

EL PASO COUNTY

COMMISSIONERS:
JIM BENSBERG (CHAIRMAN)
SALLIE CLARK (VICECHAIR)



AMY LATHEN
WAYNE WILLIAMS
DENNIS HISEY

DEVELOPMENT SERVICE DIVISION
MAX ROTHSCHILD P.E. INTERIM DIRECTOR

July 28, 2009

Western Museum of Mining
125 North Gate B
Colorado Springs, CO 80921

RE: Special Use - Western Museum of Mining Stealth CMRS Facility (AL-08-013)

This is to inform you that the above-referenced request for a special use for an existing stealth telecommunications tower at this site was heard and approved by the Board of County Commissioners on July 9, 2009. The tower is 70 feet tall and is concealed within a replica mining structure. The 27-acre site is in the RR-5 (Residential Rural) zone district and is located at 125 North Gate Boulevard approximately one quarter mile southeast of North Gate Boulevard and Struthers Road. Schedule No 01000-00-049.

This recommendation for approval is subject to the following:

CONDITIONS OF APPROVAL

1. Any subsequent co-location, additional equipment shelter or additional antenna on the stealth CMRS site other than that shown on the site plan may be subject to review and approval by the Development Services Department.
2. Approval is limited to one (1) commercial tower and associated antennae as depicted on the applicant's letter of intent, site plan and elevation drawing, with a maximum facility height of seventy (70) feet above the natural ground surface.
3. Any subsequent co-location, additional equipment shelter or additional antenna on the tower site other than that shown on the site plan shall be subject to administrative review and approval by the Development Services Department.
4. The applicant shall provide financial surety sufficient to cover the cost of removal by the County in the event of abandonment.
5. No subsequent enlargement, expansion or modification of the use shall be allowed unless the proposal is reevaluated and goes through the public hearing process in accordance with the requirements of the El Paso County Land Development Code.
6. Any changes in the owner of the tower shall be followed by notification to Development Services within 15 days of the change in ownership. Notification shall include the name and business address of the new owners with verification that the new owner has fully reviewed all applicable development permits, understands applicable conditions of approval, and shall ensure the transfer of all financial assurances.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

WWW.ELPASOCO.COM

NOTATIONS

1. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
2. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.
3. Special use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

The Planning Commission is advisory to the Board of County Commissioners. You will be notified of the date when this request has been scheduled for hearing by the Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely



Tony Deconinck, Project Manager II

cc: Mark McGarey
Crown Castle
4133 Hawthorne Place
Longmont, CO 80503

File AL-08-013

ec: Eileen Wheeler, Clerk to the Board

877092
BK

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
JIM BENSBERG (VICE CHAIR)

SALLIE CLARK
WAYNE WILLIAMS
AMY LATHEN

DEVELOPMENT SERVICES DEPARTMENT

Minutes for March 6, 2008

Early Assistance Meeting –EA-08-017

Commissioner District: 1

Members Attending:

Tony Deconinck, **DSD Project Manager**
Kari Parsons, **DSD Planning Division**
Kevin Diekelman, **DSD Engineering Division**
Carl Schueler, **DSD Long Range Planning Division**

Bret Pflieger, **Applicant**
Craig Dossey, **DSD Project Manager**
Joyce Gottlieb, **DSD Customer Service**

Applicant Summary

- This is a request to renew this expired variance of use for a 70' commercial telecommunications tower which expired on July 28, 2002. The current parcel is approximately 27 acres and is zoned RR-5. The tower is stealth design.
- The property is located at 125 North Gate Boulevard (approximately ¼ mile southeast of North Gate Boulevard and Struthers Road.
- Applicant stated that the tower was originally built by Qwest, and than purchased by Sprint. It is currently leased by Crown Castle. There are two carriers on the site.

