

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 20, 2017  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET**

**ROLL CALL AND DECLARATION OF QUORUM**

Commissioners Present: Betty Alt, Donald Bruestle, Epimenio Griego, Judy Leonard, Philip Mancha, John Musso, and Zachary Swearingen.

Commissioners Absent: Kiera Hatton and Roger Lowe.

Staff Present: Joan Armstrong, Director; Dominga Jimenez-Garcia; Sandra Smith; and Gail Wallingford-Ingo.

Others Present: Marci Day, Assistant County Attorney; and Pat Coffee, General Services Engineer, Pueblo County Department of Engineering and Public Works.

Chair Bruestle called the Pueblo County Planning Commission meeting to order at 5:30 p.m.

**APPROVAL OF AUGUST 16, 2017 MINUTES**

Ms. Alt motioned to approve the minutes of the August 16, 2017 meeting as mailed. Mr. Griego seconded the motion. Motion carried unanimously.

**APPROVAL OF SEPTEMBER 20, 2017 AGENDA**

Ms. Leonard motioned to approve the agenda of the September 20, 2017 meeting as mailed. Ms. Alt seconded the motion. Motion carried unanimously.

**CHAIRPERSON'S REPORT**

None.

**DIRECTOR'S REPORT**

The Director's Report was presented by Ms. Joan Armstrong. She requested the staff reports be made a part of the record of proceedings.

(a) Acceptance of Map Amendments and Planned Unit Developments--None.

Ms. Armstrong noted that [Map Amendment No. 2017-009](#) was accepted at last month's meeting for processing and was continued to be heard at this evening's meeting.

(b) Correspondence:

The following pieces of correspondence relate to [Special Use Permit No. 2017-002](#) expressing support:

- E-mail, dated September 14, 2017, from Donna Janz.

The following pieces of correspondence relate to [Special Use Permit No. 2017-002](#) Amended Request expressing opposition:

- E-mail, dated September 15, 2017, from Laura Fadenrecht.
- E-mail, dated September 17, 2017, from Harold and Pam Pacheco.
- E-mail, dated September 18, 2017, from Leesa Archuleta and Santiago Archuleta.
- E-mail, dated September 18, 2017, from Pamela A. McGarva Kuhrt.

(c) Continuances--None.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on September 13, 2017.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

- (f) Administrative Reviews--[Special Use Permit No. 2009-013](#) allowing "Farming or Ranching", specifically to allow a minimum of two horses in an R-2 Zone District. The parcel contains 3.25± acres and is addressed as 216 East U.S. Highway 50 in the Avondale area.

This was continued from the August 16, 2017 Pueblo County Planning Commission meeting to allow the applicant time to review the options and contact the Department of Planning and Development. Based upon an onsite review of the property for the August Administrative Review, it was found that the applicant is keeping farm animals (pigs, goats, and chickens) on the site and there did not appear to be any horses on the property.

Staff had recommended at the August 16, 2017 meeting that the Pueblo County Planning Commission continue Special Use Permit No. 2009-013 to the September 20, 2017 meeting to allow the applicant time to review their options. Based upon the applicant not contacting staff and attempting to resolve the issues, staff recommends that the Pueblo County Planning Commission direct staff to submit the keeping of farm animals on the property as a zoning violation and schedule Special Use Permit No. 2009-013 for Declaration of Abandonment at its October 18, 2017 hearing.

The Commission accepted the Administrative Review, thereby scheduling Special Use Permit No. 2009-013 for Declaration of Abandonment at its October 18, 2017 hearing.

Ms. Armstrong requested the Commission take action to accept the late correspondence; the Board of County Commissioners' action; and the administrative review as presented.

Ms. Leonard moved to accept the late correspondence; the Board of County Commissioners' action; and the administrative review as read into the record and make the Commission's comments a part of the record of the proceedings. Ms. Alt seconded the motion. The motion carried unanimously.

**STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON**

Chair Bruestle reported that the applicant and/or representative are called upon to speak, followed by any opposition, with the applicant having the final say.

**PUBLIC HEARING**

Ms. Armstrong explained there was one item on the Consent Agenda and five items on the Regular Agenda for this evening's meeting.

**CONSENT ITEMS:**

Ms. Leonard moved to approve the Consent Item listed below with conditions. Mr. Mancha seconded the motion. The motion carried unanimously.

- [Special Use Permit No. 1999-007](#) Amended on behalf of Fremont Paving & Redi-Mix. Inc. allowing mineral and natural resources extraction, mining operation, and process on 448± acres in an A-1 Zone District with a proposal to reclaim 300 surface acres to a permanent unlined lake. The applicant requests "*...an amendment to the existing special use permit number 1999-007 to allow the construction of a slurry wall around the existing quarry.*" This will amend the reclamation plan to a lined pit (slurry wall) to prevent water from entering the pit and requiring the owner to pump water out of the pit.

**Ms. Armstrong** reported that Special Use Permit No. 1999-007 was originally approved by the Pueblo County Planning Commission on May 25, 1999, with twelve conditions and a note. The special use permit was reviewed and reissued in May 2000 and reviewed and reissued in May 2001 with ten conditions of approval. The conditions were modified from the original twelve conditions and note, due to the applicant complying with some of the conditions and the special use permit placed on a complaint-basis only. She stated that the amendment is relative to the reclamation plan only. There is no change to the mining operation and processing. The use for mineral resource extraction, mining operation, and processing has been established for sixteen years. The area is surrounding by other areas established as mining operations or have been approved for mining operations with reclamation for water storage. The granting of this amendment for a lined pit will not substantially modify the Land Use plan or the intent, purpose, and spirit of this Title. The pit will not be used for anything at this time and it will not have an inlet or outlet. It will be seeded and not require insect control. As previously outlined, the surrounding area has

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

other existing and/or approved mining operations. The proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties. The construction of the slurry wall around the quarry will prevent water from entering the pit. This amendment will not adversely affect the public health, safety, or welfare.

Ms. Armstrong stated that staff is recommending the Pueblo County Planning Commission approve Special Use Permit No. 1999-007 Amended with eleven conditions, noting that No. 1 was modified, Nos. 2 and 3 were added, the wording for No. 10 was changed to a Directive to Staff, and all the others were re-numbered accordingly. The Directive to Staff states an administrative review will be presented to the Planning Commission at its September 2022 hearing or earlier if deemed necessary.

The Commission approved Special Use Permit No. 1999-007 Amended with eleven revised conditions of approval and a Directive to Staff per Staff Review dated September 6, 2017. PCPC Resolution No. 17-021, dated September 20, 2017, was also approved.

**REGULAR ITEMS:**

**Statement of Conduct and Demeanor**

Chair Bruestle stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

- **Special Large Area Plan No. 1-83** (also known as SLAP 1983-001 for filing purposes only), Pueblo West Metropolitan District requests **RESCISSION** of a proposed development of 127 single-family attached and detached units on five (5) lots in an R-5 Zone District. Note: This item was continued from the August 16, 2017 Planning Commission meeting.

**Ms. Gail Wallingford-Ingo**, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated August 7, 2017. She stated the special large area plan was a proposed development of 127 single-family attached and detached units within Tract 365 in Pueblo West. The current landowner plans to market the lots for commercial development and wishes to rescind the special large area plan to assure there are no applied development standards.

Staff is recommending the Pueblo County Planning Commission approve the current owner's request and rescind the approval of Special Large Area Plan No. 1-83 (aka Special Large Area Plan No. 1983-001 for filing purposes only).

**Mr. Randy Reeves**, Cardinal Points Surveying, Inc., 4601 Eagleridge Place, Suite 110, represented the easement vacation. He stated the property was located at the northwest corner of the intersection of West Calle De Camelia and West Spaulding Avenue in Pueblo West. It was originally platted as Lots 1 through 5, Block 2, Tract 367 and owned by MCO Properties. The purpose of the special large area plan was to develop the area into townhomes. At the same time, Rangeview Subdivision was approved as Phase I of the project. There have been no improvements. He stated he was available to answer any questions.

