### CITY OF FORT COLLINS TYPE 1 ADMINISTRATIVE HEARING FINDINGS AND DECISION

HEARING DATE: November 13, 2013

PROJECT NAME: Verizon Wireless at 2160 W Drake Road

Combined PDP and FP

CASE NUMBER: #FDP130032

APPLICANT: Verizon Wireless

c/o Irene Cooke

Closser Consulting LLC

PO Box 423

Tabernash, CO 80478

OWNER: Dominick's Finer Foods Inc.

11555 Dublin Canyon Road

Pleasanton, CA 94588

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for approval of a combined Project Development Plan (PDP) and Final Plan (FP) for construction of new wireless telecommunication roof-top antennas with screen walls and a ground level equipment shelter. The site is located on the northwest corner of the intersection of Drake Road and South Taft Hill Road, attached to the Safeway building. The equipment shelter will be constructed on the back side of the building that faces Valley Forge Avenue, attached to the building and enclosed with matching brick walls.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Neighborhood Commercial (N-C)

HEARING: The Hearing Officer opened the hearing at approximately 5:00 p.m. on November 13, 2013, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; and (2) application, plans, maps and other supporting documents submitted by the applicant (the Land Use Code, the Comprehensive Plan and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer).

TESTIMONY: The following persons testified at the hearing:

From the City: Noah Beals

From the Applicant: Irene Cooke

From the Public: N/A

### **FINDINGS**

- 1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
- 2. The PDP/FP complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.
  - a. The PDP/FP complies with Section 3.2.1, Landscaping and Tree Protection, because one tree will be relocated and the other established trees will be preserved, and new plantings will be included near the equipment shelter to screen the equipment.
  - b. The PDP/FP complies with Section 3.2.2(8), Access, Circulation and Parking, because all current access points will be maintained, and parking will not be increased or decreased.
  - c. The PDP/FP complies with Section 3.2.4, Site Lighting, because the one light proposed is a down-directional high pressure sodium light with sharp cut-off luminaries.
  - d. The PDP/FP complies with Section 3.8.13(A) & (B), Location and Co-location, because the equipment will be roof-mounted, and the applicant made good-faith attempts to co-locate with existing facilities in the vicinity without success, and the staff report reflects this.
  - e. The PDP/FP complies with Section 3.8.13(C)(1), Setbacks, because it is roof-mounted.
  - f. The PDP/FP complies with Section 3.8.13(C)(3), Wireless Telecommunication Facilities, because the roof-top equipment will be screened, and the screen walls do not increase the height of the building, and the equipment shelter will be brick, matching the existing building.
  - g. The PDP/FP complies with Section 3.8.13(4), Landscaping, because two shrubs and one tree will be relocated nearby, and new landscaping will be added to provide additional screening of the equipment shelter.
  - h. The PDP/FP complies with Section 3.8.13(9), Lighting, because the one light proposed is a down-directional high pressure sodium light with sharp cut-off luminaries.
  - i. The PDP/FP complies with Section 3.8.13(10), Interference, because the equipment will not interfere with other types of electronics or wireless providers.
  - j. The PDP/FP complies with Section 3.8.13(11), Access Roadways, because the equipment will not alter existing access.

- k. The PDP/FP complies with Section 3.8.13(15), Stealth Technology, because the equipment will screened and the enclosure matches the brick on the existing building.
- 3. The PDP/FP complies with all applicable development standards contained in Article 4 of the Land Use Code for the N-C zone district.
  - a. The PDP/FP complies with Section 4.23(A) and (B), Permitted Uses, because wireless telecommunication equipment is a permitted use in the N-C zone district, subject to Administrative Review.
  - b. The PDP/FP complies with Section 4.23(E), Development Standards, because the proposed facility will be 35' in height, exceeding the minimum height of 20'.

### **DECISION**

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

1. The request PDP/FP is approved as submitted.

DATED this 26<sup>th</sup> day of November, 2013.

Kendra L. Carberry Hearing Officer

Kinaia Garberry



ITEM NO FDP130032

MEETING DATE November 13<sup>th</sup>, 2013

STAFF Noah Beals

### ADMINISTRATIVE HEARING OFFICER

### **STAFF REPORT**

**PROJECT:** Verizon Wireless at 2160 W Drake Road,

Combined Project Development Plan and Final Plan, #FDP130032

**APPLICANT:** Verizon Wireless

c/o Irene Cooke

Closser Consulting LLC

PO Box 423

Tabernash, CO 80478

**OWNER:** Dominick's Finer Foods Inc.

11555 Dublin Canyon Road

Pleasanton, CA 94588

### PROJECT DESCRIPTION:

This is a request for approval of a combined Project Development Plan (PDP) and Final Plan (FP). The project is located on the North- West Corner of the intersection of Drake Road and South Taft Hill Road attached to the Safeway Building.

