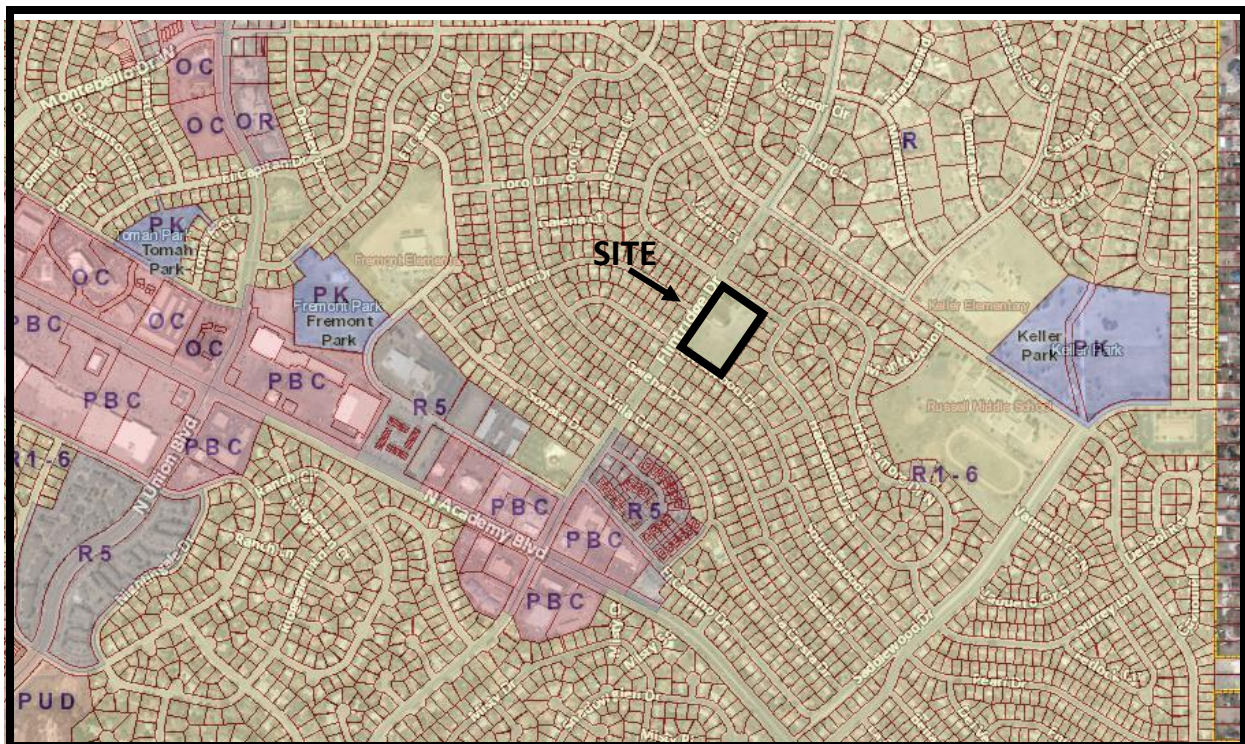


CITY PLANNING COMMISSION AGENDA

STAFF: RACHEL TEIXEIRA

FILE NO:
CPC CM1 17-00020 – QUASI-JUDICIAL

PROJECT: STEALTH COMMERCIAL MOBILE RADIO SERVICE CELLULAR TOWER
APPLICANT: RETHERFORD ENTERPRISES, INC.
OWNERS: CENTER FOR SPIRITUAL LIVING



PROJECT SUMMARY

1. Project Description: The application proposes a commercial mobile radio service (CMRS) installation on a 3.11-acre site zoned R1-6000/AO/CU/UV (Single-Family Residential, Airport Overlay with Conditional Use and Use Variance). The CMRS is a stealth facility designed as a 13-foot cupola on top of the existing church structure. Supporting ground equipment will be installed adjacent to the church facility and screened inside a fenced compound. The site is located at 5075 Flintridge Drive. **(FIGURE 1)**
2. Applicant's Project Statement: **(Refer to FIGURE 2)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the application.

