 foot telecommunications monopole, on which Verizon Wireless (VZW) will be attaching antennas, cabling and other equipment. VZW has executed a sub-lease for space on the monopole and for ground area for their equipment. Although Applicant intends to build the 79 foot structure, after approvals, Applicant also requests the Board approve a future 10 foot extension of the pole, at this time. The 89 feet would be the maximum needed and only in the event the additional height was needed to satisfy transmit requirements of existing providers or future co-locating providers. The 79 foot monopole would be available for co-location by other providers. A secure fenced compound will provide ground space for VZW equipment cabinets as well as other provider equipment, when additional providers wish to co-locate. This letter will address Laramie County code sections 1-2-100 Board Approval Process and 2-2-123 Wireless Telecommunication Services (WTS).

Horizon is located at 117 Town & Country Drive, Suite A, Danville, CA 94526, (925.314.1114)

Horizon representative: Stephan Kelly, 1660 S Albion St, Suite 309, Denver, CO 80222, (303.478.2835)

Horizon is known as a tower company, which builds telecommunication infrastructure for mobile and fixed wireless providers. The proposed facility is designed for VZW and other providers needing a location in this part of Laramie County.

The purpose of this application is to request approval to construct an unmanned 79 foot telecommunications monopole, within a secure fenced lease area. At the base of the structure, is an area where equipment cabinets are to be located. VZW has committed to attaching and seeks to provide new coverage and improve existing service and quality by closing coverage gaps along both Greeley Hwy and College, in new housing communities and continuous coverage between existing sites. The structure will be available to other providers for co-location.

The structure will be located at the north end of an approximate .58 acre parcel, zoned MU, Laramie County. The subject parcel is un-developed and carries a street address of 112 Murray Rd. An Access Easement has been granted from the adjacent 1.88 acre parcel, to the east. This parcel has an address of 202 Murray Rd. Both parcels are owned by William and Mary Tunnicliff, 818 Sterling Dr., Cheyenne, WY, 82009, (307.214.4720). Horizon has an executed lease with the owner.

The proposed use is unmanned and does not require any water or sanitation facilities nor will the use overburden or exceed the capacity of other public services, and it will not create traffic congestion or traffic hazards. The proposed use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light or noise pollution. The proposed use will not be detrimental to the public health, safety and welfare of the residents of Laramie County and will conform to all other applicable County rules, regulations and ordinances.

Per the Board Approval Application Checklist, Applicant affirms this application meets the necessary findings as defined below:

Chapter 2 - Section 1-2-100 - Board Approval Process

a. **Findings Necessary –**

i. – The proposed use is permitted by Board approval in the proposed location and in conformance with all applicable development standards. *Applicant believes the proposed use is an allowed use and requests Board approval for the proposed use at the proposed location. Applicant affirms it will conform to all applicable development standards.

ii. – The proposed use is in general conformance with all other applicable policies adopted in Laramie County. *Applicant believes the proposed use is in general conformance with all other applicable policies adopted in Laramie County, and adheres specifically to the application review and approval process as stated by the applicable Laramie County policies.

iii. – There is no negative impact to the community. *Applicant believes there is no harm to the public safety and welfare of the community, with the approval. Approval does no harm to either public or private interests, and is not detrimental to any property or interest. Approval provides modest economic benefit to the owner and a wide benefit to the community at large.

b. **Limits of Approval –** *Applicant understands and affirms that if the use is approved by the Board and has not been exercised within 12 months from date of approval, any new regulations governing the use or development of the property shall apply.

Chapter 2 – Section 2-2-123 Wireless Telecommunication Services (WTS)

a. Purpose

- i. The neighborhood where the proposed monopole is located is predominately commercial uses. The Subject property is zoned MU with C zoned uses on adjacent properties
- ii. The proposed monopole is designed for multiple co-locating parties and is not a single use tower.
- iii. The proposed location is vacant land. The use would provide a benefit to the community at large.

