



Meeting Minutes - Draft Planning Commission

Thursday, February 20, 2020

8:30 AM

Council Chambers

Code Amendments

- 6.I. [CPC CA 20-00019](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards for Wireless Communication Facilities (WCF), including Small Cell Facilities

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Joshua Pace, Senior Contracting Specialist with Office of Sustainability, explained the changes in the code for Wireless Cell Facilities (WCF), Small Cell Facilities, the background, FCC and State requirements.

Morgan Hester, City Planning, presented a PowerPoint with the scope and intent of these code amendments.

The code amendments will address:

CPC CA 20-00019 (CMRS to WCF -Wireless Communication Facilities and Small Cell Regulations)

- Updated definitions and references to include more current technology
- Modifications requirements
- Application Process
- Inventory mapping
- Design Standards
- Setbacks
- Affidavits

CPC CA 20-00020 (Eligible Facilities Requests)

- Modifications to non-small cell facility sites
- Define "Substantial Change"
- Establish submittal requirements in the review process
- Establishes shot clocks

CPC CA 20-00023

- Clean up all land use tables and all references to CMRS

Questions:

Commissioner Rickett mentioned with the alternative structure, the height could be either 40-feet or 5-feet taller than any existing utility or traffic pole within 600 feet and asked if that was either/or.? Ms. Hester said they could pick either/or.

Commissioner Rickett said it was interesting on the tower itself that no tower shall exceed 15-feet in height above the maximum structure height within the applicable zoning district. Commissioner Rickett asked what the definition was for maximum structure height? Is that an existing structure? Is that the allowable height within that zone?

Ms. Hester clarified that it was the maximum height of the district.

Commissioner Rickett asked then if there is a 45-foot maximum height, the tower could go 15 feet higher than that? Ms. Hester said that was correct.

Commissioner Rickett said he was concerned with that because further on, it allows you to add to those as well, so you can start out with 15-feet above the allowable, and then add either 10 or 20 feet for a next section of 10. It will just continue to grow.

Ben Bolinger, City Attorney, pointed out the definition of alternative towers structures that were part of the reason why the height is four feet higher than surrounding utility infrastructures, as that part of the definition of a small cell facility that we are required to allow. Mr. Bolinger said it doesn't matter what we set our height, we could set our height at 50-feet, we'd have to allow them 70-feet. At 100-feet, we'd have to allow them 120. That's what the FCC created.

Commissioner Rickett said his point was if we are already setting the height 15-feet higher than what's allowed in that zoning district, that tower is going to continue to grow with new service.

Attorney Bolinger explained that you get eligible facility requests once. If the max height is 100-feet, then they only get to go to 120-feet. You can't go to 140-feet.

Commissioner Raughton asked if screening, architectural integration and landscaping around the towers was considered. Ms. Hester said we have what is in the code currently, but there isn't much that touches on it. In the new ordinance, we have provided more regulations, but at the same time there more flexibility. Commissioner Raughton asked if we were encouraging clock towers, steeples, landscaping on those that are freestanding? Ms. Hester said the

ordinance has stronger definitions for stealth and camouflage towers.

Commissioner Rickett asked if the zoning heights apply to right-of-ways? Ms. Hester explained that WCF's would most likely be located on private property and small cell is most likely going to be in right-of-ways. There are height requirements in the design standards for the small cell facilities.

Mr. Bolinger clarified that under this ordinance, only small cells are allowed in the right-of-way. The height is 40 feet, but we have to allow up to four feet tall than the surrounding things.

Commissioner Raughton asked about language to be added to the online standards.

Ms. Meggan Herington, Assistant Director of Planning & Community Development, explained that stealth was defined with the WCF. The WCF code talks about when we are going to ask for stealth and what stealth is. There is also language in there about fencing and about landscaping specifically in the code and then we reference out to the design standards. Ms. Herington asked Ms. Hester to point on in the ordinances where that language was located.

Ms. Hester referenced the ordinance and showed where the language could be found and commented that the design standards that have been established are specific to small cell facilities and would not apply to a tower.

Supporters:

N/A

Opponents:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to recommend to the City Council adoption of an ordinance amending Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions, and Land Use Types and Classifications) and repealing and reordaining Part 6 (Commercial Mobile Radio Service (CMRS) Regulations) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities.

The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

- 6.J. [CPC CA 20-00020](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards specific to modifications of macro cellular communication sites on private property, in accordance with Federal regulations

Presenter:
Morgan Hester, Principal Planner
Peter Wysocki, Director of Planning and Community Development

See Item 6.I. (CPC CA 20-00019)

Motion by Commissioner Eubanks, seconded by Commissioner Rickett, to recommend to the City Council adoption of an ordinance creating Part 7 (Eligible Facilities Requests) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Eligible Facilities Requests.

The motion passed by a vote of 6:0:3:0

- Aye:** 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson
- Absent:** 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

- 6.K. [CPC CA 20-00023](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code revising all references to include Small Cell Facilities and Wireless Communication Facilities (WCF) from Commercial Mobile Radio Service (CMRS)

Presenter:
Morgan Hester, Principal Planner
Peter Wysocki, Director of Planning and Community Development

See Item 6.I. (CPC CA 20-00019)

Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to recommend to the City Council adoption of an ordinance amending Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities and Eligible Facilities Requests.

The motion passed by a vote of 6:0:3:0

- Aye:** 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson
- Absent:** 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald