



City of Evanston

Planning & Zoning Commission Board of Adjustment

1200 Main Street, Evanston, Wyoming 82930
Ph. # (307) 783-6470 Fax: (307) 783-6490
Email: jcampbell@evanstonwy.org Web: www.evanstonwy.org



Planning and Zoning Commission Meeting Minutes March 2, 2015 6:00 p.m.-City Hall

Commissioners Present:

Chuck Straw, Chairman
Georgia Harvey
John Holderegger
Mike Sellers
Eric Mander
Deborah Demander

Staff Present:

Paul Knopf, City Planner
DuWayne Jacobsen, Associate Planner
Janel Campbell, Administrative Assistant
Dennis Boal, City Attorney

Chairman Straw called the meeting to order at 6:01 p.m.

Chairman Straw asked for a motion to approve the agenda for the March 2, 2015 meeting. A motion was made by Commissioner Holderegger, seconded by Commissioner Harvey. ***Motion carried.***

Chairman Straw asked for a motion to approve the minutes for the November 3, 2014 meeting. A motion was made by Commissioner Harvey, seconded by Commissioner Mander. ***Motion carried.***

With no old business to address, Chairman Straw proceeded to new business.

Attorney Boal opened the hearing with **CP 15-01** A request by Richard and Kathleen Hanks for a Conditional Use Permit to construct a detached accessory structure (garage) that will exceed 60% of the square foot size of the footprint of the principal structure on property that is zoned Low Density Residential-Established (LR-E) and that is located at

1248 Sage Street, Evanston, WY. (Section 24-26 of Chapter 24, Zoning of the Evanston City Code)

Attorney Boal explained the legalities of the hearings stating that the applicant(s) would be heard from first, followed by those who were in favor of the applicant(s), and finally, from those who were opposed. He explained that these public hearings are contested case hearings and that anyone who wishes to contest the Commission's decision must make it known to him at the closing of the hearings.

Mr. Michael Hanks who resides at 162 Comanche Court was sworn in. Mr. Hanks spoke on behalf of his parents, Richard and Kathleen Hanks, who reside at 225 Champs Avenue. Mr. Hanks said that his parents would like to build a 40' x 40' detached garage behind their rental house to store personal vehicles and to have space for a work shop.

Attorney Boal asked if there was anyone who would like to speak in favor of the application. There was not anyone. He then asked if there was anyone who would like to speak in opposition of the application. There was not anyone. He then asked if the Commission had any questions.

With no further questions, Attorney Boal closed the hearing.

Chairman Straw asked for a motion to approve the request. A motion to approve, with staff recommendations was made by Commissioner Holderegger, seconded by Commissioner Harvey. Chairman Straw called for the vote. ***Motion carried unanimously.***

Attorney Boal read the next item on the agenda, **CP 15-02** A request by Union Telephone Company for a Conditional Use Permit to construct an antenna support structure (cell tower) that will not exceed the maximum height of 35 feet on property owned by the City of Evanston (Aspen Grove Water Tank property) that is zoned Low Density Residential-Developing (LR-D) and that has the following legal description: T15N, R120W, NW 1/4 of the SW 1/4 of Section 27, Evanston, WY. (Section 24-95.7 of Chapter 24, Zoning of the Evanston City Code)

Ms. Alyssa Blair, a representative of Union Wireless who resides at PO Box 160, Mountain View, Wyoming, was sworn in. Ms. Blair stated that Union Wireless would like to construct a 35 foot tall wood laminate pole for cellular communication equipment. Ms. Blair indicated that Union Wireless carefully considered zoning in the area while searching for a site and determined that the Aspen Grove water tank property would provide the best service coverage.

Ms. Blair presented photo simulations of what the tower would look like from various viewpoints. She said that it is 35 feet in height and can accommodate collocation of another cellular provider. The cell tower is a square brown laminate pole with an antenna array at the top. Ms. Blair mentioned that she had discussed with the Planning

Department to have the pole look like a street light pole. She added that a light could be installed at the top of the pole, but you would still see the antenna array.

In addition to the pole, Union Wireless is proposing an 8 foot by 16 foot electronic shelter, an 8 foot by 12 foot generator shelter, and a propane tank. Normally, Union Wireless paints the shelters a shade of green, but they will paint or side the shelters a color that the City prefers.

Ms. Blair mentioned that she did see that there are some concerns with propane tanks. She said that even though propane is more expensive than diesel, Union Wireless prefers propane because of the risks of a spill with diesel fuel. Union Wireless has found propane to be a safer alternative.

Attorney Boal asked if there was anyone in the audience who has questions for the applicant. There were no questions from the audience. He then asked if the commissioners had questions.

Commissioner Mander asked if Union Cellular could use something other than the propane tank, maybe solar panels.

Ms. Blair responded that Union Cellular is looking at the use of solar power in their network in general. She stated that Union Cellular does have a few sites that are located completely off the power grid, but solar power has not been incorporated into their average site yet. She said that solar power or natural gas may be options to consider for backup power.

Commissioner Mander stated that there are concerns with the use of propane. He asked if Union Cellular could use solar power as a backup power source.

Ms. Blair responded that if the Commission required solar power as the backup power source, they could go with solar power. She said that Union Cellular prefers to have a backup power source, but they could forego backup power as another option. Municipalities tend to have a more stable power source.

Chairman Straw asked if the propane tanks could be buried. He stated that this might shift responsibility of the tanks from the provider to Union Cellular.

Ms. Blair stated that she has not seen a design where the tanks have been buried, but she believes that it may be an option.

Chairman Straw stated that burying the tanks may mitigate the concerns of a possible explosion.

Commissioner Sellers stated that if natural gas is available, it may be a safer alternative.

Ms. Blair said that if the propane tanks are a concern of the Planning Commission, Union Wireless could consider other backup power options.

Commissioner Mander asked if other carriers could be located on the pole.

Ms. Blair answered yes. In addition to their antenna array at the top of the pole, there will be space for another similar antenna array below their equipment.

Commissioner Mander referred to the signal coverage analysis report submitted by the applicant. The report only provides an analysis for a 35 foot pole height. He questioned what the coverage would be with a 15 foot tall pole versus a 35 foot pole.

Ms. Blair answered that they haven't done a study on a 15 foot pole, but she doesn't think there would be much of an impact on their coverage. However, a 15 foot pole would eliminate opportunity for collocation of another carrier on the pole. She pointed out that most carrier's antenna array require about 6 to 8 feet on the pole plus an equivalent distance between another carrier's antenna array. The separation distance between arrays is needed so that the signals don't interfere with each other.

Chairman Straw questioned if the proposed coverage area was being met by Verizon or another provider.

Ms. Blair reviewed the signal coverage map and pointed out areas having poor to no coverage. She did not know if Verizon or other carriers were providing service to these areas.

Commissioner Demander questioned the aesthetics of the proposed wood pole and asked if Union Wireless would consider camouflaging the tower as a tree.

Ms. Blair mentioned that Union Wireless did look at other options, but thought the wood pole would offer the least visual impact in the neighborhood. She stated that Union Wireless could install a communication tower that is camouflaged as a pine tree.

Ms. Blair offered one more comment regarding item #9 under the conditions of approval in the staff report. She said that Union Wireless is not required to register the tower with the FCC unless the communication site is within close proximity to an airport. Unless the Commission wants to include item #9, she asked that it be removed as a condition of approval.

With no further questions, Attorney Boal asked if there was anyone who would like to speak in favor of the application. There was not anyone. He then asked if there was anyone who would like to speak in opposition of the application.

Ms. Gerri Sullivan, who resides at 405 Overlook Court, was sworn in. She expressed concerns about property value, aesthetics of the tower, and safety of the facility in the neighborhood. She questioned if the tower would be visible from her house.

DuWayne Jacobsen, Associate City Planner, reviewed the location of the proposed tower in relation to her house.

Ms. Sullivan questioned what a 35 foot tall tower would look like from her viewpoint.

Paul Knopf, City Planner, said that the monopole tower adjacent to the former Jubilee property (currently The Junction) is 65 feet in height. The proposed tower would be about half of that.

As a visual aid, Mr. Jacobsen reviewed several photograph simulations provided by the applicant of the proposed 35 foot tall tower.

Ms. Sullivan questioned how the site would be accessed.

Mr. Knopf indicated that there is an existing water line and access easement for the City to the site. Union Wireless has negotiated with the property owner at 406 Overlook Court to use the existing access easement.

Commissioner Mander questioned if she would have the same concerns if the pole was 15 feet in height versus 35 feet in height.

Ms. Sullivan agrees that a 15 foot tall pole would be better. She reiterated that her first concern is aesthetics. Her second concern is the safety of the proposed propane tanks.

