

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

FINDINGS AND DECISION

HEARING DATE: January 11, 2018
PROJECT NAME: FTC Chippers SC
CASE NUMBER: PDP #170027
APPLICANT: LRK Consulting
Ryan Sagar
1196 Grant Street, Suite 313
Denver, CO 80203
OWNER: Blaco Investments LLC
1507 Red Sky Court
Fort Collins, CO 80525
HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan that proposes the replacement of an existing 35-foot light pole with a new 35-foot “all-in-one” small cell light pole that conceals wireless telecommunication equipment in the base and top of the pole. The proposed “all-in-one” small cell pole will be located at 3517 South Mason Street 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 1977 as part of the Horsetooth - South Mesa Annexation.

The Subject Property is located in the General Commercial (C-G) zone district.

The surrounding zoning and land uses to each side of the Subject Property are as follows:

Direction	Zone District	Existing Land Uses
North	General Commercial (C-G)	Workshop and small custom industry
South	General Commercial (C-G)	Retail and limited indoor recreation
East	General Commercial (C-G)	Business service shop
West	General Commercial (C-G)	Railroad, MAX Transit Line and multifamily residential

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: General Commercial (C-G)

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 5:42 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 Chippers SC (PDP #170027). 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 dated July 21, 2017.
4. FTC Chippers SC Planning Document Set (photo simulation views, site plan, equipment plan, elevations, landscape plan and photometric plan) (consisting of 10 sheets).
5. PowerPoint presentation prepared by City Staff for the January 11, 2018 public hearing.
6. PowerPoint presentation prepared by the Applicant for the public hearing.
7. Affidavit of Publication dated January 5, 2018, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on January 5, 2018.
8. Notice of Public Hearing dated December 28, 2017.
9. 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 Public: None

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 4.21 General Commercial District (C-G) 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 Chippers SC – Wireless Telecommunication Equipment Project Development Plan (PDP #170027) is approved for the Subject Property.

DATED this 15th day of January, 2018.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
FTC Chippers SC Wireless Telecommunications Facility
(PDP# 170027)



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

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: FTC Chippers SC, PDP170027

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

OWNER: Blaco Investments LLC
1507 Red Sky Court
Fort Collins, CO 80525

PROJECT DESCRIPTION:

This is a request for a Project Development Plan that proposes the replacement of an existing 35-foot light pole with a new 35-foot “all-in-one” light pole that conceals wireless equipment in the base and top of the structure. The site is located at 3517 South Mason Street and is in the General Commercial (C-G) zone district.

RECOMMENDATION: Staff recommends approval of the FTC Chippers SC Wireless Telecommunication Equipment, PDP170027.

EXECUTIVE SUMMARY:

Staff finds the proposed FTC Chippers 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 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 4.21 – General Commercial (C-G) of Article 4 – Districts.

COMMENTS:

1. Background

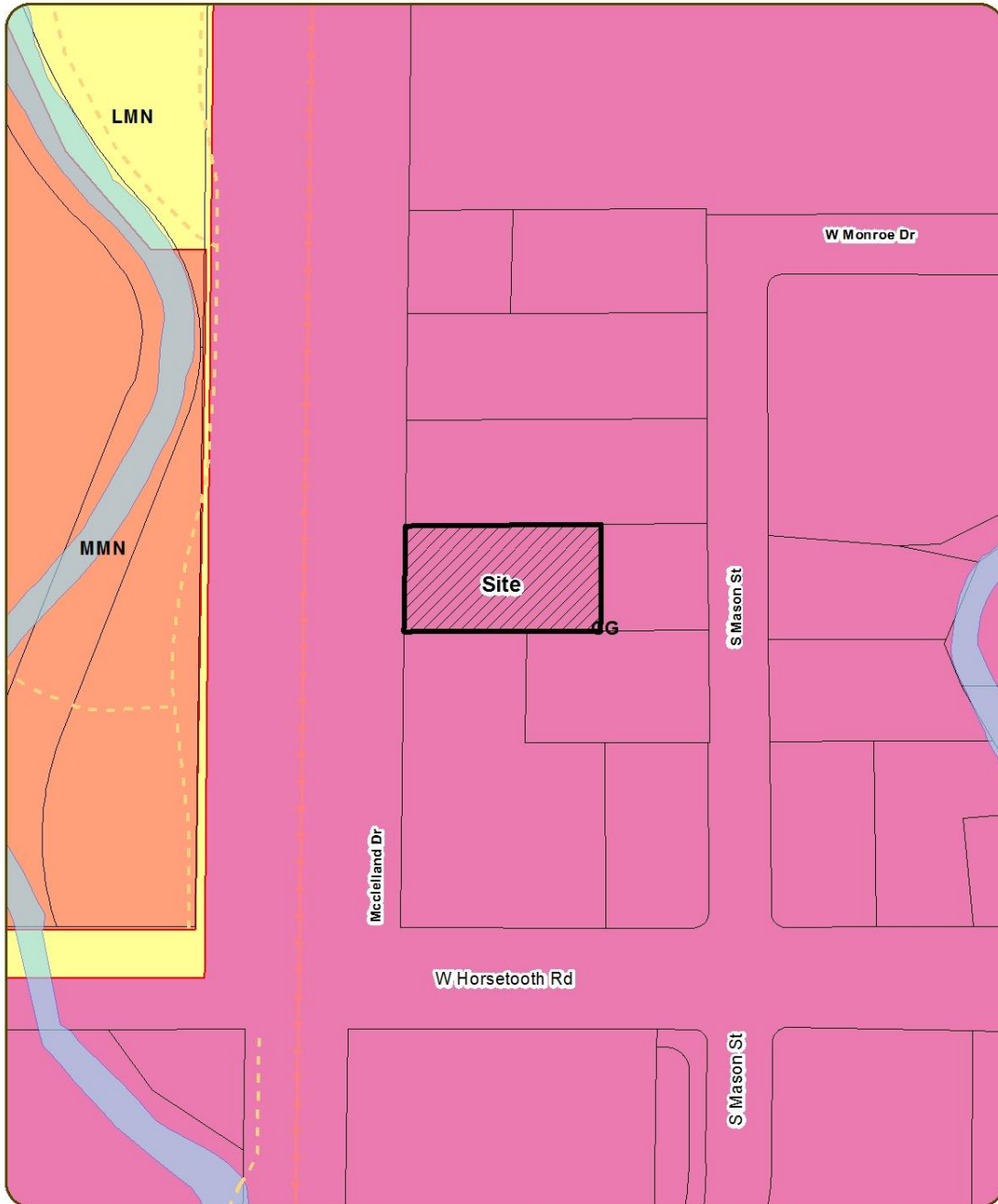
The project site is the western parking lot located on Lot 23 of the South Mesa Subdivision, which was subdivided in Larimer County on February 22, 1966. The property was later annexed into the City of Fort Collins as part of the Horsetooth - South Mesa Annexation in March 1977. In 1992 a .45 acre portion of Lot 23 was conveyed to the property owners to the south (formerly Alfalfas FC Inc.) and has remained a parking lot since that time. The parking lot now serves two businesses located at 216 W. Horsetooth Road.

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

Direction	Zone District	Existing Land Uses
North	General Commercial (C-G)	Workshop and small custom industry
South	General Commercial (C-G)	Retail and limited indoor recreation
East	General Commercial (C-G)	Business service shop
West	General Commercial (C-G)	Railroad, MAX Transit Line and multifamily residential

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

Map 1: FTC Chippers SC, Zoning & Vicinity



FTC Chippers SC Zoning and Vicinity Map



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

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

A. *Section 4.21(B)(2)(E) – Permitted Uses*

Wireless telecommunication equipment is a permitted use in the General Commercial zone district, subject to Administrative (Type 1) review. The project proposes the replacement of an existing 35-foot light pole with a new 35-foot “all-in-one” light pole that conceals wireless equipment in the base and top of the structure.

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

Article 3 includes additional standards specific to lighting and 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. Further, the proposed replacement lighting will reduce the amount of offsite light spill to both north and south properties.

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)(3) – Wireless Telecommunication Equipment

Wireless telecommunication equipment must 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 must not be more than fifteen (15) feet over the height of the building.

All wireless telecommunication equipment must 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 must be mounted in a configuration as flush to the wall as technically possible and must not project above the wall on which it is mounted. Such equipment must, to the maximum extent feasible, also feature the smallest and most discreet components that the technology will allow so as to have the least possible impact on the architectural character and overall aesthetics of the building or structure. Roof and ground-mounted wireless telecommunication equipment must be screened by parapet walls or screen walls in a manner compatible with the building's design, color and material.

The applicant proposes to replace an existing parking-lot light pole with an "all-in-one" light pole that houses the equipment in both the base and top of the structure. The equipment is fully concealed and the pole is proposed to be painted to match the color of the existing light poles on the site.

3.8.13(C)(8) – Color

Telecommunication equipment 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 equipment have been added to the plan to ensure that they match the existing light poles on the site.

4. Findings of Fact/Conclusion:

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

- A. The FTC Chippers SC – Wireless Telecommunication Equipment 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 Chippers SC – Wireless Telecommunication Equipment Project Development Plan complies with the applicable standards located in Article 3 – General Development Standards.
- C. The FTC Chippers SC – Wireless Telecommunication Equipment Project Development Plan complies with the applicable standards in Division 4.21, General Commercial District (C-G) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the FTC Chippers SC – Wireless Telecommunication Equipment Project Development Plan, PDP170027.

ATTACHMENTS:

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