

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

**FINDINGS AND DECISION**

HEARING DATE: August 10, 2016

PROJECT NAME: Alta Vista Wireless Telecommunications Facility

CASE NUMBER: PDP #160004

APPLICANT: Caleb Crossland  
Atlas Tower Companies  
4450 Arapahoe Ave., Suite 100  
Boulder, CO 80303

OWNER: Colorado Iron and Metal, Inc.  
903 Buckingham St.  
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** This is an application filed by Atlas Tower Companies (“Applicant”) for a Project Development Plan to build a telecommunications tower housed within a 2,000 sq. ft. wireless facility on a portion of the property located at 903 Buckingham Street (the “Subject Property”). The proposed tower and facility is proposed to be used for structural support of up to three wireless providers. The Subject Property is located in the Industrial District (I) and is owned of record by Colorado Iron and Metal, Inc. City Staff is recommending approval of the Application.

As set forth in Section 4.28(B)(2)(e)(3) and (4) of the Land Use Code (“LUC” or “Code”), *wireless telecommunications equipment* and *wireless telecommunications facilities* are permitted in the Industrial District (I), subject to administrative review.

Division 5.1 of the LUC defines “wireless telecommunication equipment” as “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.”

“Wireless telecommunication facility” is defined in 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.”

BACKGROUND: The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I)	Brewery, institutional
South	Industrial (I)	Brewery, storage, light industrial
East	Industrial (I)	Warehouse, vacant
West	Industrial (I), Low Density Residential (RL)	Vacant, single-family detached residential

SUMMARY OF DECISION: Denied.

ZONE DISTRICT: Industrial Zone District (I)

HEARING: The Hearing Officer opened the hearing on Wednesday, August 10, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado.

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 Alta Vista Wireless Telecommunications Facility (PDP #160004). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Alta Vista Wireless Telecommunications Facility Planning Document Set (including site plan and elevations).
4. PowerPoint presentation prepared by City Staff for the August 10, 2016 public hearing.
5. PowerPoint presentation prepared by the Applicant for the public hearing (including photo simulations).
6. Affidavit of Publication dated August 4, 2016, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on August 4, 2016.
7. Notice of Public Hearing dated July 27, 2016.

8. Letter dated August 10, 2016 from Wynne Odell (Odell Brewing Co.).
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: Clay Frickey, AICP, City Planner

From the Applicant: Caleb Crossland  
4450 Arapahoe Ave.  
Suite 100  
Boulder, CO 80303

From the Owner: Colorado Iron and Metal Inc.  
903 Buckingham St.  
Fort Collins, CO 80524

From the Public: Lisa Lee, 500 9<sup>th</sup> Street, Fort Collins  
Kent Garvin, 7211 Housmer Road, Fort Collins  
John Lee, 500 9<sup>th</sup> Street, Fort Collins  
Cindy McCrey, 825 Country Club, Fort Collins

#### 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 that the Application does not comply with the applicable General Development Standards contained in Article 3 of the Land Use Code, as set forth below.
3. The Application does not comply with Section 3.8.13(C)(2) of the Land Use Code which requires, in relevant part, that "wireless telecommunications 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" and "[s]uch facilities shall also be compatible with the surrounding natural environment considering land forms, topography, and other natural features." Based on the testimony provided at the hearing and a review of the materials in the record, the Hearing Officer concludes that the proposed telecommunications facility is not consistent with the existing (or planned) architectural style of the surrounding architectural environment and further finds that the proposed facility is not compatible with the surrounding natural environment. Photo simulations of the proposed telecommunications facility included in Applicant's presentation are attached hereto as **ATTACHMENT B** and incorporated by reference. In Section 2.B. on page 4 of the Staff Report attached as **ATTACHMENT A** analyzing the Application's compliance with Section 3.8.13(C)(2) of the Code, Staff notes that "[w]hile the proposed tower will dwarf the other silos nearby, the proposed tower will have a

significant setback from the right-of-way.” The letter submitted by Wynne Odell dated August 10<sup>th</sup> notes that “80 feet is significantly taller than any structure in the immediate region”, “the largest tanks on our site are about 40 feet tall” and “. . . the tallest portion of Odell Brewing Company’s structure is our grain handling tower which has a height of about 50 feet.”

