

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

FINDINGS AND DECISION

HEARING DATE: January 11, 2018

PROJECT NAME: FTC Eastside Park SC

CASE NUMBER: PDP #170029

APPLICANT: LRK Consulting
Ryan Sagar
1196 Grant Street, Suite 313
Denver, CO 80203

OWNER: Vineyard Christian Fellowship
1201 Riverside Avenue
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan that proposes the addition of a wireless telecommunications facility to the parking lot of an existing church. The project proposes a new 35-foot light pole consisting of stealth “all-in-one” small cell light pole that conceals wireless telecommunication equipment in the base and top of the pole. The proposed new light pole and “all-in-one” small cell pole will be located at 1201 Riverside Avenue in the City of Fort Collins (the “Subject Property”).

BACKGROUND: The Staff Report prepared for this Application sets forth that the Subject Property was annexed into the City in 1967 as part of the First Lemay Annexation.

The Subject Property is located in the Employment (E) zone district.

The surrounding zoning and land uses to each side of the project site are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I)	BNSF Railway
South	Employment (E)	Offices and clinic
East	Industrial (I)	School
West	Employment (E)	Vacant parcel, veterinary clinic, office and bank

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Employment (E)

HEARING: The Hearing Officer opened the hearing on Thursday, January 11, 2018, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado at approximately 5:32 PM. The public hearing was closed at approximately 5:41 PM, and re-opened at approximately 5:50 PM for the limited purpose of allowing the one member of the public present to comment on the Application. Following public comment, the hearing was closed at approximately 5:54 PM.

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

1. Project Vicinity Map.
2. Planning Department Staff Report prepared for FTC Eastside Park SC (PDP #170029). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Applicant's statement of planning objectives.
4. Rules of Conduct for Administrative Hearings.
5. FTC Eastside Park SC Planning Document Set (photo simulation views, site plan, equipment plan, elevations, landscape plan and photometric plan) (10 sheets).
6. PowerPoint presentation prepared by City Staff for the January 11, 2018 public hearing.
7. PowerPoint presentation prepared by the Applicant for the public hearing.
8. Affidavit of Publication dated January 5, 2018, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on January 5, 2018.
9. Notice of Public Hearing dated December 28, 2017.
10. The City's Comprehensive Plan, Code, 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: Kai Kleer, Associate City Planner

From the Applicant: LRK Consulting
Ryan Sagar
1196 Grant Street, Suite 313
Denver, CO 80203

From the Owner: None

From the Public: Nicky Galbraith, 1008 Patton Street, Fort Collins, CO 80524

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. 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 Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code;
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code; and
 - C. the Application complies with the relevant standards located in Division 4.27 Employment District (E) of Article 4 – Districts.
3. The Application’s satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The FTC Eastside Park SC – Wireless Telecommunication Equipment Project Development Plan (PDP #170029) is approved for the Subject Property.

DATED this 15th day of January, 2018.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
FTC Eastside Park SC Wireless Telecommunications Facility
(PDP# 170029)



ITEM NO 1 of 2
MEETING DATE January 11, 2018
STAFF Kai Kleer

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: FTC Eastside Park SC, PDP170029

APPLICANT: LRK Consulting
Ryan Sagar
1196 Grant Street
Suite 313
Denver, CO 80203

OWNER: Vineyard Christian Fellowship
1201 Riverside Avenue
Fort Collins, CO 80524

PROJECT DESCRIPTION:

This is a request for a Project Development Plan to add a wireless telecommunications facility to the parking lot of an existing church. The project proposes a new 35-foot all-in-one wireless facility consisting of a stealth light pole that conceals wireless equipment in the base and top of the facility. The site is located at 1201 Riverside Avenue and is in the Employment (E) zone district.

RECOMMENDATION: Staff recommends approval of the FTC Eastside Park SC Wireless Telecommunication Facility, PDP170029.

EXECUTIVE SUMMARY:

Staff finds the proposed FTC Eastside Park SC Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.

- The Project Development Plan complies with relevant standards located in Division 4.27 – Employment (E) of Article 4 – Districts.

