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## DEVELOPMENT SERVICES CURRENT PLANNING

410 E 5<sup>th</sup> Street • Loveland, CO 80537  
(970) 962-2523 • Fax (970) 962-2904 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

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### PRELIMINARY FINDINGS AND DETERMINATIONS

#### Type II Zoning Permit SBA Ponderosa Special Review #934

**Posted: September 7, 2017**

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**TITLE:** SBA Ponderosa –Special Review #934  
(PZ #17-43)

**LOCATION:** 4286 W. 43<sup>rd</sup> Street. The property is located on the south Side of W. 43<sup>rd</sup> Street, where W. 43<sup>rd</sup> Street turns northward and becomes Ridge Parkway.

**APPLICANT:** Elizabeth Walker, Wireless Policy Group, LLC, for SBA Towers IX, LLC

**STAFF CONTACT:** Noreen Smyth, Current Planning

**APPLICATION TYPE:** Special Review #934 and Site Development Plan

**STAFF RECOMMENDATION:** Staff recommends that the Current Planning Manager preliminarily approve this special review for wireless telecommunications facility.

## **I. ATTACHMENTS**

1. Vicinity Map
2. Special Review and Site Development Plan
3. Application and Applicant's Narrative

## **II. SITE DATA**

EXISTING USE .....	Vacant
PROPOSED USE .....	Wireless communications tower & associated equipment
SIZE OF PROPERTY .....	Area for wireless facility: 0.23 ac; Entire tract: 111 ac
EXISTING ZONING.....	ER Estate Residential
ADJACENT ZONING & USE- North .....	FA1 Farming in Unincorporated Larimer County/Single family residence and vacant
ADJACENT ZONING & USE - East.....	ER Estate Residential/City of Loveland water tank, followed by Lee Farm PUD/vacant
ADJACENT ZONING & USE- South .....	ER Estate Residential/vacant
ADJACENT ZONING & USE - West .....	ER Estate Residential/vacant, followed by DR Developing Resource/vacant
UTILITY SERVICE – WATER.....	City of Loveland (not proposing to connect)
UTILITY SERVICE – SEWER .....	City of Loveland (not proposing to connect)
UTILITY SERVICE – ELECTRIC .....	City of Loveland

## **III. PROJECT DESCRIPTION**

This application concerns a proposal to develop a new 35 ft tall telecommunications tower and associated equipment on a 0.23-acre leased portion of a larger 111-acre tract of land. The tower, which would be built and owned by a company specializing in the construction and leasing of such towers, is being pursued to allow for improved cellular communication coverage for an existing cellular provider in the area. The property is zoned ER Estate Residential and “personal wireless service facilities” are a special review use in the district. Towers and associated equipment are subject to the standards of Municipal Code Title 18, Zoning, including Chapter 18.07, the ER District, and Chapter 18.55, Personal Wireless Service Facilities, among other city and federal standards.

The specific location for a new tower for an existing cellular service provider in an area is chosen based on gaps in coverage, and is determined by a radio frequency engineering study. The height of a tower, in addition to being sized to meet zoning requirements, is sized to allow radio frequencies to clear (travel above) trees, buildings, and other natural and man-made obstacles on the ground that impact the ability of the radio frequencies to travel.

At 35 ft in height, the tower meets the maximum height allowed in the ER zoning district. This is a rather low height for a tower; however, the subject property is situated in the beginning of the foothill area on the west side of the city where the land begins to rise in elevation. The elevation of the land therefore allows the tower to be shorter than it otherwise would be and still be effective. The proposed tower is a “monopine” design. Instead of a bare pole, the pole will have artificial pine limbs attached to obscure view of the underlying pole.

In addition to the tower, the site plan (see **Attachment 2**) includes an equipment cabinet for the cellular provider. The site plan also shows three other ground equipment areas for future collocated antennae. A 6 ft solid wood fence will surround the tower and ground equipment. The fenced in area will be 60 ft by 60 ft.

New landscaping will surround the facility. As currently proposed, the landscape consists of a dense row of pine trees next to the fence that will be 10 ft in height at planting and between 12 ft and 40 ft at maturity. Following the pine trees is proposed to be a dense row of evergreen shrubbery. The landscape plan was designed as such to meet the landscape screening standards of the Municipal Code. However, feedback from neighbors at the neighborhood meeting supported altering the landscape plan to allow for a more natural, and less formal, appearance to the landscape, which staff supports. Therefore, a condition has been added to these preliminary findings (Planning Condition #5) requiring such an alteration to the landscape plan. If the special review is approved, staff would review the altered landscape prior to the final staff approval of the landscape plan. Such an alteration to the landscape plan may result in a lesser number of plantings that would normally be required by the Municipal Code for screening.

