

CITY PLANNING COMMISSION AGENDA
August 15, 2019

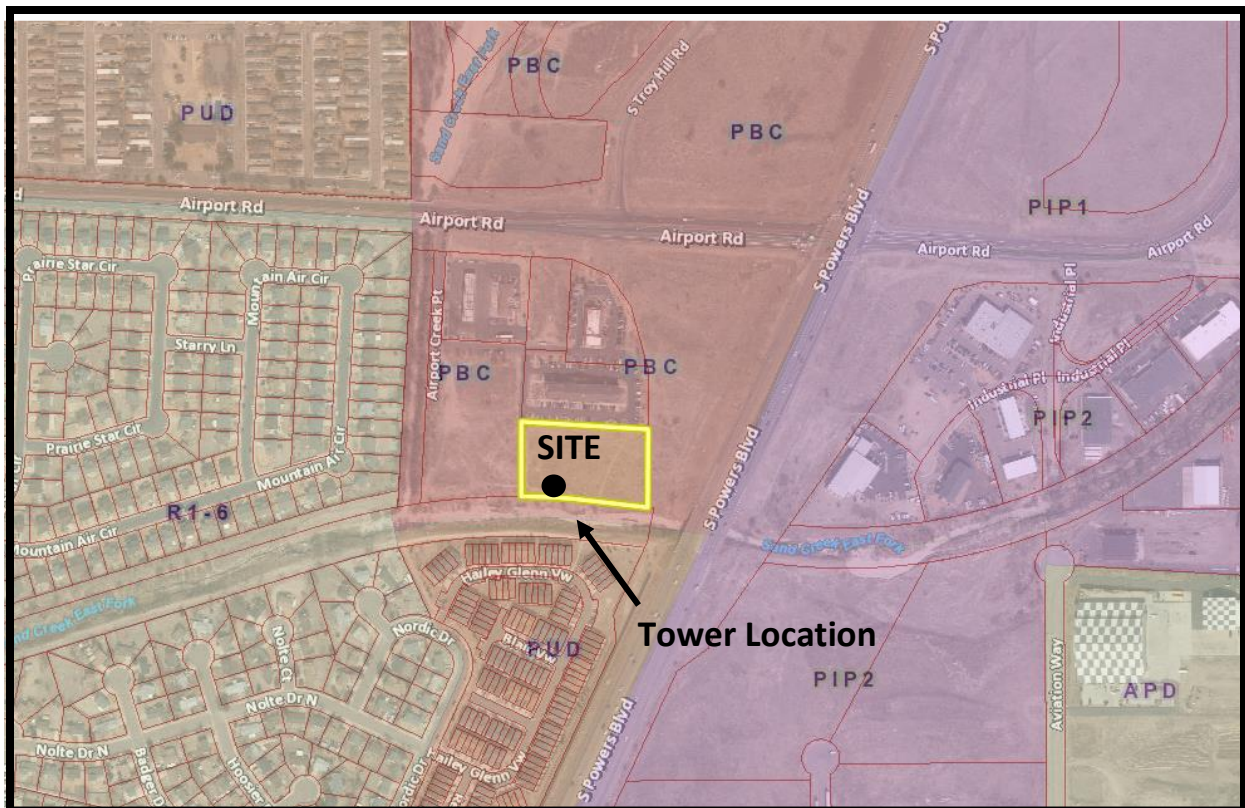
STAFF: RACHEL TEIXEIRA

FILE NO:
CPC CM1 18-00100 – QUASI-JUDICIAL

PROJECT: CMRS AIRPORT CREEK DN01471G – 595 AIRPORT CREEK POINT

APPLICANT/OWNER: COLORADO/NEW MEXICO LAND INVESTMENT LP

CONSULTANT REPRESENTATIVE: FRANCIS LAW FIRM, PC



PROJECT SUMMARY

1. Project Description: The application proposes a 50-foot freestanding stealth tower commercial mobile radio service (CMRS), or cellular tower, in the PBC (Planned Business Center) zone district. The CMRS facility is designed as a monopine tower accompanied with ground equipment screened within a six-foot wooden fence. The 2.13-acre site is an undeveloped land located at 575 Airport Creek Point. (FIGURE 1)
2. Applicant's Project Statement: (Refer to FIGURES 2 AND 7)
3. Planning and Development Team's Recommendation: Staff recommends approval of the application.