**IN FAVOR**

**Mr. Shawn Winters**, Assistant Engineer, Pueblo West Metropolitan District Public Works Department, 280 East McCulloch Boulevard, Pueblo West, spoke in favor of the rescission. He stated he was available to answer any questions, as well as **Mr. Darrin Tangeman**, District Manager, Pueblo West Metropolitan District.

**Ms. Emily Price**, 328 South Littler Drive East, Pueblo West, spoke in favor of the rescission. She stated her comments would apply to the four applications submitted on behalf of the Pueblo West Metropolitan District. Chair Bruestle stated that each item would be heard individually. Ms. Price stated she lived in Pueblo West and was head of an organization called The Pueblo West Citizens' Council. She circulates a newsletter of events within the Pueblo West community and Pueblo County. The membership is between 750-800 people. The day after the last hearing, this item was included in her newsletter. She received no

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

negative responses. She had 27 positive responses from people throughout the community commenting that it was about time and to let them know when stores start opening.

**Ms. Barbara Bernard**, 106 West Cellini Drive, Pueblo West, spoke in favor of the rescission. She stated she was in support of the rescission and rezoning of said parcel. She is a member of the Pueblo West Metropolitan District Board of Directors. The property was originally zoned to be commercial. There was a time a developer considered multi-family housing on the parcel, which initiated the special large area plan. There was no development. There is currently some interest from developers to develop the land commercially. She stated the Pueblo West community was in desperate need of additional retail facilities, i.e., grocery stores, restaurants, movie theater. She was in support of all the applications that relate to this issue.

**Mr. Darrin Tangeman**, District Manager, Pueblo West Metropolitan District (PWMD), 109 East Industrial Boulevard, Pueblo West, spoke in favor of the rescission. He stated that the parcel has been zoned R-5 for 33 years with no significant interest or development. Over the last five to seven years, there have been multiple interests in developing the parcel for retail purposes. The location makes for an excellent retail development. There is a residential buffer to the west that would provide protection for the residents from future commercial development. He stated that Pueblo West was experiencing large residential growth and not much commercial growth. The residential/commercial ratio is 72% to 28%. He stated this makes Pueblo West vulnerable to changes in the residential assessment rate and revenues. This year happens to be one of those years. If it is not fixed in the future, there is a potential that the PWMD will have to reduce services to the community. It is imperative to develop a diverse ratio of commercial to residential properties in Pueblo West so that they can immunize themselves from those potential changes in the future. This type of development is very important to the economic viability of Pueblo West's future. This is why he feels it is necessary to rescind the special large area plan and rezone the property to the B-4 Zone District so that it can be marketed to the proper retail developer.

Ms. Alt was looking at the diagram for the original proposal in 1984. She stated that patio and townhomes were in scarce supply in the City of Pueblo. She questioned the lack of attempts to develop the property into townhomes. Mr. Tangeman replied that once the special large area plan and subdivision were put in place, there have been no development efforts. He stated there has been interest in other more established residential areas, but not the property in question, which is in an odd location. He stated that Mr. Anderson, an appraiser that was at the PWMD community meeting, indicated that it was odd that it was zoned R-5 and felt a B-4 zoning designation would be better suited. He stated there were many residential developments happening in Pueblo West.

**Ms. Kim Arline**, 270 West Ben Hogan Drive, Pueblo West, spoke in favor of the special large area plan rescission. She lives in the area and drives by the property in question every day. She has many traffic concerns in that area. She requested that any development in the area also include addressing and fixing those traffic concerns. She noted that a bike/pedestrian trail was built to the Pueblo West Wal-Mart. There was never a pedestrian easement plotted on the property in question. She wanted to make sure that all types of connectivity were included in the proposed development of said property. The location is high in density, and it would be nice to have a walkable area included in the development.

**IN OPPOSITION**

There was no testimony in opposition to the special large area plan rescission.

**REBUTTAL**

There was no rebuttal to the special large area plan rescission.

Chair Bruestle called for a motion to close the hearing and enter staff's comments into the record.

Ms. Leonard recused herself from voting on this matter.

Mr. Swearingen moved to close the hearing and enter the Commission's and staff's comments into the record. Mr. Mancha seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

**MOTION**

Ms. Alt moved to rescind Special Large Area Plan No. 1-83 (also known as SLAP 1983-001 for filing purposes only). Mr. Swearingen seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote. PCPC Resolution No. 17-022, dated September 20, 2017, was also approved.

- **Easement Vacation No. 2017-001** requesting to vacate the 20-foot platted public utility and drainage easement located within Parcel "B" as described on the plat of Rearrangement of Lot Lines, recorded May 31, 1984 at Reception No. 747018 and Lots 10-15, Rangeview Subdivision, First Filing. The application will be heard in conjunction with Plat Vacation No. 2017-001 and Map Amendment No. 2017-009. Note: This item was continued from the August 16, 2017 Planning Commission meeting.

**Ms. Gail Wallingford-Ingo**, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated August 7, 2017. This easement vacation will vacate a public utility and drainage easement, which was included in the original platting of Tract 367, Block 2, Lots 1 and 2. Those lots were subsequently rearranged through a 1984 rearrangement; however, when they platted that rearrangement plat and recorded it, the easement was inadvertently left off. Due to Pueblo West Metropolitan District's desire to market these lots for commercial development, again they are trying to eliminate any development standards that may impose any type of restrictions.

Staff is recommending the Planning Commission forward a recommendation of approval of the easement vacation to the Board of County Commissioners with three comments and two conditions as outlined in pages four and five of staff's review.

Ms. Wallingford noted that the reason the first four items were on the regular agenda was because there was opposition at last month's meeting. She stated that the party in opposition at last month's meeting was not in attendance at this evening's meeting.

**Mr. Randy Reeves**, Cardinal Points Surveying, Inc., 4601 Eagleridge Place, Suite 110, represented the easement vacation. Mr. Reeves stated the lot line rearrangement was initiated for the purposes of Rangeview Subdivision. The request for the easement vacation was overlooked at that time. He stated the easement does not follow the existing lot line, noting it would run through the middle of the lots. He stated it was more of a housekeeping matter.

**IN FAVOR**

There was no testimony in favor of the easement vacation.

**IN OPPOSITION**

There was no testimony in opposition to the easement vacation.

**REBUTTAL**

There was no rebuttal to the easement vacation.

Chair Bruestle called for a motion to close the hearing and enter staff's comments into the record.

Ms. Leonard stated she recused herself from voting on this matter.

Mr. Mancha moved to close the hearing and enter the Commission's and staff's comments into the record. Mr. Swearingen seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

**MOTION**

Mr. Swearingen moved to forward a recommendation of approval of Easement Vacation No. 2017-001 to the Board of County Commissioners with three comments and two conditions per staff's review, dated August 7, 2017. Mr. Griego seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.



**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

- **Map Amendment No. 2017-009** proposing to rezone five (5) parcels of land from an R-5 Zone District to a B-4 District. The application will be heard in conjunction with Plat Vacation No. 2017-001 and Easement Vacation No. 2017-001. Note: This item was continued from the August 16, 2017 Planning Commission meeting.

**Ms. Gail Wallingford-Ingo**, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated August 8, 2017. She stated the map amendment request is for the same five parcels at the same intersection of the previous two applications. The request is to rezone a total of 19.12 acres from an R-5 to a B-4 Zone District.

Staff is recommending the Planning Commission forward a recommendation of approval to the Board of County Commissioners with three findings as outlined in page four of staff's review.

*See additional testimony under Special Large Area Plan No. 1-83 (also known as SLAP 1983-001 for filing purposes only).*

**IN FAVOR**

There was no testimony in favor of the map amendment.

**IN OPPOSITION**

There was no testimony in opposition to the map amendment.

**REBUTTAL**

There was no rebuttal to the map amendment.

Chair Bruestle called for a motion to close the hearing and enter staff's comments into the record.