This is a request for the construction of new wireless telecommunication roof-top antennas with screen walls and a ground level equipment shelter. The proposed screen walls are an additional 7 feet above the portion of the roof they are attached to, bringing that portion of the building to 35 feet in height. The overall building height is 41 feet. The screen walls are designed to blend in with current architecture of the building using a fiber-glass panel that is manufactured to look like brick and will be painted to match. The equipment shelter will be constructed on the back side of the building that faces Valley Forge Avenue. It is proposed to be attached to the building and enclosed on 4 sides with matching brick walls. The site is zoned Neighborhood Commercial (N-C) and wireless telecommunications equipment are a permitted use subject to an administrative (Type 1) review and public hearing (Land Use Code Section 4.23(B)(2)(e)) in this zone district.

**RECOMMENDATION:** Approval of (Verizon Wireless FTC Drake Crossing) combined Project Development Plan, PDP and Final Plan, FP #FDP130032.

### **EXECUTIVE SUMMARY:**

The approval of Verizon Wireless FTC Drake Crossing combined Project Development Plan and Final Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The combined Project Development and Final Plan are in compliance with process located in Division 2.2 Common Development Review Procedures for Development Applications of Article 2 Administration.
- The combined Project Development and Final Plan are in compliance with relevant standards located in Article 3 General Development Standards.
- The combined Project Development and Final Plan are in compliance with relevant standards located in Division 4.5 Low Density Mixed-Use District (L-M-N) of Article 4 – Districts.

#### **COMMENTS:**

### 1. Background:

Historically the following approvals have been granted to the property:

- Brown Farm Annexation June 1971
- Drake Crossing Shopping Center March 1982
- The Shops at Drake Crossing May 1986
- Minor Amendment MA 139-01 October 2001
- Drake Crossing Shopping Center Filing NO. 2. April 2002

Currently the property (Parcel # 9721-44-00001) is owned by Dominick's Finer Foods Inc. and the building is used by Safeway as a grocery store.

The surrounding zoning and land uses are as follows:

N: Neighborhood Commercial (N-C): Public Right-of-Way; Residential; Vacant

School

S: Neighborhood Commercial (N-C): Commercial; Restaurant; Public Right-of-Way

S: Low Density Residential (R-L) Public Right-of-Way; Single Family Attached

E: Neighborhood Commercial (N-C)

Gasoline Station; Public Right-of-Way

E: Low Density Residential (R-L) Place of Worship' Detached Single Family

W: Neighborhood Commercial (N-C): Retail; Commercial

### Zoning History (most recent to past):

- The property is currently located in the Neighborhood Commercial District N-C. The current N-C District was adopted in 1997 in conjunction of the adoption of the City's Land Use Code.
- Prior to the adoption of the Land Use Code and the rezoning to a N-C District, the property was zoned Planned-Business (BP) District..
- Upon annexation into the City the property was zoned Planned-Business (BP).

# 2. <u>Compliance with Article 4 of the Land Use Code – Neighborhood</u> Commercial (N-C):

The project complies with all applicable Article 4 standards as follows:

- A. Section 4.23(A) and (B) Permitted Uses
  - The wireless telecommunication equipment is consistent with the purposes and is a permitted use of the Neighborhood Commercial District.
- B. <u>Section 4.23(E) Development Standards</u>
  - 1) At the height of 35 feet the proposal complies with section 4.23(E)(2)(d) which establishes a minimum building height of 20 feet.

# 3. <u>Compliance with Article 3 of the Land Use Code – General Development Standards</u>

The project complies with all applicable General Development Standards; with the following relevant comments provided:

- A. <u>Division 3.2 Site Planning and Design Standards</u>
- 1) 3.2.1 Landscaping and Tree Protection:
  - A detailed landscape plan has been provided including the relocation of one tree and preservation of the other established trees

 New plantings are to be included along the equipment shelter further screening the equipment and establishing building foundation plantings.

### 2) 3.2.2 Access, Circulation and Parking:

- All access points currently established will be maintained and unaltered through this proposal.
- Parking will not be increased or removed through this proposal.

### 3) 3.2.4 Site Lighting:

 One light is proposed at the site and will comply with the requirements of a high pressure sodium light source that is down-directional with sharp cut-off luminaries.

### B. <u>Division 3.8.13 – Wireless Telecommunication</u>

- 1) 3.8.13 (A)and (B)Location and Co-location:
  - The wireless telecommunication equipment is proposed to be roof-mounted with a shelter on the ground level within the N-C Neighborhood Commercial District. The Applicant made a good faith effort to co-locate with existing facilities in the vicinity with no success. If approved, the Applicant may not prevent future telecommunication carriers from further co-locating upon this structure. The Applicant has pointed out the proposed equipment location does not prevent other providers from locating on the roof.

### 2) 3.8.13 (C) Standards:

- Setbacks: The setback for the shelter is within the approved building envelope and the roof-top locations do not alter the setbacks.
- Wireless Telecommunication Facilities: The roof-top equipment will be
  enclosed by the proposed screen walls. The screen walls are made of
  simulated-brick panels painted to match the existing building. The
  screen walls are less than the tallest point of the building and do not
  increase the overall height. The equipment shelter will be constructed
  of a brick that has been chosen to match the existing brick façade of
  the building.