BACKGROUND

1. Site Address: 5075 Flintridge Drive

2. Existing Zoning/Land Use: R1-6000/AO/CU/UV (Single-Family Residential, Airport Overlay with Conditional Use and Use Variance)/Religious Institution
3. Surrounding Zoning/Land Use:
 - North: R1-6000/Single-Family Residential
 - East (of Hopeful Drive): R1-6000/Single-Family Residential
 - West: County Residential Property/Single-Family Residential
 - South: R1-6000/Single-Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Garden Ranch Addition No. 24, June 1, 1970
6. Master Plan/Designated Master Plan Land Use: No Master Plan
7. Subdivision: Vista Grande Subdivision Filing Number 24
8. Zoning Enforcement Action: None
9. Physical Characteristics: The 3.11-acre site is improved with a 27,500 square foot religious institutional building (Lighthouse Baptist Church).

STAKEHOLDER PROCESS AND INVOLVEMENT

Staff noticed 472 property owners within a 1,000 foot buffer distance at the initial application submittal and notification of the neighborhood meeting held on July 11, 2017. The property will be posted and mailing notification sent prior to the November 16th City Planning Commission Hearing. Since the original posting, 13 e-mails and two petitions opposing the proposal were received. **(FIGURE 3)** The main concerns voiced by the neighbors include health implications, negative impacts on property values, better location for the tower, tallest structure in the neighborhood, interference with television reception, and overall opposition to a cell tower in the neighborhood.

The proposal was modified from a freestanding 45'-6" cellular tower adjacent to the building to a 13' x 13' rooftop cupola based on those concerns from the neighbors. Revised site plans and project statements were provided to those neighbors who either e-mailed comments and/or requested the documentation at the internal review of the project. **(FIGURE 5)** No one provided any additional written comments on the submitted revisions to Planning and Community Development.

At the neighborhood meeting held on July 11, 2017, over 41 property owners and neighbors were in attendance. While the original proposal submitted was a freestanding cellular tower adjacent to the church, the proposal presented at the meeting was to change that original project design from a freestanding 45'-6" cellular tower adjacent to the building, into a 13' x 13' rooftop cupola. In addition, the cupola was moved on the other side of the site; instead of being adjacent to Mira Loma Circle, it's now on top of the west side of the church building away from the residences. The design change to a cupola addressed some of the neighbor concerns; the height of the cellular tower, the location, and the design type of cellular facility. The residential neighbors submitted more comments opposing the proposal at the neighborhood meeting. **(FIGURE 4)**

Staff sent the plans to the standard internal reviewing agencies for comments. Those commenting agencies included Colorado Springs Utilities, Traffic Engineering, City Engineering Development Review, and Water Resources Engineering. All agency comments have been addressed for this project.

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 13'x13'x13' rooftop cupola structure with ground based facilities situated adjacent to the church building on the southwest corner of the property. This 13-foot rooftop cupola structure is to include 12 panel antennas and related equipment inside the cupola. The cupola is located on top of the church building. The ground equipment facility is a 17'x9'x6' compound screened with a wood fence designed to match the existing fences on the property. The cupola has been designed to complement the existing building occupied as a religious institutional land use.

A “stealth freestanding CMRS facility”, or a cellular tower designed to blend into the surroundings, is permitted in all residential 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. This R1-6000 zoned property has a maximum building height of 30 feet; the project proposes an additional height of 13 feet for the rooftop cupola, which exceeds the building height with a 44 foot total building height.

CMRS conditional use applications allow for stealth and non-stealth freestanding facilities within residential zones on multi-family, institutional, or nonresidential sites including churches, schools, museums, (etc.) per the City Zoning Code Section 7.4.604. It does not permit CMRS freestanding facilities in conjunction with a single-family or two-family residential building.

