



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

ADMINISTRATIVE HEARING DATE: November 3, 2003

PROJECT NAME: 1101 Academy Court– Wireless
Telecommunication Equipment, Project
Development Plan

CASE NUMBER: #26-03

APPLICANT: Verizon Wireless
c/o R.C. Riley and Associates
Patrick Pelissero
655 Broadway, Suite 365
Denver, CO 80203

OWNER: Lockman Enterprises
1409 Long Peak Drive
Fort Collins, CO 80524

HEARING OFFICER: Cameron Gloss
Current Planning Director

PROJECT DESCRIPTION:

This is a request to install a wireless telecommunication antenna on an existing 95-foot high electric transmission pole operated by Platte River Power Authority which parallels the Union Pacific Railroad. The site is located at the end of Academy Court, east of Riverside Avenue. The antenna array will consist of 12 individual antennas, located in three groups of four. The support equipment will be located about 55 feet south of the pole and will be concealed within a 12 foot by 55-foot enclosure.

SUMMARY OF HEARING OFFICER DECISION: Approval

ZONING DISTRICT: I – Industrial

STAFF RECOMMENDATION: 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 2:40 p.m. on November 3, 2003 in Conference Rooms A and B 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; and (3) 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:

Bob Barkeen, City Planner

From the Applicant:

Patrick Pelissero, R.C. Riley and Associates

From the Public:

None

Written Comments:

None

FACTS AND FINDINGS

The surrounding zoning and land uses are as follows:

- N: POL – Ross Natural Area
- S: RL – Church
- E: MMN – Multi-Family Residential
- W: POL – Ross Natural Area, multi-use path

The property was annexed in September 1965 as part of the Fourth College Annexation.

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

The Project Development Plan complies with all applicable requirements of Article 4 and the POL Zoning District. The Staff Report summarizes the PDP's compliance with these specific standards and no specific evidence was presented to contradict the statements and conclusion of the staff report concerning compliance with Article 4 or the POL District Standards.

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. 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 1101 Academy Court-Wireless Telecommunication Equipment, Project Development Plan, is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The 1101 Academy Court- Wireless Telecommunication Equipment, Project Development Plan satisfies the development standards of the Industrial zoning district.

- C. The 1101 Academy Court- Wireless Telecommunication Equipment, Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

DECISION

The 1101 Academy Court- Wireless Telecommunication Equipment, Project Development Plan #26-03, is hereby approved by the Hearing Officer without condition.

Dated this 4th day of November 2003, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.


Cameron Gloss
Current Planning Director