- Wireless Telecommunication Equipment: As noted above, matching screen walls, building material and painting are being used to minimize the visual presence of the equipment. The equipment is located as far as possible from the roof-top edge. Increase setback from the roofs edge would limit the functions of the equipment. If set-back any further the height of the antennas would have to be raised, increasing the height of the screen walls and decreasing the overall compatibility with the building.
- Landscaping: Two shrubs and one tree will be relocated on the site within 15 feet of their current location. New landscaping will be also added to maintain foundation plantings and provided further screening of the equipment shelter.
- Fencing: Fencing is not being proposed.
- Berming: The proposal does not include any berming.
- Irrigation: Landscaping will be irrigated through existing irrigation system.
- Lighting: One light is proposed at the site and will comply with the requirements of a high pressure sodium light source that is downdirectional with sharp cut-off luminaries.
- Interference: The proposed facility will not interfere with other types of electronics or wireless providers. If there are problems, the Applicant will be responsible for repairing the equipment.
- Access Roadways: The property has existing access and will not alter the current access to the site.
- Foothills and Hogbacks: This proposal is not in or near the foothills.
- Airports and Flight Paths: The proposed equipment is not located near an airport and will not hinder any flight paths.
- *Historic Sites and Structures:* The proposed equipment is not located on a historic structure, nor is the site located within an historic district.

• Stealth Technology: With four-sided and roofed enclosures and fully enclosed equipment shelter the wireless telecommunications equipment is compliantly mitigated from its visual impacts.

### 4. Findings of Fact/Conclusion

In evaluating the request for the Verizon Wireless FTC Drake Crossing Development Plan, Staff makes the following findings of fact:

- A. The combined PDP/FP complies with all applicable administrative standards contained within Article 2 of the Land Use Code.
- B. The combined PDP/FP complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.
- C. The combined PDP/FP complies with all applicable district standards of Section 4.23 of the Land Use Code, N-C —Neighborhood Commercial District.

### **RECOMMENDATION:**

Staff recommends approval of the Verizon Wireless FTC Drake Crossing combined Project Development Plan and Final Plan - #FDP130032.

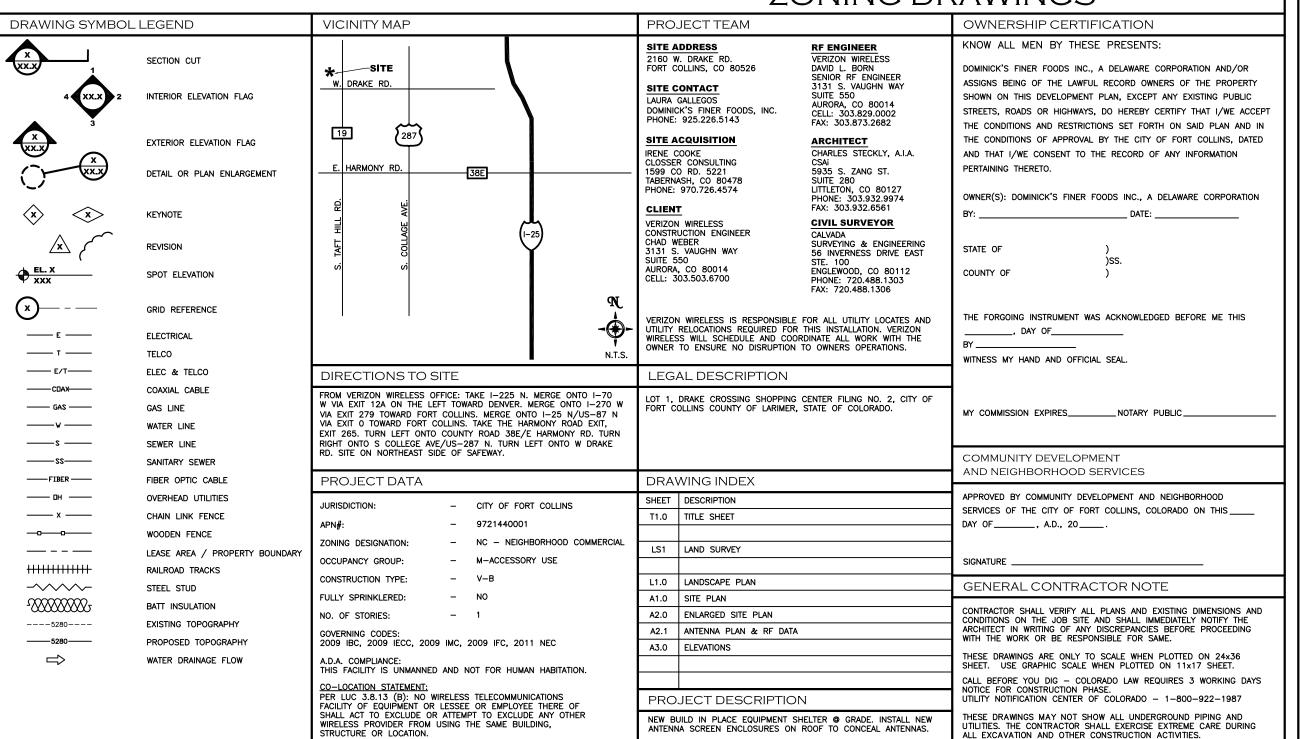
#### ATTACHMENTS:

