

**CITY OF FORT COLLINS
ADMINISTRATIVE HEARING OFFICER
TYPE I ADMINISTRATIVE HEARING
FINDINGS, CONCLUSIONS AND DECISION**

HEARING OFFICER: Cameron Gloss
Current Planning Director

PROJECT NAME: 1133 Riverside, Wireless Telecommunication
Equipment P.D.P.

CASE NUMBER: File # 10-99A

APPLICANT: Nextel Communications
c/o Matt Butler
4643 South Ulster #500
Denver, Colorado 80237

OWNER: Fries Enterprises
1133 Riverside Avenue
Fort Collins, Colorado 80524

PROJECT DESCRIPTION:

This is a request to co-locate wireless telecommunications equipment on an existing 75-foot tall brick smokestack. The "ground" equipment will be located inside the existing brick building on the first floor. The site is located at 1133 Riverside.

SUMMARY OF RECOMMENDATION AND DECISION:

STAFF RECOMMENDATION: Approval

HEARING OFFICER DECISION: Approval

ZONING DISTRICT: E (Employment).

NOTICE OF PUBLIC HEARING: Notice of public hearing was made on June 26, 2001 by mailing to property owners within 500 feet of the subject property.

The public hearing was advertised in the Coloradoan.

PUBLIC HEARING

After reviewing the Staff Report and recommendation, a public hearing was held on the subject application at 4:00 PM on July 10, 2001. The hearing was held in Conference Room A at 281 North College, Fort Collins, Colorado.

HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:

The following is a list of those who attended the meeting:

From the City Current Planning Department:

Brian Grubb, City Planner

From the Applicant:

Chris Blackburn

Written Comments:

None

BACKGROUND

1. **Background:**

The surrounding zoning and land uses are as follows:

	Existing Zoning	Existing Land Use
North	CCR (Community Commercial, Poudre River District)	Vacant Land and One Single Family Residence
South	E (Employment)	Light Industrial

East	E (Employment)	Vineyard Christian Fellowship
West	E (Employment)	Wok and Roll Restaurant

2. Definition [Section 5.1.2]:

"Wireless telecommunication equipment shall mean any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication service facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose."

The antennae are to be attached to the smokestack. While the smokestack is not used for its original purpose, the smokestack is part of the building that is used for an automobile repair shop and other business uses. Therefore, the proposal meets the definition of Wireless Telecommunications Equipment.

3. Zoning [Division 4.10]:

The site is zoned E (Employment). In this zone district, wireless telecommunications equipment is permitted, subject to Administrative review.

4. Compliance with Applicable General Standards [Section 3.8.13]:

The Land Use Code requires that a request for wireless telecommunications equipment comply with a prescribed set of standards as outlined in Section 3.8.13 of the code. The applicable standards are discussed below.

*(A) **Location.** Subject to the requirements of paragraph (B) of this Section, wireless telecommunication equipment may be attached to or mounted on any existing building or structure (or substantially similar replacement structure) located in any zone district of the city. Wireless telecommunication equipment shall not, however, be permitted to be attached to or mounted on any residential building containing four (4) or fewer dwelling units.*

This proposal is to locate the equipment on an existing structure. The structure is a brick smokestack. This request is considered a co-location and therefore complies with this standard.

*(B) **Co-location.** No wireless telecommunication facility or equipment owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location.*

Wireless telecommunication facility owners or lessees or employees thereof shall cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.

Exclusion of other providers does not appear to be a problem. These particular antennae are positioned so that another carrier can locate on the tower above the proposed Nextel antennae.

(C) Standards

(1) Setbacks. With respect to a wireless telecommunication facility that is a tower or a monopole, the setback of the facility from the property lines shall be one (1) foot for every foot of height. However, to the extent that it can be demonstrated that the structure will collapse rather than topple, this requirement can be waived by the Director. In addition, the setbacks for ground-mounted wireless telecommunication equipment shall be governed by the setback criteria established in Articles 3 and/or 4.

This standard does not apply.

(2) Wireless Telecommunication Facilities. Whether manned or unmanned, wireless telecommunication facilities shall be consistent with the architectural style of the surrounding architectural environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and character. Such facilities shall also be compatible with the surrounding natural environment considering landforms, topography, and other natural features. If such facility is an accessory use to an existing use, the facility shall be constructed out of materials that are equal to or better than the materials of the principal use.

This standard applies to WT Facilities. This proposal is for WT Equipment. Therefore, this standard does not apply.

(3) Wireless Telecommunication Equipment. Wireless telecommunication equipment shall be of the same color as the building or structure to which or on which such equipment is mounted. Whenever a wireless telecommunication antenna is attached to a building roof, the height of the antenna shall not be more than fifteen (15) feet over the height of the building. All wireless telecommunication equipment shall be located as far from the edge of the roof as possible. Even if the building is constructed at or above the building height limitations contained in Section 3.8.17, the additional fifteen (15) feet is permissible. Whenever wireless telecommunication equipment is mounted to the wall of a building or structure, the equipment shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted. Roof- and ground-mounted wireless telecommunication equipment shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color and material.

The existing smokestack is a medium-brown brick and the antennae will be painted to match the darker tones in the brick. The antennae do not protrude above the height of the smokestack and the ground equipment will actually be located inside the building. Staff finds that this standard is met.