Ms. Leonard recused herself from voting on this matter.

Mr. Griego moved to close the hearing and enter the Commission's and staff's comments into the record. Mr. Mancha seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

**MOTION**

Mr. Mancha moved to forward a recommendation of approval of Map Amendment No. 2017-009 to the Board of County Commissioners with three findings based upon Chapter 17.144, Section 060 *Hearing and Findings* of the Pueblo County Code per staff's review, dated August 8, 2017. Mr. Griego seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

- **Plat Vacation No. 2017-001** requesting to vacate Rangeview Subdivision, First Filing as platted on May 31, 1984, in its entirety. The application will be heard in conjunction with Easement Vacation No. 2017-001 and Map Amendment No. 2017-009. Note: This item was continued from the August 16, 2017 Planning Commission meeting.

**Ms. Gail Wallingford-Ingo**, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated August 8, 2017. She stated that Rangeview Subdivision was a resubdivision of Parcel A, Rearrangement of Lot Lines, recorded May 31, 1984, at Reception No. 747018. The subdivision contained 16 lots, a publicly dedicated 64-foot roadway, and various publicly dedicated easements. There was also a Subdivision Improvements Agreement recorded in conjunction with the resubdivision proposal. Rangeview Subdivision was never built, and there was a stipulation in the covenants and plat restriction that indicated that all the improvements required to support the subdivision had to be installed prior to the issuance of any building permit. There is no evidence in the file that any of the required improvements were ever installed and ownership of the entire property has since been conveyed to the Pueblo West Metropolitan District (PWMD). The PWMD intends to develop the area as commercial business; therefore, it is necessary to vacate the current plat to the original 2.5± acre parcel without any development restrictions.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

Staff is recommending the Planning Commission forward a recommendation of approval to the Board of County Commissioners with four conditions as outlined in page six of staff's review.

**IN FAVOR**

**Mr. Darrin Tangeman**, District Manager, Pueblo West Metropolitan District, 109 East Industrial Boulevard, Pueblo West, spoke in favor of the plat vacation. He stated that he was available to answer any questions.

**Ms. Emily Price**, 328 South Littler Drive East, Pueblo West, spoke in favor of the plat vacation. She stated she was very much in favor of the plat vacation as she was for the three previous applications submitted by the PWMD. She apologized to the Commission for the continuance of the four items presented by the PWMD, noting they were on last month's consent agenda and were removed to the regular agenda due to some opposition. She felt the other people were delayed for no reason.

Chair Bruestle replied he considered the meeting to be citizen participation.

**IN OPPOSITION**

There was no testimony in opposition to the plat vacation.

**REBUTTAL**

There was no rebuttal to the plat vacation.

Chair Bruestle called for a motion to close the hearing and enter staff's comments into the record.

Ms. Leonard recused herself from voting on this matter.

Ms. Alt moved to close the hearing and enter the Commission's and staff's comments into the record. Mr. Swearingen seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

**MOTION**

Ms. Alt moved to forward a recommendation of approval of Plat Vacation No. 2017-001 to the Board of County Commissioners with four conditions per staff's review, dated August 8, 2017. Mr. Mancha seconded the motion. Motion carried by a 6-0-1 vote, with Ms. Leonard recusing her vote.

- **Special Use Permit No. 2017-002** allowing the establishment of a lattice type telecommunications tower with an overall height of 199 feet and related accessory buildings and support facilities on a 5,625-square foot leased parcel of land in an A-1 Zone District. The original submittal request of March 1, 2017 was for a lattice type telecommunications tower with an overall height of 260 feet. The amended request, which reduced the overall height to 199 feet, was submitted on July 31, 2017. All other aspects of the original request remain the same. (Note: This item was continued from the August 16, 2017 Planning Commission meeting.)

**Ms. Gail Wallingford-Ingo**, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated August 8, 2017. The leased parcel is encompassed within a 17,400± acre parcel of land (more commonly known as Walker Ranch), more specifically the easterly portion of said property within the SW¼ of Section 13, Township 19 South, Range 66 West of the 6<sup>th</sup> P.M. that abuts Pueblo West Tract 251. The leased parcel is located approximately 600 feet west of the intersection of North Ladonia Drive and East Guffey Drive in the Pueblo West area. The application for Special Use Permit No. 2017-003 was originally scheduled before the Pueblo County Planning Commission at its April 19, 2017 public meeting; however, based on concerns from staff and members of the community in opposition, the applicant requested continuance to the June 21, 2017 Planning Commission meeting. At the June 21, 2017 meeting, the applicant requested a continuance to the August 16, 2017 Planning Commission meeting. After the August 16, 2017 meeting, the applicant held a neighborhood meeting to address some of the opposition's concerns and they also met with staff. On July 31, 2017, an amended

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

request was filed. The amendment was strictly to reduce the overall height of the facility, which was originally proposed at 260 feet, noting the current proposal was 199 feet. Since the Planning Commission has never acted on the special use permit, the action this evening is for Special Use Permit No. 2017-002. The reference to amended request was for clarification purposes so that everyone was aware of the reduction of the height of the tower. In April, staff wrote a detailed staff report and outlined several comments and concerns relative to the proposal. The applicant has since addressed those comments and are included in the current staff report as part of the applicant's letter of request. Any additional comments based on the community meeting held by the applicant as well as staff's comments based on their meeting with the applicant, have been incorporated into the staff report are included as an exhibit. She noted that there was documentation of access approval from the Pueblo West Metropolitan District's Public Work Department, to date, the applicant has not followed up with the PWMD to determine the type of access and improvements; however, the two parties have been in contact with each other since the issuance of staff's report on September 15, 2017.

Staff is recommending the Planning Commission approve the special use permit with four comments relative to the four findings pursuant to Chapter 17.140.050 *Special Use Permit Standards* of the Pueblo County Code as outlined on pages seven through eleven and seven comments and a Directive to Staff pursuant to Chapter 17.120.260 *Telecommunication Tower(s)* outlining nine performance standards as outlined on pages twelve through fourteen of staff's review dated September 13, 2017.

Ms. Armstrong reminded the Commission that the five pieces of late correspondence received for this evening's meeting were relative to this special use permit.

**Mr. Eugene Carroll**, Advantage Engineers, LLC, 5445 DTC Parkway, Penthouse 4, Greenwood Village, Colorado, represented the special use permit. He stated that also in attendance were Mr. John Wabiszczewicz with T-Mobile, Mr. Robbie Carastan with T-Mobile, Mr. Tim Allen with Eco-Site, Inc., Ms. Becky DeCook, legal counsel, and Mr. Jeff Smyth, appraiser. He provided a hard copy of the PowerPoint presentation to the Commission, which was entered into the record as Petitioner's Exhibit No. 1. He stated he also submitted to Ms. Wallingford-Ingo copies of the Radio Frequency Justification, NEPA Survey, the appraiser's report, and coverage maps, which were made a part of staff's review. He thanked Ms. Armstrong and Ms. Wallingford-Ingo for their assistance with the application by keeping the applicant's apprised of what was required.

**Mr. John Wabiszczewicz**, T-Mobile, 18400 East 22<sup>nd</sup> Avenue, Aurora, Colorado, represented the special use permit. He stated he was a manager in Engineering Development for T-Mobile. The purpose of the tower application is to improve coverage for the residents and visitors of Pueblo County. The proposed location has been determined to be an underserved location and they would like to improve coverage in the area. A significant amount of investment has taken place within the Pueblo area on the existing sites, and as T-Mobile enters an expansion phase, it is necessary to proceed with adding additional sites to their infrastructure. Looking at a new tower structure in Pueblo West, the first thing they look at is if it is available. At this particular location, it was determined that there was no infrastructure to co-locate on; hence, why they are here. T-Mobile continues to aggressively invest in Pueblo and look to provide the best of service for the residents and the visitors of the community.

