

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING**

**FINDINGS AND DECISION**

HEARING DATE: July 27, 2021

PROJECT NAME: Verizon FTC Parkwood Telecommunication Facility

CASE NUMBER: FDP #180012

APPLICANT: Pinnacle Consulting, Inc.  
3 Inverness Drive East Suite 200  
Englewood, Colorado 80112

OWNER: 2025 Sharp Point Dr LLC  
1401 Riverside Ave. Suite A  
Fort Collins, Colorado 80524

HEARING OFFICER: Lori B. Strand

**PROJECT DESCRIPTION:** This is a request for a combined Project Development Plan/Final Development Plan (“**FDP**”) to build an unmanned co-locatable telecommunications facility on a portion of the approximately 2.24-acre parcel located at 2025 Sharp Point Drive on Parcel# 8720105013 (“**Subject Property**”). The proposed telecommunication facility consists of a 65-foot high monopine tree with associated ground-mounted equipment (the “**Project**”). The monopine is located within a 6-foot by 8-foot area adjacent that is adjacent to a 35-foot by 15-foot area for associated ground-mounted equipment; the equipment area (but not the monopine tree area) will be enclosed by an 8-foot wooden fence. This facility will provide expanded wireless coverage and greater access to emergency services for the surrounding community.

A subdivision plat also is being processed by the City; additional right-of-way on Midpoint Drive and Sharp Point Drive is being dedicated by the plat for emergency access and utility easements. The property owner also has proposed a minor amendment to allow additional uses on the Subject Property. The Project is designed so that it can be constructed and operate consistent with City requirements regardless of whether or not the minor amendment is approved by the City.

During the public hearing, Development Review Staff recommended approval of the FDP with conditions. No requests for modifications of standards or for alternative compliance are requested as part of this application.

**BACKGROUND:**

The site is located in the Industrial (I) zone district. The Subject Property is used for indoor and outdoor storage. City staff testified at the hearing that there are some nonconformities on the Subject Property related to the outdoor storage. The Project will address some of the impacts of the nonconformities by mitigating views from Midpoint Drive by constructing 6-foot shadow box fencing along Midpoint Drive (as shown on the site plan).

As set forth in Section 4.28(B)(2)(e) of the Land Use Code (“LUC”), *wireless telecommunications facilities* are permitted in the Industrial (I) zone district, subject to administrative review.

“*Wireless telecommunication facility*” is defined in Section 5.1.2 of the LUC as “any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.”

The zoning and land uses surrounding the Subject Property are:

Direction	Zone District	Existing Land Uses
North	Industrial (I)	Office/warehouse
South	Industrial (I)	Enclosed mini-storage facilities
East	Public Open Lands (POL)	Prospect Pond Natural Area
West	Industrial (I)	Offices

Additional background information and analysis of LUC compliance are detailed in the Development Review Staff Report prepared for the Project attached to this decision as **ATTACHMENT A** and incorporated herein by reference.

**SUMMARY OF DECISION:**      Approved with conditions.

**ZONE DISTRICT:**                      Industrial (I).

**HEARING:** The Hearing Officer opened the virtual public hearing on Tuesday, July 27, 2021 at approximately 8:00 PM. At the public hearing, the Hearing Officer reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

**EVIDENCE:** Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1.      Zoning context map (1 page).
2.      Aerial site image (1 page).
3.      FDP #180012 Plans (19 sheets).
4.      Images of posted signs and Subject Property (5 images pages).
5.      Copy of City’s Sign Posting / Removal Form (2 pages).
6.      Sharp Point Drive Subdivision plat (3 sheets).
7.      Applicant narrative (letter to Jason Holland, City of Fort Collins, from Pinnacle Consulting, Inc., dated October 20, 2017) (1 page).
8.      Images of Subject Property with and without proposed tower (6 pages).

