



BOARD OF ADJUSTMENT MEETING MINUTES

OCTOBER 20, 2022
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Curtis Clabaugh, Dustin Brown, Trent Carroll, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Milo Vigil, Linda Burt, Erin LeBlanc
- QUORUM PRESENT:** Tony Laird called the meeting to order at 6:00 pm.
Roll Call was taken; a quorum was present with 4 members in attendance
- CITY STAFF PRESENT:** Connor White (Planner), Erin Fagan (Planner), Valerie Pickard (Planning & Development Office Manager), Charles Bloom, AICP, Planning & Development Director
- OTHERS PRESENT:** Sarah Morey, Gene MacDonald, Andrew Arredondo, Janet Williams, Matt Fisher, Celest Malloy
- APPROVAL OF MINUTES:** September 13, 2022

Dustin Brown made a motion to approve the minutes and Trent Carroll seconded the motion. The minutes were approved unanimously.

ITEM A: [UDC-22-00322: Conditional Use request to allow an 80-foot Wireless Telecommunications Tower within the P Public zone.](#)

Location: Brimmer Park

Applicant: Andrew Arredondo, Union Wireless
Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, read Item A into the record.

Connor White, Planner II, gave the staff report.

Tony Laird asked for questions from the Board.

Curtis asked if the Clear Zone was for the FAA.

Mr. White stated the Clear Zone is the distance for if the tower were to fall, it would be clear of falling on anything. He stated the Airport did not make a comment about the height of the tower.

Mr. Laird stated criteria 4 complies but in the staff report it doesn't have a stealth design.

Mr. White stated it would comply if the condition is added to provide a stealth design.

Mr. Laird asked what is a stealth canister.

Mr. White stated a stealth canister is a shield that blocks the view of the antennas.

Charles Bloom, AICP, Planning and Development Director stated the antennas are shielded within the canister.

Andrew Arredondo, agent, presented the item.

Mr. Laird stated the maximum height is a 50' tower and the applicant was requesting an 80' tower.

Mr. Arredondo stated the need for additional height allows for other carriers to co-locate and due to the fact there are large trees in the area.

Mr. Laird asked where the similar towers are in the area.

Mr. Arredondo stated the ball parks to the north have similar towers. He stated they are not opposed to a stealth design or location.

Mr. Laird asked what is the Clear Zone.

Mr. Arredondo stated if the tower were to fall, there are no structures within the fall zone of the tower.

Mr. Laird asked for questions from the Board. Hearing none, he asked for public comment.

Janet Williams stated there are structures in the area that could be affected. She stated the VA has a lot of equipment and so does the theater and East High School. She stated their services should not be impeded or slowed. She stated she loses radio station service.

Mr. Larid asked for further questions from the public. Hearing none, he closed the public comment.

Mr. Arredondo stated they are required to meet all FCC guidelines.

Dustin Brown asked what rate do the towers interrupt frequencies.

Matt Fisher, Union Wireless, stated the interruptions are rare. He stated they are a spur off of the main frequency.

Trent Carroll asked if they are usually able to resolve the interruption issues.

Mr. Fisher stated they are usually able to resolve the issues.

Mr. Carroll made a motion to approve a Conditional Use to allow an 80-foot Wireless Telecommunication Tower located at Brimmer Park, legally known as a parcel lying in the south ½ Section 28, further described under Staff's recommendation, Cheyenne, Wyoming, noting the application meets the review criteria for approval. Mr. Brown seconded the motion.

Mr. Carroll amended his motion. Mr. Brown seconded the amended motion.

RESULT: The motion to approve the item passed by a unanimous vote of 4-0.

ITEM B: [UDC-22-00332: Conditional Use request to allow Medical Care, Clinic and Office within the MUR Mixed-use Residential zone.](#)

Location: 1916 Evans Avenue

Applicant: Sarah Morey
Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, read Item B into the record.

Connor White, Planner II, gave the staff report.

Tony Laird, Chair, asked for questions from the Board. Hearing none, he asked the applicant to present the item.

Sarah Morey, applicant, presented the item.

Curtis Clabaugh asked what they would do for parking.

Mrs. Morey stated there are 16 parking spaces within the building and there are a few additional parking spaces on the street. She stated there is more than enough parking for their use.

Mr. Laird asked how a transfer would work if someone needed to go to the hospital.