COMMENTS:

1. Background

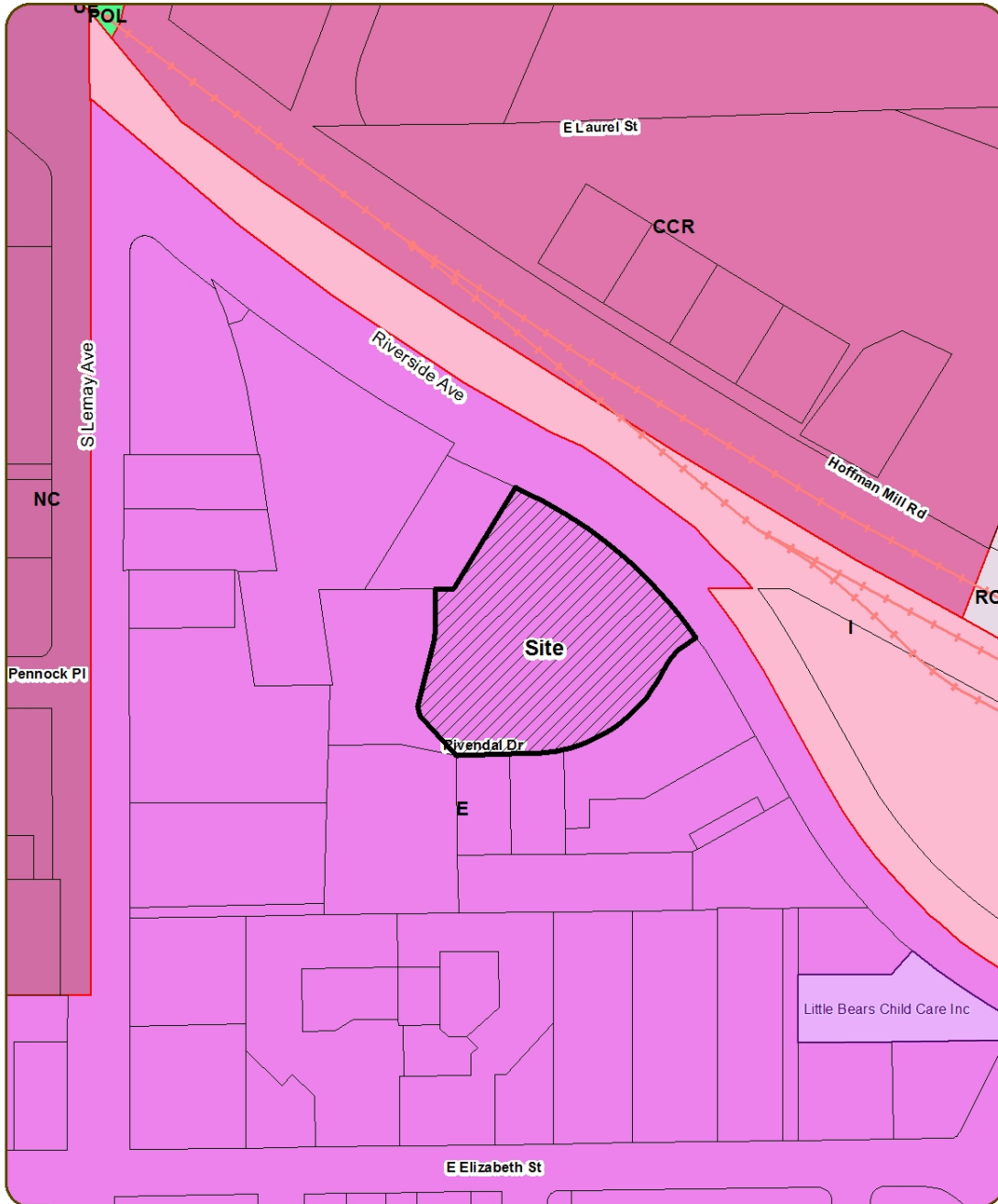
The project site was originally annexed in to the City of Fort Collins as part of the First Lemay Annexation in September 1967. The property was then platted as Lot 1 of the Riverside Commercial Planned Unit Development First Filing and approved by the Planning and Zoning Board in September 1977. Lot 1, thereafter, developed as a hardware store and in 1986 received approval from the Planning and Zoning Board for a change of use into a church.

