



Request for Comments

Case Name:	American Towers
Case Number:	RCU2017-00039

Septmeber 25, 2017

Adams County Planning Commission is requesting comments on the following request:

Requesting a Conditional Use Permit to allow an existing Communications Tower for an additional ten years.

This request is located at **23700 E 42ND AVE.**

The Assessor's Parcel Number is **0181900001001**

Applicant Information **AMERICAN TOWERS LLC**

**LIZ WALKER/ BONNIE BELAIR / MARGARET ROBINSON
10 PRESIDENTIAL WAY
WOBURN, MA 01801**

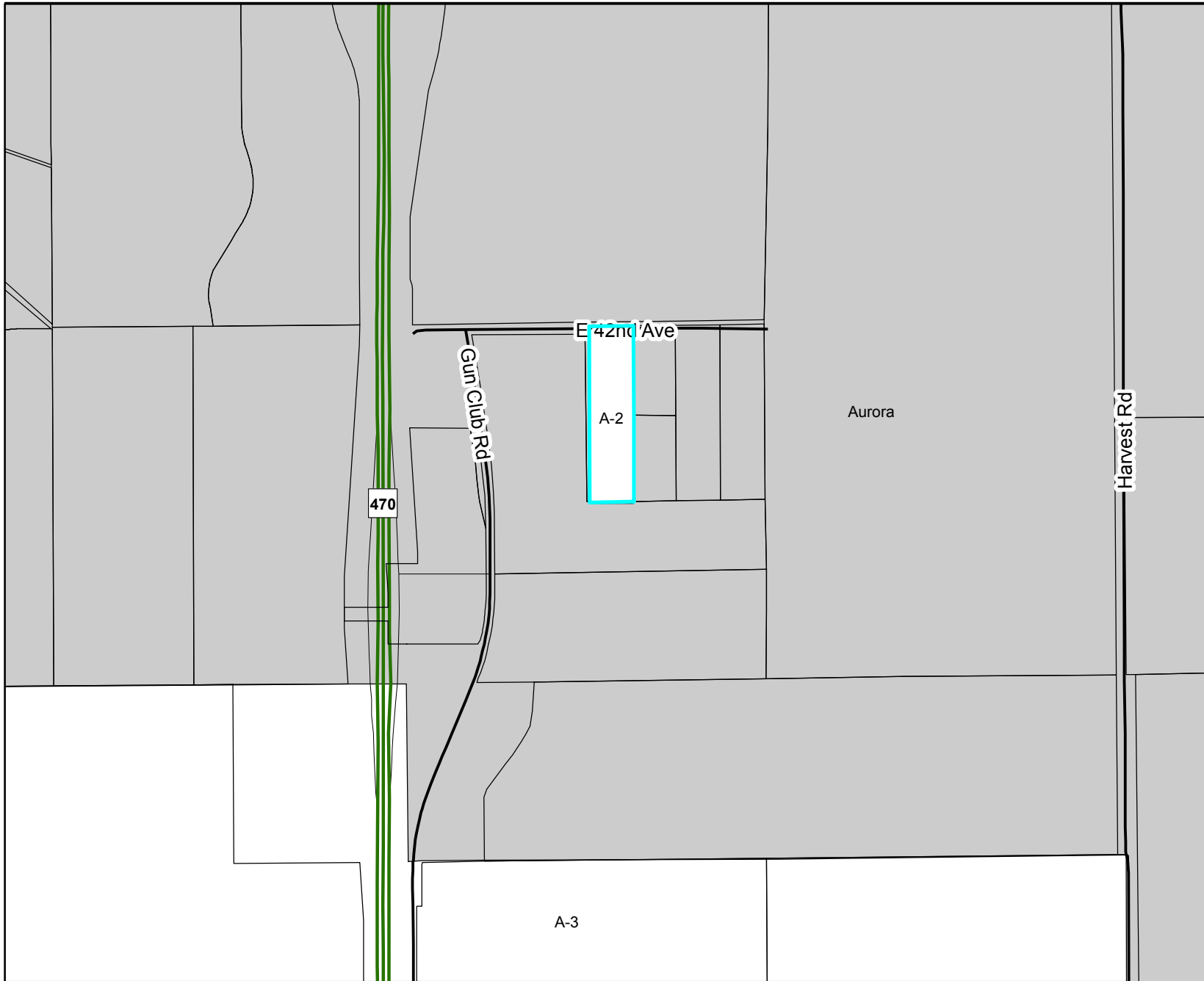
Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216. (720) 523-6820 by **October 16, 2017** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to ECollins@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

































Thank you for your review of this case.