b. General Requirements

- i. **Principal or Accessory Use** – Applicant believes the proposed CMRS facility is a principal use.
- ii. **Aesthetics** – The proposed tower is planned to be a gray galvanized color. The same color as exiting buildings on the 202 Murray property. The equipment area will be fenced for security. The lease area is adjacent to the rear sides of existing buildings and out of view.
- iii. **Lighting** – The height of the proposed tower is less than the FAA threshold for required lighting.
- iv. **State and Federal Requirements** - The proposed use will meet and comply with all applicable local, state, and federal laws and regulations.
- v. **Building Codes and Safety Standards** – applicant affirms it will maintain the tower in compliance with state and local building code standards and standards for towers as published by the Electronic Industries Association, as amended. Applicant will submit for an approved building permit.
- vi. **Required Application** – Applicant has submitted plot plan, a copy of the executed lease, and will submit for a building permit. Plot plan complies with requirements for dimensions and access.
- vii. **Public Notice** – Applicant has notified property owners of record within one half mile via certified mail.
- viii. **Setbacks** – Applicant applied for a Variance of required setbacks equal to 100 percent of the proposed maximum tower height.

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c. Board Approval Required

Applicant understands the Board shall approve any tower not meeting all criteria itemized in i. – v.

d. Provisions Governing Board Approval

- i. Applicant has made formal application and complied with notification procedures and submitted a plot plan
- ii. A pre-application meeting was held on November 20, 2017.
- iii. **A)** The proposed tower location is in an MU zone which allows for the proposed use and adjacent land uses will not be impacted by the tower or antennas.

B) Applicant is seeking approval to build a free standing tower. The purpose is for VZW and other providers to provide new coverage, close coverage gaps and improve existing service and quality, in this part of Laramie County.

C) The proposed tower is located in an area of minimal impact on the community. The proposed use is unmanned and does not require any water or sanitation facilities; nor will the use exceed the capacity of public services. The proposed use will not create traffic congestion or traffic hazards.

e. Buildings or Other Equipment Storage

Applicant affirms that equipment shelters, if any, shall not contain more than 350 square feet gross floor area or be more than 20 feet tall; and shall be located in accordance with minimum property coverage and setback requirements of the zone district in which it is located.

As required for submittals for Board Approval attached are:

- Completed Application Form
- Check payable to Laramie County treasurer
- Proof of Ownership/Warranty Deed
- Letter describing the project with explanation how application meets Section 1-2-100
- Plot plan
- Supplemental Information – applicant provided structural letter

This submittal is believed to be complete. Please contact me if there are questions or comments.

Sincerely,

Stephan Kelly, for Horizon Towers

AGENCY COMMENT REPORT PZ-17-00271 BOARD APPROVAL

PLANNERS: Brad Emmons COMMENTS ATTACHED 01/04/2018

Project will need to go through variance process prior to board approval. **NOTE:**
Variance was denied on 1/25/18. A Revised Site Plan was submitted as is included in this application.

BUILDING DEPT: Karen Moon COMMENTS ATTACHED 01/02/2018

OWNER/APPLICANT IS ADVISED THAT BUILDING PERMITS WILL BE REQUIRED.

Fire District No. 1: Darrick Mittlestadt COMMENTS ATTACHED 12/22/2017
PZ-17-00270 (271)

All referencing the 2015 IFC

- 1.) Section 503, Fire Apparatus Access Roads, page 69: 503.1 and 503.1.1
- 2.) Section 505, Premises Identification, page 70-71: 505.1
- 3.) Section 506, Key Boxes, page 71: ALL 506.1 to 506.2