- 1. Vicinity Map
- 2. Plan set
- 3. Photo-simulations



SITE NAME: VERIZON WIRELESS
ADDRESS: FTC DRAKE CROSSING
2160 W. DRAKE RD.
FORT COLLINS, CO 80526

### **ZONING DRAWINGS**





3131 S. Vaughn Way, Suite 550 Aurora, Co 80014

PROJECT INFORMATION:

SITE NAME

FTC DRAKE CROSSING

2160 W. DRAKE RD. FORT COLLINS, CO 80526

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PLANS PREPARED BY:

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CHARLES STECKLY ARCHITECTURE. Inc.

ARCHITECTURE – PLANNING – DESIGN 5935 SOUTH ZANG STREET, SUITE 280 LITTLETON, COLORADO 80127 OFFICE: 303.932.9974 FAX: 303.932.6561

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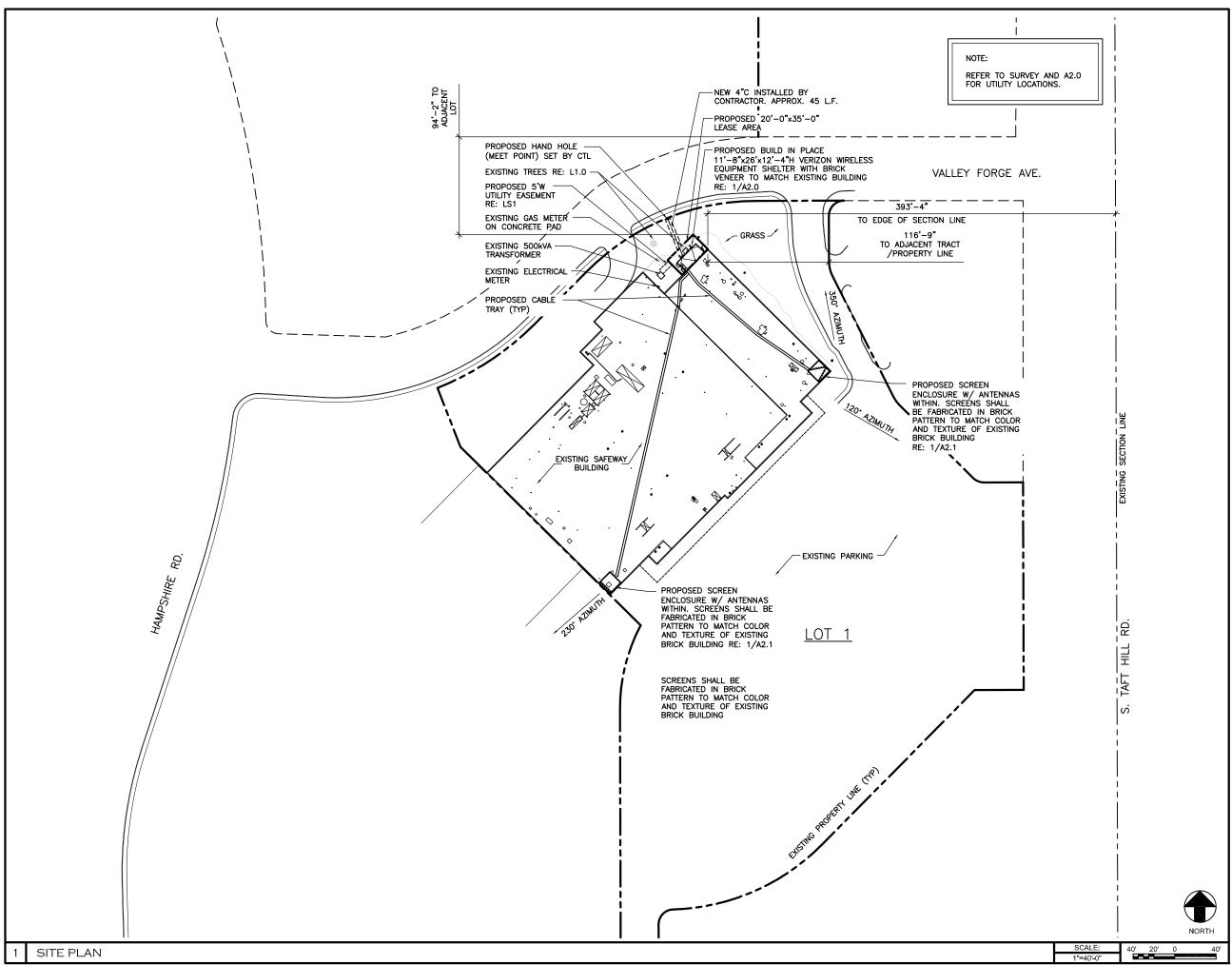
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3131 S. VAUGHN WAY, SUITE 550 AURORA, CO 80014