**Mr. Eugene Carroll** stated that he would review the PowerPoint and apologized because a lot of it was the same as last month. He stated the demographics of cell phones are becoming faster and more data is required. People are leaving the land line behind and moving to cell phones. He stated today's communication facilities are extremely low power and are intended to cover very small areas. This is based on trying to provide in-building coverage for households or businesses. The telecommunications tower needs to be located as close as possible. It is very important to be able to provide emergency services like GPS location services. If anyone watched the news coverage recently on Hurricane Irma, the newscasters weathering the storm were getting their communication connection through cellular towers. You may have heard them say their connections were strong, and that was because there were cellular towers in the area even though power lines were going down. It is important for emergency service providers to have a strong cellular coverage. The governing law is the Telecommunications Act of 1996 and the State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities. Such regulation shall not unreasonably discriminate among providers or have the effect of prohibiting the provision of personal wireless services.



**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

He stated that Special Use Permit No. 2017-002 proposes a 199-foot self-support tower, coated with a non-reflective neutral color and matte finish to minimize potential visual impact, and the accessory equipment will be within a fenced compound. The center of T-Mobile's antenna system will be at 190 feet. The lease parcel is 5,625 square feet and the physical address is 1995 North Bonita Drive, Pueblo West, owned by Gary and Georgia Walker, and within the A-1 Zone District. He stated Section 17.120.260 of the Pueblo County Code addresses specific requirements for telecommunications towers, noting that the proposed tower meets the specific requirements of this section.

Mr. Carroll stated staff was recommending approval with seven conditions. He stated that the applicant accepted the conditions and recommendations per staff's review. He stated the proposed use would not substantially modify the Land Use Plan or the intent, purpose and spirit of Title 17 of the Pueblo County Code. The reduction in height of the tower has eliminated and/or mitigated concerns raised by staff. The applicant has addressed issues raised by staff regarding lighting, fencing, and co-location. The applicant has changed its initial proposal, including its agreement to reduce the height of the tower to 199 feet to be consistent with other towers in the Pueblo County area. The proposed use will not adversely affect the public health, safety, or welfare, citing that no direct evidence has been presented that document any adverse effects. The applicant has satisfied Chapter 17.120.260, which a portion states, "In an attempt to minimize the proliferation of telecommunication towers throughout Pueblo County, all possibilities of co-location on existing facilities (within a 3-mile radius) must be exhausted prior to the submission of an application for the establishment of new telecommunication tower(s)." He stated there were no towers within the 3-mile radius. The closest tower is owned by American Tower Corporation (ATC) and is five miles from the proposed site. The radio frequency maps show that coverage from the tower will not provide T-Mobile's coverage gap and service needs. The map he showed indicated the coverage using the ATC tower with antennas placed at 165 feet; coverage was along the Interstate 25 corridor and to the east overlapping existing T-Mobile coverage. He stated there were already two other carriers on the ATC tower, which is why the T-Mobile antennas needed to be placed at 165 feet, noting the lower they are on a tower, the less coverage is obtained.

Mr. Carroll stated that the applicant held a neighborhood meeting to address comments and concerns. Items addressed were height, lighting, moving the tower location, radio frequency emission, property values, noise, wind, and construction noise and traffic. The overall height of the tower was reduced from 255 feet to 199 feet, which eliminated the need for lighting required by the Federal Aviation Administration (FAA). Moving the tower one to two miles west places the tower in an area that without residents, just cows, would not address the applicant's coverage gap. The issue of radio frequency emission is controlled by Federal law. The applicant's real estate consultant analysis shows there is no impact to property values based on the construction of a cellular tower. There will be no generator on the tower site and there is no noise generated by the tower. There will be standard wind noise through telephone lines and power lines. It will take approximately 30 days to build the tower and related equipment, noting any construction noise and traffic would be temporary. There will be no traffic to the tower site other than for maintenance, which might happen once or twice a year. The site is monitored electronically and is repaired on an as-needed basis. He stated that radio frequencies are covered by the Telecommunications Act of 1996. The Federal Communications Commission (FCC) has established strict frequencies and guidelines that wireless providers must operate within. T-Mobile and other carriers follow those guidelines, which are very strict and regulated, noting they cannot be changed. If a carrier does something to restrict somebody else, the FCC takes action. Radio frequency signals travel in straight lines and are reflected or refracted by natural and man-made objects like buildings. Signals do not propagate through mountains or solid buildings. The reason it is necessary to have line-of-sight from tower to tower is because signals bounce off objects and calls get dropped. There are several types of radio frequency emissions, i.e., computer Wi-Fi cards, televisions, cordless phones, baby monitors, household wiring, compact fluorescent lamps, and virtually anything that is AC/DC power.

Mr. Carroll showed a map with existing T-Mobile coverage showing the existing T-Mobile tower sites and the area of no coverage. He noted that some of the Pueblo West businesses not covered by T-Mobile were Pueblo West Sportsman's Club, Colorado Pro Rodeo Association, Mountain Shadows Baptist Church, and Pueblo West Fire Station #3. The next map showed coverage with antennas at 190 feet, noting coverage was increased by three to four miles. The next map shows coverage with antennas at 150 feet, and it only increases coverage to an additional 1.5 miles east of the proposed site. The next map

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

showed an overlay of the two coverage areas from the 190-foot antenna and 150-foot antenna. He stated that the map showing the ATC tower with a 165-foot antenna shows coverage along the Interstate 25 corridor but no coverage to the residents to the west. He showed a map with the proposed tower moved one mile to the west. It showed a large overlap of existing T-Mobile coverage and not much where the homes were located. The next map shows the additional coverage achieved with the tower at the proposed location and antennas at 195 feet.

Mr. Carroll stated that the tower proposal incorporates “reasonable means” to create a harmonious use that is consistent with agriculture designation. Staff’s application of a residential overlay is contrary to zoning designation as agricultural. As a lattice design tower, which looks like an older windmill, it is consistent with other permitted uses in agriculture districts. He stated there have been other previously approved towers with similar designs in Agricultural One districts. The Comprehensive Regional Plan was last updated in 2002. At the last meeting, a Commission member spoke of updating the Comprehensive Plan. He stated that it would be important to do that because growth is moving quickly. He felt that all planning and zoning comprehensive plans should be updated every five years. He stated that having a comprehensive plan helps with the growth of a county. Having telecommunication services within a comprehensive plan has been proven to be an economic development tool because people and businesses move where there are communications. He stated that the proposed tower does not “substantially modify” the Land Use Plan. Residents indicated they wanted infrastructure improvements and economic development opportunities. The Land Use Plan encourages efficient and prudent extensions of infrastructure and anticipates mixed use, otherwise, there would be no access to important services throughout the region. He addressed public health, safety, and welfare, noting that there would be an increase in emergency services, not adverse effects from radio frequencies, and no real impact to real property. Wireless emergency public benefits include necessary communications in times of emergency. It coordinates with governmental authorities in implementing new technologies to benefit the public, and provides a platform to expand and enhance coverage to ensure consumer and emergency calls are transmitted clearly and uninterrupted. The real estate analysis considered over 200 cell tower locations throughout the State of Colorado, one being in Pueblo County, with results indicating there is no property value impact or minimal at best.

Mr. Carroll stated the applicant has provided all the necessary documentation requested by Planning staff, agrees with the conditions of approval for the application, and respectfully requests the Commission’s approval of the special use permit.

Ms. Leonard questioned the statement used, “no service provided”. She wanted to know if that meant if she had T-Mobile she would not be able to call out. Mr. Carroll replied that there would be “no quality” of service for T-Mobile subscribers in the area. It may be required that a T-Mobile user go outside of their home to get a signal. Ms. Leonard stated that it was mentioned there would be no service at the Pueblo West Fire Station and the Pueblo West Metropolitan District’s building, noting she has attended several meetings in those buildings and she has not experienced any loss of service. Mr. Carroll stated that the proposed tower is not just to provide coverage for those existing building, but for new growth in the future. He stated the proposed tower also addresses capacity concerns because people are using larger amounts of data.