4. The Hearing Officer agrees with Staff’s finding that the proposed tower will dwarf the other grain (or other) silos in the vicinity of the Subject Property, but disagrees that the setback from the right-of-way will sufficiently mitigate this issue. Based on the images attached as **ATTACHMENT B**, the letter dated August 10<sup>th</sup> from Wynne Odell, and the testimony provided at the hearing, the Hearing Officer finds and concludes that the proposed tower will not be consistent with the architectural style of the surrounding architectural environment.
5. The Application does not comply with Section 3.8.13(C)(15) of the Land Use Code which requires, to the extent reasonably feasible, that the Applicant employ stealth technology to convert the wireless telecommunication facility into wireless telecommunication equipment, as the best method by which to mitigate and/or camouflage visual impacts. As set forth above, Division 5.1 of the Code defines “wireless telecommunications equipment” as “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” (emphasis added). The Land Use Code contains a strong preference for mitigating or camouflaging visual impacts through affixing or mounting the telecommunications facilities on an existing building or structure used for another purpose. Here, the Applicant is proposing a “mimic” silo that is inconsistent with the architectural style of the immediate vicinity. The Hearing Officer finds that the Applicant has provided insufficient evidence to support a finding that there are no existing structures or buildings in the vicinity of the Subject Property that would better serve as a potential location for the proposed telecommunications facility, thereby converting the same to wireless telecommunications equipment as defined in the Code and better achieving the City’s preferred methodology for utilizing stealth technology. The Hearing Officer also specifically finds that the proposed eighty foot (80’) “mimic” silo does not have a contextual relationship to the Subject Property or the immediately adjacent area.
6. The Hearing Officer concludes that the proposed facility may potentially be located on a better site (including utilizing an existing building or structure in the vicinity of the Subject Property); may be designed at a lower overall height that may improve the proposed facility’s contextual relationship to the Subject Property or consistency with the architectural style of the surrounding architectural environment; and that the proposed facility may be better camouflaged.
7. The Hearing Officer urges the Applicant to continue to work with Staff on identifying a potential new site for the telecommunications tower, or working to improve the overall design of the tower to better achieve all applicable standards set forth in Section 3.8.13(C) of the LUC.

DECISION

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

- A. The Alta Vista Wireless Telecommunications Facility (PDP #160004) is denied.

DATED this 18<sup>th</sup> day of August, 2016.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Alta Vista Wireless Telecommunications Facility  
(PDP# 160004)



ITEM NO 2  
MEETING DATE Aug. 10, 2016  
STAFF Clay Frickey

**ADMINISTRATIVE HEARING OFFICER**

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**STAFF REPORT**

**PROJECT:** Alta Vista Wireless Telecommunications Facility,  
PDP160004

**APPLICANT:** Caleb Crossland  
4450 Arapahoe Ave.  
Suite 100  
Boulder, CO 80303

**OWNERS:** Colorado Iron and Metal, Inc.  
903 Buckingham St.  
Fort Collins, CO 80524

**PROJECT DESCRIPTION:**

This is a request for a Project Development Plan to build a telecommunications tower housed within a 2,000 sq. ft. wireless facility. This facility will provide critical wireless coverage to the surrounding area. This is a developing industrial and residential area where coverage is reaching its capacity limits and there is a growing need for advanced quality voice and data services. This tower and facility will be used for structural support of up to three wireless providers. Each provider will install antennas and on-the-ground base station equipment. The site is located in the Industrial (I) zone district.

**RECOMMENDATION:** Staff recommends approval of the Alta Vista Wireless Telecommunications Facility, PDP160004.

**EXECUTIVE SUMMARY:**

Staff finds the proposed Alta Vista Wireless Telecommunications Facility Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan/Final 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/Final Plan complies with relevant standards of Article 3 – General Development Standards.
- The Project Development Plan/Final Plan complies with relevant standards located in Division 4.28, Industrial (I) of Article 4 – Districts.