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2160 W. DRAKE RD. FORT COLLINS, CO 80526

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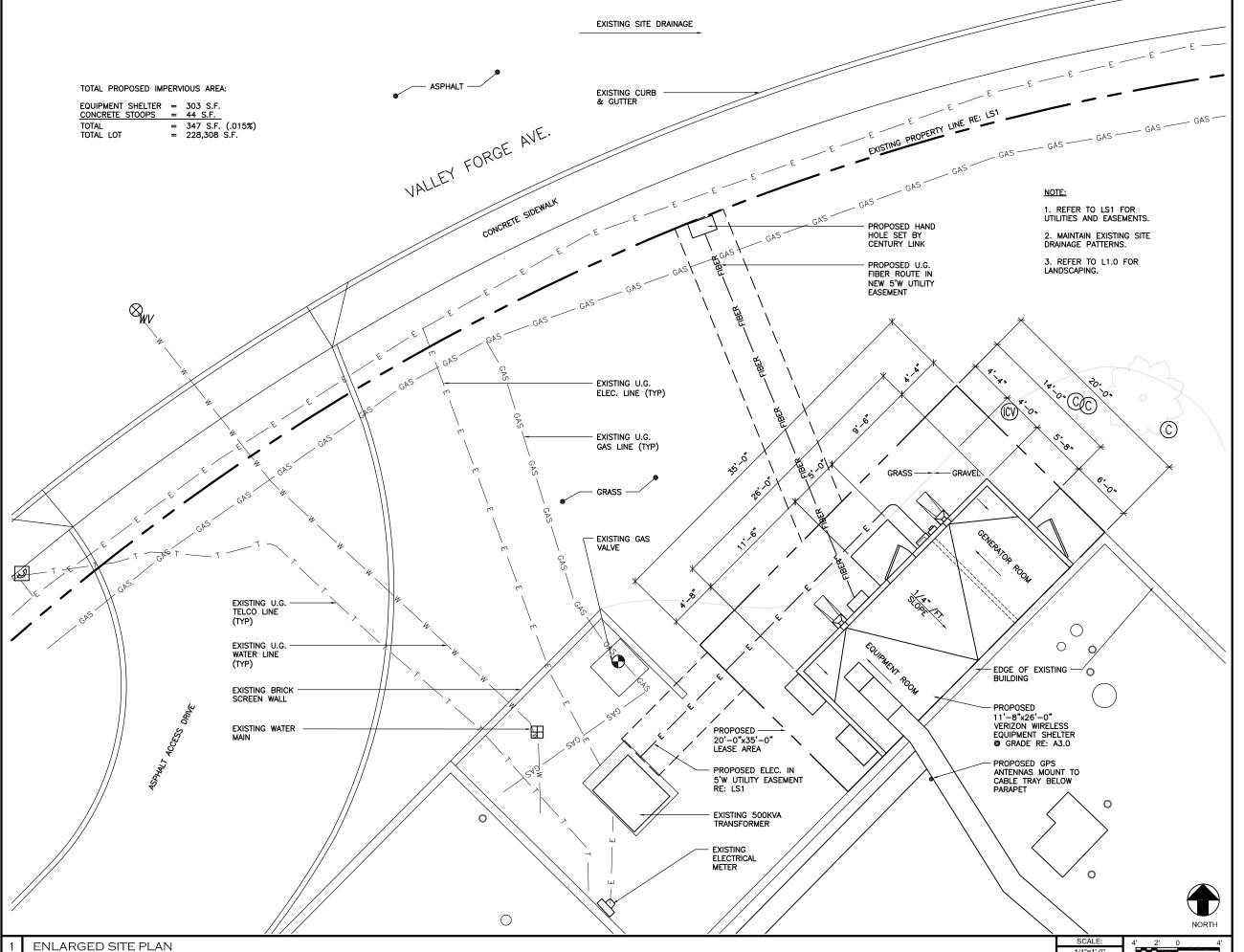
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3131 S. Vaughn Way, Suite 550 Aurora, Co 80014

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PLANS PREPARED BY:

**CSAi** 

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LITTLETON, COLORADO 80127
OFFICE: 303.932.9974
FAX: 303.932.6561