9. Copy of written notice of virtual public hearing, dated July 13, 2021 (2 pages).
10. Copy of notice of virtual public hearing published on July 15, 2021 in the Coloradoan (2 pages).
11. Copy of executed virtual public hearing request from Dino Pergola, Esq., Pinnacle Consulting, Inc. (1 page).
12. Copy of 1984 site plan (1 page).
13. Copy of 1998 zoning letter (1 page).
14. Minor Amendment (8 sheets).
15. Development Review Staff Report prepared for Verizon FTC Parkwood Telecommunication Facility (FDP180012). See **ATTACHMENT A**. (8 pages)
16. Rules of Conduct for Administrative Hearings.
17. PowerPoint presentation prepared by City Staff for the July 27, 2021 public hearing.
18. PowerPoint presentation prepared by the Applicant for the public hearing.
19. The City's Comprehensive Plan, the LUC, 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 virtual public hearing:

From the City: Jason Holland, City Planner

From the Applicant: Dino Pergola and Michelle Lamour

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. As required by City Council Ordinance 079, Series 2020 (the "**City Ordinance**"), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the July 27, 2021 hearing on the FDP by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. The FDP complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
  - B. The FDP complies with the applicable General Development Standards contained in Article 3 of the Land Use Code provided that the Applicant complies with:

1. Condition 1 set forth in the Decision below to satisfy the lighting standard set forth in Section 3.8.13(C)(9) of the LUC.
2. Condition 2 set forth in the Decision below to satisfy the fencing standard set forth in Section 3.8.13(C)(5) of the LUC.
3. Condition 3 set forth in the Decision below to satisfy the standard set forth in Section 3.8.13(C)(2) of the LUC requiring wireless telecommunication facilities to be compatible with the surrounding natural environment, including natural features (such as trees).

C. The Project complies with the applicable standards in Division 4.28 of the LDC.

4. The FDP's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report and the testimony and materials in the record.

### DECISION

Based on the findings set forth above, the Hearing Officer approves the Verizon FTC Parkwood Telecommunication Facility (FDP #180012) subject to Applicant's compliance with the following conditions:

Condition 1: The lighting mounted to the canopy posts as shown on the FDP shall only be used if lighting is required to conduct emergency maintenance.

Condition 2: The existing chain link and 4-foot shadow box fences along Midpoint Drive shall be removed and replaced with a new 6-foot shadow box fence, as shown on the FDP, in order to provide additional screening of the Project from Midpoint Drive.

Condition 3: All antennas on the monopine shall be covered in antenna socks to ensure a realistic representation of naturally occurring foliage.

DATED this 5<sup>th</sup> day of August, 2021.



---

Lori Strand  
Hearing Officer

**ATTACHMENT A**

Staff Report

Verizon FTC Parkwood Telecommunication Facility (FDP #180012)

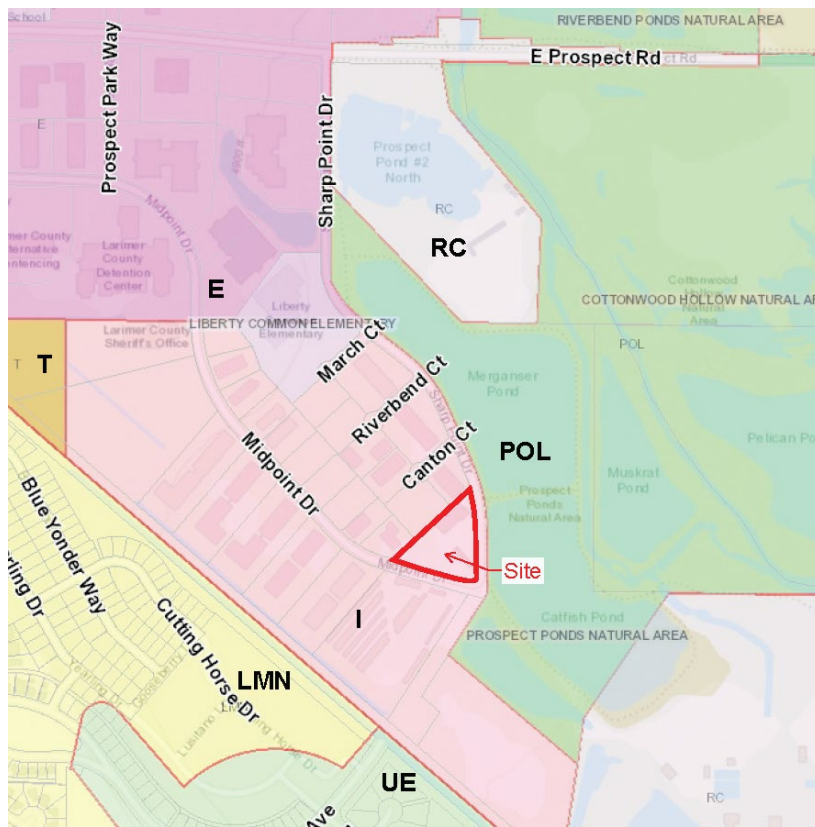
Administrative Hearing: July 27, 2021

**FDP180012, Verizon FTC Parkwood Telecommunication Facility**

**Summary of Request**

This is a combined PDP/FDP request to install a wireless communication facility at 2025 Sharp Point Drive. A simulated pine tree (monopine) is proposed to screen the wireless antennas. The proposed monopine tree is 65 feet in height and surrounded by a 35' x15' wood fence which contains an equipment area. The site is located in the Industrial (I) zone district. The proposal is subject to Administrative (Type I) Review.