Attorney Boal asked the Commissioners if they had any questions for Ms. Sullivan. There were no questions. Attorney Boal asked if there was any one present who wanted to speak. There was nobody to speak about the application. Attorney Boal asked if the Commissioners had any questions.

Commissioner Demander asked if the Evanston City Code has a collocation requirement.

Mr. Knopf stated that a 35 foot tall tower requires space for collocation of a second carrier.

Chairman Straw questioned if there are any carriers presently collocating on communication towers in the City.

Mr. Knopf stated that there are currently no carriers presently collocating on communication towers in the City, but there is space available which will minimize the need for additional towers in the community. If there is a tower located within 1,500 feet of an existing tower that has collocation space available, the carrier will need to collocate on that tower or show good reason why they cannot collocate on existing tower.

Chairman Straw questioned why Union Wireless is proposing to locate a tower at the City's water tank property versus locating a tower at Aspen Groves Nursery.

Ms. Blair stated that the City's water tank property provides the best single site solution to provide coverage in the area. If the Commission does not approve a cell tower at the City's water tank property, Aspen Grove Nursery is a second option to consider.

Commissioner Sellers asked Ms. Sullivan if she would be happier if the tower looked like a tree.

Ms. Sullivan stated that she is not familiar with the look of a monopine tower.

Attorney Boal asked the Commissioners if they have other questions. With no further questions, the hearing was closed.

Chairman Straw asked for a motion to approve CP 15-02. Commissioner Harvey made a motion to approve CP 15-02 including staff recommendations except item #9. The motion was seconded by Commissioner Holderegger. Chairman Straw asked for discussion.

Commissioner Demander stated that a monopine tower would look better than simple pole or a pole with a street light extension.

Chairman Straw agreed and asked Commissioner Mander for his thoughts.

Commissioner Mander stated that if Union Cellular can provide coverage with a 15 foot tower versus a 35 foot tower, a 15 foot tower would be preferred and would have less of a visual impact in the neighborhood. He would like to condition approval of the cell tower request with two items. The first item would limit the pole height to 15 feet versus 35 feet. The second item would require Union Wireless to use solar power versus propane for backup power.

Commissioner Holderegger stated that the Wireless Telecommunication ordinance encourages collocation to minimize the number of communication towers in the City. Reducing the tower from 35 feet to 15 feet would not allow collocation.

Commissioner Mander suggested that the Commission approve the request with a shorter tower that would still allow collocation, perhaps a 20 foot tall tower.

Chairman Straw disagreed with reducing the height of the tower and asked Ms. Sullivan if she would be happy if the Commission approved a 35 foot tower and required it to be camouflaged as a pine tree.

Mr. Knopf stated that if the Commission approves a monopine tower, the Commission may also want to require additional landscaping around the tree. Planting some trees at the base of the monopine tower will help with scale. When the trees mature over time, they will also help camouflage the tower.

Commissioner Seller echoed the concern that Commissioner Mander has about safety regarding the use of propane for backup power. He stated that with natural gas being readily available in neighborhoods, that perhaps this might be an option. Commissioner Seller would prefer that Union Cellular utilize solar power more in their developments.

Ms. Blair stated that solar power can be an option.

Chairman Straw asked Commissioner Harvey if she would like to modify her motion to approve CP 15-02.

Commissioner Harvey modified her motion to allow a 35 foot tall monopine tower. Landscaping shall be required at the base of the tower. The landscaping plan shall be reviewed and approved by Planning Department staff. Backup power shall use either natural gas or solar power. The perimeter fence shall be a wood privacy fence. The fiberglass buildings shall be painted a brown earth tone color. Staff recommendations, except item #9, will apply unless otherwise noted in the modified motion. The motion was seconded by Commissioner Holderegger. Chairman Straw called for the vote. There were five aye votes from Chairman Straw and Commissioners Demander, Harvey, Holderegger, and Sellers. There was one nay vote from Commissioner Mander.

Motion carried.

Chairman Straw asked if there was other business.

Mr. Knopf mentioned that another meeting to discuss the 2030 Comprehensive Plan would be announced via email in the next few weeks.

Mr. Knopf mentioned that the next meeting of the Planning and Zoning Commission will be April 6, 2015.

Commissioner Harvey had asked if lot line adjustments and plat maps could be discussed at the 2030 Comprehensive Plan meeting. Mr. Knopf will add that topic to the agenda.

With no further business, Chairman Straw adjourned the meeting at 6:55 p.m.