

**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 # 10-99B

**APPLICANT:** Lucent Technologies  
c/o Andrew Dewhirst  
140 West Oak Street  
Fort Collins, CO 80524

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

**PROJECT DESCRIPTION:**

1133 Riverside Avenue Wireless Telecommunication Equipment is a request to install an antenna array at the top of the existing 80 foot-tall smokestack. The site consists of a historic industrial building. The smokestack, the only historic smokestack within Fort Collins, is no longer in use. The antenna will be attached in a manner, which will not damage the brick or the structural integrity of the smokestack. The antenna will be painted a color, which will match the existing brick, to blend in with the building. The ground-mounted equipment will be located inside of the building. No exterior modifications to the site plan are proposed. A previous wireless telecommunication carrier was approved for this location in July of this year. This will be the second wireless telecommunication carrier proposed to be located on the smokestack. The property is zoned E - Employment.

**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 September 27, 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 3:00 PM on October 11, 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:

Bob Barkeen, City Planner  
Katie Moore, City Engineering

From the Applicant:

Drew Dewhirst, Cricket Communications  
Tim Heine, Cricket Communications

From the Community:

Roger Albrecht, 732 S. Lemay Avenue

Written Comments:

None

Public Comments:

Roger Albrecht, the adjacent property owner, expressed concerns about aesthetic impacts.

Mr. Albrecht also asked about the health hazards associated with radio waves. The applicant's Engineer, Tim Heine, responded by stating that they operate under FCC regulations and are limited to transmission of a maximum of 1000 microwatts. Under a worst case, scenario, with the antennas focused straight down, you would have 18 times less RF exposure than the FCC limit. A typical home microwave, for example, is in excess of 1000 microwatts. In addition, emissions severely decline as you get further away from the equipment and their transmission is reduced if they must pass through buildings.

There are limited emissions below the antennas. Proposed panel antennas are directional; therefore they don't radiate in a 360-degree view. The main beam radiates 6 degrees out from the antenna. At most, the exposure would be 37 times less than the maximum FCC exposure limit.

The applicant's engineer suggested that Mr. Albrecht contact the FCC through their web site for more information about applicable regulations.

## **BACKGROUND**

1. **Background:**

The surrounding zoning and land uses are as follows:

N: CCR – Vacant land  
S: E – Office  
E: E/CCR – Office, Single family residential  
W: E – Restaurant-fast food, office

The property was annexed in September 1967 as part of the First Lemay Annexation.

2. **Division 4.22 of the Land Use Code, Employment District**

The proposed use of wireless telecommunication equipment is permitted in the Employment zone district subject to administrative review.

3. Division 3.8, Supplemental Regulations (Use if appropriate)

A. Section 3.8.13, Wireless Telecommunication

Location – The wireless telecommunication equipment is proposed to be located on an existing smokestack within the Employment zone district.

Co-location – The applicant is locating the antenna on an existing structure. This structure has also been granted approval for another telecommunication carrier. It may be possible for one additional carrier to locate atop the smokestack before it becomes 'full' without any remaining space available. The applicant may not prevent any other carrier from locating upon this structure unless it is physically not possible to locate upon it.

Wireless Telecommunication Equipment – The antenna equipment will be painted to match the color of the smokestack. The antenna will not extend above the height of the smokestack

Landscaping and Fencing – The ground-mounted equipment will be located within the building next to the smokestack. Since all the equipment will be located inside, no additional landscaping or fencing is necessary.

Lighting – No additional lighting is proposed with the telecommunications equipment.

Historic Sites and Structures – The wireless telecommunication equipment is to be located on a historic smokestack. This smokestack and adjacent building meets the criteria for a historic structure. The proposal has been reviewed by the Landmark Preservation committee and was found to not negatively impact the smokestack's ability for designation as a Fort Collins Landmark.

Stealth technology – The applicant has designed the antennas to blend in with the existing structure. The antennas will be flush-mounted and colored the same to be as less intrusive as possible.

4. Neighborhood Information Meeting

A neighborhood meeting is not required for a Type I review. Due to the nature of the proposal, a neighborhood meeting was not held as permitted in the LUC.

5. Findings of Fact and Conclusion:

After reviewing the Riverside Avenue Wireless Telecommunication Equipment Project Development Plan, #10-99B, staff makes the following findings of fact and conclusions:

1. The proposed land uses are permitted in the Employment zone district.
2. The Project Development Plan complies with all applicable district standards of Section 4.22 of the Land Use Code, Employment zone district.
3. The Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

RECOMMENDATION:

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

FINDINGS AND CONCLUSIONS

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

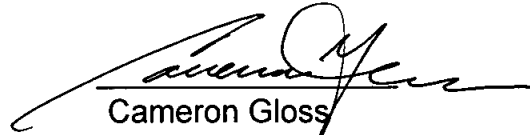
- A. This application is subject to the City of Fort Collins Land Use Code.
- B. The request is defined as a “wireless telecommunications equipment.”
- C. Wireless telecommunications equipment is permitted in the Employment (E), Zone District, subject to administrative review.
- D. The proposed installation 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 18<sup>th</sup> day of October 2001, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.



Cameron Gloss  
Current Planning Director