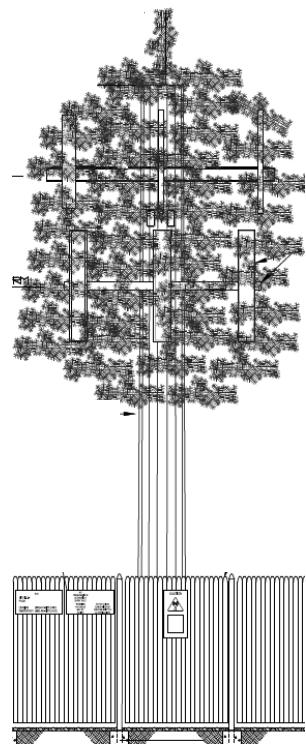
A city water tank is situated immediately to the east of the proposed tower. The tank is on an easement on the same tract of land as the tower. Vehicular access to the tower is proposed to be off of the same driveway curb cut onto 43<sup>rd</sup> Street as the water tank. New driveway is proposed to then extend behind the water tank to reach the tower. This section of 43<sup>rd</sup> Street is outside of city limits and is controlled by Larimer County. The applicant has provided the plans to Larimer County, and the city has not received any objections to the proposal from the County.

The site and pole are intended to allow for collocation of other cellular providers. Any future collocations will require a minor amendment to the special review prior to construction. At that time, staff will ensure that the screening provided by the artificial pine limbs on the tower also provide screening to the additional antennae, and that any associated on-site equipment is adequately screened.

No signage other than FCC-required safety notification signage will be installed.

#### **IV. KEY ISSUES**

None at this time.



## **V. BACKGROUND**

2016	In December, a concept review meeting was held to discuss the proposed use at this location.
2017	In March, a formal Special Review/Site Development Plan was submitted to the city.

## **VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION**

- A. Notification:** A letter advertising the neighborhood meeting was sent out by the applicant, Elizabeth Walker, on August 14, 2017 to all neighbors within the “Neighborhood” as defined in Section 18.40.010.C of the Loveland Municipal Code. Meeting notice signs were also posted on the property on August 15, 2017.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 on August 31, 2017 at the City of Loveland Development Center. Eleven members of the public were in attendance.

Attendees largely lived in an area to the west of the subject site that has poor cellular phone reception for being on the opposite site of a ridge, and questions at the meeting largely concerned whether the new tower would provide cellular service to areas on the west side of the ridge. The applicant said it would not because the ridge is taller than the proposed tower. A couple of attendees expressed support for the monopole, as opposed to a conventional pole, design, emphasizing that the monopole designs need to be high quality and realistic-looking. A number of attendees expressed support for altering the landscape plan to allow for a more natural appearance to the landscape screening. In response, Planning Condition #5, requiring the landscape plan to be adjusted to allow for a more natural appearance to the landscape screening, has been added; see Section VIII of this report.

### **C. Project Schedule**

1. Special Review #934/Site Development Plan was filed with the Current Planning Division on March 3, 2017.
2. A neighborhood meeting for the special review was held on August 31, 2017. Eleven neighbors attended.
3. The staff preliminary findings and determination will be posted on September 7, 2017.
8. The public review period for the staff preliminary findings and determination is from September 8, 2017 through September 17, 2017.
9. The final findings and determination for the Special Review will be posted on September 18, 2017 and the appeal period will be from September 18, 2017 through September 27, 2017.

## **VII. FINDINGS AND ANALYSIS**

**Finding 1.** *That the proposed special review use meets the purposes set forth in Section 18.04.010 of the Loveland Municipal Code.*

The development of the SBA Ponderosa wireless tower would meet the purposes set forth in Section 18.04.010 of the Loveland Municipal Code by not creating unsafe or unhealthy conditions and will generally promote the health and welfare of Loveland.

**Finding 2.** *That the effects of the proposed special review use on the surrounding neighborhood and the public in general will be ameliorated.*

The effects of this use on the surrounding property owners will be lessened through the site design, tower design, and screening of the project. A 6 foot tall solid wood fence will surround the tower and associated ground equipment. New landscaping will then surround the fence and act as a buffer for the fence and facility. Furthermore, the pine tree design of the tower will partially screen the portions of the tower that extend above the fence and landscape, which should fit with the scattered pine trees situated farther west of the site.