BACKGROUND

1. Site Address: 575 Airport Creek Point
2. Existing Zoning/Land Use: PBC (Planned Business Center)/Undeveloped

3. Surrounding Zoning/Land Use:
North: PBC/Convenience Store, Fast Food Restaurant & Hotel
South: Multi-Family Residential
East: PBC/Undeveloped
West: PBC & R-1 6000/Undeveloped & Single-Family Residential
4. Annexation: Pikes Peak Addition #11, May 1971
5. Master Plan: Gateway Park Master Plan - Implemented
6. Subdivision: Airport & Powers Filing No 3
7. Zoning Enforcement Action: None
8. Physical Characteristics: The 2.13-acre undeveloped site has been recently modified with the removal of some the existing substantial vegetation.

STAKEHOLDER PROCESS AND INVOLVEMENT

Staff noticed 299 property owners within a 1,000 foot buffer distance. Three e-mails opposing the monopine cellular tower proposal were received in response to the postcard mailing and the property posting.

Concerns voiced by the neighbors included

- Health implications for neighborhood,
- Monopine tower not compatible aesthetically to the adjacent properties,
- Negative effects and impacts from the towers' electromagnetic radiation,
- Cellular Towers are not safely built, and
- Don't want a cellular tower in the neighborhood. (**FIGURE 4**)

The applicant provided a response to the concerns indicated by the neighborhood. (**FIGURE 5**) Those same neighbors who provided comments were notified again about the resubmitted site plans and project statement that the applicant forwarded to the City Planning Department. These same three neighbors and one additional resident provided e-mails in opposition. (**FIGURE 6**) The comments in opposition were the same as before except for two new, additional concerns; the height of the tower exceeds 45 feet which is the maximum allowed in the PBC zone district, and the monopine cellular tower structure must be located in an area other than in close proximity to the quiet residential neighborhood and businesses.

Revised plans and updated project statement were then submitted along photo simulations for the pine and the site. A description of the need for coverage at this location, reasoning for the height and placement, design specifications and the photo simulations are attached as part of Figures 1 and 7. This packet also includes additional information on the search area summary, antenna specifications, and photo simulations (**Refer to pages 19-28 of FIGURE 7**). These submitted revisions were then provided to those neighbors who provided written response to City Planning. One of the four property owners provided an e-mail in opposition to the resubmittal of the monopine tower project after the two week review comment deadline date. (**FIGURE 8**)

Staff sent the plans to the standard internal reviewing agencies for comments. Those commenting agencies included the Colorado Springs Airport, Colorado Springs Utilities, Traffic Engineering, City Engineering Development Review, and Water Resources Engineering. The Airport provided comments from the Airport Advisory Commission based on the review of the project at the August 22, 2018 meeting. The Airport Advisory Commission has the following comments: At the monthly meeting held Wednesday afternoon, the Airport Advisory Commission approved the recommendations and comments for this land use item.

All agency comments have been addressed for this project. The property will be posted and mailing notification sent prior to the August 15th City Planning Commission Hearing.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE

1. Review Criteria/Design & Development Issues

The conditional use request is for the installation of a 50-foot stealth monopine structure with ground based facilities situated 32 feet away from the southern property line for the 575 Airport Creek Point property. A monopine is mobile phone tower designed to look like a pine tree. The monopine is considered to be a 'Stealth Freestanding Facilities' per Code Section 7.4.608.B.1. The section states "Stealth freestanding facilities' are freestanding CMRS facilities that are designed to substantially conceal and camouflage the antennas and associated equipment and are typified by bell towers, flagpoles, parking lot light poles, clock towers, decorative architectural features, tree towers, etc." The tree tower conceals the antenna and associated equipment that are attached to the structure.

The code does permit stealth freestanding facilities as permitted within the PBC zone district per Zoning Code Section 7.4.603 under the Mixed Use, Commercial and Industrial zone table. A development plan review is required for administrative review and approval, providing that the remaining CMRS code requirements are met, including the setbacks and height based on the zone district of the property.

City Planning Staff questioned the consultant on the type of cellular tower, and the location for the site, and the consultant provided documentation (**FIGURE 7**) in response to the neighbors' concerns. The consultant representative considered other stealth designs, and that the other types, a sign or bell tower, would draw more attention to the space as opposed to the monopine cell tower design. There was the idea of using a flag pole or slick stick structure; however the applicant indicated that the size of T-Mobile's antennas would not fit inside the pole. The consultant also responded to the location of the CMRS facility. The relocation was not possible due to the 50' x 50' compound for the tower and the associated equipment for the CMRS cellular facility. There was not enough room to locate an area of this size, and also the relocation of the tower is not possible since the property was not owned by their landlord, and the property was the right-of-way of CDOT.