Emily Collins

Emily Collins, AICP
Case Manager



LEGEND

-  Special Zoning Conditions
-  Section Numbers
-  Railroad
-  Major Water
-  Zoning Line
-  Sections
- Zoning Districts**
-  A-1
-  A-2
-  A-3
-  R-E
-  R-1-A
-  R-1-C
-  R-2
-  R-3
-  R-4
-  M-H
-  C-0
-  C-1
-  C-2
-  C-3
-  C-4
-  C-5
-  I-1
-  I-2
-  I-3
-  CO
-  PL
-  AV
-  DIA
-  P-U-D
-  P-U-D(P)
-  Airport Noise Overlay

RCU2017-00039

American Towers



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

Written Explanation of Request
RENEWAL APPLICATION FOR COMMERCIAL TELECOMMUNICATIONS TOWER
Adams County RCU2007-00030

Submitted to Adams County, Colorado
Department of Planning & Development
September 13, 2017

1. GENERAL INFORMATION

Applicant: American Tower Asset Sub, LLC
Attn: Bonnie Belair, Attorney
10 Presidential Way
Woburn, MA 01801
Bonnie.Belair@AmericanTower.com

Representative: Wireless Policy Group LLC
Contact: Liz Walker
303-264-7455

Property Owner: Aurora Highlands LLC

Site Address: 23700 East 42nd Avenue, Aurora, CO

APN: 0181900001001

Zoning Classification: Agricultural 2 (A-2 Zone District)

Wireless Policy Group LLC is submitting this application on behalf of American Towers, LLC (the "**Applicant**"). *See attached Letter of Authorization.*

2. INTRODUCTION

The Applicant submits this request to renew the Conditional Use Permit (CUP) for an existing Commercial Mobile Radio Service (CMRS) Telecommunications Site ("**the Facility**") at 23700 E. 42nd Avenue in Adams County. The Facility is necessary to continue filling a significant gap in wireless telephone and data service in this area, and to support seamless coverage in the co-locating carriers' greater wireless networks. The Applicant requests that the CUP be renewed for a 10-year term.

Adams County Board of County Commissioners initially approved the site in November of 1991, and approved a subsequent renewal in October of 2007. No modifications to the existing tower, as previously permitted, are proposed in this renewal request. *See attached Site Plan.*

This proposal meets all of the Adams County criteria for renewing a CUP, and the Applicant respectfully requests that Adams County approve the renewal for a 10-year term, with no new conditions of approval.

3. BACKGROUND INFORMATION

3.1 The Existing WCF

The existing Facility, comprised of a 50-foot tall monopole and an equipment shelter in an easement area of approximately 1636 square feet. The Property is in an A-2 Zone District. The Facility currently accommodates co-location of two telecommunications carriers.

3.2 Prior Zoning Approvals

The Board of County Commissioners of Adams County (BoCC) originally approved the CUP for the existing Telecom Site pursuant to case number 101-91-C. That CUP was valid for a term of 10 years. The facility was designed, constructed and has operated in accord with the contemporaneous design requirements and performance standards, and the original conditions of approval, including a condition that the facility provide for co-location.

In 2007, the BoCC approved a renewal of the CUP extending the term of the permit an additional 10 years under Case No. RCW2007-00030. The Facility continues to operate in accord with Adams County code requirements and accommodates co-location of two telecommunications carriers.

3.3 Network Information

Carriers consider the coverage provided by existing CMRS telecommunication sites, such as the one at this location, when installing complementary facilities to strengthen their networks. The subject Facility is now an essential part of the Adams County regional wireless network.