## COMMENTS:

### 1. Background

The property was annexed into the City as part of the Northeast Consolidated Annexation in June, 1974. The land sat vacant until 1998 when Vanworks built a warehouse on the site. In 2008, Colorado Iron and Metal moved their operation to 903 Buckingham. Colorado Iron and Metal filed for a replat in 2012 to obtain the parcel to the west. A hearing officer approved this replat in 2012. Following the replat, Colorado Iron and Metal submitted the Colorado Iron and Metal Second Filing to expand their operation onto the newly acquired parcel. Colorado Iron and Metal Second Filing was approved in 2013 with the final documents recorded with the City on August 5, 2013. Since recording their final documents, Colorado Iron and Metal has yet to install any of the necessary public infrastructure to obtain vesting for their development. At the time of writing this staff report, Colorado Iron and Metal has not filed for an extension nor shown progress in an attempt to fulfill their obligations per the approval of the Colorado Iron and Metal Second Filing.

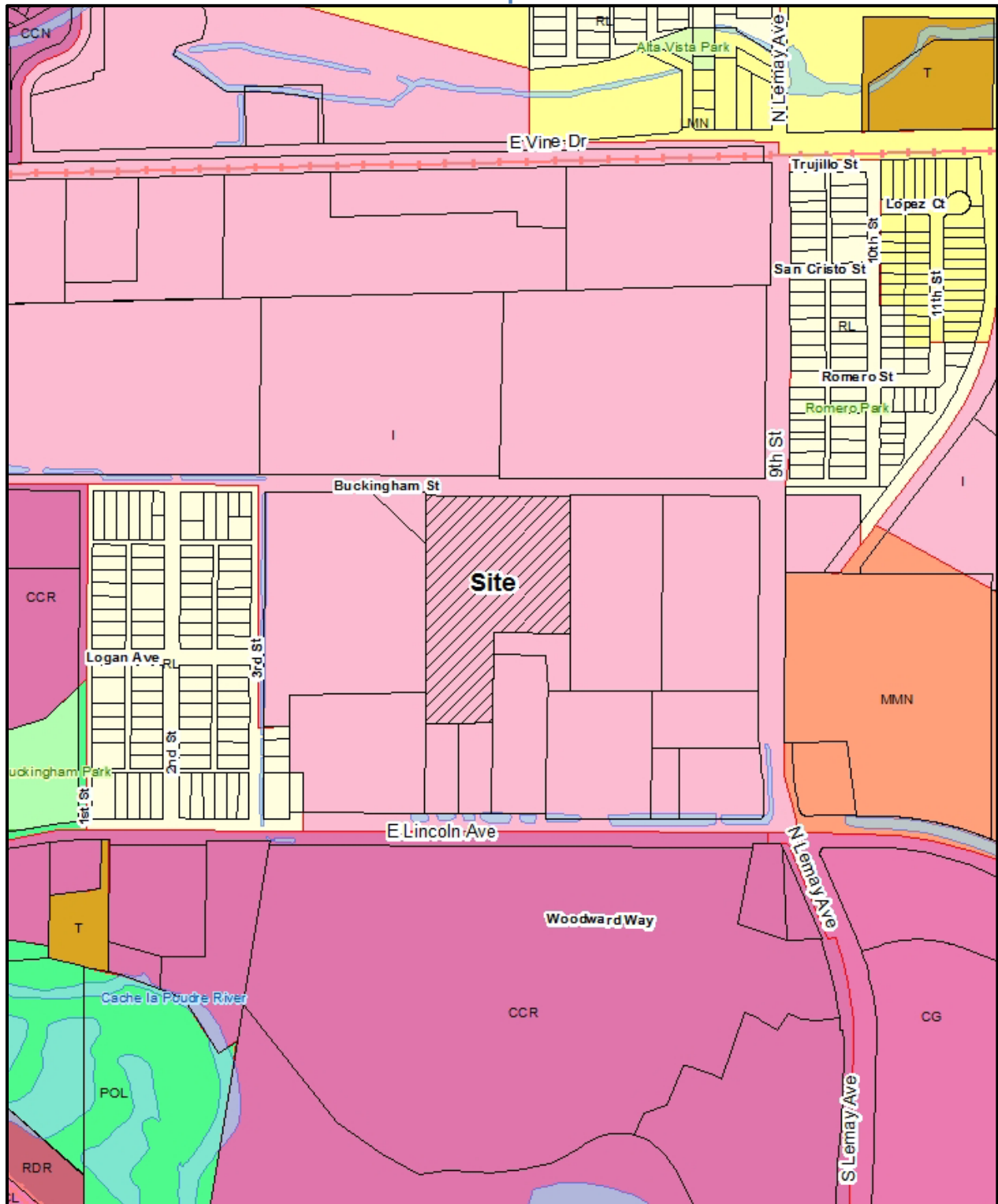
The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I)	Brewery, institutional
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East	Industrial (I)	Warehouse, vacant
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A zoning and site vicinity map is presented on the following page.