Mr. Musso questioned the process of T-Mobile acquiring Sprint. He questioned how that merger would affect the telecommunication areas in Pueblo County, noting T-Mobile would then have many more towers. Mr. Wabiszczewicz replied that although there has been some media coverage on the potential sale and purchase, T-Mobile employees have been instructed not to comment on the matter.

Mr. Griego questioned a map that indicated the proposed coverage would expand 3.4 miles and it would also cover certain areas of the St. Charles Mesa, i.e., 25<sup>th</sup> Lane, 36<sup>th</sup> Lane. Mr. Carroll was not familiar with the Mesa. Chair Bruestle stated Mr. Griego was referring to the area southeast of the Highway 50 and Interstate 25 intersection. Ms. Wallingford-Ingo stated that the map that Mr. Griego was referring to was part of the PowerPoint package. She stated that the text associated with the actual map is not accurate. Mr. Carroll replied that it appeared that was the case; the document was not edited properly from the last application and apologized for the confusion.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

**IN FAVOR**

There was no additional testimony in favor of the special use permit.

**IN OPPOSITION**

**Mr. Steven Verry**, 1580 Cheshire Drive, Pueblo West, spoke in opposition to the special use permit. He stated he was a T-Mobile customer for many years and never had any dropped calls or any problems receiving or sending text messages through storms, blizzards, and even when there was a tornado in the near vicinity. There are too many towers in the area. He works in Canon City. Just outside Pueblo West there are two towers, one at mile marker 305 and one at 300, which covers more than the area being proposed. He stated when the applicant states T-Mobile doesn't cover the area, they are wrong. T-Mobile is his carrier and he has never had a problem making or receiving calls. He has friends that do not experience a problem either.

**Mr. Mike Lester**, 1409 North Ladonia Drive, Pueblo West, spoke in opposition to the special use permit. He distributed a hard copy of his PowerPoint presentation, which was entered into the record as Opposer's Exhibit A. (Note to minutes: This exhibit also incorporates testimony from Mr. Mike Byers.) He stated his presentation would cover whether the proposed tower was part of the neighborhood and if it was necessary. He stated one of the concerns is whether the tower is harmonious with the existing environment. T-Mobile's presentation indicated it was harmonious within the leased parcel for the tower. He questioned the tower being harmonious with the neighboring community. He stated "harmonious" was defined as having the parts agreeably related and marked by accord in sentiment or action. He showed a drawing depicting the tower and its height (199 feet) relative to a typical residence and its height (10 feet). He asked the question if the two objects were agreeably related. He asked if any of the Commission members lived the area of the proposed tower. The Commission members shook their heads no. He told them to imagine that they had a car parked in their driveway and a neighbor came along and parked a car roughly twenty times as tall. It could be parked in the driveway, but it would be hard to argue that it was harmonious. It would dwarf the other houses and cars and most of the people would probably be against it. The residents in close vicinity to the proposed tower are saying that the tower was not harmonious. It is too tall compared to everything else in the area. It has been stated that the proposed tower will be approximately 600 feet of the intersection of North Ladonia Drive and Guffey Drive. He stated there are many houses that are closer to the tower than that intersection. He stated his home was the second closest house to the tower, noting it was more like 340 feet away, roughly about the length of a football field. It was also stated that there are other towers like the proposed tower in the City of Pueblo. He stated he visited other tower sites to compare to the proposed tower. He stated that the first tower was the same type of tower; however, the nearest house was 4,539 feet. He stated he has talked to several people at the various meetings held relative this proposal and there was not anyone that did not want cellular phone service. He stated the applicant took no consideration relative to the initial height of the tower and how it would affect the community. The applicant's only concern was minimizing the building costs and maximizing coverage. The applicant did not take into consideration how the proposed tower would affect current home owners or landowners wanting to sell their lots. The second tower was located near U.S. Highway 50 at 173 feet. The nearest house was 7,200 feet (about a 1.5 miles). The third tower was 150 feet with the nearest house at 3,036 feet. The fourth tower was 190 feet with the nearest house at 12,051 feet (about 2 miles), not 340 feet. He stated he was not disputing whether a cell tower was necessary, but questioned whether a cell tower at the height proposed needed to be so close to a community. He stated there are some shorter cell towers, noting it was behind Lowe's on U.S. Highway 50. It is 24 feet and it is 684 feet from the nearest residential dwelling. He stated this tower might not be noticed because there are other telephone poles and other structures in the area.

Mr. Lester stated the applicant has stated that the proposed tower location is the only place the tower can be placed. Initially, it was stated the tower height had to be 260 feet. The questioned was asked about the height and the applicant replied that the tower had to be 260 feet. After further consideration, the applicant has stated the tower could be shorter. He stated that there are other locations the tower could be located. He showed a map with two optional locations, noting they were both located on Walker Ranch. He stated the first tower is located near some type of cattle loading facility and 1.2 miles from the nearest house. He stated it would cover a similar area as proposed by the applicant. He stated he did not think this location was ideal any more than the proposed tower. There is so much

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

land to the west that is open space. Most of the property that would have coverage is in a conservancy district. He stated Mr. Walker was being paid to not develop that area, except for cell towers. He stated that Mr. Walker owns three lots that are not part of a conservancy, that would accommodate the second cell tower depicted on his map, and the nearest house would be 3,000 feet. He stated the property was in the middle of the area the applicant is trying to cover. He felt the applicant would have better coverage if the tower were to be placed at the second location, because there would be homes built all around, whereas at the proposed location and the location of the first optional site would have no development to the west.

Mr. Lester stated he was a citizen of Pueblo County, and was concerned of the impression that would be given if a company was allowed to put a cell tower in close proximity to a residential development. If he was moving from Pueblo to Pueblo West and saw a cell tower that close to an existing development, he would question whether a cell tower could ever be allowed 300 feet from his home. He stated that the proposed tower was thirty times the height of his home. Once the decision is made to allow that type of structure to be built close to a residential development, the industry has a precedent that all cell towers can be that close. He questioned whether the decision could be argued or considered a new rule. He questioned why Verizon, which has no tall cell towers close to the community, manages to have excellent service. In the many meetings that have been held in this matter, people have been asked about their cell service and not one person indicated they had a problem or felt it necessary to have another cell tower in the area. Just because there is one company that does not have as good of service as another company should not mean that that company should be allowed to build a cell tower. You would not necessarily make sure every gas station's competitor can put a facility next to an existing gas station. If people can buy gas, people are happy. It's not necessary to have the choice of four or five different gas stations on the way to work. T-Mobile has indicated that the proposed location would be the least expensive location to build a cell tower, which is probably true. The closer it is to the homes, the closer it is to existing electricity, which decreases the cost of infrastructure. It does not mean it is going to lower the cost of telecommunications. The only thing it might lower is the property values. The applicant stated the appraiser indicated that the proposed tower would not influence property values. He stated to imagine looking out your front window and you see a cell tower that literally blocks your entire view. He asked several people, many who are in attendance, if they would have moved to their existing house if that cell tower was already there. They all answered no. However, the applicant is stating the proposed tower would not have any influence on property values. He asked the Commission to imagine a 200-foot tower in front of their homes and question if it would affect their property values. He felt property buyers would expect a discount if there was a large cell tower near the property they want to purchase.

Mr. Swearingen questioned the distance he stated as being 260, 300, or 340 feet. Mr. Lester replied that it was 340 feet. Mr. Swearingen wanted to know if he had received a reply from the applicant to the question of Verizon's ability to provide coverage without having cell towers in the area. Mr. Lester replied that T-Mobile was a competitor to Verizon, and their intent is to make money from the proposed coverage area, which he understands. For some reason, Verizon manages to provide excellent service. He has lived in the area for 17 years and Verizon has provided his cell service for 16 years, and he has never had a dropped call or never could not make a call. He stated that next month Verizon is building a cell tower at the Fire Station #3, which is located near the round-about. He was not sure, but there might be co-locatable capabilities at that location. He stated if this special use permit is approved, they will never be able to find out. There is no reason T-Mobile should have worse service than Verizon unless they are not doing as good of a job technically.

