



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

HEARING OFFICER: Bob Blanchard
Current Planning Director

PROJECT NAME: Wireless Telecommunications Equipment
3400 Timberline Road (Fort Collins High School)

CASE NUMBER: 11-97B

APPLICANT: U.S. West Corporation
c/o Bob Pryzbylo
S.B.A. - Wireless Solutions
7600 E. Arapahoe Road, Suite 315
Englewood, CO 80112

PROJECT DESCRIPTION: Request to mount wireless telecommunications equipment on the west and south elevations of the performing arts wing of Fort Collins High School. Initial installation would be an array of six antennas in two groups of three. Request includes capability of adding one group of three antennas for a total array of nine.

SUMMARY OF RECOMMENDATION AND DECISION:

Staff recommendation: Approval

Hearing Officer Decision: Approval

ZONING DISTRICT: MMN - Medium Density Mixed-Use Neighborhood

NOTICE OF PUBLIC HEARING: Notice of public hearing was made on May 12, 1997 by mailing to property owners within 500 feet of the subject property.

The public hearing was advertised in the Coloradoan on May 23, 1997.

PUBLIC HEARING

After reviewing the Staff Report and recommendation, a public hearing was held on the subject application at 1:30 PM on May 27, 1997. The hearing was held in the main conference room at 281 North College Avenue, Fort Collins, Colorado.

HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:

The following is a list of those who spoke at the meeting:

From the City:

Ted Shepard, Senior City Planner

From the applicant:

Bob Pryzbylo, S.B.A. - Wireless Solutions

From the Community:

Lou Sampsa

Written Comments:

None

Community Concerns:

Two concerns were expressed by Mr. Sampsa:

- How visible would the antennas be?
- Would the antennas interfere with the operation of household televisions and radios?

City Response:

- The antennas would be flush mounted and would not extend above the building elevation. They should not be highly visible.

Applicant Response:

- Operation of this equipment will not affect the operation of any household electrical equipment.

BACKGROUND

The Land Use Code defines wireless telecommunications services equipment as any equipment used to provide wireless telecommunication services, but which is not affixed to or contained within a wireless telecommunication services facility, but is instead affixed or mounted on an existing building or structure that is used for some other purpose.

This particular request is to mount two arrays of three antennas each to the west and south elevations of the performing arts wing of Fort Collins High School with the option of locating an additional grouping three antenna. The antennas would be mounted on the parapet of each elevation.

Section 3.8.13 of the Land Use Code provides the standards for wireless telecommunication equipment and facilities. One of the fourteen standards apply to this application:

3.8.13(C)(3) - Height: The standard limits the height of the equipment to a maximum of 15 feet over the height of the building. All antennas will be flush mounted on building facade and will not extend above the top of the building.

3.8.13(C)(3) - Color: The standard requires that the colors of the antennas match the color of the building. The colors will match.

3.8.13(C)(8) - Color: The standard requires that the colors of the antennas match as closely as possible the color and texture of the wall, building or surrounding built environment. The colors of the antennas will match the color of the light fixture.

3.8.13(C)(10) - Interference. The standard requires that equipment operate in such a manner so as not to cause interference with other electronics. This type of interference is also prohibited by federal code.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS AND CONCLUSIONS

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

1. The proposed antennas meet the Land Use Code definition of wireless telecommunication equipment.
2. Wireless telecommunication equipment is a permitted use in Section 4.5 of the Land Use Code, the MMN - Medium Density Mixed-Use Neighborhood zone district.
3. Section 4.5 of the Land Use Code identifies wireless telecommunications equipment as a permitted use subject to administrative review.
4. The proposed equipment will be flush mounted on the facade of the building.
5. The application meets all applicable requirements of the Land Use Code.

DECISION

Based on the findings and conclusions, the request to place wireless telecommunications equipment on the west and south elevations of the performing arts wing of Fort Collins High School, file #11-97B is approved.

Dated this 4th day of June, 1997, per authority granted by Sections 1.4.9(E) and 2..1 of the Land Use Code.



Bob Blanchard
Current Planning Director

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WIRELESS TELECOMMUNICATIONS SERVICES EQUIPMENT
ADMINISTRATIVE REVIEW
3400 TIMBERLINE ROAD (F.C.H.S.)
PLANNING DEPARTMENT PROJECT NUMBER #11-97B

WHEREAS, the applicant, U.S. West Corporation, 12121 Grant Street, Suite 401, Thornton, Colorado, has duly followed the City procedure of the Wireless Telecommunications Equipment Administrative Review as outlined in Article Three, Division Eight, Section 13 of the Land Use Code and has submitted its application for a Wireless Telecommunications Equipment Site Plan for the following described property, to wit:

A parcel of land located in the southwest one-quarter of Section 29, Township 7 North, Range 68 West of the Sixth P.M., City of Fort Collins, County of Larimer, State of Colorado.

WHEREAS, the City Current Planning Department processed the application request in accordance with Section 3.8.13 of the Land Use Code including publication of legal notification in the local newspaper with daily, general circulation; and

WHEREAS, the Current Planning Director (or his duly authorized representative) held a public hearing on Tuesday, May 27, 1997, at 1:30 p.m., at 281 North College Avenue, Fort Collins, Colorado, for the purpose of reviewing the Wireless Telecommunications Equipment Plan and for the purpose of establishing a vested right under Article 68 of Title 24, C.R.S.

NOW, THEREFORE, IT IS HEREBY DETERMINED BY THE CURRENT PLANNING DIRECTOR (OR HIS DULY AUTHORIZED REPRESENTATIVE) OF THE CITY OF FORT COLLINS THAT:

The Wireless Telecommunications Equipment Plan for 3400 Timberline Road (Fort Collins High School) be approved, and as grounds, therefore, the following facts are found to be true:

- A. The installation of wireless telecommunications equipment is a permitted use in the M-M-N, Medium Density Mixed-Use, Zone District.
- B. The installation conforms to the standards as outlined in Section 3.8.13 of the Land Use Code.



DIRECTOR

(OR HIS DULY AUTHORIZED REPRESENTATIVE)

May 27, 1997
DATE