**Finding 3.** *That in assessing the potential effects of the proposed special review use, at a minimum, the following matters have been considered:*

**3a.** *Type, size, amount, and placement of landscaping;*

The landscape plan includes plant types, sizes, and quantities that meet the Municipal Code screening and buffering standards for the proposed use. The landscape plan may be altered to allow a more natural appearance to the landscape design, but the purposes of the screening and buffering standards will still be required to be met.

**3b.** *Height, size, placement, and number of signs;*

No signs are proposed for the site.

**3c.** *Use, location, number, height, size, architectural design, materials, and colors of buildings;*

No buildings are proposed to be constructed on the site. The structures will consist of a monopole tower designed to look like a pine tree (a “monopine”), an associated equipment cabinet, and a 6-foot solid wood fence enclosing the tower and cabinet.

As required by the “Personal Wireless Service Facilities” chapter of the Municipal Code (18.55.130), the tower will be designed to allow for the future collocation of other wireless antennae. At the time any such collocation is proposed, a minor amendment to the special

review for the tower will be needed and staff will review the amendment to ensure that all standards for collocation are met, including screening.

**3d.** *Configuration and placement of vehicular and pedestrian access and circulation;*

Primary vehicular entry and exit points are through the existing driveway off of W. 43<sup>rd</sup> Street that was constructed for the adjacent City of Loveland water tower to the east. No pedestrian connections are required or desired. Fire Department staff have reviewed the special review plan and have indicated that emergency access needs are met with the proposal.

**3e.** *Amount and configuration of parking;*

One parking space is proposed, which will be located off of the driveway just outside of the gate into the fenced area. The space is for use by a service vehicle that will occasionally visit the site.

**3f.** *Amount, placement, and intensity of lighting;*

No lighting is proposed.

**3g.** *Hours of operation;*

Not applicable for wireless towers.

**3h.** *Emissions of noise, dust fumes, glare and other pollutants.*

No emissions of noise, dust, fumes, glare, or other pollutants is anticipated to occur in conjunction with the operation of the wireless facility.

**Finding 4.** *Except as may be varied in accordance with this special review permit, the special review site plan conforms to the restrictions and regulations set forth in the Loveland Municipal Code for the zoning district in which the special review use is located.*

The site plan and landscape plan comply with all normal applicable regulations set forth in the ER Estate Residential District and in the Site Development Performance Standards and Guidelines.

**Finding 5.** *The special review site plan meets the requirements set forth in the Section 16.41 – Adequate Community Services – of the Loveland Municipal code.*

**Transportation:** The adjacent public street is outside city limits and under the jurisdiction of Larimer County. Therefore, Public Works-Transportation did not review this application.

**Fire:** Staff believes that this finding can be met, based on the following facts:

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The cell tower with equipment and fenced enclosure will not negatively impact fire protection for the subject development or surrounding properties.

**Water/Wastewater:** Staff believes that this finding can be met, due to the following:

- The subject development is situated entirely within the City's water and wastewater service area and is also accommodated in the City's Water/Wastewater Master Plan.
- The development is not proposing to connect to City of Loveland Water or wastewater for service. The development is also not proposing to connect to City of Loveland Water service for irrigation.

**Stormwater:** Staff believes that this finding can be met, due to the following:

- This special review site plan and the site development plan comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.

**Power:** Staff believes that this finding can be met, due to the following:

- This development is situated within the City's current service area for power. The proposed development will not negatively impact City power facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City power.
- The special review site plan meets the requirements set forth in Section 16.41.150 - Adequate Community Facilities of the Loveland Municipal Code.

**Building:** Staff believes that this finding can be met, due to the following:

- Construction shall be required to comply with building codes adopted at the time of permit review: 2012 IBC, with amendments, 2014 NEC, and with the provisions of TIA-222.

## VIII. CONDITIONS OF APPROVAL

### **Planning:**

1. All landscaping and site improvements shall be installed with the construction of the tower or suitable financial guarantee provided if weather prevents planting.
2. Any future collocation antennas shall meet all Municipal Code requirements related to co-location, including obtaining all necessary permits prior to installation.
3. The applicant shall connect to water lines, once available, and install permanent automatic irrigation for the trees and shrubbery on the subject site and along the access drive.
4. The applicant shall be responsible for watering all plant material in perpetuity or until permanent irrigation is provided.
5. The landscape plan shall be adjusted to allow for a more natural appearance to the landscape screening.

## **IX. CORRECTIONS**

The site plan and associated construction plans are currently undergoing review by city staff. Certain corrections will be required. The corrections are not of a nature that should impact the site appearance.