**Figure 1: Alta Vista Wireless Telecommunications Facility Zoning & Site Vicinity Map**



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

The project complies with all applicable General Development Standards as follows:

A. *Section 3.8.13(C)(1) – Setbacks*

For wireless towers, the setback of the facility from the property line shall be 1 foot for every foot of height unless it can be demonstrated the structure will collapse rather than topple. The proposed tower is designed to collapse rather than topple, which exempts the tower from this standard.

B. *Section 3.8.13(C)(2) – Wireless Telecommunications Facilities*

Wireless telecommunications facilities should be consistent with the architectural character of the surrounding environment. If the wireless telecommunications facility is an accessory use, the facility should be constructed out of materials equal to or better than the materials of the principal use. Since this facility will be located on the Colorado Iron and Metal site, this will be considered an accessory use. Colorado Iron and Metal is housed in a tan colored building constructed out of metal. The building features a synthetic stone wainscot with a subtly pitched, metal roof. The proposed wireless tower will be an 80' tall silo built out of a fiberglass material. The silo will be an off-white color to blend in with the buildings and other silos present in the surrounding area. The proposed tower will be similar in color and materials to other grain silos in the area.

At 80' tall, this tower will be the tallest structure in the immediate vicinity. Other silos in the vicinity are 40-50' tall. While the proposed tower will dwarf the other silos nearby, the proposed tower will have a significant setback from the right-of-way. The tower will be over 500' from the closest right-of-way. Since the tower is so far on the interior of the site, the visual impact of the tower will be minimized.

C. *Section 3.8.13(C)(3) – Wireless Telecommunications Equipment*

Wireless telecommunications equipment should be the same color as the tower, be mounted as flush as possible, and not exceed the height of the structure it is mounted to by 15'. Ground equipment should also be

screened in a manner compatible with the building's design, color, and material. All of the antennae for this tower will be housed inside the fiberglass silo so they will be completely screened and will not exceed the height of the tower. The ground equipment will be screened by a wood fence.

D. *Section 3.8.13(C)(4) – Landscaping*

In certain instances, ground equipment must be screened through landscaping if no other screening method is employed. For this tower, the site plan shows a wood fence that will provide screening for the ground equipment. As such, this proposal is exempt from this standard.

E. *Section 3.8.13(C)(5) – Fencing*

When fences are used for screening, the fence should be built of wood, masonry, stucco, or other acceptable, opaque materials. The fence should be no taller than 6'. The proposed fence will be built from wood and will not be taller than 6'

F. *Section 3.8.13(C)(8) – Color*

All wireless telecommunications facilities shall be painted to match as closely as possible the surrounding built environment. The proposed color of the tower is an off-white tone, which will blend in with the existing Colorado Iron and Metal site as well as the silos used by O'Dell Brewing and New Belgium.

G. *Section 3.8.13(C)(15) – Stealth Technology*

All wireless facilities must employ stealth technology to mitigate the visual impact of the tower. In this case, the applicant chose to build a structure that mimics a grain silo used at one of the nearby breweries.

**3. Compliance with Article 4 of the Land Use Code – Division 4.28, Industrial (I)**

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

A. *Section 4.28(B)(1)(a) – Permitted Uses*

The proposed use, wireless telecommunications facility, is permitted in the I zone district and is consistent with the district's intent to accommodate uses that are complementary and support work places such as manufacturing, warehousing, and distributing.

**5. Findings of Fact/Conclusion:**

In evaluating the request for Alta Vista Wireless Telecommunications Facility Project Development Plan, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards.
- C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.28, Industrial (I) of Article 4 – Districts.

**RECOMMENDATION:**

Staff recommends approval of Alta Vista Wireless Telecommunications Facility, PDP160004.

**ATTACHMENTS:**

- 1. Zoning & Site Vicinity Map
- 2. Alta Vista Wireless Telecommunications Facility Planning Document Set (including site plan, elevations, and photo simulations)

**ATTACHMENT B**

Alta Vista Wireless Telecommunications Facility  
(PDP# 160004)  
(Views of Proposed Facility from North, South, West and East)









