

ORIGINAL ORDINANCE NO.: 1809

INTRODUCED BY: Shuster

ENROLLED ORDINANCE NO.: 1584

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LARAMIE, WYOMING, TO ALLOW A CONDITIONAL USE FOR CONSTRUCTION AND OPERATION OF A 125'-TALL, LATTICE-TYPE RADIO COMMUNICATIONS TOWER WITHIN AN AREA MEASURING APPROX. 1.52 ACRES AND ZONED R3 (MULTIPLE FAMILY), LOCATED IN THE NORTHWEST CORNER OF GREENHILL CEMETERY, LARAMIE, WYOMING.

WHEREAS, on January 14, 2010, Cmdr. Mitchell D. Cushman, on behalf of LARC (Laramie / Albany County Records and Communications Center) filed a petition with the City for a conditional use of a tract of land approximately 1.52 acres in size and commonly known as the maintenance area in the northwest corner of Greenhill Cemetery, for construction and operation of a 125'-tall, lattice-type radio communications tower and auxiliary structures;

WHEREAS, this tract of land is zoned R3 (Multiple-Family), and pursuant to Section 17.80 of the City Municipal Code, the conditional use is a permissible conditional use in an R3 district;

WHEREAS, on March 22, 2010, the City Planning Commission recommended approval of the conditional use subject to all staff conditions;

WHEREAS, City Clerk gave notice of a public hearing by publishing the notice in the *Laramie Boomerang* on April 25, 2010;

WHEREAS, the City Council held a public hearing on May 11, 2010 in Council Chambers, City Hall, to consider all comments, remonstrances and objections;

WHEREAS, the City Council as a condition to adopting the ordinance approving the conditional use hereby makes the following findings as required by Section 17.09.040 of the Code of the City of Laramie, Wyoming:

- (1) That the proposed use shall not adversely affect the public interest;
- (2) That the City Council has been presented with such plot plans, elevations, building plans, specifications and covenants as has been required by it, including but not limited to:
  - (a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - (b) Off-street parking and loading areas where required, and the regulation of the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.

- (c) Refuse and service areas.
- (d) Utilities, with reference to locations, availability and compatibility.
- (e) Screening and buffering, with reference to type, dimensions and character.
- (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- (g) Required yards and other open space.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.** That the foregoing recitals are incorporated in and made a part of this Ordinance by this reference.

**Section 2.** That City Council finds that the proposed public-safety radio communications tower is a permissible conditional use in an R3 district pursuant to Laramie Municipal Code Sec. 17.80, and does not adversely affect the public interest of the City; and City Council has been presented with such plot plans, elevations, building plans, specifications and covenants as required pursuant to Section 17.09.040 of the City Municipal Code.

**Section 3.** That the zoning district map of the City of Laramie, Wyoming is amended by allowing a conditional use for a operation of a public-safety radio communications tower and associated auxiliary uses and structures on the following tract of land:

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 73 WEST, ALBANY COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH-WEST SECTION CORNER OF SECTION 34;

THENCE S 0° 11' 37" E A DISTANCE OF 1323.17 FEET TO THE POINT OF BEGINNING;

THENCE S 89°58'41" E A DISTANCE OF 291.86 FEET;  
 THENCE S 0°01'19" W A DISTANCE OF 227.69 FEET;  
 THENCE N 89°48'23"W A DISTANCE OF 292.54 FEET;  
 THENCE N 0°11'37" E A DISTANCE OF 226.82 FEET MORE OR LESS TO THE POINT OF BEGINNING.

THE FOREGOING TRACT OF LAND CONTAINING 1.52 ACRES, MORE OR

LESS.

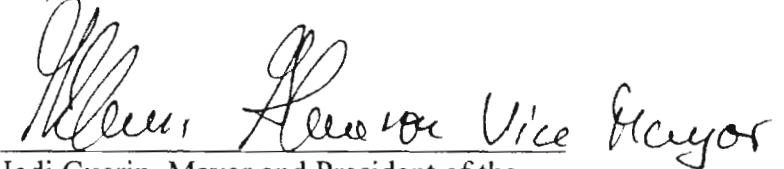
**Section 4.** That the following restrictions shall apply to the conditional use established by this ordinance:

1. Whenever the conditional use has been discontinued for a period of eighteen (18) consecutive months, the conditional use shall automatically terminate, and any use after termination shall fully conform with the basic R3 zoning requirements; provided, however, that the City Council, upon application, may grant an extension of any additional period of non-use not to exceed eighteen (18) months, for good cause shown.
2. The conditional use established herein may be reconverted at any time to basic R3 use without further approval of the City Council or amendment to this ordinance; provided, reconversion shall be a termination of the conditional use.
3. The tower and its auxiliary elements shall substantially conform to the plans submitted and approved as part of the application, and any significant change in or modification to such plans shall be reviewed by the Planning Commission acting as the Zoning Board of Adjustment, pursuant to the provisions of Chapter 17.48 of the Laramie Municipal Code.
4. Pursuant to Condition 3 above, conformance with the following plan elements shall be required:
  - a. The tower's height is restricted to a maximum of 125 feet;
  - b. The tower's design is to be a three-leg, self-supporting (i.e., lattice) type.
5. A detailed landscaping plan shall be submitted and approved in conjunction with the building-permit plans, such landscaping plan to be developed jointly by the Parks and Recreation Dept., Police Dept./LARC, and Community Development Dept.
6. The proposed interior security fencing around the tower base and auxiliary shall be designed and constructed of secure but esthetically superior material(s), not consisting of unadorned chain-link, and visually compatible with the new fencing around the maintenance area (per following condition).
7. As part of the tower project, a new fence, designed and constructed of secure but esthetically superior material(s), not consisting of unadorned chain-link, shall be installed around the Greenhill Cemetery maintenance area. The fence's location and design shall be determined in consultation with and subject to approval by the Parks and Recreation Department. Said fence shall be completed no later than the final completion date of the tower and auxiliary elements.
8. Except in emergency situations, access to the tower site shall be coordinated in advance with the Cemetery Sexton or other personnel designated by the Parks and Recreation Department.
9. The tower shall be painted or otherwise colored so as to be as visually unobtrusive as possible (e.g., sky-blue-gray or similar treatment). If determined to be feasible by all parties and if compatible with public-safety and maintenance/operation needs, the tower may optionally include installation of shade cloth or similar screening material, to visually buffer the tower's lower portion from nearby vantage points.
10. Except for temporary lighting in emergency situations, no illumination of the tower itself shall be allowed. Motion-detector lighting for the auxiliary building shall be allowed, as approved during the building-permit process.

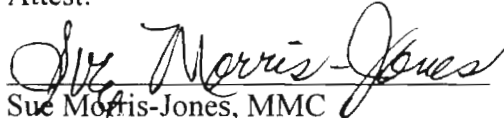
**Section 5.** Violation of any of the conditions contained in Section 4 herein are a violation of this ordinance and of Chapters 17.09 and 17.15 of City Municipal Code and may be prosecuted pursuant to the provisions of Chapter 17.52 of the City Municipal Code.

**Section 6.** This ordinance shall become effective after its passage, approval and publication.

Passed and approved this 1st day of June, 2010.

  
Jodi Guerin, Mayor and President of the  
City Council

Attest:

  
Sue Morris-Jones, MMC  
City Clerk

Duly published in the Laramie Boomerang this 9<sup>th</sup> day of June, 2010.

First Reading: April 20, 2010

Public Hearing: May 11, 2010

Second Reading: May 18, 2010

Third Reading and Final Action: June 1, 2010