

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

FINDINGS AND DECISION

HEARING DATE: January 5, 2017

PROJECT NAME: Alta Vista Project Development Plan

CASE NUMBER: PDP #160028

APPLICANT: Caleb Crossland
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.

BACKGROUND: Earlier in 2016, the Applicant brought forward a Project Development Plan (PDP #160004), for a wireless tower at this site located on the Subject Property. In the prior application, the Applicant proposed an 80’ tower disguised as a grain silo with a round cap to be painted white. By written decision dated August 16, 2016, the Hearing Officer denied the prior application project citing the height and design of the tower. The current submittal proposes a 68’ tower disguised as a silo with no round cap (12’ shorter than the prior submittal).

The surrounding zoning and land uses are set forth below:

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: Approved.

ZONE DISTRICT: Industrial (I).

HEARING: The Hearing Officer opened the hearing on Thursday, January 5, 2017, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado at approximately 5:30 PM, following the conclusion of the hearing on the Jefferson and Linden Project Development Plan (PDP # 160030).

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

1. Project Zoning and Site Vicinity Map.
2. Planning Department Staff Report prepared for Alta Vista Wireless Telecommunications Facility (PDP #160028). 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 title sheet, general notes, site plan and compound detail, tower elevation and fence details.
4. PowerPoint presentation prepared by City Staff for the January 5, 2017 public hearing.
5. PowerPoint presentation prepared by the Applicant for the public hearing.
6. Affidavit of Publication dated December 29, 2016, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on December 29, 2016.
7. Notice of Public Hearing dated December 22, 2016.
8. 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, City Planner
From the Applicant:	Caleb Crossland 4450 Arapahoe Ave., Suite 100 Boulder, CO 80303
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 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;
 - B. The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards, including Section 3.8.13(C)(2) of the Code, which requires, in relevant part, that 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” and that evidence presented to the Hearing Officer sufficiently demonstrated that the proposed Alta Vista Telecommunications Facility is consistent with similar silo-shaped structures located at 725 E. Vine Street, 500 Linden Street, 800 E. Lincoln Avenue and 546 Willow Street, all of which are located within one-quarter to one-half mile from the Subject Property;
 - C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.28, Industrial (I) 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 approves PDP #160028 for the Alta Vista Telecommunications Facility.

DATED this 10th day of January, 2017.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Alta Vista Wireless Telecommunications Facility
(PDP# 160028)



ITEM NO 1
MEETING DATE Jan. 5, 2017
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

PROJECT: Alta Vista, PDP160028

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 Alta Vista, PDP160028.

EXECUTIVE SUMMARY:

Staff finds the proposed Alta Vista 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.