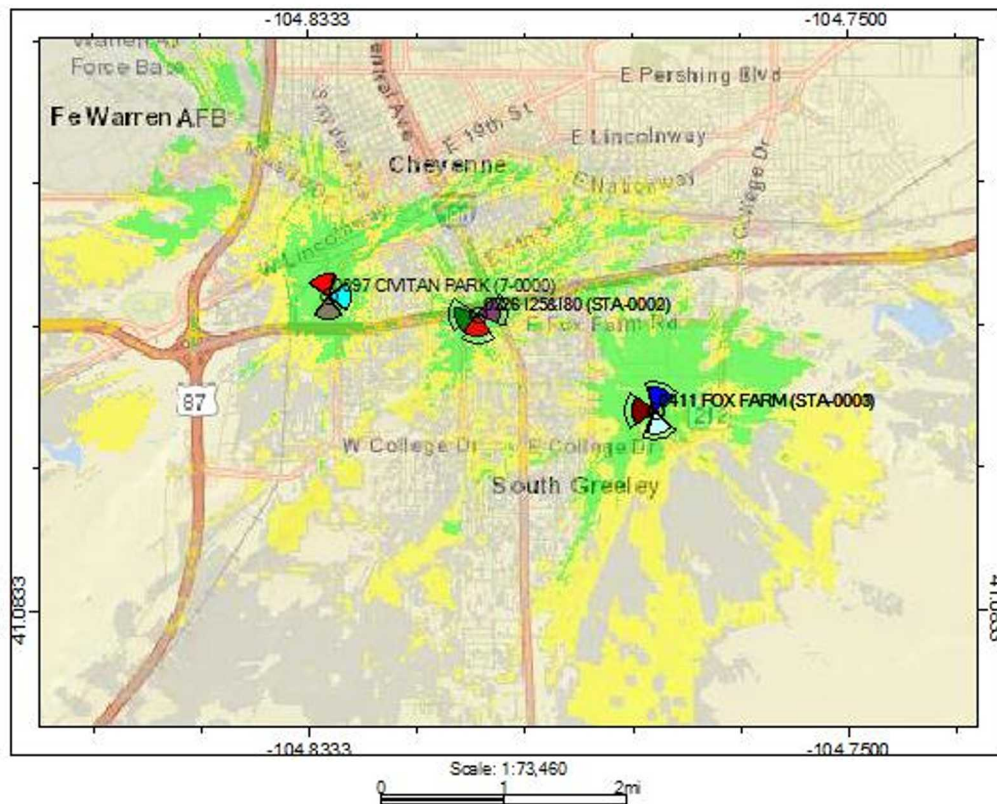
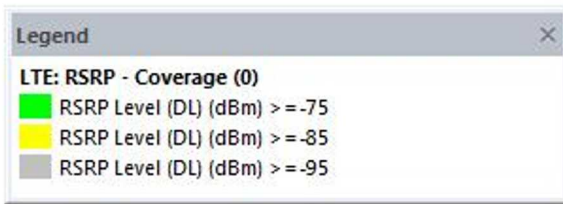
Agencies Responding with No Comment:

Cheyenne MPO, County Assessor, County Engineer, County Public Works Department, Combined Communications Center, Sheriff's Office

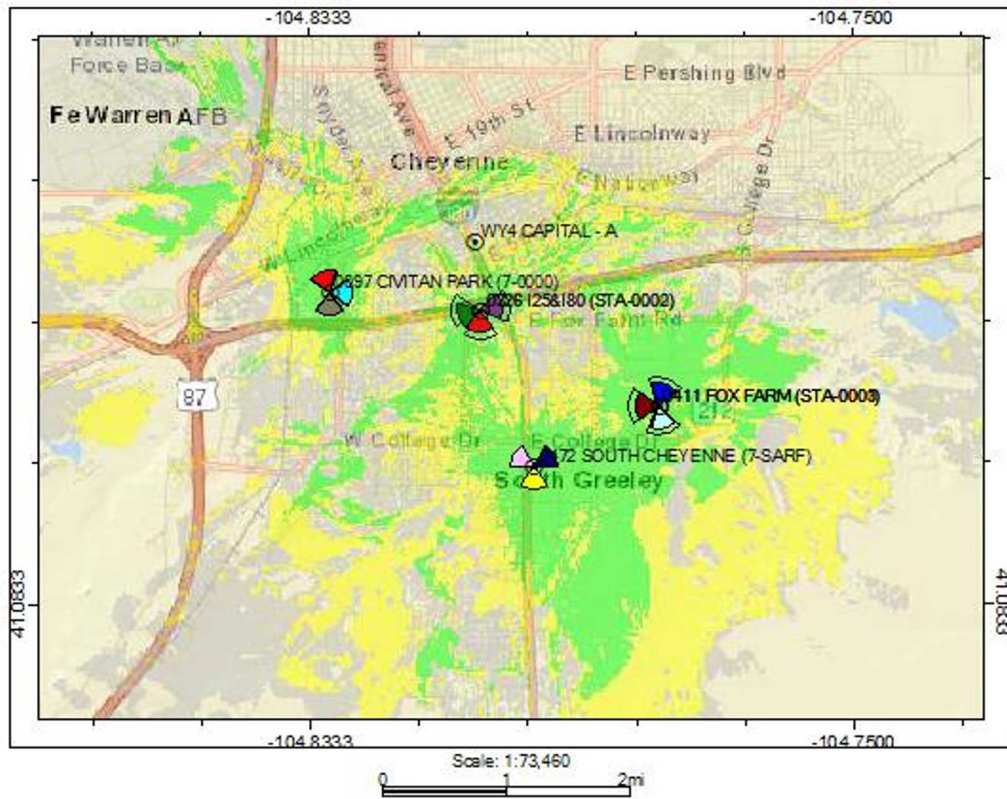
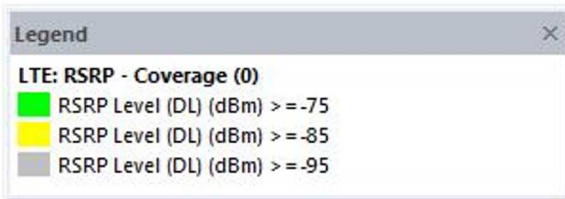
Agencies Not Responding:

Cheyenne Urban Planning Office, Cheyenne Development Services, County Real Estate Office, County Treasurer, Emergency Management, Cheyenne Engineering Services, South Chey Community Development

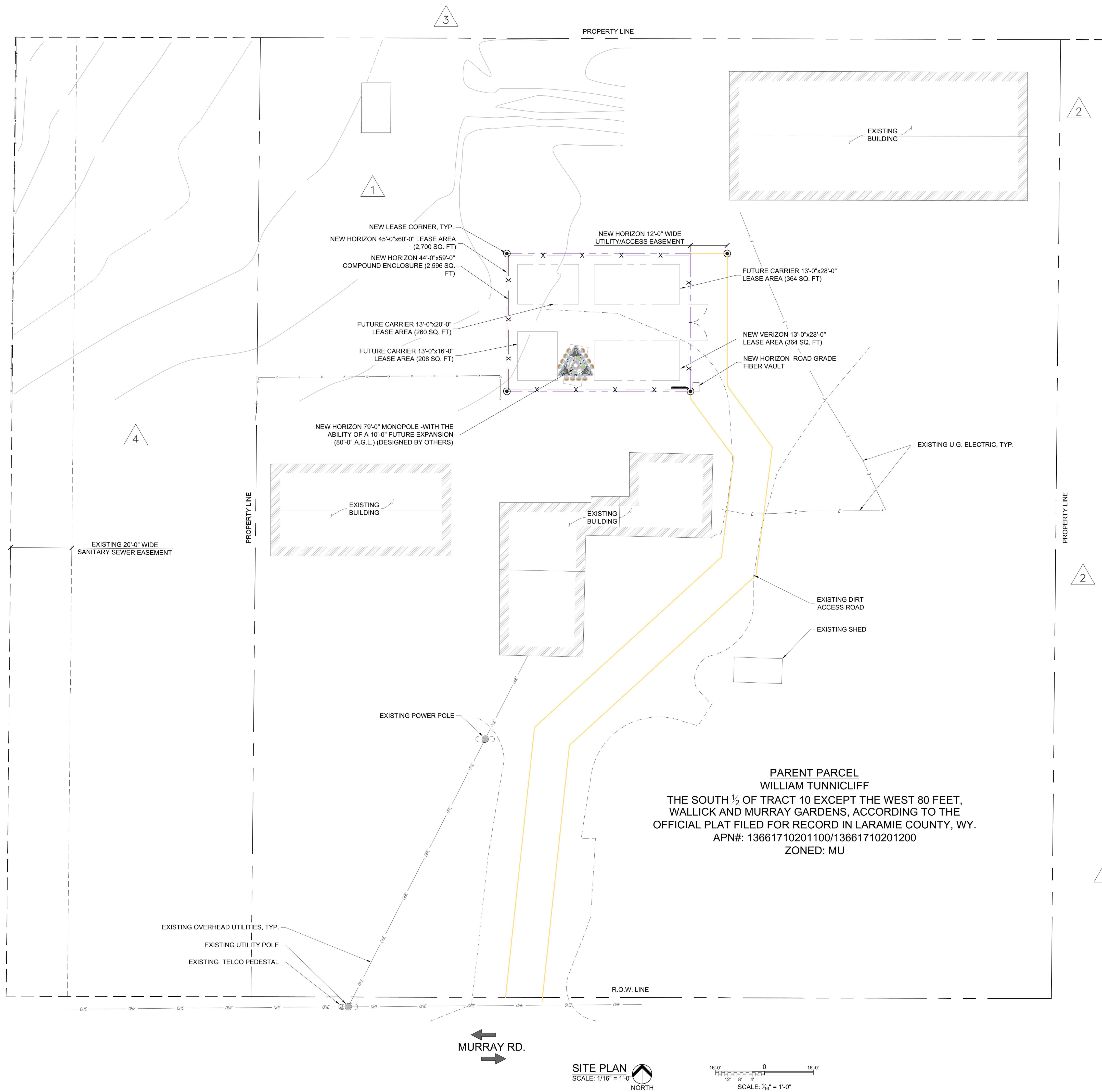
Verizon Wireless Existing Coverage – Cheyenne, WY



