

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

FINDINGS AND DECISION

HEARING DATE: December 6, 2018

PROJECT NAME: FTC Foxstone Project Development Plan

CASE NUMBER: PDP #180007

APPLICANT: Verizon Wireless LLC
3131 S. Vaughn Way
Aurora, CO 80014

OWNER: Securcare Properties I, LLC
9296 Teddy Lane, Ste. 100
Littleton, CO 80124

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan without a subdivision plat to build an unmanned telecommunications site located within the Securcare Self Storage property at 1961 Caribou Drive (“Subject Property”). The proposed telecommunication facility consists of three antenna arrays on a new, self-supporting, forty (40) foot tall tower, with associated ground-mounted equipment. This facility is designed to house wireless telecommunications equipment to provide wireless service to the surrounding area. The proposed tower and facility will be used for structural support of up to three wireless providers. The site is located in the Employment (E) zone district and is owned of record by Securcare Properties I, LLC, a Delaware limited liability company. City Staff is recommending approval of the Application.

BACKGROUND: The Subject Property was annexed into the City as part of the Harmony Annexation 2nd on September 5, 1977 and developed in 1995 as the Timberline Storage PUD. The Subject Property is located in the Employment (E) zone district.

As set forth in Section 4.27(B)(2)(e)(2) of the Land Use Code (“LUC” or “Code”), *wireless telecommunications facilities* are permitted in the Employment (E) 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 surrounding zoning and land use associated with each side of the Subject Property are set forth below:

Direction	Zone District	Existing Land Uses
North	Employment (E)	Collingwood Offices
South	Employment (E)	Vacant, Single-family detached residential
East	Employment (E)	Caribou Apartments
West	Low Density Residential (RL)	Single-family detached residential

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Employment (E)

HEARING: The Hearing Officer opened the hearing on Thursday, December 6, 2018, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 6:00PM, following the conclusion of the Gulley Duran Subdivision matter (FDP #180021). The Hearing Officer noted that the Order of Proceedings and Rules of Conduct for Administrative Hearings had been previously reviewed 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. Project Vicinity Map.
2. Planning Department Staff Report prepared for FTC Foxstone (PDP #180007). 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 Foxstone Utility Plans (land survey, utility coordination plan, photo simulations, antenna detail) (17 sheets).
6. PowerPoint presentation prepared by City Staff for the December 6, 2018 public hearing.
7. PowerPoint presentation prepared by the Applicant for the public hearing.
8. Affidavit of Publication dated November 27, 2018, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on November 27, 2018.
9. Notice of Public Hearing dated November 21, 2018.
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: Pete Wray, Senior City Planner
- From the Applicant: Jennifer Daniels, Leasing and Zoning Consultant
Centerline Solutions, 16360 Table Mountain Parkway
Golden, CO 80403
- From the Owner: N/A
- From the Public: Gary Salinger, 5151 Boardwalk Drive, #A-4, Fort Collins
Kyle Wieghaus, 4117 Sumter Square, Fort Collins
Tom Mackenzie, 1980 Caribou Drive, 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 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 Foxstone Project Development Plan (PDP #180007) is approved for the Subject Property.

DATED this 18th day of December, 2018.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
FTC Foxstone (PDP# 180007)

PROJECT NAME

FTC FOXSTONE #PDP180007

STAFF

Pete Wray, Senior City Planner

PROJECT INFORMATION

PROJECT DESCRIPTION: This is a request for a Project Development Plan without a subdivision plat to build an unmanned telecommunications site located within the Securcare Self Storage property at 1961 Caribou Drive. The telecommunication facility consists of three antenna arrays on a new, self-supporting, forty (40) foot tall tower, with associated equipment concealed on the ground. This facility will house wireless telecommunications equipment to provide wireless service to the surrounding area. 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 Employment (E) zone district and, as such, is subject to a Type I review and approval by an administrative hearing officer.

APPLICANT: Verizon Wireless LLC
3131 S. Vaughn Way
Aurora, CO 80014

OWNER: Securcare Properties I, LLC
9296 Teddy Lane, Ste. 100
Littleton, CO 80124

RECOMMENDATION: Approval of the FTC Foxstone Wireless Telecommunications Facility, PDP180007.