Planning Division

- Staff stated that because the tower is stealth, a variance of use would not be required. The process will be a special use, and will run with the land. Applicant is to review the standards for a special use and address them in the Letter of Intent (LOI). Refer to the El Paso Land Development Code (LDC), Section 5.3.2.
- In the Letter of Intent, address how the stealth tower is consistent with the zoning district. Address any impact to the neighborhood in the LOI. Applicant is to note the over intense of the land, and added that it does not require any more land than is available. The tower does not create any pollution, and is not detrimental to El Paso County residents. Staff noted that a good Letter of Intent will be very beneficial.
- A site development plan will be required. Staff asked that a photo(s) of the stealth tower be provided with the submittal.
- This application will be heard by the Planning Commission and the Board of County Commissioners.

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Long Range Planning Division

- The Special Use must be consistent with the El Paso County Master Plan. Staff sees no issues with this application.
- The property is within the Tri-Lakes Comprehensive Plan. This plan may be found on the El Paso County Website.
- Property is in a sub-area of the Tri-Lakes Comprehensive Plan called the North Gate Cooperative area. It is City of Colorado Springs related and also to the Black Forest Comprehensive Plan. It is also within the I-25 overlay which is a part of the Tri-Lakes Comprehensive Plan. Applicant is to address in the Letter of Intent that this plan is consistent with that document. Applicant needs to refer to the Tri-Lakes Comprehensive Plan, page 86; Page 138, Section 1.6 for the I-25 overlay. Reference the second-to-last paragraph in the LOI.

Engineering Division

- Engineering deals with transportation and drainage issues. Staff stated that there is no impact in renewing this variance.

Note: All civil engineering designs and studies must be done in conformance with adopted codes, standards and criteria. Any deviations are to be formally identified and requested in writing, with justification provided. Deviation criteria can be found in the Engineering Criteria Manual, Sec 5.9.

Wrap Up

- The project manager briefly went over the application packets, fees, checklists and general timeframe.
- The fee for the special use is \$2,602.50 (\$3,000.00 + \$37.50, less \$435.00 EA meeting fee).
- **PLEASE NOTE:** Upon the actual submittal, the title commitment must be dated within 30 days of the submittal date. ALL copies of each item requested on the submittal matrix must accompany the submittal for it to be complete or the submittal will be denied.

NOTE: Early Assistance is valid for 12 months from submittal of the EA application. If a project submittal is not received within 12 months, a new EA meeting will be required. An audio copy of the meeting is available by contacting the Development Services Department at (719) 520-6300.

*Circulated for Review: 3/11/2008

*Revised for Applicant: _____



ZONING DETERMINATION MEMO

Date: 5/26/04

To: Sprint Zoning File

From: Pam Powell, RC Riley & Associates

RE: Zoning Determination for DN63XC091 (Qwest Site CSP 183)

We have determined the following for the above-referenced site:

Zoning Jurisdiction: El Paso County, Colorado

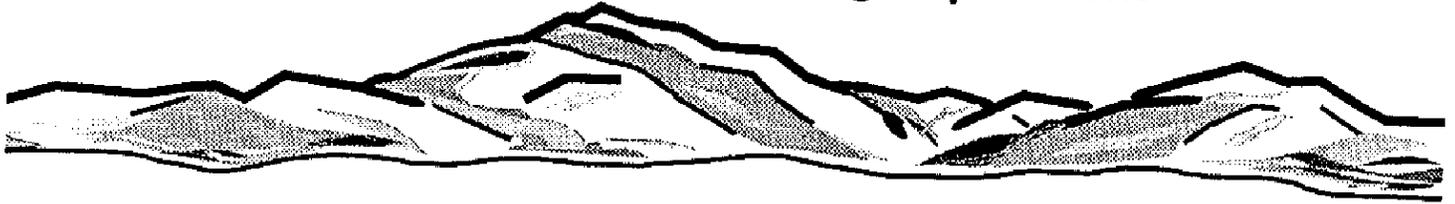
Zoning Determination: Qwest Wireless has already received zoning approval for their existing wireless facility. Due to the fact that no antennas will be added and Qwest's existing BTS equipment will eventually be replaced with Sprint's BTS equipment, no zoning will be required. Any antenna replacements must be approximately the same size, shape and color as the existing Qwest Wireless antennas. If the replacement antennas are significantly different in shape, size, and color, zoning may be required. In addition, equipment must be housed within the existing mineshaft head frame, and if the existing compound needs to be expanded to house Sprint's BTS equipment, administrative zoning will be required. This determination was made based on review of the zoning code and any existing Qwest Wireless zoning documents.