Verizon Wireless
Horizon Tower site – Murray Rd.
RF Justification - New Coverage at 79'



EXISTING
WALL HATCH
NEW WORK
UTILITY EASEMENT
ACCESS/UTILITY
EASEMENT
HYBRID CABLE/COAX
DC POWER
FIBER
ANTENNAS
RR/HBBU
LEASE AREA
EXISTING
EASEMENT
PENETRATIONS

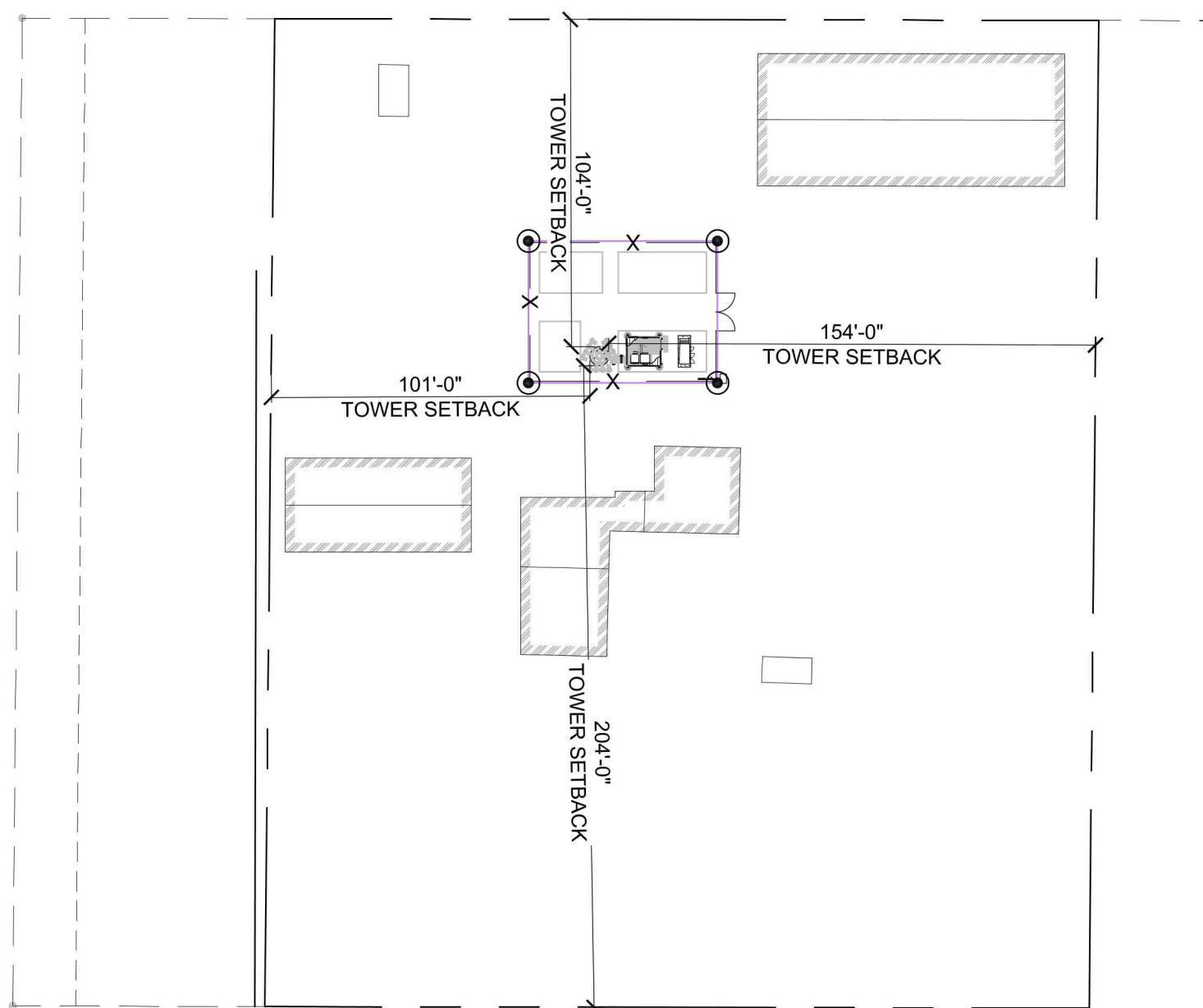


PARENT PARCEL
WILLIAM TUNNICLIFF
THE SOUTH ½ OF TRACT 10 EXCEPT THE WEST 80 FEET,
WALLICK AND MURRAY GARDENS, ACCORDING TO THE
OFFICIAL PLAT FILED FOR RECORD IN LARAMIE COUNTY, WY.
APN#: 13661710201100/13661710201200
ZONED: MU

SITE PLAN
SCALE: 1/16" = 1'-0"
NORTH

16'-0"
12" 8" 4"
0
16'-0"
SCALE: 1/16" = 1'-0"

SETBACK TABLE:		
	TOWER BASE TO PARENT PROPERTY LINE	LEASE BOUNDARY TO PARENT PROPERTY LINE
NORTH	~104'-0"	~70'-0"
EAST	~154'-0"	~121'-0"
SOUTH	~204'-0"	~198'-0"
WEST	~101'-0"	~82'-0"



SETBACK SITE PLAN
SCALE: 1" = 50'-0"
NORTH

50'-0"
30' 10' 50'-0"
SCALE: 1" = 50'-0"

KEY#	ADJACENT PROPERTY OWNER	ZONING
1	WILLIAM TUNNICLIFF	MU
2	HILLTOP FUNDING INC.	MU
3	AMERICAN STORAGE, LLC	CB
4	ROBERT WILLETT	CB

PRELIMINARY
FOR LEASING/ZONING

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DESIGNED FOR:

HORIZON TOWER, LLC

DESIGNED BY:

J5 INFRASTRUCTURE PARTNERS
AZ - CA - CO - ID - NM - NV - TX - UT

PROJECT NAME: CANAM WY4001 / WY4 SOUTH CHEYENNE (ALT 2) NEW 79'-0" MONOPOLE (OVERALL HEIGHT: 95'-0" A.G.L.) RAWLAND COMMUNICATION SITE

PROJECT ADDRESS: 112/202 MURRAY ROAD CHEYENNE, WYOMING 82007 LARAMIE COUNTY

SHEET TITLE:

SITE PLAN & SETBACK SITE PLAN

REV	DESCRIPTION	DATE	BY	CHK
A	PRELIMINARY - NOT FOR CONSTRUCTION	11/09/17	SAP	-
B	REVISED PER RF COMMENTS	12/05/17	MKR	-
C	REVISED PER JURISDICTION COMMENTS	02/05/18	SJH	-

SAVE DATE: 2/5/2018 4:25 PM SHEET NUMBER: Z1

RESOLUTION # _____

A RESOLUTION APPROVING HORIZON TOWER MONOPOLE, LOCATED ON THE S1/2, TRACT 10, WALLICK AND MURRAY GARDENS, LARAMIE COUNTY, WY

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, The Laramie County Board of Commissioners have previously adopted the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for a Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations; and

WHEREAS, this application meets the criteria for Board Approval pursuant to section 2-2-123(c) of the Laramie County Land Use Regulations:

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Laramie County Board of Commissioners finds that:

- a. This application meets the criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations:
- b. This application meets the criteria for Board Approval pursuant to section 2-2-123(c) of the Laramie County Land Use Regulations:

And the Laramie County Board of Commissioners grants Board Approval for Horizon Tower Monopole with no conditions.

PRESENTED, READ, AND ADOPTED this _____ day of _____, 2018.


LARAMIE COUNTY BOARD OF COMMISSIONERS

K.N. "Buck" Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:


Mark T. Voss, Laramie County Attorney