**Zoning Map**



**Next Steps**

If approved, the applicant will be eligible to submit Final Development Plan mylars and then apply for construction and building permits.

**Site Location**

2025 Sharp Point Drive (parcel # 8720105013).

**Zoning**

Industrial (I)

**Property Owner**

2025 Sharp Point Dr LLC  
1401 Riverside Ave. Suite A  
Fort Collins, CO 80524

**Applicant/Representative**

Pinnacle Consulting, Inc  
3 Inverness Drive East Suite 200  
Englewood, CO 80112

**Staff**

Jason Holland, City Planner

**Contents**

- 1. Project Introduction ..... 2
- 2. Public Outreach ..... 2
- 3. Land Use Code Article 2 – Overview of Standards ..... 3
- 4. Land Use Code Article 3 – General Development Standards..... 3
- Land Use Code Article 4 – Applicable Standards: ..... 7
- 5. Findings of Fact/Conclusion ..... 7
- 6. Recommendation ..... 7
- 7. Attachments ..... 8

**Staff Recommendation**

Approval

## 1. Project Introduction

### A. PROJECT DESCRIPTION

This is a combined PDP/FDP request to install a wireless communication facility at 2025 Sharp Point Drive. A simulated pine tree (monopine) is proposed to screen the wireless antennas. The proposed monopine tree is 65 feet in height and surrounded by a 35' x15' wood fence which contains an equipment area. The site is located in the Industrial (I) zone district. The proposal is subject to Administrative (Type I) Review.

A subdivision plat is also provided with the project, which dedicates additional right-of-way on Midpoint Drive and Sharp Point Drive as well as required emergency access and utility easements.

A Minor Amendment is also proposed for the site which may or may not move forward. The Verizon request works with the site plan framework proposed with the Minor Amendment but also can be constructed independently of the Minor Amendment plan. The Minor Amendment is under review and cannot be approved until the plat and plans associated with the Verizon proposal are approved.

### B. DEVELOPMENT STATUS/BACKGROUND

#### 1. Annexation and Planning

The site was annexed in 1973 as part of the East Prospect Street Annexation and was later platted as lots 13 and 14 of the Prospect Industrial Park.

Since that time, the property has been used for a number of different commercial uses including a moving company, wholesale storage and plumbing, electrical and carpenter shops.

In 1984, a site plan was approved for half of the site, (see Attachment 14). It's not clear what the use was that was approved with this site plan. In 1998, the City's previous Zoning Administrator approved the use of the remaining portion of the site for Cowan Moving and Storage (see letter – Attachment 15).

#### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Industrial (I)	Industrial (I)	Public Open Lands (POL)	Industrial (I)
<b>Land Use</b>	Office/warehouse	Enclosed mini-storage facilities	Prospect Pond Natural Area	Offices

## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

A neighborhood meeting is not required for Type 1 hearings and a meeting was not held. Any comments received from the public prior to the hearing will be forwarded to the Hearing Officer.

**3. Land Use Code Article 2 – Overview of Standards**

**A. OVERVIEW OF REVIEW PROCESS REQUIREMENTS**

**1. Conceptual Review – CR170001**

A conceptual review meeting was held on January 23, 2017.

**2. First Submittal – FDP180012**

The Final Development Plan was submitted on April 5, 2018.

**3. Notice (Posted, Written and Published)**

Posted Notice: April 23, 2018 Sign #414.

Written Hearing Notice: July 13, 2021, 21 addresses mailed.