Generally, the need for wireless service is determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. A CUP renewal in this case would allow continued wireless communications service in this area. This includes emergency 911 calls throughout Adams County.

3.4 Applicable Law

Federal, state and local laws will apply to this application.

The federal Telecommunications Act acknowledges a local jurisdiction's zoning authority over wireless facilities, but limits the exercise of that authority in several important ways. First, a local regulation may not prohibit, or have the effect of prohibiting, the provision of wireless services. 47 U.S.C. Section 332(c)(7)(A) and -(B)(i)(II).

Also under the Telecommunications Act, a jurisdiction is prohibited from considering the environmental effects of radio frequency emissions (including health effects) of the WCF site if the site will operate in compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). The Facility does now, and would continue to, operate in accordance with the Federal Communications Commission's Radio Frequency emissions regulations. Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the WCF site should be disregarded in this proceeding.

Additionally, just as the jurisdiction may not consider the environmental effects of radio frequency emissions, it also may not discriminate amongst providers of functionally equivalent services. A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

Finally, the Telecommunications Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time.

Under the Adams County Development Standards and Regulations (the Code), an application for CUP renewal is subject to limited Conditional Use Permit Review Procedures under Code Section 2-02-08-04 and -05, including notice, public hearing and a decision by the BoCC. The Adams County criteria governing CUP Criteria for Approval (Code Section 2-02-08-06) are specifically addressed below.

4. APPLICATION SUBMITTAL REQUIREMENTS

This renewal application complies with all requirements of the Adams Code CUP Criteria for Approval, which are addressed directly below.

Chapter 2 Application and Permitting Procedures Specific Development Review Steps for Development Applications

2-02-08-06 Conditional Use Permit Criteria for Approval

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find:

1. The conditional use is permitted in the applicable zone district.

RESPONSE: The Facility is in an Agricultural-2 District (A-2). Per the Use Chart at Section 3-07-01 Telecommunications/Commercial Communications Towers are allowed in an A-2 Zone District with a Conditional Use Permit.

2. The conditional use is consistent with the purposes of these standards and regulations.

RESPONSE: Per Section 3-08-04-04, Communications Towers are a conditional use in this zone district.

The existing Telecom Site has been at its location in an A-2 district for 25 years and was previously found to be consistent with the purposes of these standards and regulations.

Per Section 2-02-08-01,

"Conditional uses are those which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, which require more discretionary review than those uses which are authorized [outright]."

The Adams County Code categorizes Telecommunications Towers as presumptively compatible with the other land uses authorized in an A-2 zone. The existing Tower has been subject to 2 prior discretionary review processes and was approved subject to conditions.

The Applicant has provided all required documentation as listed on the CUP Checklist and agreed to by Adams County Planning. See CUP Checklist and attachment lists.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.

RESPONSE: The Tower was designed and constructed, and has operated, in accord with the design requirements and performance standards applicable to the 2007 CUP approval. No modifications beyond the carriers' respective antenna and equipment upgrades have been made to the design or operation of the Tower. See attached Site Plan.

4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

RESPONSE: The existing Tower is compatible with the surrounding area and fits in with the character of the surrounding uses. The Tower has been at its location for over 25 years. To Applicant's knowledge, there have no complaints about noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation relating to the Tower or the associated equipment. The Tower operates in accordance with FCC radio frequency emissions regulations.

The Tower does not generate any significant traffic because it is an unmanned facility and requires only periodic maintenance visits by carrier personnel.

5. The conditional use permit has addressed all off-site impacts.

RESPONSE: The site has a critical impact in supporting the communications infrastructure in the area.

6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

RESPONSE: The site has been adequate for the operation and maintenance of the Tower for 25 years.

7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

RESPONSE: The site, as designed and constructed, has shown to be the most convenient and functional use of the lot. The parking scheme and traffic circulation are more than adequate, as there is rarely more than one maintenance vehicle serving the Tower at a time. Fencing, screening, landscaping, signage, and lighting were designed and constructed in accord with Adams County code requirements.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

RESPONSE: The Facility does not require sewer or water service. The Facility was designed and constructed in accord with Adams County storm water drainage and, to the Applicant's knowledge, there are no issues with storm water drainage at the site as a result of the Facility. The need for fire or police protection is unlikely, but roads are available for this service if needed.