Ms. Alt stated she has listened to what has been said. She questioned if it would be acceptable if the tower were constructed 1,000 feet from the houses or was he saying no to the tower regardless. Mr. Lester replied that he was not a representative of the community, but he would be willing to bet any amount of money that people would be happier if it was three times further away. If the tower were further away, it would have less of a visual impact. He stated the applicant indicated moving the tower 1,000 feet would not provide them the coverage they were seeking. In his opinion, the further away the tower gets from his home the smaller it gets. He stated that not all cell towers need to be 199 feet. He stated he only referenced those towers that were like the proposed tower. There are many towers that were only 50 to 80 feet, but there was more of them. The applicant knows that they could put up multiple small towers and have a less visual impact, it just might not be as profitable for them. He felt it was not the County's job to make the applicant as profitable as

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

possible. The County's job is to protect its citizens from interference based upon the regulations.

**Mr. Dan Mielke**, 1261 North Parkridge Drive, Pueblo West, spoke in opposition to the special use permit. He stated that he agreed with Mr. Lester's comments. The tower would be a physical eyesore at the height of 199 feet, noting that was 18 stories tall. He stated most of the area showed on the map along the Interstate 25 corridor was Fort Carson. He drives that road every day and there is only about two spots that do not provide coverage, i.e., under the tunnel and just a little further up the road. Other than that, he has never had any problems with cell service in the area the applicant is talking about. He felt the money that the applicant is going to make from the cell tower should not come at the expense of the people that live in that community.

**Ms. Elizabeth Mielke**, 1261 North Parkridge Drive, Pueblo West, spoke in opposition to the special use permit. She agreed with Mr. Lester's comments. She felt a cell tower over 18 stories in a residential area, so close to home, was unnecessary. The community in that area has good cellular coverage. The area to the west is Walker Ranch and Fort Carson. She has never had any cell phone coverage problems in that area. She stated that Verizon's tower to be located that Fire Station #3 was only 45 feet and would blend in with the existing infrastructure. She stated she lives 500 feet from the proposed tower site. Her husband and she would not like to have a tower near their home. She agreed with Mr. Lester in that the approval of the proposed tower would set a precedent. She stated that Mr. Carroll indicated the tower complied with Pueblo's Code, but questioned it if was Pueblo County's Code or Pueblo City's Code, noting there could be different code requirements. She understands that T-Mobile wants to make money, but felt the tower would impact the value of the surrounding properties. She would not have purchased her home four years ago if she had known a tower would be built in the area. She stated she was originally from Las Vegas, Nevada, where there are a lot of cell towers, but she has never seen one in a residential area. She felt the coverage the applicant was wanting was conducive to the area. She questioned if the applicant conducted a survey of the residents in that area to find out if they do have cell phone coverage problems, and determine the carrier. She stated in the future, if it is determined there is an issue with coverage or capacity, then they applicant could submit a new application for a different location.

**Mr. Mike Byers**, 184 East Encanto Drive, Pueblo West, spoke in opposition to the special use permit. He stated he lived with his wife Sharon. He asked them to imagine the tower location to be like a horseshoe with the tower being at the bottom center of said horseshoe. He lives in the upper right-hand side. He stated moving the tower 1,000 feet would put the tower in his backyard. He would have all the issues Mr. Lester stated previously. If the tower is move a mile further west it puts it further away to lessen the issues. His wife and he moved to Pueblo West 18 months ago from Michigan. They bought a home that they love and they love Pueblo West. He can say without hesitation that if the cell tower had been in that location they would not have bought their home. He stated that a statement from the Pueblo Regional Development Plan was very applicable in this matter. It states, "...encourages development that adds to the aesthetic quality of the Region while creating an aesthetic vision that reflects the residents' desires." It is obvious this evening that the proposed tower does not reflect the desires of the nearby residents. Many have purchased their homes for the rural, country residential nature of the community. He thanked Ms. Wallingford-Ingo for her professionalism by taking numerous calls from the residents and addressing concerns.

Mr. Byers stated that having a 199-foot tower would be visually intrusive. It is incompatible and does not support the rural character of the neighborhood that they believed existed when they moved in. It can be seen from every house in the neighborhood, which is over 100 homes. Every home along the horseshoe perimeter will have a direct line-of-sight to the cell tower and supporting structures. From Opposer's Exhibit A, he showed a picture depicting the rear view from Mr. Lester's home, noting it was unimpeded. The next picture was an interpretation of how the view would look with the proposed cell tower. He stated that the top of the cell tower was not apparent in the picture because it would not fit. It actually extends beyond the top of the paper. Also, Mr. Lester did not include any of the supporting structures in the interpretation. The eye is automatically drawn to a structure like the tower, noting it was human nature. The applicant has mentioned there would be no impact to property values. He asked the Commission to put themselves as a homeowner or home buyer and question if there was a 199-foot tower 300 or 1,000 feet from your home, what the impact would be. Would you buy that house? Would you be able to sell for the same price that you otherwise would have? He referred to the appraiser's property



**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

valuation report, page two of the cover letter states, "there is no material impact on market value associated with the proposed windmill (screened) cell tower not to exceed 100 linear feet above ground level above ground level,...". The conclusion reached in that report was based on another case that was heard by the Planning Commission, and a 100-foot tower. He also referred to page three of the same document, which states, "Any reader of this consulting report is advised that circumstances associated with each real property is unique and may have different conclusions depending on the cell tower structure." He stated in last month's meeting, the case for Special Use Permit No. 2017-003 was heard. At the meeting, there was testimony from a gentleman named Ivor Hill, who presented evidence that home values would be impacted in his opinion. He stated the Mr. Hill's testimony stated, "Leading real estate professionals that he interviewed did state that, while it would be difficult to accurately determine an exact amount or a percentage in reduction of property values and rental rates, they all agreed there would be some. Opinions ranged from 2% to less than 10%. They also agreed that marketing times would be extended." Obviously, there is a difference of opinion on the subject.

Mr. Byers stated he strongly opposed the proposed tower in the proposed location. Existing approved towers are not near residential areas. He felt other locations area available although they may not be optimal from T-Mobile's perspective; they do provide increased coverage and, more importantly, minimize the impact on current property owners. He stated that this special use permit application does not meet the objectives of the Regional Development Plan and does not create a harmonious environment for the surrounding residential properties. This Commission has denied applications in the past when the proposed use does not support the rural character of the area. He strongly urges the Planning Commission deny the application.

Ms. Alt stated she was looking at the photo depicting the interpretation of the tower from Mr. Lester's backyard. On the horizon, there is a larger object and she questioned if it was a tower. Mr. Byers replied it was not a tower and asked Mr. Lester if he knew what it could be, noting that he thought it was a tree. Mr. Lester and others in the audience stated that it was a tree that sat on top of a knoll.

**Mr. Ryan Carson**, 1481 North Ladonia Drive, Pueblo West, spoke in opposition to the special use permit. He stated the home his family and he moved into seven years ago was approximately 600 feet from the proposed cell tower. He made an agreement with the homeowner to purchase the home, which he would not have done if there had been a cell tower where it is being proposed. He agrees with Mr. Lester's comments. He stated he was a Sprint customer. He understands that the T-Mobile representative could not speak on the matter of Sprint being purchased by T-Mobile. He noted that he has never had problems with cell service from Sprint in his traveling around Pueblo West.