Please call me with questions at (720) 932-8630.

Kenneth G. Rowberg
Planning Director

DN63XC491-A
Carl Schueler
Assistant Director - Comprehensive Planning
Nick O'Connor
Assistant Director - Current Planning

El Paso County Planning Department



August 5, 1997

US West PCS
c/o The Walter Group
Attention: Steve Kelly
12121 Grant, Room 401
Thornton, Colorado 80241

Western Museum of Mining
1025 Northgate Road
Colorado Springs, Colorado 80921

RE: Variance of Use - Commercial Tower (VA-97-012)
Subdivision Exemption (EX-97-007)

This is to inform you the above-referenced requests were heard and approved by the Board of County Commissioners on July 28, 1997. Details are as follows:

Variance of Use - Request by US West PCS (applicant)/ Western Museum of Mining (owner) for Variance of Use approval to allow the location of a 70-foot collocatable camouflaged commercial tower. The tower would look like a mine shaft and initially be constructed at 50 feet in height. The 11.9 acre parent parcel (Tax Schedule #62000-00-165) is located at the intersection of Northgate Road and Interstate 25, in the RR-3 (Rural Residential) District.

The following conditions and notations were placed upon this approval:

CONDITIONS

1. Approval is limited to one (1) commercial tower and associated antenna(s) and equipment buildings designed as a mine shaft headframe as depicted in the applicant's Letter of Intent and revised site drawings (Exhibit B), with a maximum height of seventy (70) feet above natural ground elevation.
2. The tower shall be designed to allow for collocation of other antennae.
3. A document allowing collocation of other users shall be reviewed by the Planning Department and County Attorney's Office and recorded prior to Planning Department authorization for the issuance of building permits for the construction of the tower/ equipment buildings.

4. Any subsequent collocation or additional antenna on the tower other than that shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning Director it constitutes a substantial modification of the approval, it shall be subject to review and approval by the Board of County Commissioners.
5. The tower shall not be lighted. If lighting is required at a later date, the request could be subject to reconsideration by the Board of County Commissioners.
6. The Variance of Use for the antennae shall be subject to renewal five (5) years following approval by the Board of County Commissioners. Specific items for the Board of County Commissioners to review at the end of this period shall be changing technology which would result in reduced tower height, and change in specific tower-related regulations on the Federal and local levels.
7. This Variance of Use approval shall be deemed abandoned, and of no further force and effect, if the primary intended use and/or activity has not been substantially implemented upon the approved site within one (1) year of Board of County Commissioners' Variance of Use approval, or if implemented, has been discontinued for a period of one (1) year. For the purpose of this condition, this Variance of Use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.

NOTATION

1. Costs incurred to establish the business or comply with conditions of approval shall not be used as a basis of extending the use beyond the specified time limit.

Subdivision Exemption - Request by US West PCS/ Western Museum of Mining for approval of a Subdivision Exemption to create a 600 square foot leasehold parcel on which to locate a commercial tower on the foregoing property.

This approval carried the following condition:

CONDITION

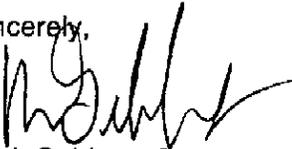
1. Prior to authorizing building permits for the monopole, the Land Survey Plat, as approved by the Board of County Commissioners, shall be deposited in the El Paso County Clerk and Recorder's Office.