6. CONCLUSION

The zoning renewal application for the Telecommunications Tower at Parcel No. 0181900001001 in Adams County meets the requirements of the County's Development Standards and Regulations, and the Applicant respectfully requests that Adams County approve the CUP renewal for a term of 10 years.

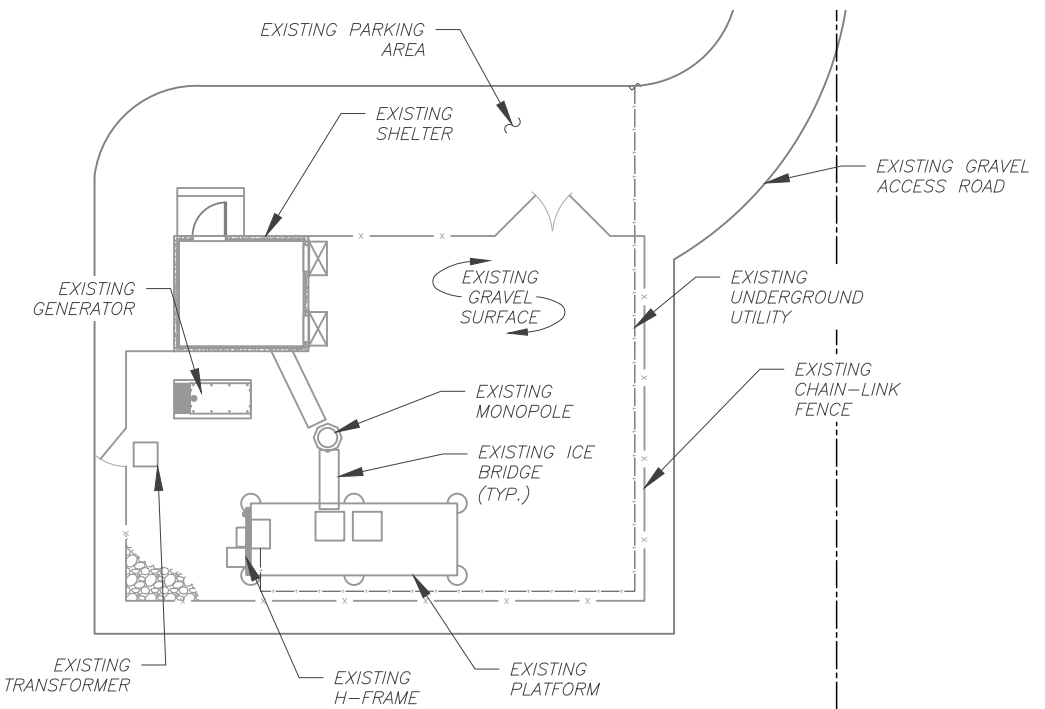
- NOTES:**
- THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
 - BOUNDARY INFORMATION OBTAINED FROM: ADAMS COUNTY GIS MAPPING.

