

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

HEARING OFFICER: Cameron Gloss
Current Planning Director

PROJECT NAME: 2121 South College Avenue, Big A Self Storage,
Wireless Telecommunication Equipment PDP.

CASE NUMBER: File # 18-01

APPLICANT: Cricket Communications and Lucent Technologies
c/o Drew Dewhirst
6855 South Havana Street Suite 450
Englewood, Colorado 80112

OWNER: Jim Watterson
2121 South College Avenue
80525

PROJECT DESCRIPTION:

This is a request to locate wireless telecommunications equipment within a stealth structure and on a stealth structure. The property is zoned C (Commercial) and wireless telecommunications equipment is a use allowed by administrative review within the C district. The applicant is proposing an 85' flagpole that will have the capability to accommodate two carriers. The ground equipment would be located within the end unit of one of the storage buildings at Big A Self-Storage. The applicant is proposing landscaping around the base of the flagpole. The reason for the stealth technology is due to staff concerns about this site's redevelopment potential as it relates to Mason Street corridor planning efforts.

SUMMARY OF RECOMMENDATION AND DECISION:

The proposed wireless telecommunications equipment complies with the applicable standards in Article 3 and 4 of the Land Use Code. The applicant is using stealth

technology to minimize the impacts of the proposed equipment. The only equipment or improvements that will be visible are the flagpole and the surrounding landscaping.

STAFF RECOMMENDATION: Approval

HEARING OFFICER DECISION: Approval

ZONING DISTRICT: C Commercial

NOTICE OF PUBLIC HEARING: Notice of public hearing was made on July 10, 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 July 24, 2001. The hearing was held in Conference Room D 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:

Brian Grubb, City Planner

From the applicant:

Drew Dewhirst, Cricket Communications
John Underwood, Cricket Communications
Tim Heine, Cricket Communications

Written Comments:

None

BACKGROUND

COMMENTS:

1. Background:

The surrounding zoning and land uses are as follows:

	Existing Zoning	Existing Land Use
North	C (Commercial Zone District)	Self-Storage, Duplex Dwellings and a Commercial Business
South	C (Commercial Zone District)	Tilt-up Concrete Structure with Multiple Small Businesses
East	C (Commercial Zone District)	Tire Store and Various Commercial Businesses
West	E (Employment) and CSU (Not Zoned)	Railroad Tracks, Vacant Land and CSU Office Buildings

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 will be contained within an 85' flagpole with the ground equipment to be located within one of the existing storage units. Staff finds that this proposal meets the definition of Wireless Telecommunications Equipment.

3. Zoning [Division 4.19]

The site is within the C (Commercial District) zone district. Wireless telecommunications equipment is permitted in the C zone district, subject to approval by an Administrative Hearing Officer.

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.*

Staff finds that this request is in compliance with the standards for location.

(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.*

This flagpole is designed to accommodate two carriers; therefore, staff finds that this standard has been met.

(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.*

Since the ground equipment is within an existing structure, the setback requirements of the zone district have been met. The flagpole does not meet the required setback from the south and west property lines; however, a letter from an engineer has been provided stating that the pole will not topple onto neighboring properties. The engineer states that the pole will bend in the middle rather than be "uprooted" and topple over intact.

(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 land forms, 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 wireless telecommunication facilities. This proposal is for wireless telecommunications equipment.

(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.

This requirement does not apply except for the provision that ground equipment shall be screened by walls in a manner compatible with the building's design, color and material. Since the equipment will be located within one of the existing buildings, 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.

There is no ground equipment that will require screening; however, the applicant has agreed to put landscaping around the base of the flagpole.

(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.

This standard is not applicable since the accessory equipment will be located within one of the existing structures.

(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 to this request.

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

This standard does not apply since landscaping is not required for this use; however, staff recommends that a drip system be installed to irrigate the trees.

(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 flagpole will be painted white, which is a typical color for such equipment. 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 luminaires 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 for the equipment is proposed except for a light that will shine on the flag itself. Lighting for the flag is not required to meet the standard for down-directional lighting. Staff finds that this standard is met.

(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 College Avenue via an access easement. 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.

This standard is not applicable.

(15) Stealth Technology. To the extent reasonably feasible, the applicant shall employ "stealth technology" so as to convert the wireless telecommunication facility into wireless telecommunication equipment, as the best method by which to mitigate and/or camouflage visual impacts. Stealth technology consists of, but is not limited to, the use of grain bins, silos or elevators, church steeples, water towers, clock towers, bell towers, false penthouses or other similar "mimic" structures. Such "mimic structures shall have a contextual relationship to the adjacent area.

The proposed flagpole is not an unusual amenity for commercial businesses and office buildings and therefore has a contextual relationship to the area. The ground equipment is located in the most desirable type of stealth structure, being the existing buildings on the site. Staff finds that this standard is met and the proposed telecommunications site can be considered wireless telecommunication equipment rather than a wireless telecommunications facility.

5. Findings of Fact and Conclusion:

In reviewing the request for the 2121 South College Avenue, Big A Storage Wireless Telecommunication Equipment P.D.P., staff makes the following findings:

- A. The request is defined as "wireless telecommunications equipment."
- B. Wireless telecommunications equipment is permitted in the Commercial Zone District, subject to approval by an Administrative Hearing Officer.
- C. The proposed facility meets the requirements of Section 3.8.13(C)(3) Wireless Telecommunication.
- D. The proposed equipment meets the applicable criteria in Article 4 of the LUC.

RECOMMENDATION:

Staff recommends **approval** of the 2121 South College Avenue, Big A Self-Storage, Wireless Telecommunication Equipment – P.D.P., File # -18A

FINDINGS AND CONCLUSIONS

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

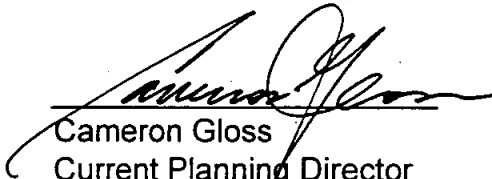
- A. This application is subject to the City of Fort Collins Land Use Code.
- B. The request is defined as "wireless telecommunications equipment."
- C. Wireless telecommunications equipment is permitted in the Commercial (C), Zone District, subject to administrative review.

- 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 construct an 85' flagpole, that will have the capability to accommodate two wireless telecommunications equipment carriers, at 2121 S. College Avenue, is approved.

Dated this 1st day of August 2001, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.


Cameron Gloss
Current Planning Director