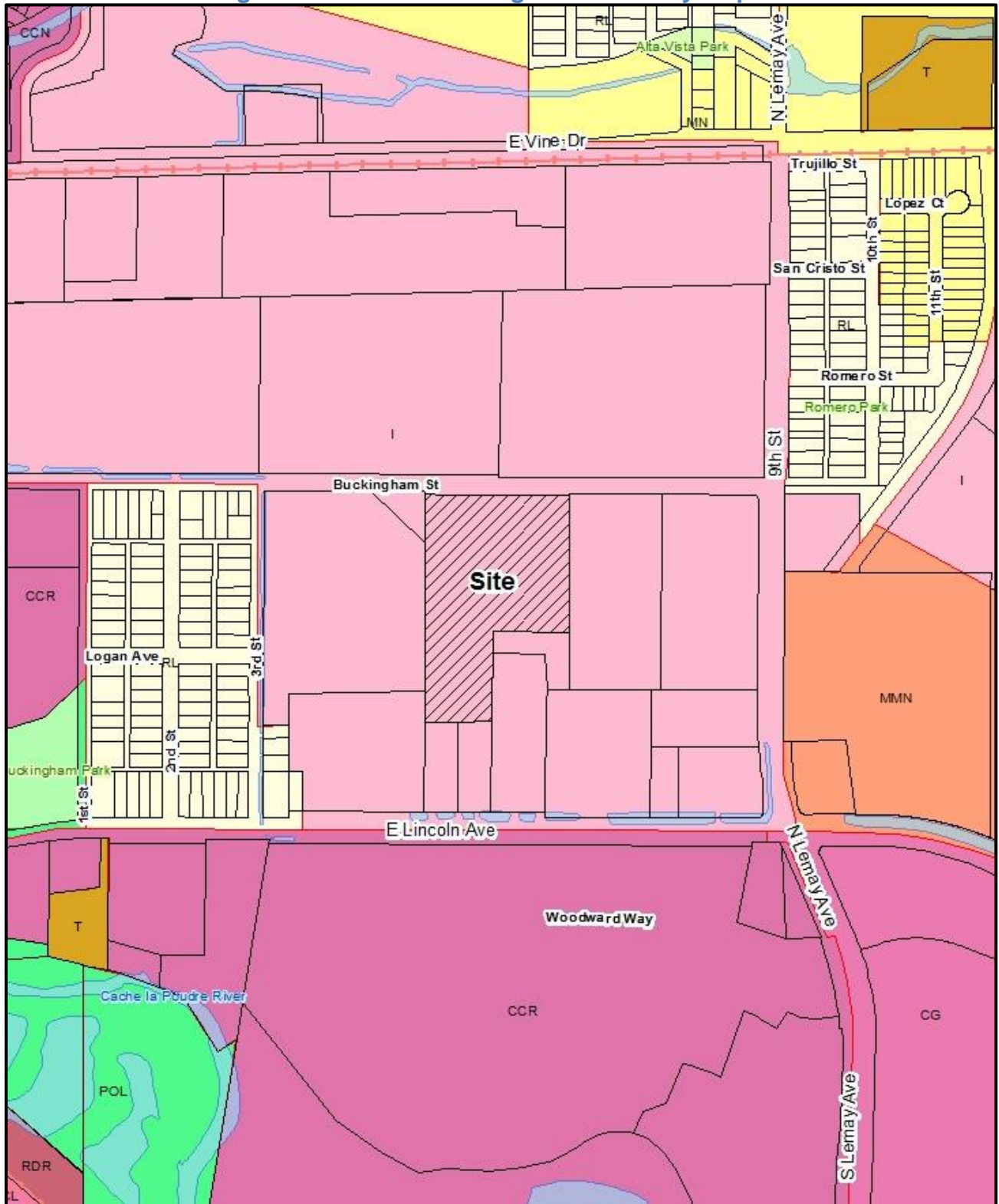
Earlier in 2016, the applicant brought forward a Project Development Plan, PDP160004, for a wireless tower at this site. This applicant proposed an 80' tower disguised as a grain silo with a round cap to be painted white. The hearing officer denied this project citing the height and design of the tower.

The surrounding zoning and land uses are as follows:

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

Figure 1: Alta Vista Zoning & Site Vicinity Map



2. Compliance with Article 2 of the Land Use Code – Administration

The project complies with all applicable Administrative procedures as follows:

A. *Section 2.2.11(D)(9) – Post Denial Re-submittal Delay*

Projects denied by a hearing officer may not be re-submitted for a period of 6 months from the final decision unless the Director determines that the new plan includes substantial changes in land use, residential density, and/or non-residential intensity. The new tower is 12' shorter than previously proposed, the tower no longer has a cap to enhance compatibility, and the tower will use a different color to better blend into the surrounding area. The Director determined these changes constituted a substantial change in non-residential intensity and was eligible for re-submittal.

3. 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 a 68' tall silo built out of a

fiberglass material. The silo will be a green color to match closely the colors of other nearby silos.

At 68' tall, this tower will be the tallest structure on the Colorado Iron and Metal Site and adjacent properties. Other silos in the vicinity are 40-50' tall. The proposed tower, however, will be 12 – 32' feet shorter than the Platte River Power Authority transmission lines nearby. The transmission lines along Lemay Ave. and the north side of New Belgium's property range from 80 – 100' tall. To mitigate for the tower's height, 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 shall 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 must 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 must be built of wood, masonry, stucco, or other acceptable, opaque materials. The fence may not exceed 6 in height'. 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 green, which will appear similar to the nearby grain silos employed by New Belgium brewing.

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.

4. **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, PDP160028.

ATTACHMENTS:

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