(4) Landscaping. Wireless telecommunication facilities and ground-mounted wireless telecommunications equipment may need to be landscaped with landscaping materials that exceed the levels established in Section 3.2.1, due to the unique nature of such facilities. Landscaping may therefore be required to achieve a total screening effect at the base of such facilities or equipment to screen the mechanical characteristics. A heavy emphasis on coniferous plants for year-round screening may be required. If a wireless telecommunication facility or ground-mounted wireless telecommunication equipment has frontage on a public street, street trees shall be planted along the roadway in accordance with the policies of the City Forester.

Staff does not believe that landscaping is necessary in this situation. The ground equipment is located within the existing building therefore there is no equipment to screen.

(5) Fencing. Chain link fencing shall be unacceptable to screen facilities. Fencing material shall consist of wood, masonry, stucco or other acceptable materials and be opaque. Fencing shall not exceed six (6) feet in height.

As stated above, the ground equipment is contained within the existing building therefore this standard is not applicable.

(6) Berming. Berms shall be considered as an acceptable screening device. Berms shall feature slopes that allow mowing, irrigation and maintenance.

This standard is not applicable.

(7) Irrigation. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the city.

This standard is not applicable because no landscaping is required.

(8) Color. All wireless telecommunication facilities and equipment shall be painted to match as closely as possible the color and texture of the wall, building or surrounding built environment. Muted colors, earth tones and subdued colors shall be used.

The antennae will be painted to match the darker tones of the brick smokestack. Staff finds that this standard is met.

(9) Lighting. The light source for security lighting shall be high-pressure sodium and feature down-directional, sharp cut-off luminaries so that there is no spillage of illumination off-site. Light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.

No outdoor lighting is proposed.

(10) Interference. Wireless telecommunication facilities and equipment shall operate in such a manner so as not to cause interference with other electronics such as radios, televisions or computers.

The primary compatibility issue typically raised during the review process of telecommunications requests is radio interference. The frequency of wireless telecommunications equipment is designed not to interfere with frequencies used by other electronic devices such as radios, televisions and in no way be detrimental to the health, safety and well-being of the community. Staff is not aware of any complaints from the public regarding electronic interference.

(11) Access Roadways. Access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority.

Access is provided from Riverside Avenue. Poudre Fire Authority has reviewed this request and has no concerns.

(12) Foothills and Hogbacks. Wireless telecommunication facilities and equipment located in or near the foothills bear a special responsibility for mitigating visual disruption. If such a location is selected, the applicant shall provide computerized, three-dimensional, visual simulation of the facility or equipment and other appropriate graphics to demonstrate the visual impact on the view of the city's foothills and hogbacks

This standard is not applicable.

(13) Airports and Flight Paths. Wireless telecommunication facilities and equipment located near airports and flight paths shall obtain the necessary approvals from the Federal Aviation Administration.

This standard is not applicable.

(14) Historic Sites and Structures. Wireless telecommunication facilities and equipment shall not be located on any historic site or structure unless permission is first obtained from the city's Landmark Preservation Commission as required by Chapter 14 of the City Code.

The Historic Preservation staff has expressed no concern because the project is reversible and will be done in a manner that won't damage the brick. The antennae are to be painted to match the brick. The ground equipment is to be located within the building and no additional structures will be added, therefore, staff has determined that this proposal will not impact the appearance of the structure.

5. Findings of Fact and Conclusion:

In reviewing the request for the 1133 Riverside, Wireless Telecommunication Equipment – PDP, staff makes the following findings:

- A. The request is defined as “wireless telecommunications equipment.”
- B. Wireless telecommunications equipment is permitted in the E (Employment) Zone District, subject to Administrative review and approval.
- C. The proposed facility meets the applicable criteria in the zone district standards in Article 4 of the LUC.
- D. The proposed equipment meets the applicable design standards in Article 3 of the LUC.

RECOMMENDATION:

Staff recommends **approval** The 1133 Riverside, Wireless Telecommunication Equipment – P.D.P., File # 10-99A

FINDINGS AND CONCLUSIONS

After reviewing the staff report and the record of the public hearing, the Hearing Officer makes the following findings and conclusions:

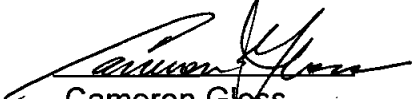
- A. This application is subject to the City of Fort Collins Land Use Code.

- B. The request is defined as a "wireless telecommunications equipment."
- C. Wireless telecommunications equipment is permitted in the Employment (E), Zone District, subject to administrative review.
- D. The proposed installation meets the applicable design standards and regulations in the Land Use Code pertaining to wireless telecommunications equipment.
- E. The installation of the equipment is compatible with the neighborhood and will not cause interference with other electronic equipment that is typically found in the surrounding neighborhoods.

DECISION

Based on the findings and conclusions, the request to co-locate wireless telecommunications equipment located at 1133 Riverside Avenue, on an existing 75-foot tall brick smokestack and installing "ground" equipment inside the existing brick building on the first floor, is approved.

Dated this 25th day of July 2001, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.


Cameron Gloss
Current Planning Director