Mrs. Morey stated less than 1% of births need to transfer. She stated they are already working with the hospital to look at using their in-house transfer system.

Trent Carroll asked if planting of trees would be an issue.

Mrs. Morey stated she did not think it would be an issue.

Mr. Laird asked for questions from the public.

Celest Malloy stated she lived behind the building. She stated transients walk in the alley. She said she was worried about access to her lot being blocked by traffic or ambulance service.

Mr. Laird asked if the alley was paved.

Ms. Malloy said it was paved.

Mrs. Morey stated transport would be on the street side of the building. She stated the property has been vacant for several years and once it is populated the transient issue may be reduced.

Mr. Laird asked if the garage doors would be open or closed.

Mrs. Morey stated the garage doors would be open to the alley and it would be used mostly for employees.

Mr. Laird stated Ms. Molloy's concerns are if the garage doors are left open.

Mrs. Morey stated if they are actively using the property they may reduce the transient issue.

Mr. Clabaugh asked what the hours of the operation would be for the birth center.

Mrs. Morey stated they would be open 8:00am to 5:00pm, Monday through Friday and then on call for births.

Mr. Clabaugh asked if it would be open on weekends.

Mrs. Morey stated it would be open for classes and births on weekends.

Mr. Laird stated they would be on call for off hours.

Mrs. Morey stated that is correct.

Trent Carroll asked if they expect issues blocking the alley.

Mrs. Morey stated the ambulances wouldn't go in the alley.

Janet Williams suggested the owner install motion active lights and web cabs in the parking area.

Mr. Laird asked for further questions.

There was an issue with the sound on zoom. Natalie Hales was on Zoom. She represented Dr. Sloan Hales and they wanted to make comments.

Mr. White read the questions from the Zoom chat. Ms. Hales wanted to know the following information: 1. What classes would be conducted. 2. The amount of parking spaces provided and if there was enough. 3. The hours of operation. 4. Why the building had been vacant. 5. If the building was being leased or sold. Ms. Hales stated the use was not appropriate for the neighborhood and the owners of 1920 Evans were in opposition to the use being approved. She stated the cost was not economical to convert the space. She requested the answers be emailed or answered by call.

Mr. Laird asked for further questions. Hearing none, he closed the public comment.

Dustin Brown made a motion to approve a Conditional Use to allow Medical Care, Clinic and Office at 1916 Evans Avenue, legally known as the South 55-foot Lot 1, South 55-foot of East 49-foot Lot 2, Block 297, Original City, Cheyenne, Wyoming noting that the application meets all the review criteria for approval. Mr. Clabaugh seconded the motion.

Mr. Brown stated this was a great use for downtown and within a good distance to the hospital.

Mr. Laird stated he was concerned about the open garage and the transfers to the hospital. He stated those were business issues the owner has to deal with and did not feel they could oppose the motion based on those concerns.

RESULT: The motion to approve the item was passed by a unanimous vote of 4-0.

ITEM C: [UDC-22-00334: Conditional Use request to allow Outdoor Sales within the CB Community Business zone.](#)

Location: Lot 1, Block 1, Pat Griffin Park

Applicant: Jennifer Smithey
Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, read Item C into the record.

Connor White, Planner II, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Hearing none, he asked the agent to present the item.

Gene MacDonald, agent, gave a description of the project.

Curtis Clabaugh asked if repair services would be at this location.

Mr. MacDonald stated everything would be moved to this location. He stated they would be repairing and selling cars at this location.

Mr. Laird asked for public comment. Hearing none, he closed the public comment.

Mr. Carroll made a motion to approve a Conditional Use request to allow outdoor sales, specifically an automobile sales facility on land legally known as Lot 1, Block 1 Pat Griffin Park, Lot 1, Block 1, Pat Griffin Park, 2nd Filing and A Tract of Land in Southeast 1/4 of Section 36 as described under Staff's Recommendation, Cheyenne, Wyoming, noting that the application meets all the review criteria for approval. Dustin Brown seconded the motion.

RESULT: The motion to approve the item passed by a unanimous vote of 4-0.

OTHER BUSINESS:

- May not have a November meeting
- Friday Work session on October 28th for the Affordable Housing Task Force

ADJOURNED: 7:07 p.m.



Produced by City Staff



Board Official

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*