Published Coloradoan Hearing Notice: July 15, 2021. Confirmation #: 0004822351

**4. Land Use Code Article 3 – General Development Standards**

**A. DIVISION 3.8.13 - WIRELESS TELECOMMUNICATION STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.8.13(A) and (B) – Location and Co-location</b>	The wireless telecommunication equipment is proposed to be ground mounted within an interior portion of the site. The site is within the Industrial District. There are no areas in the vicinity of the site to co-locate with existing facilities. Additionally, if approved, the Applicant may not prevent future telecommunication carriers from further co-locating upon this structure.	Complies
<b>3.8.13(C)(1) – Standards – Setbacks</b>	<p>This standard requires that a tower or a monopole be set back from the property lines one 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.</p> <p>The 65 foot “monopine” tower meets this requirement because the tower is set back 65’-3” from the nearest dedicated right-of-way.</p>	Complies



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.8.13(C)(2) – Standards – Wireless Facilities</b>	<p>This standard reads as follows:</p> <p><i>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.</i></p> <p>The proposed “monopine’s” resin branches are compatible with the surrounding natural environment by simulating the colors and textures of a real ponderosa pine tree. An 8-foot tall wood enclosure surrounds the equipment area and is proposed to be painted an earth-toned color (Desert Tan) to minimize visual impacts. A ten-foot tall steel canopy projects above the 8-foot equipment area and will also be painted Desert Tan. The fenced equipment area is set back from the street right-of-way by approximately 31 feet. Lastly, a new 6-foot tall wood privacy fence is proposed along the Midpoint Drive right-of-way, set back 2 feet. This fence will replace the existing fencing along the right-of-way, which is a combination of 6-foot chain-link fencing with barbed wire and 4-foot wood shadow-box fencing. The 6-foot fence along the street will be a natural stained color with a shadowbox pattern to be similar to existing fences in the area. The intent of the 6-foot fence is to soften views towards the wireless facility enclosure area and also screen any outdoor storage, vehicles or equipment associated with the primary industrial uses for the property.</p>	Complies
<b>3.8.13(C)(3) – Standards – Wireless Equipment</b>	<p>This standard applies to equipment and antennas that are attached to buildings.</p> <p>Per <i>Article 5.1.2 - Definitions</i> of the Land Use Code:</p> <p><i>Wireless telecommunication equipment</i> 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.</p> <p><i>Wireless telecommunication facility</i> shall mean any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.</p>	Not Applicable

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.8.13(C)(4) – Standards – Landscaping</b>	<p>This standard requires that 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.</p> <p>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.</p> <p>Staff comments:</p> <p>There are six existing Austrian Pines that are proposed to remain and these pines help provide a visual transition along the south side of the proposed facility. Additional screening is achieved with the six-foot fencing along the Midpoint Drive right-of-way.</p> <p>Because the wireless facility does not have frontage on the Midpoint Drive right-of-way, staff is not recommending that street trees be planted along the right-of-way with this application. Additionally, City Engineering staff has said that traditionally they have not tied infrastructure improvements (street sidewalk and street trees) to a wireless facility that is considered accessory to the primary use of the overall parcel. City Planning staff has also looked at whether a payment could be collected from the wireless applicant for the street trees so that the City could install the street trees at a later time, however, in discussions with City Engineering, Capital Improvements and City Forestry staff, no such payment system currently exists and therefore there is no means to collect a payment. Additionally, the typical scenario is that street trees would be installed at the same time as new sidewalks, however, the above landscaping standard does not include a sidewalk requirement.</p> <p>The street improvements (sidewalk and street trees) will be installed with the Minor Amendment plans (see Attachment 18), or should the Minor Amendment plan not be constructed, the City could install these improvements sometime in the future. The Minor Amendment plans (should they move forward), also propose to remove one of the existing Austrian Pines and provide additional trees, including mitigation trees.</p>	Complies
<b>3.8.13(C)(5) – Standards – Fencing</b>	<p>The project complies with the standard which does not allow chain link fencing to screen facilities, and the existing chain link fencing will be removed. The project also complies with this standard which allows wood fencing material and that the fencing be opaque. The six-foot tall wood fencing proposed along the street provides screening in compliance with the standard and also complies with <i>Section 3.8.11 – Fences and Walls</i> which does not allow chain-link fencing with or without slats to be used as a fencing material for screening purposes.</p>	Complies
<b>3.8.13(C)(6) – Standards – Berming</b>	<p>Berms shall be considered as an acceptable screening device; however, no berms are proposed.</p>	Not Applicable
<b>3.8.13(C)(7) – Standards – Irrigation</b>	<p>Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the city. No landscaping is proposed with the facility.</p>	Not Applicable
<b>3.8.13(C)(8) – Standards – Color</b>	<p>This standard requires that 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. Exterior colors for the 8' enclosure fence and canopy are an earth-tone desert tan color in compliance with the standard.</p>	Complies