**Mr. Tom Perkins**, 185 East Auburn Avenue, Pueblo West, spoke in opposition to the special use permit. He lives approximately 300 feet from the proposed site. He moved to Pueblo West three years ago and picked his home site particularly because he liked the vista. If the tower had been where it is proposed, he would not have bought his property. For the applicant to say that real estate values are not impacted, was a sign they were not considering human nature. When looking for a house driving through neighborhoods, a 199-foot tower is going to be a deterrent. He stated the proposed tower was 28 feet taller than the two highest buildings in Pueblo, the senior towers in Belmont, which are both 171 feet tall. You can't ignore them when you are on Interstate 25 or anywhere in Pueblo. To say that the real estate values would not be impacted is contrary to human nature. He has been a loyal T-Mobile customer for 15 years. He has had his T-Mobile service in his home in Pueblo West for three years, noting he gets three bars. He never gets a dropped call and has never had any problems with his reception. When the applicant stated they wanted to put a cell tower in the area so that the residents could get service, he was surprised because he has always been able to get service. The other object he has was the wind, noting he was not prepared for the wind when moving to Pueblo West. The wind blows with frequency and furry on the west border and you are unprotected. He felt that the wind would make noise blowing through a lattice-type structure. He has lived on a ranch where there was a windmill and when you were close to the windmill when the wind blew, you could hear it; not only from the windmill turning, but through the lattice structure. In 2015, there was a large storm with hail that came through the area. At that time, he had vinyl siding on his home. He stated that the wind would blow and the whole side of his house would flap in the wind. He replaced the panels with stucco to cut down on the noise pollution. He would object for ruining his vista, the real estate values, and for sound pollution. He would respectfully ask the Commission to deny the special use permit.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

**Mr. Rodney Leffler**, 1410 North Ladonia Drive, Pueblo West, spoke in opposition to the special use permit. He lives across the street from Mr. Lester. His front window would look straight out at the proposed tower. He stated you can see the mountains, Pikes Peak, and Beulah. If he would have known that a tower would be built in the proposed location, he would not have bought his home. He stated the area of coverage presented by the applicant was Walker Ranch. He questioned why they were worrying about covering Walker Ranch. He stated Pueblo West already had a difficult time taking care of the roads, and he was concerned that the construction equipment would further degrade the roads. He questioned if the construction was allowed, would the applicant be required to rebuild the roads and prairie to what they were originally. He was against the proposed tower at the proposed location. If it were further out, it might be different.

**Mr. Michael Verry**, 1580 North Cheshire Drive, Pueblo West, spoke in opposition to the special use permit. He lives approximately half a mile from the proposed tower site. He submitted Opposer's Exhibit B. Page one depicts approximately two dozen cell towers and signal map in Pueblo. Page two shows there are 10 antennas found within a 4-mile radius Industrial Boulevard in Pueblo West, and page three is a cell tower location map for Colorado, noting that if Pueblo gets a few more towers, it is going to look like Colorado Springs. He stated there has been a rush of cell towers in the southwest part of the United States. There are thousands of towers being built in California, Arizona, New Mexico, Colorado, and Arizona. He stated the reason was that regulations haven't caught up and carriers want to provide as much coverage as they can with as many towers as they can so they can have them ready when new technology becomes available. Fortunately, for them, new technology is already in development by Microsoft and other companies. He stated cellular service would eventually become a dinosaur because of new and improved satellite phone and computer services. Housing and property values are dependent on the surrounding structures. A burden is placed on buyers and sellers of property when things like cell towers and airports are in the vicinity. There are many studies on both sides of the health safety issue. The problems that most do not address is the constant bombardment of electromagnetic radiation from space and land. We get bombarded from radio waves from radio stations, from CDs, from overhead satellite communications, and televisions. The problem with health effects, is it's not a single tower, but the total effect of electromagnetic radiation that every person is being effected per second from all the different sources. He questioned when the proverbial straw was going to break the camel's back. Is it wise to wait several years to decide whether there was a negative effect? He stated that India and China have found out that some of their towns with a large amount of cell towers and antennas had to remove the towers because people and animals were being affected. These two countries are not known for their grand humanitarian ways, but it is happening.

Ms. Day reminded the Commission that there are certain Federal rules when making decisions relative to the Telecommunications Act that the statute preempts local decisions premised directly or indirectly on environmental effects of radio frequency emissions. Mr. Verry replied that many of the FCC personnel are past owners of cell companies, and phone companies are the ones who make the regulations, noting they are not independent bodies and they have a biased opinion. Ms. Day replied that the local board's area of experience is preempted by Federal law.

**Mr. Paul Turner**, 234 East Auburn Avenue, Pueblo West, spoke in opposition to the special use permit. He is a native of Pueblo. He has lived at his current address for 20 years. He has one of the older residents on Auburn. When the house was first built, there was not much in the area. As time passed, more homes were built, noting they are all nice homes and have been a good investment. He stated he was concerned that the proposed tower would devalue the properties in the area. He stated he was a general contractor for over 40 years and has participated in building cell towers. He understands what T-Mobile is intending. He stated it would impact the area substantially.

Mr. Mancha questioned the meaning of his last statement. Mr. Turner replied it was relative to the construction being disruptive and how it would impact the area. He stated it was as hard on the eyes as it was on the environment. He understands the utility access for the tower, the closer they get to the utility access the less the cost. They are on the property line so that they can get the infrastructure at a lesser cost as compared to extending a power line to service the tower. He felt it very disturbing that T-Mobile was going to impact the area for this project. He stated the residents were on the fringe of Pueblo West on the north side and the views from Auburn and other related streets was something to behold. Between Walker Ranch and Fort Carson, there is nothing to obstruct their views of the mountains. He stated that Mr. Walker is a conservationist. He was very adamant about

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

land and development when the pipe line was going through. Mr. Walker made several comments about that project. He felt the proposal was very disturbing for the landowners.

**REBUTTAL**

Mr. Swearingen wanted to know from the audience who attended the meeting held by the applicant at the Pueblo West Library on July 19, 2017, by a show of hands. Let the record show that most the audience in attendance raised their hands.

**Mr. Carroll** rebutted the testimony. He stated the applicant has met all the conditions and requirements of the A-1 Zone District. Some of the sites mentioned were in the A-3 Zone District, which has a height limit of 35 feet. There are many hurdles to place a tower in the A-3 Zone District. The A-1 Zone District has no height limit. This is one of the reasons why the proposed location was selected. Testimony was given about different carriers. He stated Federal law does not allow regulatory entities to discriminate against carriers. Every carrier should be treated equally. You can't say that you have Verizon and your good and don't need anyone else. The applicant provided a factual analysis of land values prior to and after cell towers are being built near homes. The report actually included one home in Pueblo County. Residents gave testimony that if the cell tower had been existing, they would have never bought their homes. Currently, the millennials, noting his daughter was the same way, when she looks at buying a house, she walks in to see how good the cell coverage is. Suggestions were made to move the location 1,000 feet or a mile to the west. Mr. Walker submitted a letter, which is part of the staff review, stating that his land was under conservancy. Mr. Walker approved the location of the proposed cell tower to protect the conservancy, noting construction must stay on the outer edge of the ranch. No construction was allowed further into the ranch based on environmental conditions. Chair Bruestle questioned if there was any "wobble room". Mr. Carroll replied there was not. He has spoken with Mr. Shawn Winters, Assistant Engineer, Pueblo West Metropolitan District Public Works Department, about the roads, i.e., Guffey Drive and North Ladonia Drive. He stated that Guffey Drive was currently not compliant with Pueblo West Metropolitan District's condition; however, the applicant will make sure the road is built to the required conditions as part of the conditions of approval. It will be inspected prior to construction and after to make sure it is built to those conditions, and once construction is finished, the PWMD will review the application and approve the road construction permit. The applicant must fix anything that is not in compliance. He stated the construction of the cell tower site is a 30-day build. There will be concrete trucks and a crane, noting these would be the largest equipment used. He stated it takes six months to a year to build a standard residence with multiple construction activities. The cell tower would be a 30-day build. He stated that Mr. Walker has specified that if they are going to build a tower, it must be on the edge of the ranch. He stated again that the cell tower met all the requirement of the A-1 Zone District. He stated that staff had indicated that the tower meets that harmonious definition.