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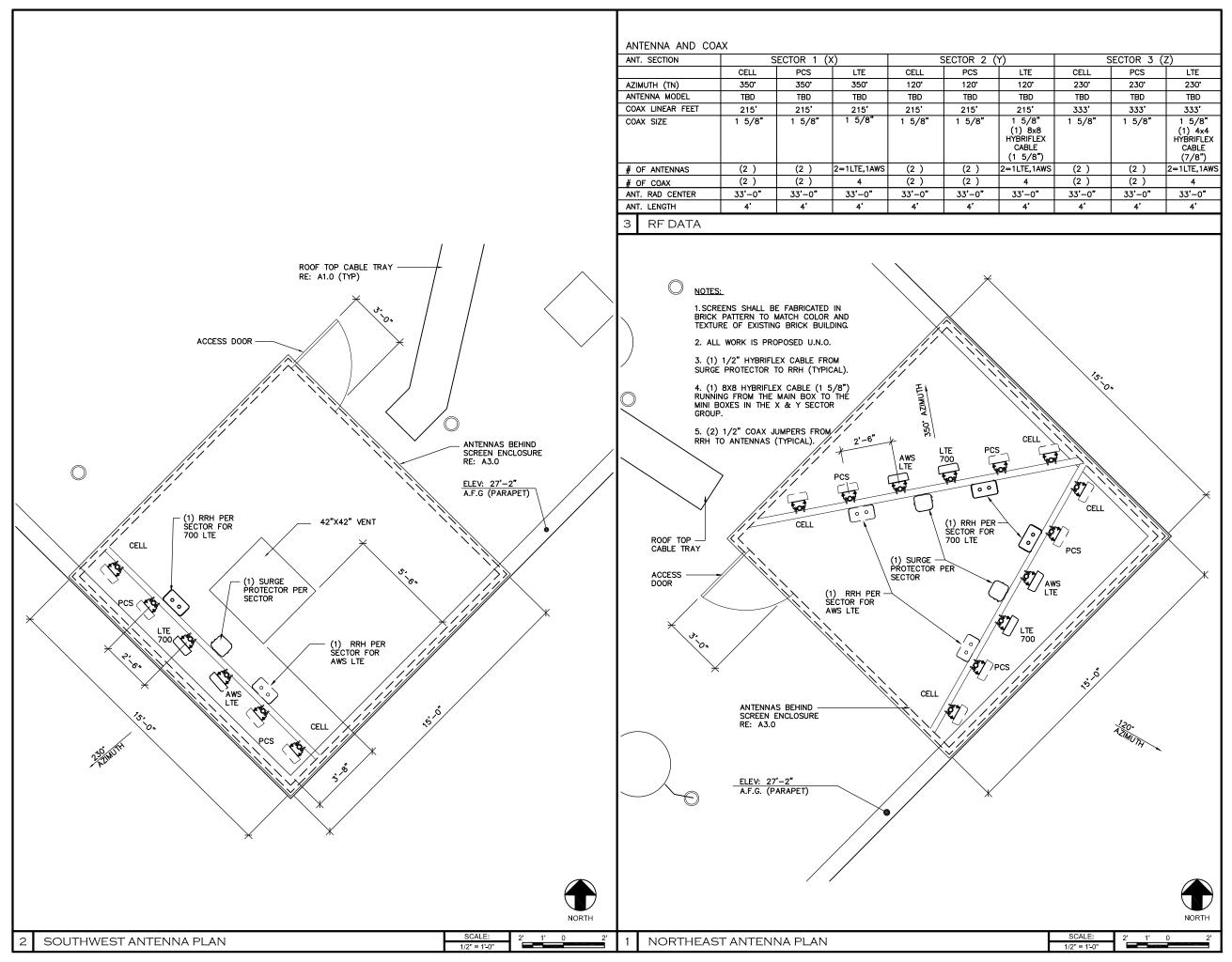
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3131 S. VAUGHN WAY, SUITE 550 AURORA, CO 80014

PROJECT INFORMATION:

SITE NAME
FTC DRAKE CROSSING

2160 W. DRAKE RD. FORT COLLINS, CO 80526

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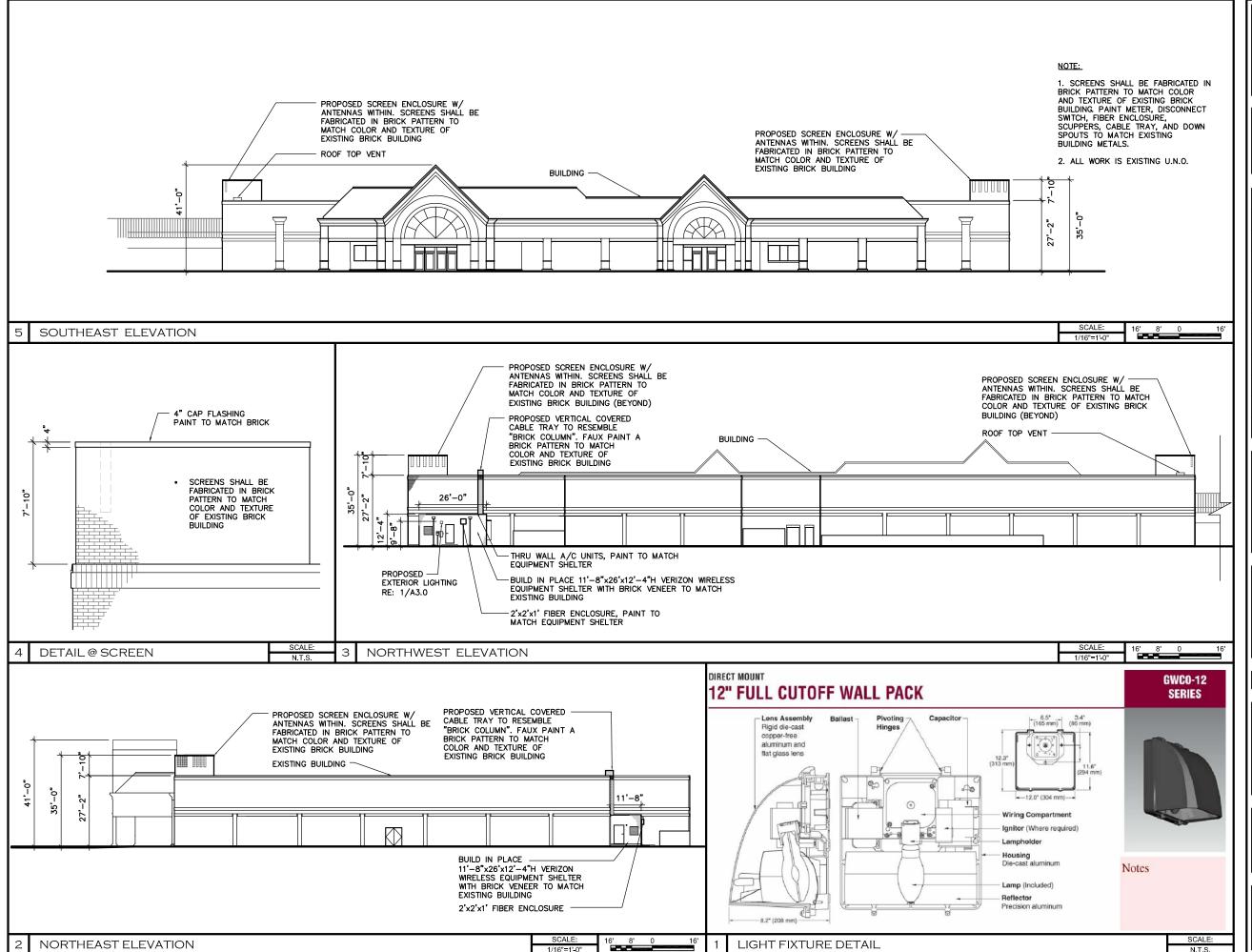
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**verizon** wireless

VERIZON WIRELESS SERVICES
3131 S. VAUGHN WAY, SUITE 550
AURORA, CO 80014

PROJECT INFORMATION:

SITE NAME

FTC DRAKE CROSSING

2160 W. DRAKE RD. FORT COLLINS, CO 80526

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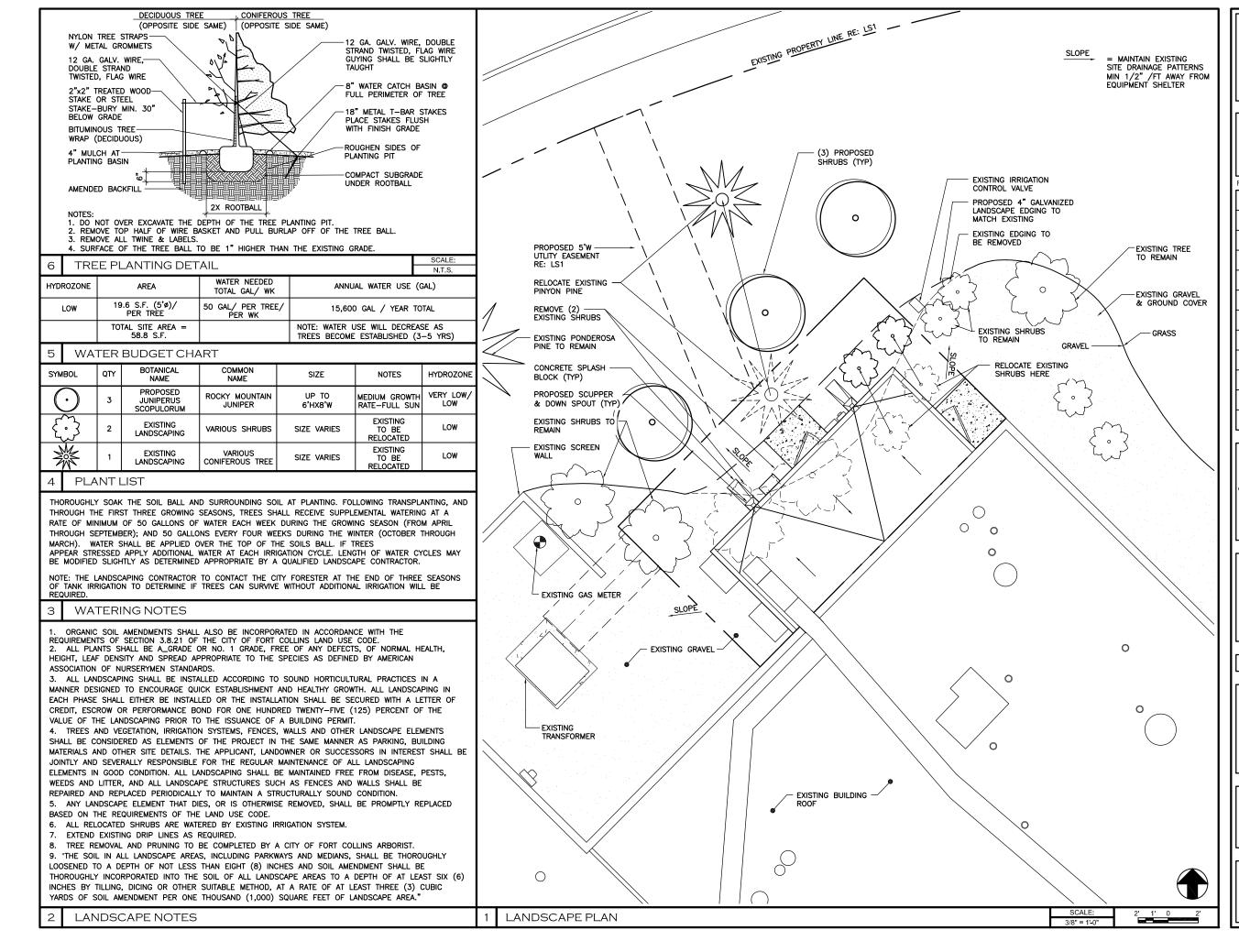
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verizon wireless VERIZON WIRELESS SERVICES

