

ORDINANCE NO. 090, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DENYING THE ADDITION OF PERMITTED USE ASSOCIATED
WITH THE CENTURY WIRELESS TELECOMMUNICATIONS
FACILITY PROJECT DEVELOPMENT PLAN #170017

WHEREAS, Project Development Plan #170017 (“PDP#170017”) proposes the placement of a wireless telecommunications facility in the Low Density Residential zone district (“R-L zone”) on the parcel located at 620 W. Horsetooth Road, parcel number 9726379901 (the “Parcel”); and

WHEREAS, wireless telecommunications facilities are not an allowed use in the R-L zone; and

WHEREAS, a request pursuant to Land Use Code (“LUC”) Section 1.3.4(C)(3), Addition of Permitted Use, has been made in conjunction with PDP#170017 for the addition of wireless telecommunications facilities as an allowed use on the Parcel (the “APU”); and

WHEREAS, pursuant to LUC Section 1.3.4(C)(3), the Planning and Zoning Board (“P&Z”) shall make a recommendation to Council regarding the APU, Council shall be the decision maker on the APU by ordinance, and P&Z shall be the decision maker on the primary application, PDP#170017; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(1)(g), and in satisfaction of such requirement, two neighborhood meetings were held regarding the APU with the first meeting held prior to the submittal of the development application on March 23, 2017, and the second meeting held after submittal of the development application and completion of the first round of staff review on January 31, 2018; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(1)(h), and in satisfaction of such requirement, the proposed use is not a medical marijuana business as defined in City Code Section 15-452 or a retail marijuana establishment as defined in City Code Section 15-603; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(3)(c) regarding the requirement that the proposed use of telecommunications facilities is specifically prohibited in the R-L zone, and in satisfaction of such requirement, wireless cell facilities are not specifically listed as a prohibited use in the R-L zone, and

WHEREAS, at its May 17, 2018, regular meeting, P&Z held a hearing on the APU and recommended to Council by a vote of 4 to 1 that Council approve the APU with a condition limiting the proposed wireless telecommunications facility to a maximum 45-foot height; and

WHEREAS, LUC Section 1.3.4(C)(3) sets forth the criteria, as further described below, that must be satisfied for Council to approve the APU.

**Not Considered on First Reading
July 3, 2018**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the Council, after holding a public hearing on July 3, 2018, at which members of the public, the APU applicant, and City staff provided evidence and argument, and after considering the P&Z recommendation on the APU and the record of the P&Z hearing, hereby denies the requested APU to add wireless telecommunication facilities as a use specifically limited to the Parcel located in the R-L zone.

Section 3. That the Council, based on the evidence and information which was provided and presented to the Council at the hearing in this matter, makes the following findings of fact and conclusions of law:

[SELECT THE APPLICABLE CRITERIA]

(1) The APU fails to satisfy the criteria set forth in LUC Section 1.3.4(C)(1) as follows:

- (1) Such use is not appropriate in the R-L zone.
- (2) Such use does not conform to the basic characteristics of the R-L zone and the other permitted uses in the R-L zone.
- (3) The location, size and design of such use is not compatible with and has minimal negative impact on the use of nearby properties.
- (4) Such use creates more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the R-L zone.
- (5) Such use will change the predominant character of the surrounding area.
- (6) Such use is not compatible with the other listed permitted uses in the R-L zone.

(b) The APU is detrimental to the public good.

Section 4. That the Council's denial of the APU in this Ordinance is based upon the development proposal described in PDP#170017 and the associated APU request, the testimony and evidence presented at the July 3, 2018, APU hearing, the P&Z hearing record, and consideration of the P&Z recommendation.

**Not Considered on First Reading
July 3, 2018**

Section 5. That Council hereby finds, based upon the testimony and evidence presented at the July 3, 2018, APU hearing and the May 17, 2018, P&Z hearing record that:

[SELECT THE BELOW APPLICABLE CRITERIA]

- 1. The applicant has failed to establish that a significant gap in coverage exists necessitating the requested wireless telecommunications facility because **[ADD ANY FINDINGS IN SUPPORT OF THIS CONCLUSION]**.
- 2. The applicant has failed to establish that the requested wireless telecommunications facility is the least intrusive means of addressing the existing significant gap in coverage because **[ADD ANY FINDINGS IN SUPPORT OF THIS CONCLUSION]**.

Introduced, considered favorably on first reading, and ordered published this 3rd day of July, A.D. 2018, and to be presented for final passage on the 17th day of July, A.D. 2018.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 17th day of July, A.D. 2018.

Mayor

ATTEST:

City Clerk

**Not Considered on First Reading
July 3, 2018**