SURVEY LEGEND

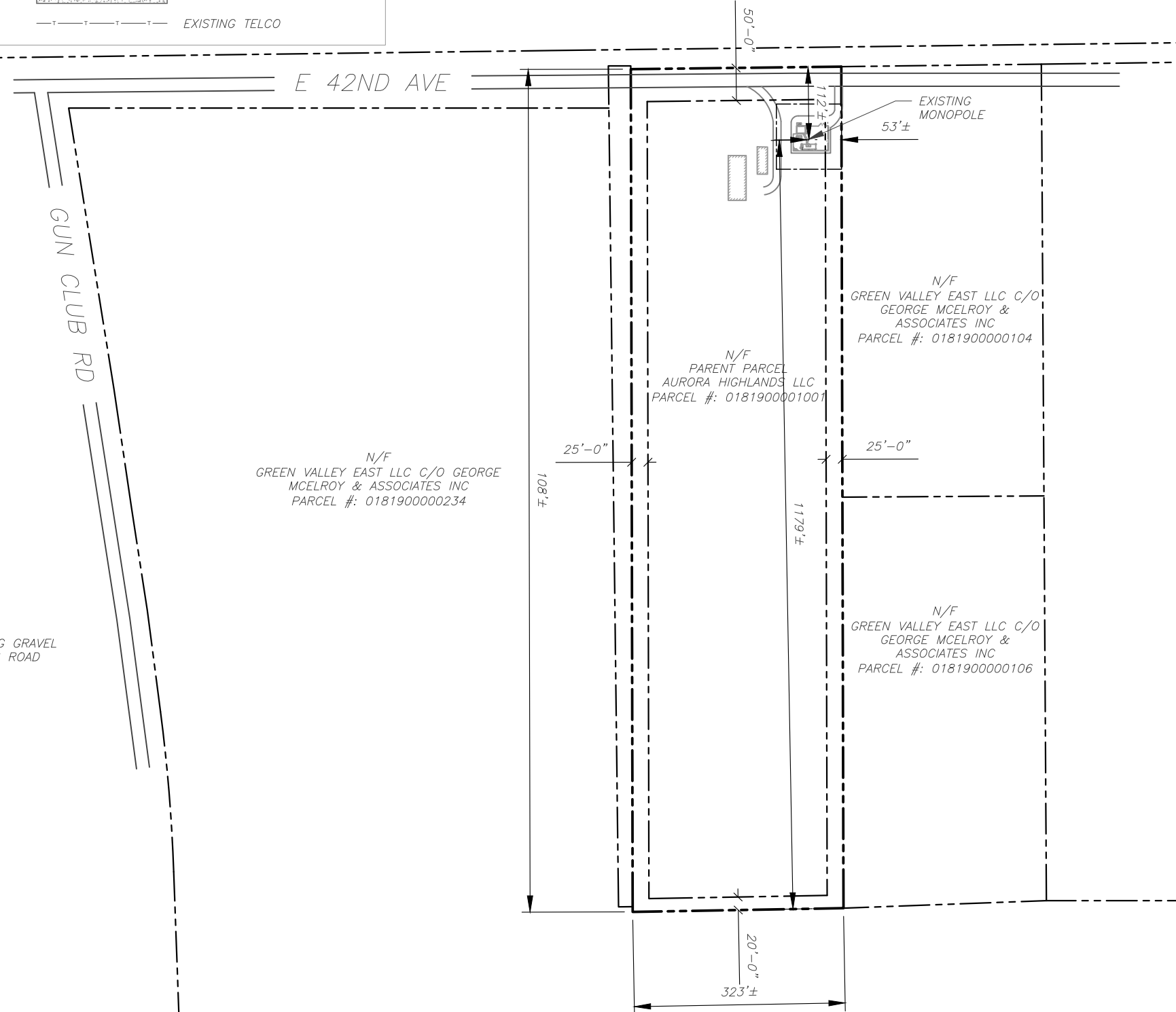
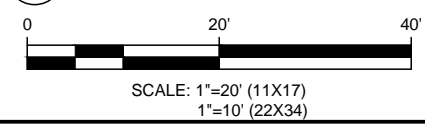
- EXISTING PROPERTY
- - - EXISTING ADJ. PROPERTY
- - - EXISTING PROPERTY SETBACK
- x - x - EXISTING CHAINLINK FENCE
- [Hatched Box] EXISTING BUILDING
- [Horizontal Lines] EXISTING ROAD (STONE)
- [Vertical Lines] EXISTING ROAD (PAVED)
- [Dotted Box] EXISTING CONCRETE
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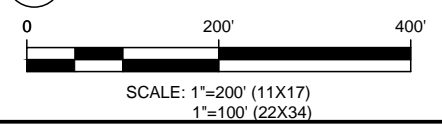
1 GIS PARCEL IMAGE