US West PCS
Western Museum of Mining
August 5, 1997
Page 3

This represents the Planning Department's understanding of the action taken by the Board of County Commissioners. Copies of their Resolutions will be forwarded to you, once those documents are available.

Should you have any questions or if I can be of further assistance, please contact me at (719) 520-6300.

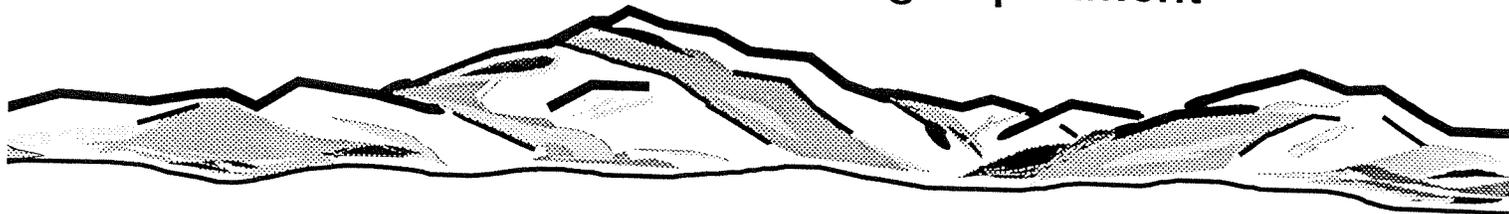
Sincerely,



Mark Gebhart, Senior Planner, Environmental

cc: Pyne Gramly, El Paso County Department of Transportation
Eileen Gilbert, Deputy Clerk to the Board
C. O'Driscoll
S. Vigil
Files: Prompt/ VA-97-012, EX-97-007

El Paso County Planning Department



August 5, 1997

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3. A document allowing collocation of other users shall be reviewed by the Planning Department and County Attorney's Office and recorded prior to Planning Department authorization for the issuance of building permits for the construction of the tower/ equipment buildings.

4. Any subsequent collocation or additional antenna on the tower other than that shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning Director it constitutes a substantial modification of the approval, it shall be subject to review and approval by the Board of County Commissioners.
5. The tower shall not be lighted. If lighting is required at a later date, the request could be subject to reconsideration by the Board of County Commissioners.
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7. This Variance of Use approval shall be deemed abandoned, and of no further force and effect, if the primary intended use and/or activity has not been substantially implemented upon the approved site within one (1) year of Board of County Commissioners' Variance of Use approval, or if implemented, has been discontinued for a period of one (1) year. For the purpose of this condition, this Variance of Use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.

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This approval carried the following condition:

CONDITION

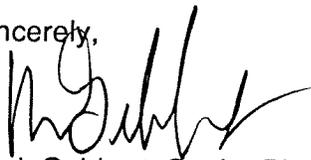
1. Prior to authorizing building permits for the monopole, the Land Survey Plat, as approved by the Board of County Commissioners, shall be deposited in the El Paso County Clerk and Recorder's Office.

US West PCS
Western Museum of Mining
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Should you have any questions or if I can be of further assistance, please contact me at (719) 520-6300.

Sincerely,



Mark Gebhart, Senior Planner, Environmental

cc: Pyne Gramly, El Paso County Department of Transportation
Eileen Gilbert, Deputy Clerk to the Board
C. O'Driscoll
S. Vigil
Files: Prompt/ VA-97-012, EX-97-007

97117680

97 OCT -6 11:53

DWG 3XCL091-A

EL PASO COUNTY CLERK & RECORDER, CO

CSP 183

1086
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VA-97-012
622.07

Commissioner Brown moved adoption of the following Resolution:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION NO. 97-281, Land Use-113

