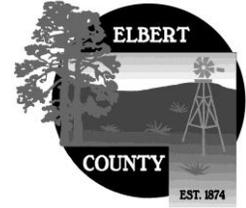




COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES OFFICE

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18 September, 2014
For the Planning Commission meeting of
25 September, 2014

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: CURTIS S. CARLSON, SENIOR PLANNER

**RE: SU 14-0006 DIRECT LINK WIRELESS INTERNET TOWER –
MCASKILL TOWER - A REQUEST FOR A SPECIAL USE REVIEW
FOR AN INTERNET TRANSMISSION FACILITY, LOCATED IN A
PORTION OF SECTION 26, TOWNSHIP 9 SOUTH, RANGE 63
WEST IN ELBERT COUNTY.**

APPLICANT: DIRECT LINK

REPRESENTATIVE: JAMES CAREY

SUMMARY OF REQUEST:

The applicant is proposing to change existing permit #1000212 [for a private internet tower], to a commercial internet communication tower facility. The site will be an unmanned high-speed internet communication facility on the property located on parcel R11369, CR 102. In addition, the existing associated equipment shelter, measuring 6 x 6 foot square, will remain the same and is located in an enclosed fenced area at the base of the tower. The proposed facility will add new tower sections to increase the existing overall tower height from 75 feet to approximately 189 feet. The type of tower is Rohn-65 and will have new antennas placed at or near the top of the structure to better serve Elbert County residences with high speed internet services.

PERTINENT DATA:

Site Description – This site was selected because it contained a private tower and provides the best visual buffering to adjoining parcels. The site is located on a 120 acre parcel near Co. Rd. 102 and Maul Rd. The nearest property lines are no closer than 450 feet from the tower. The proposed antennas are to be at

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175 feet, near the top of the tower. The location and size of three to six antennas (approximately 3 inches x 7 inches x 36 inches), will not impede any views from the ground level.

Existing Zoning – A (Agriculture)

Proposed Zoning – No change, but with a Special Use

Surrounding Land Use and Zoning – Surrounding land is zoned A.

BACKGROUND:

A pre-application meeting was held December 17, 2013. A 75 foot private internet tower is existing and approved. The private tower will be replaced by a commercial tower that is proposed to be 189 feet high and will provide availability of internet services to the public within range of the tower. Depending on configuration set-up at the tower site, Direct Link will be able to provide service up to 14 miles. Ideally, two to six miles is best.

The Zoning regulations do not specifically require a Community meeting within the Special Use process. Additionally, Staff felt a Community meeting would not be necessary as the site was already approved for a tower, the new tower, while higher, will remain 450 feet from the nearest property boundary, and neighboring residents would have availability to internet services.

The applicant submitted the proposal to Community & Developing Services on March 4, 2014.

EVALUATION:

Part II, Section 17, C 3, of Elbert County Zoning Regulations requires that Community & Development Services submit project information to Referral agencies affected by a project in order to receive comments as part of the evaluation of a request for a Special Use. Twelve (12) referral agencies were identified to evaluate and comment on this application. No Response indicates No objection. The following is a summarization of their responses. A Referral agency that does not respond is understood to have No objections. Complete responses are attached to this report.

Elbert Fire Protection District – No response/objections.

Kiowa Conservation District – No objection.

Mountain View Electric Association – No response/objections.

Elbert County Assessor – No objection.

Colorado Division of Wildlife – No response/objections.

Colorado Dept. Natural Resources – No response/objections.

Environmental Protection Agency – No response/objections.

Elbert County Mapper – No objections.

Elbert County Public Works – No response/objections.

Elbert County Environmental Health – No objection.

Elbert County OEM – No response/objections.

Elbert County Engineer – No objection.

FINDINGS:

Part II, Section 2, [A – Agriculture zoning district] of the Elbert County Zoning Regulations provides for 15 “Uses by Right.” All other uses are subject to consideration by Special Review. An internet tower is not specifically addressed in Part II, Section 17, Uses Permitted by Special Review. However, Part II, Section 17, A, #52 provides for “Other uses that may be deemed necessary by Community and Development Services due to their unique situation and /or circumstances” to be processed as a Special Use Review application.

Part II, Section 17, B, 7 provides seven (7) criteria that shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use Review applications. Following is an appraisal of each criterion.

a *Whether the proposed Special Use complies with the requirements of the Elbert County Master Plan, Elbert County Zoning Regulations, and Elbert County Subdivision Regulations:* The Master Plan does not include discussion on Special Uses. However, the Master Plan does assert that its’ implementation is to be guided and regulated by the Zoning and Subdivision Regulations.

Special Uses are administered within specific Zoning Districts. This proposal is for a Special Use within an A-Agriculture Zoning District.

The applicant for this proposal has complied with the general provisions for Special Use Applications as defined in Part II, Section 17, (B) of the Elbert County Zoning Regulations, including all provisions for public notice.

Subdivision Regulations are not applicable to the present case.

b. *Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood:* The Special Use Review Process ensures that land uses not listed as Uses by Right may be deemed appropriate for the specified location and zoning district.

This Special Use Internet Communication tower proposal is to be situated on Agriculture, (A) zoned property and is surrounded by A zoned property as well. The site currently is approved for and contains a private internet tower. The private tower will be replaced by the commercial tower. The nearest property lines will remain 450 feet from the tower site.

c. *Whether the proposed Special Use will adversely impact the provision of public services:* The purpose of this proposal is to provide internet services to county residents. Rather than having adverse effects, approval of this application is viewed to be beneficial to the public welfare.

d. *Whether the proposed special Use will adversely impact the environment:* The location of this proposal is not within proximity of any residential development, thereby minimizing any visual impacts. Furthermore, referral responses did not identify any environmental concerns.

e. *Whether the proposed Special Use will create traffic congestion or burden the existing road system:* The proposed Special Use will not create traffic congestion or burden the existing road system. This is to be an unmanned facility, which will be visited only by a technician periodically, [up to six times per year], for preventative maintenance.

f. *Whether the proposed Special Use will be adequately landscaped, buffered, and screened:* The submitted documentation does not include plans to landscape the site. However, it is the opinion of Community & Development Services that screening and buffering are not practical or even necessary because of the tower height and distance from any residential area.

g. *Whether the proposed Special Use Review will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County:* This special use is viewed as desirable and a benefit to the safety and welfare of County residents by improving the availability of internet services.

RECOMMENDATION:

Recommend approval of SU 14-0006 DIRECT LINK WIRELESS INTERNET TOWER – MCASKILL TOWER, conditions of approval to include:

1. The posted notice of public hearings shall be removed from the property no later than seven (7) days following approval by the Board of County Commissioners.
2. The Applicant will digitally re-submit to Community & Development Services, 100% of their approved project information together with Exhibit information to comply with the digital submittal requirements as described in the Subdivision Regulations, Section XV.
3. The applicant will record the Special Use Review Plan Exhibit within 180 days of Board of County Commissioners approval.
4. The requested Special Use will not become effective until all conditions are met, fees paid and documents recorded.
5. Adopt the findings enumerated herein.

Respectfully Submitted,

Curtis S. Carlson
Senior Planner