2 DETAILED SITE PLAN



3 OVERALL SITE PLAN



AMERICAN TOWER®
ATC TOWER SERVICES, LLC
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-0112

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	NK	04/10/17

ATC SITE NUMBER:
82148
 ATC SITE NAME:
RACEWAY
 SITE ADDRESS:
 23700 E. 42ND AVE
 AURORA, CO 80019

SEAL:

DRAWN BY:	NK
APPROVED BY:	PPB
DATE DRAWN:	04/10/17
ATC JOB NO:	12067621

SITE PLAN

SHEET NUMBER:	REVISION:
C-101	0

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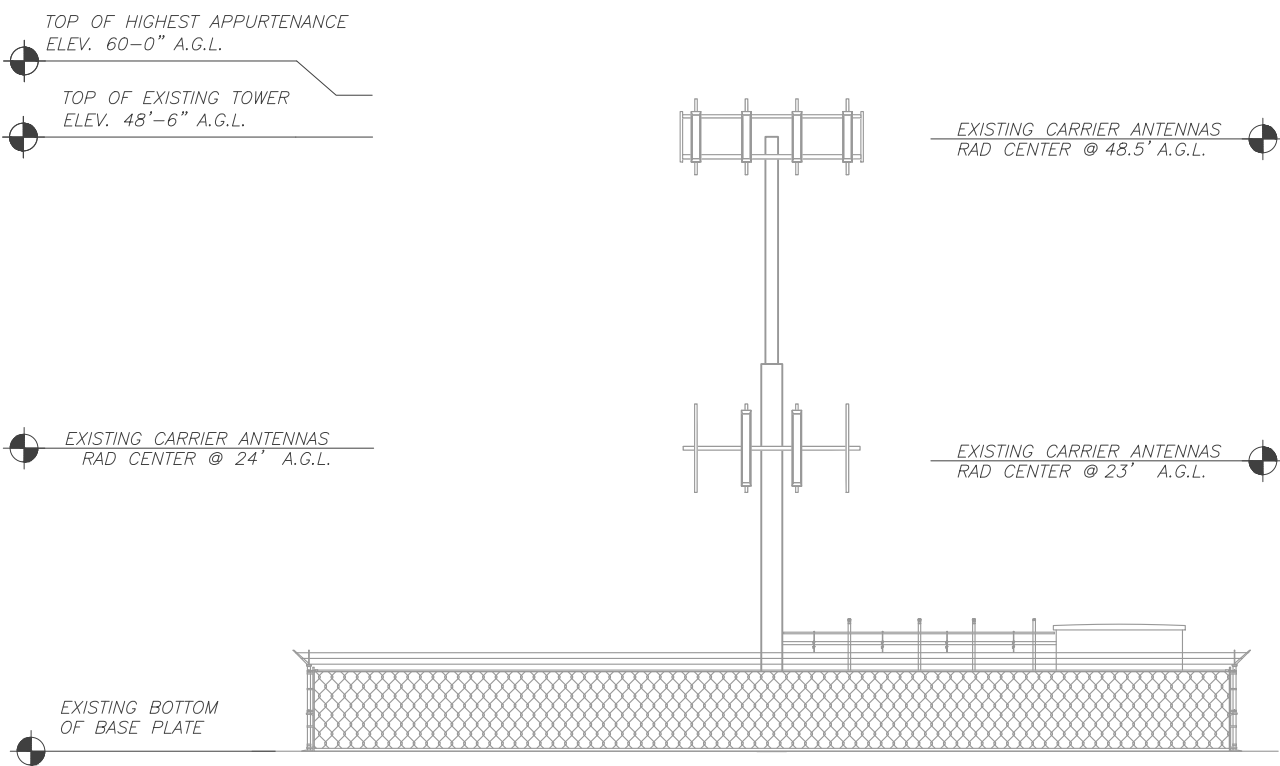
SEAL:

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APPROVED BY:	PPB
DATE DRAWN:	04/10/17
ATC JOB NO:	12067621

TOWER ELEVATION

SHEET NUMBER: **C-201** REVISION: **0**

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1 TOWER ELEVATION
SCALE: NOT TO SCALE