There were over thirteen letters and two attached petitions in opposition from property owners pertaining to the CMRS facility proposal. **(FIGURE 3)** Based on those concerns from the neighborhood, the proposal was modified from a 45'-6" cellular tower adjacent to the building to a 13'x13' rooftop cupola in order to mitigate visual concerns. Those revised site plans and project statements were provided to those neighbors who either e-mailed comments. No additional comments were received based on the revisions to the plan. More concerns were noted at the July 11th neighborhood meeting. **(FIGURE 5)**

Installation of the rooftop cupola and ground based facilities is required to 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. There is another CMRS cellular facility application currently under review about two blocks away from this site. The City Code encourages the collocation 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 two or more tower facilities constructed in the same vicinity.

City Staff has worked with both CMRS applicants to discuss the option of collocating, and reverting back to a taller tower structure. Verizon wireless assessed the possibility of co-location on this specific property. However, Verizon could not revise the CMRS facility design of the cupola without impacting the size and height of the cupola structure. The additional height would be required in order to accommodate other carriers based on Federal regulations for CMRS facilities. Another option was to revert back to the original free-standing cellular tower and increase the height. This increase in height from a 45'-6" to a 60-foot cellular tower was not feasible due to the appearance of the structure which would clearly be out of character in the residential neighborhood and the lack of cellular coverage necessary for the other cellular wireless carriers.

In general, City zoning 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 operates within the strict frequencies and guidelines established by the FCC under the Telecommunications Act of 1996.

A map of the neighborhood illustrates the existing cellular facilities located within this area of the community. **(FIGURE 6)** The coverage includes many wall and roof mounted antennas in the vicinity and two cell tower sites situated in the Austin Bluffs Parkway and North Academy Boulevard area. Note that an application for a cellular tower at this location (File No. CPC CM1 10-00023) was submitted in 2010 and subsequently withdrawn by the applicant prior to any formal action by the City. Verizon wireless has determined that cellular coverage is needed due to numerous customer complaints on the lack of wireless coverage and that increased demand for wireless data from smartphones, tablets, and laptops in the Flintridge Drive corridor.

Staff finds that the proposed conditional use meets the conditional use findings as set forth in City Code Section 7.5.704.

2. Conformance with the City Comprehensive Plan

The Comprehensive Plan's 2020 Land Use Map designates this area as General Residential. The services provided by the proposed stealth tower and ground equipment facility support the existing residential neighborhood and are critical to surrounding community.

Objective CCA 1: Maintain a Positive Relationship between the Built Environment and the Natural Setting

Colorado Springs is a uniquely identifiable community due to its spectacular natural setting at the base of Pikes Peak. One of the greatest challenges facing the community is to develop a city worthy of that setting. Thoughtful design and enhancement of the community's civic buildings, public and private places, residential areas, gateways, and streets strengthen the community's identity and convey a positive visual image. Colorado Springs will maintain a positive relationship between its built environment and its natural setting and scenic qualities.

Policy CCA 101: Preserve the Character of the Community's Natural Setting

Preserve and enhance the character of the community through design that maintains views to the Front Range and other significant landmarks and integrates natural features into the land use pattern.

Strategy CCA 101b: Protect Significant Views

Protect views and view sheds of significant natural features, including stream corridors, prominent landforms and the foothills. Utilize a combination of incentives, acquisition where appropriate, and regulations such as height controls, site location criteria, and design standards.

Objective CCA 6: Fit New Development into the Character of the Surrounding Area

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

Policy CCA 601: New Development Will be Compatible with the Surrounding Area

New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

Strategy CCA 601a: Require New Developments to Provide a Description of Project Character

Development plans will include a description and visual depiction of the existing or planned physical context and character of the proposed development, including preliminary architectural design, natural features, transportation systems, and functional and visual impacts. In addition, development plans will demonstrate conformance with the intent of the applicable design standards and guidelines, as they are adapted to the specific site and context.

Staff finds that the requested conditional use conforms to the City's Comprehensive Plan 2020 Land Use Map and the Plan's objectives, policies, and strategies.

3. Conformance with the Area's Master Plan

There is no Master Plan.

STAFF RECOMMENDATION:

CPC CM1 16-00132 – CMRS CONDITIONAL USE

Approve the conditional use for the CMRS at 5075 Flintridge Drive 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.