

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

ADMINISTRATIVE HEARING DATE: October 14, 2004

PROJECT NAME: AT&T Wireless, 1107 City Park Avenue
(Liquor Depot)– Wireless
Telecommunication Equipment, Project
Development Plan

CASE NUMBER: #33-04

APPLICANT: Lance Bleyhl
General Dynamics
1450 Academy Park Loop
Colorado Springs, CO 80910

OWNER: John Musā
1107 City Park Avenue
Fort Collins, CO 80521

HEARING OFFICER: Peter Barnes
Zoning Administrator

PROJECT DESCRIPTION:

This is a request to co-locate an AT&T rooftop wireless telecommunication site, including 2 antennas and other equipment, to be located on the southwest corner of the Campus West Liquor Depot roof at 1107 City Park Avenue. This is a first co-location at this site. The applicant proposes to use unobtrusive equipment and “stealth technology” to screen it.

SUMMARY OF HEARING OFFICER DECISION: Conditional Approval

ZONING DISTRICT: CC – Community Commercial

STAFF RECOMMENDATION: Conditional Approval

NOTICE OF PUBLIC HEARING: Evidence presented to the Hearing Officer established no controversy or facts to refute that the hearing was properly posted, legal notices mailed and notice published.

PUBLIC HEARING

The Hearing Officer, presiding pursuant to the Fort Collins Land Use Code, opened the hearing at approximately 4:00 p.m. on October 14, 2004 in Conference Room A at 281 North College Avenue, Fort Collins, Colorado.

HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:

The Hearing Officer accepted during the hearing the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant and the applicant's representatives to the City of Fort Collins; (3) a sign up sheet of persons attending the hearing; and (4) a tape recording of discussion provided during the hearing. The LUC, the City's Comprehensive Plan (City Plan), and the formally promulgated policies of the City are all considered part of the evidence considered by the Hearing Officer.

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

From the City:

Anne Aspen, City Planner

From the Applicant:

Lance Bleyhl, General Dynamics

From the Public:

None

Written Comments:

None

FACTS AND FINDINGS

The surrounding zoning and land uses are as follows:

W: CC—*Community Commercial District* – Existing restaurant (Wendy's);
S: MMN—*Medium Density Mixed-Use Neighborhood District* – Existing multi-family housing (Matador Apartments);
E: CC—*Community Commercial District* – vacant lot, currently in development review for an Oil Can Henry's quick oil change drive-through.
NE CC—*Community Commercial District* – Existing gas station (Schrader's Oil)

1. Compliance with Article 4 and the CC Zoning District Standards:

There are no requirements of Article 4 and the CC Zoning District applicable to the proposed PDP, other than the requirement that an administrative hearing be conducted.

2. Compliance with Article 3 of the Land Use Code – General Development Standards

The Project Development Plan complies with all applicable requirements of Article 3 except for the provision of bicycle parking facilities. No evidence was presented to contradict the statements and conclusion of the staff report concerning compliance or to other refute the compliance with Article 3.

SUMMARY OF CONCLUSIONS

- A. The AT&T Wireless, 1107 City Park Avenue (Liquor Depot) Wireless Telecommunication Equipment, Project Development Plan, is subject to administrative review and the requirements of the Land Use Code (LUC).

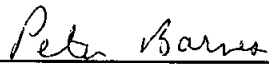
- B. The AT&T Wireless, 1107 City Park Avenue (Liquor Depot) Wireless Telecommunication Equipment, Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

DECISION

The AT&T Wireless, 1107 City Park Avenue (Liquor Depot) Wireless Telecommunication Equipment, Project Development Plan #33-04, is hereby approved by the Hearing Officer subject to the following condition:

The Applicant shall submit a revised site plan no later than the time of Final Plan application incorporating bicycle parking facilities of a design and in a location acceptable to the City.

Dated this 15th day of October 2004, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.



Peter Barnes
Zoning Administrator

ADMINISTRATIVE HEARING

PROJECT Campus West Liquor Depot WTE

DATE 10/14/04

	NAME	ADDRESS	ZIP	PHONE	EMAIL
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	Peter Barnes	281 N. College Ave.	80524	416-2355	p.barnes@fcgov.com