The surrounding zoning and land uses to each side of the project site are as follows:

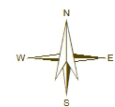
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A zoning and site vicinity map is presented on the following page.

Map 1: FTC Eastside Park SC, Zoning & Vicinity



FTC Eastside Park SC Vicinity Map



2. Compliance with Article 4 of the Land Use Code – Employment zone district:

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

A. *Section 4.27(B)(2)(e)(3) – Permitted Uses*

Wireless telecommunication facility is a permitted use in the Employment District, subject to Administrative (Type 1) review. The project proposes a 35-foot all-in-one wireless facility consisting of a stealth light pole that conceals wireless equipment in the base and top of the facility

3. Compliance with Article 3 of the Land Use Code – General Development Standards:

Article 3 includes additional standards specific to wireless telecommunication facilities and equipment. Compliance with these standards is described in detail below:

A. *Section 3.2.4 – Site Lighting*

The proposal meets all applicable site lighting standards.

B. *Section 3.8.13 – Wireless Telecommunication*

3.8.13(B) – Co-location

To reduce the impact of multiple carriers siting wireless telecommunication equipment in more than one location, no 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.

The proposed plan contains notes indicating that owners and employees shall cooperate to achieve future co-location efforts.

3.8.13(C)(1) – Setbacks

Wireless telecommunication facilities that consist of towers or monopoles are required to have a setback from the property line of one foot for every foot of facility height.

The proposed 35-foot monopole is setback approximately 53 feet from the closest property line.

3.8.13(C)(2) – Wireless Telecommunication Facilities

Whether manned or unmanned, wireless telecommunication facilities must 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.

The surrounding architectural environment consists of three different light-pole designs.

- i. Onsite light poles consist of fiberglass poles with large aluminum, single fixture luminaries attached, approximately 13 feet in overall height.
- ii. Adjacent parking-lot light poles to the south and east consist of square dual- and single-fixture luminaries, approximately 31 feet in overall height.
- iii. Adjacent light poles within the Riverside Avenue right-of-way consist of single-arm, single-luminaire approximately 33 feet in height.

The applicants selection of an “all-in-one” light pole is designed to mimic the style, scale and color of the dual-luminaire light poles located in the parking lot to the south and east of the site. Further, the proposal maintains an overall height within 2-4 feet of adjacent lighting fixtures.

3.8.13(C)(8) – Color

Telecommunication facility must 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 must be used.

Notes for the facility have been added to the plan so that they match the adjacent light poles to the south and east.

3.8.13(C) (11) – Access Roadways

Access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority.

The proposed project meets fire access requirements as described by International Fire Code. Fire access for the site is measured from Rivendal Drive.

3.8.13(C)(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.

As described previously under *3.8.13(C)(2) – Wireless Telecommunication Facilities*, the proposed wireless telecommunication facility's all-in-one design mimics existing lighting infrastructure of the adjacent parking lot and conceals all wireless equipment in either the base or top of the light pole.

4. Findings of Fact/Conclusion:

In evaluating the request for the FTC Eastside Park SC, Wireless Telecommunication Facility Project Development Plan, staff makes the following findings of fact:

- A. The FTC Eastside Park SC – Wireless Telecommunication Facility Project Development Plan complies with the process located in Division 2.2 –

Common Development Review Procedures for Development Applications of Article 2 – Administration.

- B. The FTC Eastside Park SC – Wireless Telecommunication Facility Project Development Plan complies with the applicable standards located in Article 3 – General Development Standards.
- C. The FTC Eastside Park SC – Wireless Telecommunication Facility Project Development Plan complies with the applicable standards in Division 4.27, Employment District (E) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the FTC Eastside Park SC – Wireless Telecommunication Facility Project Development Plan, PDP170029.

ATTACHMENTS:

1. Applicant's Statement of Planning Objectives
2. FTC Eastside Park SC Plan Set
 - a. Photosimulation Views
 - b. Site Plan
 - c. Equipment Plan
 - d. Elevations
 - e. Landscape Plan
 - f. Photometric Plan