SLOPE

3131 S. VAUGHN WAY, SUITE 550 AURORA, CO 80014

PROJECT INFORMATION:

SITE NAME FTC DRAKE CROSSING

2160 W. DRAKE RD. FORT COLLINS, CO 80526

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LANDSCAPE PLAN

SHEET NUMBER:

DECIDUOUS TREE

NYLON TREE STRAPS-

W/ METAL GROMMETS

12 GA. GALV. WIRE,

CONIFEROUS TREE

12 GA. GALV. WIRE, DOUBLE

STRAND TWISTED, FLAG WIRE GUYING SHALL BE SLIGHTLY

(OPPOSITE SIDE SAME) (OPPOSITE SIDE SAME)



VIEW LOOKING AT THE SHELTER



PROPOSED CONDITIONS - NEW EQUIPMENT SHELTER AND ANTENNA SCREEN



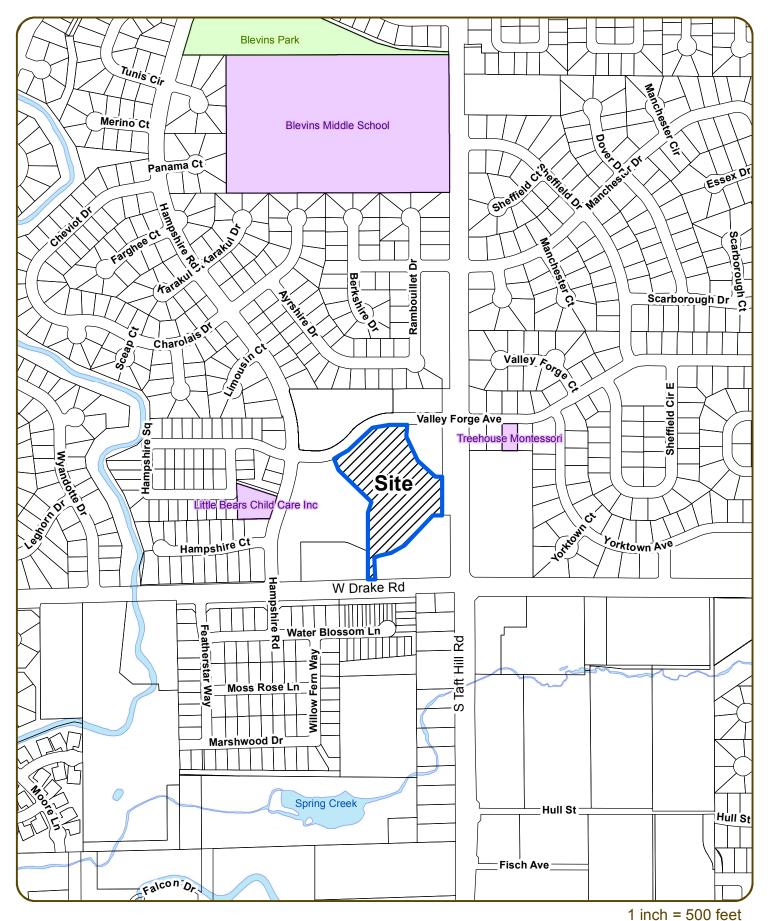


VIEW LOOKING AT THE FRONT



PROPOSED CONDITIONS - NEW ANTENNA SCREEN





**Verizon Wireless FTC Drake Crossing** 

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