WHEREAS, U.S. West PCS (applicant) and Western Museum of Mining (owner) did file a petition with the Planning Department of El Paso County for approval of a variance of use within the RR-3 (Rural Residential) Zone District to permit location of a 70-foot collocatable camouflaged commercial tower where such is not permitted; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 17, 1997, upon which date the Planning Commission did by formal resolution recommend approval of the subject use variance petition with conditions and notations; and

WHEREAS, a public hearing was held by this Board on July 28, 1997; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and all interested parties were heard at those hearings.
3. The proposed variance of use conforms to Section 35.9, Standards Governing the Approval or Disapproval of a Petition for a Use Variance, of the El Paso County Zoning Resolutions.
4. The proposed variance is in compliance with the recommendations set forth in the master plan for the unincorporated area of the county.
5. The proposed land use will be compatible with existing and permitted land uses in the area.

Resolution No. 97-281, Land Use-113
Page 2

6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
7. The strict application of the El Paso County Zoning Resolutions would result in peculiar and exceptional practical difficulties or undue hardship upon the owner of the property.
8. For the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the request by U.S. West PCS (applicant) and Western Museum of Mining (owner) for a variance of use within the RR-3 (Rural Residential) Zone District to permit location of a 70-foot collocatable camouflaged commercial tower where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions and notation shall be placed upon this approval:

CONDITIONS:

1. Approval is limited to one commercial tower and associated antenna(s) and equipment buildings designed as a mine shaft headframe as depicted in the applicant's Letter of Intent and revised site drawings attached as Exhibit B, with a maximum height of 70 feet above natural ground elevation.
2. The tower shall be designed to allow for collocation of other antennae.
3. A document allowing collocation of other users shall be reviewed by the El Paso County Planning Department and the El Paso County Attorney's Office and recorded prior to the Planning Department's authorization for the issuance of building permits for the construction of the tower/equipment buildings.

Resolution No. 97-281, Land Use-113
Page 3

4. Any subsequent collocation or additional antenna on the tower other than shown on the site plan shall be subject to administrative review, and if it is the opinion of the El Paso County Planning Director it constitutes a substantial modification of the approval, it shall be subject to review and approval by the Board of County Commissioners.
5. The tower shall not be lighted. If lighting is required at a later date, the request could be subject to reconsideration by the Board of County Commissioners.
6. The Variance of Use for the antennae shall be subject to renewal five years following approval by the Board of County Commissioners. Specific items for the Board of County Commissioners to review at the end of this period shall be changing technology which would result in reduced tower height and changes in specific tower-related regulations at the Federal and local levels.
7. This Variance of Use approval shall be deemed abandoned, and of no further force and effect if the primary intended use and/or activity has not been substantially implemented upon the approved site within one year of Board of County Commissioners' Variance of Use approval, or if implemented, has been discontinued for a period of one year. For the purpose of this condition, this Variance of Use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.

NOTATION:

1. Costs incurred to establish the business or comply with the conditions of approval shall not be used as a basis for extending the use beyond the specified time limit.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 28th day of July, 1997, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By Jeni C. Howells
Chairperson

ATTEST:

Deputy County Clerk

Resolution No. 97-281, Land Use-113
Page 4

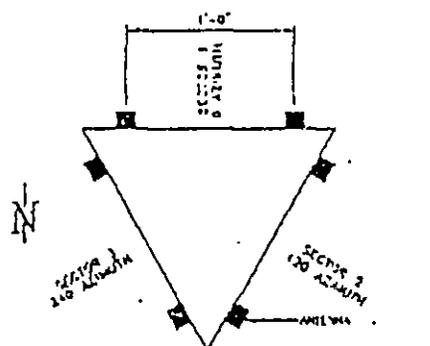
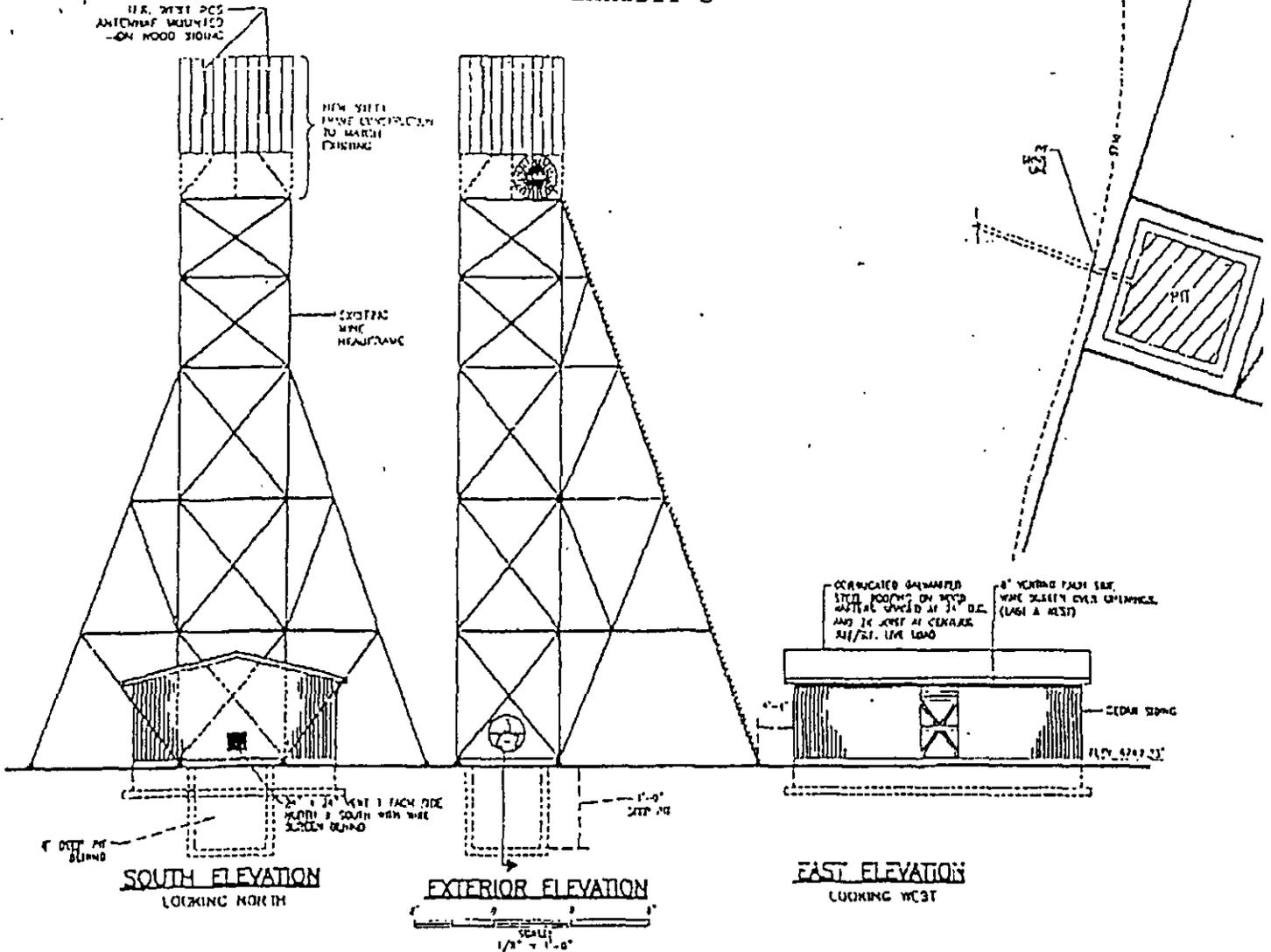
Commissioner Beedy seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Howells	absent
Commissioner Bremer	aye
Commissioner Beedy	aye
Commissioner Brown	aye
Commissioner Jones	absent

The Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

Resolution No. 97-281, Land Use-113
EXHIBIT A

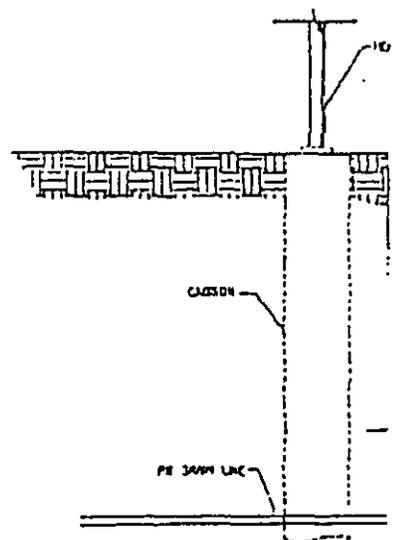
COMMENCING AT THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK 2948 AT PAGE 996, RECORDS OF THE EL PASO COUNTY CLERK & RECORDER, AND CONSIDERING THE SOUTHERLY LINE OF SAID TRACT TO BEAR N 55°14'48" E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N 47°04'05" E A DISTANCE OF 735.41 FEET TO THE POINT OF BEGINNING; THENCE N 30°00'00" E, A DISTANCE OF 30.60 FEET TO A POINT; THENCE S 60°00'00" E; A DISTANCE OF 20.00 FEET TO A POINT; THENCE S 30°00'00" W, A DISTANCE OF 30.00 FEET TO A POINT; THENCE N 60°00'00" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINS 600 SQUARE FEET, OR 0.0138 ACRES, MORE OR LESS.



MAX LENGTHS			
SECTOR	120°	120°	120°
FEET	17'-4"	18'-0"	18'-0"