2 TOWER ELEVATION
SCALE: NOT TO SCALE

CAUTION



**Beyond this point:
Radio frequency fields at this site
may exceed FCC rules for human
exposure.**

**For your safety, obey all posted signs
and site guidelines for working in radio
frequency environments.**

In accordance with Federal Communications
Commission rules on radio frequency emissions 47 CFR 1.1307(b)

NO TRESPASSING

ATC CAUTION AND NO TRESPASSING SIGN

WARNING



**Beyond this point:
Radio frequency fields at this site
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**For your safety, obey all posted signs
and site guidelines for working in radio
frequency environments.**

In accordance with Federal Communications
Commission rules on radio frequency emissions 47 CFR 1.1307(b)

ATC RF WARNING AND FCC NUMBER SIGN

FCC TOWER REGISTRATION #

Posting of sign required by law

ATC STAND-ALONE FCC TOWER
REGISTRATION SIGN

NOTICE

**GUIDELINES FOR WORKING IN
RADIOFREQUENCY ENVIRONMENTS**

- ⚠ All personnel should have electromagnetic energy (EME) awareness training.
- ⚠ All personnel entering this site must be authorized.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not stop in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without shields during normal operation.
- ⚠ Do not operate base station antennas in equipment room.

ATC RF PROGRAM NOTICE SIGN

AMERICAN TOWER®
ATC TOWER SERVICES, LLC
3500 REGENCY PARKWAY
SUITE 100
CARY, NC 27518
PHONE: (919) 468-0112

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ATC SITE NAME:
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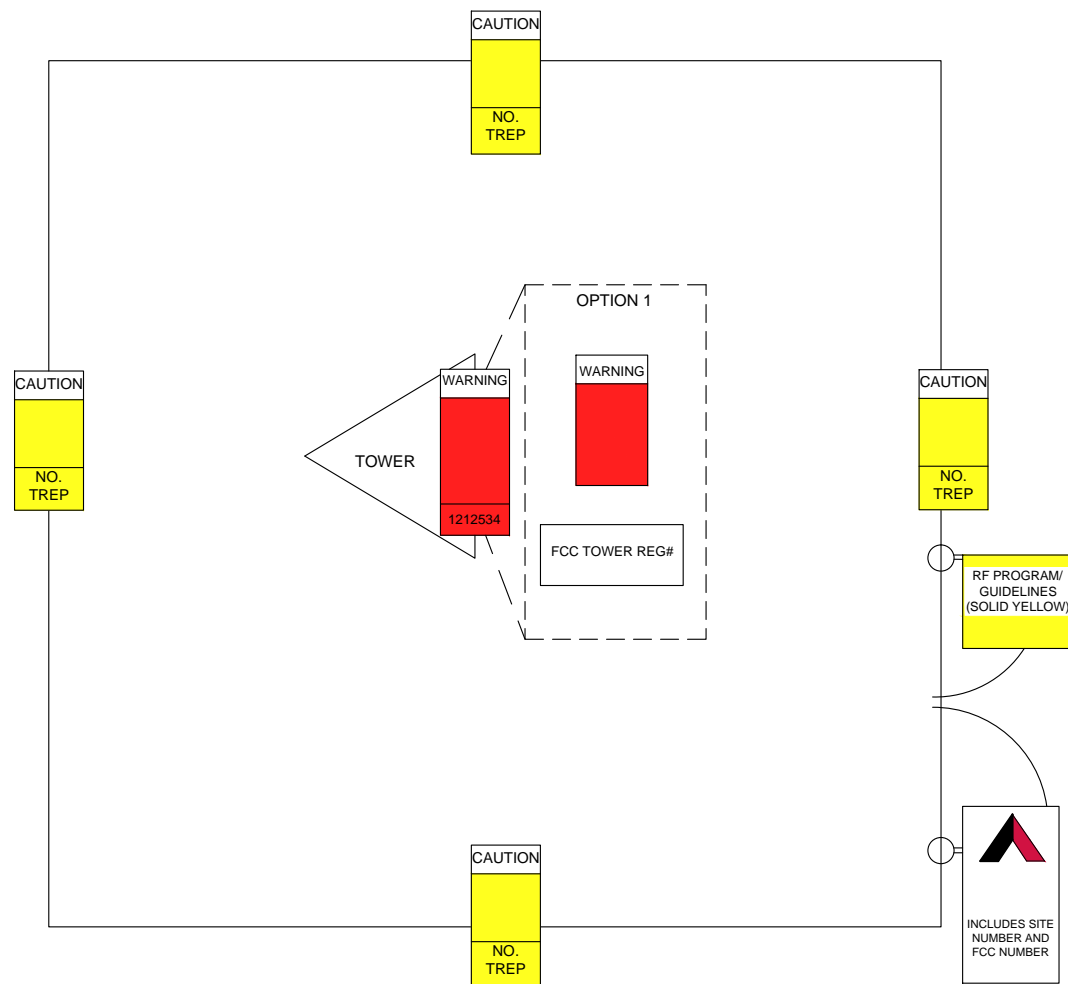
SEAL:

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APPROVED BY:	PPB
DATE DRAWN:	04/10/17
ATC JOB NO:	12067621

SIGNAGE

SHEET NUMBER: **C-501** REVISION: **0**

A "NO TRESPASSING" SIGN MUST BE POSTED A MINIMUM OF EVERY 50'.



THERE MUST BE AN ATC SIGN WITH SITE INFORMATION AND FCC REGISTRATION NUMBER AT BOTH THE ACCESS ROAD GATE (GATE OFF OF MAIN ROAD, IF APPLICABLE) AND COMPOUND FENCE (IF NO COMPOUND FENCE, THEN IN A CONSPICUOUS PLACE UPON DRIVE UP). IN ADDITION, PLEASE LOOK AT DIAGRAM FOR ALL ADDITIONAL SIGNS REQUIRED.

OPTION 1 MAY BE USED TO POST TOWER REGISTRATION NUMBERS AT THE BASE OF THE TOWER IF A WARNING SIGN DOES NOT HAVE SPACE FOR THE TOWER REGISTRATION NUMBER.

IMPORTANT: FOR ANY ATC SIGN THAT DOES NOT MEET THE ATC SPECIFICATION FOR SIGNAGE (I.E., SHARPIE/PAINT PEN, WORN LABELS, ETC.), BRING IT INTO COMPLIANCE (RE-WRITE IF WORN) AND FLAG FOR REPLACEMENT ASAP WITH THE APPROPRIATE PERMANENT SIGN (YOU CAN ORDER THESE THROUGH THE WAREHOUSE).

ONLY LABELS PRINTED BY A ZEBRA LABEL PRINTER WILL BE ACCEPTED.

AMERICAN TOWER

SITE NAME : RACEWAY
SITE NUMBER : 82148
FCC REGISTRATION # : NOT REQUIRED

FOR LEASING INFORMATION: 877-282-7483
877-ATC-SITE

FOR EMERGENCIES CALL: 877-518-6937
877-51-TOWER

NO TRESPASSING

www.americantower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

REPLACEMENT OF SIGNAGE:

AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 60 DAYS UNLESS OTHERWISE SPECIFIED. ANY SITE SOLD SHOULD HAVE THE ATC SIGNS REMOVED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. ALL FCC OR REGULATORY SIGNAGE MUST BE INSTALLED OR REPLACED AS REQUIRED TO MEET OUR STANDARD. SIGNS SHOULD BE REPLACED ON NORMAL, QUARTERLY MAINTENANCE VISITS BY CONTRACTORS OR SITE MANAGERS, UNLESS OTHERWISE REQUIRED ON A CASE-BY-CASE BASIS.

NOTE:

EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE FCC. ALL EXISTING SIGNAGE AND ANY FUTURE SIGNAGE WILL BE COMPLIANT WITH STATUTE 164-43.4 NO HIGH-VOLTAGE SIGNAGE IS NECESSARY. NO HIGH-VOLTAGE EQUIPMENT PRESENT.