The consultant considered other sites outside of the search ring for cellular sites, and this information is provided with an Alternative Candidate Analysis. (**Refer to pages 8-10 of FIGURE 7**). The information provides the reasons why the need for the location of the proposed tower and the request height.

The site plan also illustrates the tower providing accommodation for another cellular carrier to co-locate. The equipment compound is a 17'x70' area enclosed with a 6-foot high wooden slat fence. Landscaping is planned on the south side of the compound to soften the visual aesthetics of the facility from the adjacent residential neighborhood.

CMRS Code Section 7.4.606.B.2 for Freestanding CMRS Facilities Setback Standards states that "CMRS facilities shall comply with the side and rear yard setback requirements for principal structures of the zone district in which they are located or the setback shall be twenty percent (20%) of the height and associated equipment, whichever is greater." The PBC zone district requires a 25-foot side yard and a 25-foot rear yard setbacks, and a twenty percent (20%) of the height calculation of a 50-foot high tower is 10 feet. The greater setback distance requirement per this section is 25 feet based on the 25 feet PBC zone district standard. The proposed tower is setback a distance of 36 feet from the southern property line where a minimum of 25 feet setback distance is required. Note that the side yard setbacks are 80 feet from the west, and 250 feet from the east as illustrated on the site plan.

A "stealth freestanding CMRS facility" or a cellular tower designed to blend into the surroundings, is permitted in all commercial zone districts. However, when the request is that the CMRS stealth facility exceeds the height for the zone district a conditional use approval from the City Planning Commission is required per Zoning Code Section 7.4.606.A.1. This PBC zoned property has a maximum building height of 45 feet and the project proposes a 50-foot stealth monopine tower with ground based facilities.

The installation of the 50-foot cellular monopine tower and ground based facilities will improve the existing service coverage in this residential area of Colorado Springs and to add capacity and service quality to existing service coverage for the neighborhood. The City Code encourages the co-location of CMRS equipment of various carriers on the same structure where feasible and where the visual impact of having one taller facility is determined to be more desirable than having addition tower facilities constructed in the same vicinity.

In general, the City can only regulate the visual impact, the location, and the height and type of the cellular telecommunications facilities. The Federal Communications Commission (FCC) has the exclusive power to set the standards for radio frequency emission. The City is prohibited from denying CMRS telecommunications facilities on the basis of health concerns. The wireless providers operate within the strict frequencies and guidelines established by the FCC under the Telecommunications Act of 1996 and the Middle Class Tax Relief and Job Creation Act of 2012 through the federal regulatory process.

Staff finds that the proposed the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608.

2. Conformance with PlanCOS

PlanCOS, the City's adopted Comprehensive Plan, is a high level and visionary document as a theme based approach to alignment of development intentions for the City. The CMRS conditional use development plan for the installation of a CMRS telecommunications facility appears to be consistent with the envisioned land use patterns for the subject parcel (**FIGURE 3**) as it relates to one theme in PlanCOS. This theme is especially pertinent to this project, Unique Places. (**FIGURE 9**)

Unique Places

This neighborhood is located in the Airport and Powers activity center, which is considered as a mature/redevelopment corridor type in the PlanCOS. There is a great deal of opportunity for commercial growth for infill opportunities as such the property is a currently a vacant, commercial site adjacent to existing residential neighborhood to the west and south. The GOAL UP-2 notes the thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market. The cell tower installation will provide the stimulus needed to bring new development growth in this vacant commercial site. The infrastructure for the tower to be installed, and the activity occurring with the installation being built will create the support necessary to complete the rest of the vacant site to develop into a commercial center.

3. Conformance with the Area's Master Plan

This site is part of the Gateway Park Master Plan. This master plan is implemented as a commercial site and does not have to be amended to reflect the proposed telecommunications cell tower facility. The stealth tower is accessory to the commercial land use designations and allows for cellular coverage through the vicinity.

STAFF RECOMMENDATION:

CPC CM1 18-00100 – CMRS CONDITIONAL USE

Approve the conditional use for the CMRS Airport Creek DN01471G Conditional Use Development Plan based upon the findings that the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608.