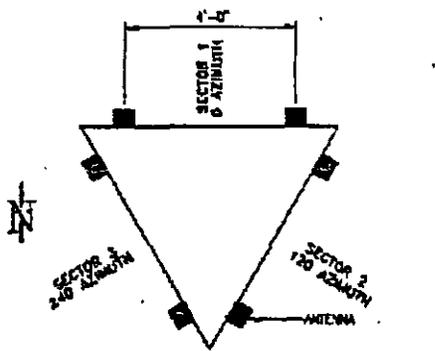
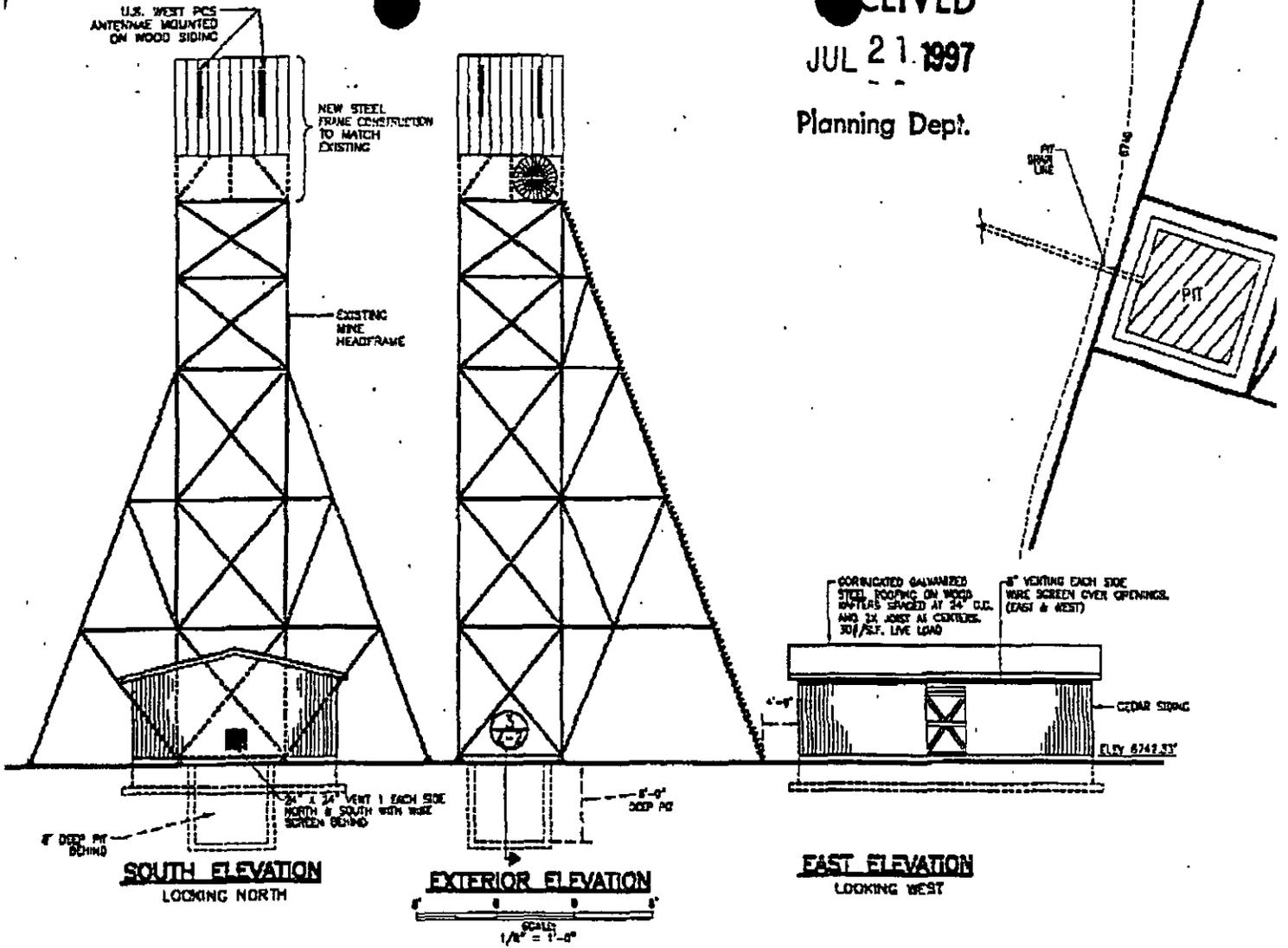
GEOGRAPHIC COORDINATES (NAD 83)
 LATITUDE: 39°01'31.76"
 LONGITUDE: 104°49'38.66"

PLAN - ANTENNA ORIENTATION
 NTS



SECTION THRO FOUNDATION
 SCALE: 1/2" = 1'-0"

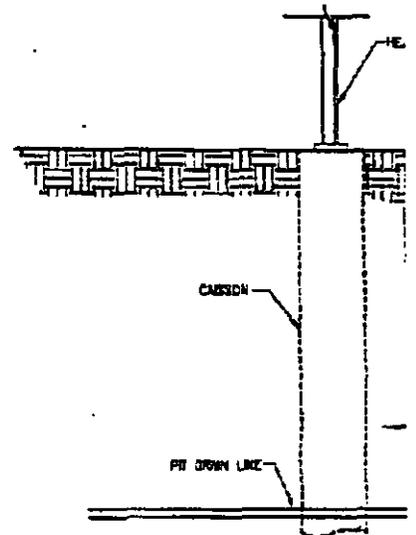
RECEIVED
 JUL 21 1997
 Planning Dept.



COAX LENGTHS			
0° SECTOR	120° SECTOR	240° SECTOR	GPS
70'-0"	70'-0"	70'-0"	40'-0"

GEOGRAPHIC COORDINATES (NAD 83)
 LATITUDE: 39°01'30.75"
 LONGITUDE: 106°49'38.66"

PLAN - ANTENNA ORIENTATION
 NTS



SECTION THRO FOUNDATION
 3
 2-2 SCALE: 1/2" = 1'-0"