EXECUTIVE SUMMARY

Staff finds the proposed FTC Foxstone 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 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 property was annexed into the City as part of the Harmony Annexation 2nd on September 5, 1977. The property was developed in 1995 as the Timberline Storage PUD, with a Second Filing for additional storage in 1996. The property is now Securcare Self Storage.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Employment (E)	Collingwood Offices
South	Employment (E)	Vacant, Single-family detached residential
East	Employment (E)	Caribou Apartments
West	Low Density Residential (RL)	Single-family detached residential

2. Compliance with Article 2 of the Land Use Code – Administration – Common Development Review Procedures for Development Applications:

A. *Section 2.2.2. Step 2: Neighborhood Meetings*

The proposed development is for a wireless telecommunications facility, which is a permitted use in the E – Employment Zoning District, subject to an administrative (Type 1) review and public hearing. The Land Use Code does not require that a neighborhood meeting be held for development proposals that are not subject to a Planning and Zoning Board (Type 2) review. A neighborhood meeting was not held for this proposed project.

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 3.6.6 – Emergency Access*

The existing Self Storage site access and emergency access drive are not proposed to be changed. The applicant proposes a fifteen (15) foot access easement with the existing emergency access drive to provide emergency access to the tower. This path will allow emergency vehicles to access the site and provide fire and emergency services pursuant to Chapter 9 of the City Code.

B. *Section 3.8.13(C)(1) – Setbacks*

Wireless Telecommunication Facilities must be set back from the property one foot for every one foot in the facility’s height. The applicant may also demonstrate the facility is designed to collapse rather than topple to meet this requirement. The proposed tower facility is forty (40) feet high and the distance from the base of the pole to the nearest property line is approximately sixty (60) feet, which meets this requirement.

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

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.

The proposed tower facility is consistent with the existing architectural style and environment. The character of the site and its surroundings is reflective of light industrial and business uses and associated buildings. The proposed material, metal and fiberglass, is equal to or better than the materials used on the storage buildings and associated outbuildings located on the development site.

D. *Section 3.8.13(C)(5) – Fencing*

Fencing material shall consist of wood, masonry, stucco or other acceptable materials and be opaque. Fencing shall not exceed six feet in height. The proposed fence is made of wood and will not exceed six feet in height in accordance with this standard.

E. *Section 3.8.13(C)(8) – Color*

Wireless telecommunication facilities 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. The proposed color will be a beige to match existing storage buildings on site and fit in with the surrounding business park buildings in surrounding neighborhood in accordance with this standard.

F. *Section 3.8.13(C)(11) – Access Roadways*

The proposed access roadway meets the requirements for emergency access per Section 3.6.6, satisfying this standard.

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

Applicants must use stealth technology to the extent reasonably feasible to minimize the visual impact of the facility. As an alternative to a monopole, the proposed three-leg tower with screen panels to conceal the antennas was recommended by staff. The proposed facility represents a “mimic” structure comparable to a water or clock tower, with a contextual relationship to the adjacent area. The facility is located in the far northeast corner of the site and at the greatest distance from adjacent neighborhoods.

4. Compliance with Article 4 of the Land Use Code – Division 4.27, Employment (E)

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

A. *Section 4.27(B)(1) – Permitted Uses*

The proposed use, wireless telecommunications facility, is permitted in the E zone, subject to a Type I administrative review, in compliance with this section of the code.

5. Findings of Fact/Conclusion:

In evaluating the request for proposed FTC Foxstone Wireless Telecommunications Facility Project Development Plan, Staff makes the following findings of fact:

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

Agenda Item #2

- B. The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.
- C. The Project Development Plan complies with relevant standards located in Division 4.27, Employment (E) of Article 4 – District.

RECOMMENDATION:

Staff recommends that the Administrative Hearing Officer approve the FTC Foxstone Wireless Telecommunications Facility, PDP180007.

ATTACHMENTS

1. Site Vicinity Map
2. FTC Foxstone Telecommunications Facility Planning Objectives
3. FTC Foxstone Wireless Telecommunications Facility Planning Document Set (including site plan and elevations)