Mr. Mancha wanted clarification on Mr. Walker's role. As he understood, the proposed location is the only location it could be placed. Mr. Carroll replied there was three parts to determining a location. He stated that the landowner must agree with the location, the zoning regulations, in this case A-1, must accommodate the structure, and the applicant, T-Mobile, must determine if the location will provide the coverage area needed. He stated these three requirements must work together. Mr. Mancha stated that there are other A-1 locations in Pueblo County. Has there been any attempt to explore other areas that the cell tower could be placed and still provide the necessary coverage? Mr. Carroll replied that other landowners in the A-1 and A-3 zone districts were contacted; however, they declined the lease agreement. He stated that T-Mobile is not going to build a tower just to build a tower; it must suit the needs of T-Mobile and its clients. Mr. Mancha questioned if there was only one landowner that would allow the cell tower on their land. Mr. Carroll replied he was not saying that because there are many landowners in the A-3, noting they did not contact every landowner. They talked to landowners that have available property to accommodate a cell tower. He stated there was only one person that was willing to accept the lease agreement.

Ms. Alt referred to staff's review, Exhibit 5a. She questioned if it was moved further west, if it would still be on the edge of Mr. Walker's property, not completely in the middle of Mr. Walker's property. She felt it would be less conducive to people having to look at the cell tower. Mr. Carroll replied that if the tower is moved one way or the other, it ends up in someone's view. Mr. Walker pointed out that the location was the edge of his ranch and that was the approved location. Mr. Alt noted that there were other similar U-shaped pieces of land below and above the proposed location that have less residential building lots. She

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

wondered if one of those locations would work. Mr. Carroll replied that the engineers looked at locations and spoke with Mr. Walker for access purposes, and because of Guffey Drive, it was the location Mr. Walker selected. Mr. Mancha stated Mr. Walker selected it for you? Mr. Carroll stated the engineers showed Mr. Walker what was proposed and Mr. Walker has worked well with us, noting he was part of the three-step process. Ms. Alt was curious as to why it could not be in one of the other locations.

Mr. Swearingen questioned Mr. Carroll if he had received a copy of Opposer's Exhibit A, in which one of the pages shows two alternative sites. Mr. Carroll replied no. Mr. Swearingen questioned if those locations had been researched. Mr. Carroll replied that Site 2 was in the A-3 Zone District and the height restrictions exclude it as an option. He stated the tower would be moving away from the center of where they need to be. Mr. Swearingen stated that he sees a coverage gap closer to Interstate 25, just east to the proposed site. He felt that this is where coverage should be provided, because as one person pointed out, a lot of coverage would be provided to Walker Ranch. Mr. Carroll stated that the zone district was also A-3 the closer you got to Interstate 25. The existing tower along Interstate 25 provides full coverage along the roadway. They want to provide cell and data coverage to where the homes are, not more toward Interstate 25. He stated there are existing T-Mobile co-locations along Interstate 25. Mr. Swearingen stated that he did notice A-1 zone districts north and east of the proposed site.

Chair Bruestle called for a motion to close the hearing and enter staff's comments into the record.

Ms. Alt moved to close the hearing and enter the Commission's and staff's comments into the record. Ms. Leonard seconded the motion. Motion carried unanimously.

Ms. Day reminded the Commission of the requirements for the approval of denial of a special use permit. She stated that the Telecommunications Act preserves State and local authority over zoning and land use decisions for personal wireless facilities, but sets forth limitations on that authority, i.e., you may not unreasonably discriminate among providers with functionally equivalent services, you cannot regulate in a manner that prohibits or had the effect of prohibiting the provision of personal wireless services, you have to act on an application in a reasonable time, and if you make a denial of the application, it has to be in writing supported by substantial evidence of the written record. She also stated that the statute preempts local decisions based on the radio frequency emission. It is important for the Commission to make its findings on the record, because it is required to have substantial evidence in the written record for a special use permit decision especially if it is a denial.

Mr. Mancha questioned what unfair discrimination was, noting that any decision could be viewed as unfair discrimination. Ms. Day replied that the regulation prohibits you from unreasonably discriminating among providers of functionally equivalent services. Mr. Mancha stated there was one provider making a request. They were not talking about other providers at this point. Ms. Day replied that there are other providers in the area. It is to prevent discrimination, if you have two providers in the area with functionally equivalent services and you are approving one and denying another one. Mr. Mancha stated they were not doing that. Ms. Day stated she understood, noting she was just stating the standard. Mr. Mancha stated he understood.

Chair Bruestle questioned harmonious versus compatible. It seems like the height of the tower is not compatible with the area.

Ms. Alt questioned if there should be a motion before discussion. Chair Bruestle replied no. Ms. Day replied that discussions could happen before or after a motion, noting it was the Commission prerogative.

Chair Bruestle was concerned with the compatibility of the structure in the proximity of the existing and future homes.

Ms. Leonard was concerned with the height of the tower, noting that there was no height limitation in the A-1 Zone District. She felt that after the applicant talked with the neighbors, and if they wanted to be a good neighbor, the applicant should lower the tower. She stated the applicant may not get as much as they want, but people have stated there is already coverage in the area. She stated that she has T-Mobile service and she has no problems with getting service in the area, noting the applicant is saying there is no service, which she didn't understand.

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

Chair Bruestle stated in looking at the coverage maps at the different tower heights, he did not know if a 150-foot tower would be suitable to the community. It does portray a diminished area of coverage, noting he was still concerned with the compatibility of this type of structure in a residential area.

Mr. Mancha stated he sympathized with Chair Bruestle; however, from what was stated by Mr. Carroll, there was no one else in the area that wanted to do business with the applicant. There is only one person, Mr. Walker, willing to do business otherwise they would not be able to build a tower in that area. He stated that puts a lot of restrictions on T-Mobile and/or takes the flexibility away from T-Mobile. He stated he was not in favor of the size of the tower; however, T-Mobile does not have a lot of choices to build a tower to provide services in the area.

Chair Bruestle stated he understood that there may not be alternatives, but there was no statement that a lower height would be absolutely unacceptable. Mr. Mancha stated the applicant has already lowered the height from the original proposal. Chair Bruestle stated he did not know what height would be acceptable to the community. He could not project his thoughts on it because he didn't live in the area.

**MOTION**

Mr. Swearingen moved to approve Special Use Permit No. 2017-002 with seven conditions and Directive to Staff per staff's review, dated September 13, 2017. Ms. Alt seconded the motion.

Chair Bruestle asked each Commission member to state and explain their vote.

Mr. Griego voted **NO**, because he felt the tower was too high for the area.

Mr. Musso voted **NO**, because he asked the question relative to the merger between Sprint and T-Mobile, and he didn't get an answer from the applicant. He didn't like that conversation.

Ms. Leonard voted **NO**, because she felt the applicant didn't need a 199-foot tower in the area.

Ms. Alt voted **NO**, because she felt the use was not harmonious with the surrounding area.

Mr. Mancha voted **YES**, because the applicant has complied with Pueblo County's requirements to establish such devices.

Mr. Swearingen voted **NO**, because of the coverage gap near Interstate 25. He also felt that the applicant had not exhausted other location options, noting there was A-1 zoned property to the north and east of the current location. He stated this was a difficult decision for him to make because the applicant made concessions by decreasing the overall height of the tower from its original request. However, he did not feel that all the possible options were exhausted.

Chair Bruestle informed the audience that the Planning Commission is comprised of nine members, seven of which were in attendance. He noted that five members constitutes a quorum.

Chair Bruestle voted **NO**.

The motion to approve Special Use Permit No. 2017-002 failed by a 1-6 vote, with Messrs. Griego, Musso, Swearingen, and Bruestle and Mmes. Alt and Leonard opposing the motion. PCPC Resolution No. 17-023, dated September 20, 2017, for denial was also approved.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.



**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
SEPTEMBER 20, 2017**

**REPORTS OF COMMITTEES**

None.

**ADJOURNMENT**

There being no further business, Chair Bruestle adjourned the meeting at 8:27 p.m.

Respectfully submitted,



Joan Armstrong, Director  
Department of Planning and Development

SMS