<b>Applicable Code Standard</b>	<b>Summary of Code Requirement and Analysis</b>	<b>Staff Findings</b>
<b>3.8.13(C)(9) – Standards – Lighting</b>	<p>These standards require that the light source for security lighting comply with the requirements of Section 3.2.4, and that light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.</p> <p>No lighting is proposed with the wireless facility.</p>	Not Applicable
<b>3.8.13(C)(10) – Standards – Interference</b>	<p>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. Staff does not believe this is an issue and that this is covered by FCC compliance requirements.</p>	Complies
<b>3.8.13(C)(11) – Standards – Access Roadways</b>	<p>This standard requires that access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority (PFA). PFA staff has reviewed and approved the FDP plans. Emergency access is provided from Sharp Point Drive and uses existing asphalt and gravel areas that appear to be well compacted.</p>	Complies
<b>3.8.13(C)(12) – Standards – Foothills and Hogbacks</b>	<p>The facility is not located near the foothills.</p>	Not Applicable
<b>3.8.13(C)(13) – Standards – Airports and Flight Paths</b>	<p>The facility is not located near an airport and flight path.</p>	Not Applicable
<b>3.8.13(C)(14) – Standards – Historic Sites and Structures</b>	<p>No historic site or structure facilities are located on or adjacent to the property.</p>	Not Applicable
<b>3.8.13(C)(15) – Standards – Stealth Technology</b>	<p>This standard requires that, 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.</p> <p>The project meets this standard by providing a simulated pine tree with branches and bark that are compatible with the surrounding natural environment by simulating the colors and textures of a real ponderosa pine tree.</p>	Complies

## B. DIVISION 3.3 - ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.3.1(C) – Public Sites, Reservations and Dedications</b>	<p>This standard requires the applicant to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed. In cases where any part of an existing street is abutting or within the property being developed, the applicant must dedicate such additional rights-of-way to meet the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code.</p> <p>The PDP complies with this standard by providing dedicating three feet of additional public right-of-way along Midpoint Drive and Sharp Point Drive and dedicating on-site easements for emergency access within the property (see Attachment 4).</p>	Complies

## Land Use Code Article 4 – Applicable Standards:

### C. DIVISION 4.28 – INDUSTRIAL DISTRICT (I)

The Industrial District is intended to provide a location for a variety of work processes and work places such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations. The Industrial District also accommodates complementary and supporting uses such as convenience shopping, child care centers and housing. While these Districts will be linked to the City's transportation system for multiple modes of travel, some may emphasize efficient commercial trucking and rail traffic as needed. Industrial and manufacturing processes used in this District may, by necessity, be characteristically incompatible with residential uses.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>4.28(B)(2)(e)</b>	Wireless telecommunication facilities are permitted in the Industrial zone district subject to a Type 1 review.	Complies

## 5. Findings of Fact/Conclusion

In evaluating the request for the Verizon FTC Parkwood Telecommunication Facility, FDP180012, Staff makes the following findings of fact:

1. The Final Development Plan complies with the applicable requirements of Article 2 of the Land Use Code.
2. The Final Development Plan complies with relevant standards located in Article 3 – General Development Standards.
3. The Project Development Plan complies with relevant standards located in Division 4.28 – Industrial District (I) in Article 4.

## 6. Recommendation

Staff recommends that the Verizon FTC Parkwood Telecommunication Facility, FDP180012 be approved based on the Findings of Fact and supporting explanations found in the staff report and hearing materials.

## 7. Attachments

1. Zoning Map
2. Aerial Site Image
3. FDP Plans (19 pages)
4. Plat
5. Project Submittal Narrative
6. Photo Simulation View 1
7. Photo Simulation View 2
8. Photo Simulation View 3
9. Midpoint Drive Existing Street View A
10. Midpoint Drive Existing Street View B
11. Midpoint Drive Existing Street View C
12. Mailed Hearing Notice
13. Sign Posting Form
14. 1984 Site Plan
15. 1998 Zoning Letter
16. Coloradoan Notice
17. Remote Hearing authorization form
18. Supplemental - Minor Amendment Plans-MA190069 - 2025 Sharp Point 03-25-21

Jpeg file: "4-23-2018\_sign posted\_image 1"

Jpeg file: "4-23-2018\_sign posted\_image 2"