

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, September 18, 2019**

SUBJECT: PUBLIC HEARING

1. Special Review Use

Resolution P19-25: A Resolution Of The Planning Commission Of The Town Of Erie Recommending That The Board Of Trustees Approve A Special Review Use For A Telecommunication Facility.

2. Site Plan

Resolution P19-26: A Resolution Of The Planning Commission Of The Town Of Erie Recommending That The Board Of Trustees Approve A Site Plan Amendment For A Telecommunication Facility.

PURPOSE: Consideration of a Special Review Use and Site Plan Amendment application for a 105 foot tall wireless communication tower.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Audem Gonzales, Senior Planner

STAFF RECOMMENDATION:

1. Special Review Use

Staff finds the Special Review Use application for the PSCo Telecommunication Facility in compliance with the Special Review Use Approval Criteria and recommends the Planning Commission adopt Resolution No. P19-25 recommending approval to the Board of Trustees.

2. Site Plan

Staff finds the Site Plan Amendment for the PSCo Telecommunication Facility in compliance with the Site Plan Approval Criteria and recommends the Planning Commission adopt Resolution No. P19-26 recommending approval to the Board of Trustees with the following conditions of approval:

- a. The Special Review Use for the telecommunication facility shall be approved before approval of the Site Plan Amendment comes into effect.
- b. The applicant shall make technical corrections to the Site Plan Amendment and related documents as directed by Town staff.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

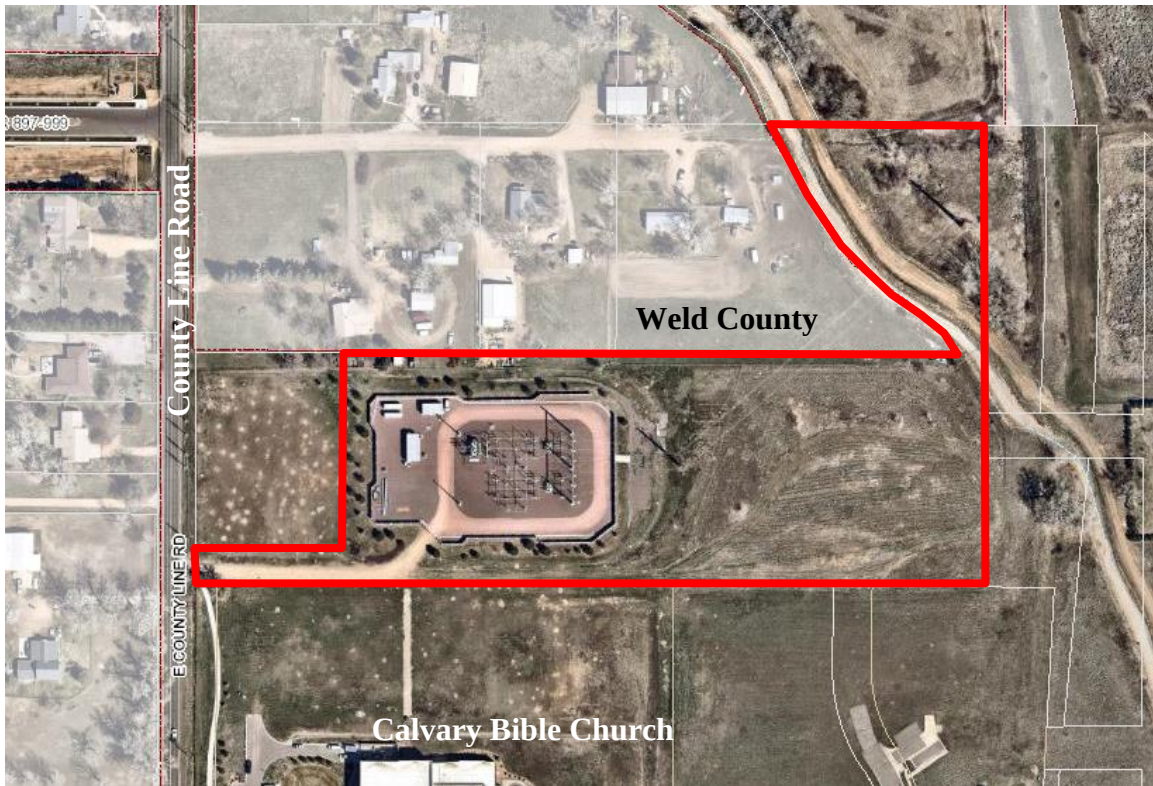
Applicant: Public Service Company of Colorado (Xcel Energy)
1800 Larimer Street, Suite 400
Denver, CO 80202

Existing Conditions:

Zoning: Public Lands & Institutions (PLI)
Project Size: 8.935 Acres
Existing Use: PSCo Substation

Location:

The property is generally located northeast of the County Line Road and Evans Street intersection. The property is directly north of the Calvary Bible Church.

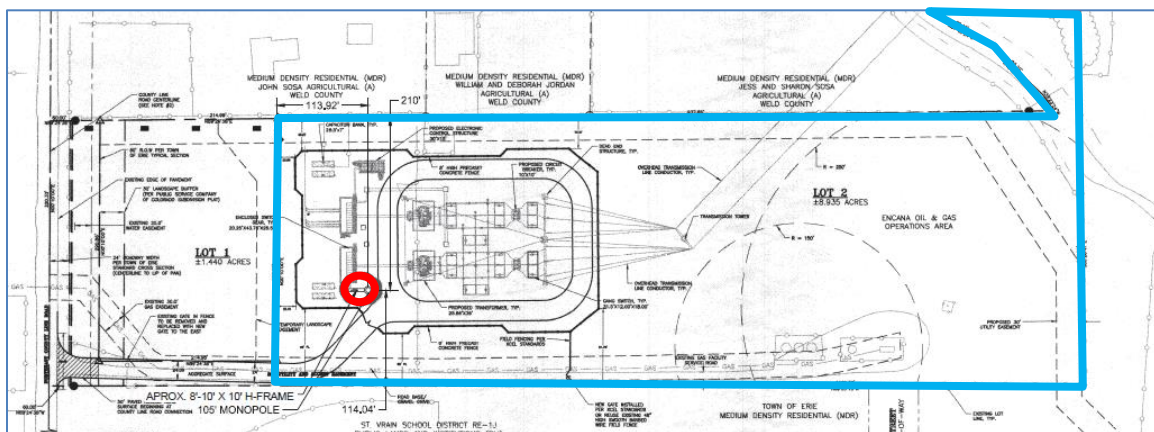


Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	A-Agricultural (Weld County)	Single Family Homes
EAST	PLI-Public Lands & Institutions	Vacant
SOUTH	PLI-Public Lands & Institutions	Calvary Bible Church
WEST	B-Business	Vacant

Project Information:

An Xcel power substation facility was approved on the site in 2008 via Special Review Use and Site Plan applications. The project included multiple towers, utility equipment, 8' tall concrete fence and landscaping. The original Site Plan permitted a transmission line tower at a height of 135 feet, however, after final design, the structure was constructed at 85 feet. The current application for a Special Review Use and Site Plan Amendment proposes adding a 105 foot tall wireless communication tower within the existing substation site. Three 29" tall antennas would be placed on the new tower. The applicant stated this project is the first step and key component to PSCo's new intelligent, integrated grid called the Advanced Grid that brings greater value to the experience of PSCO's customers. The Advanced Grid provides faster, more efficient service and shorter, better managed outages by connecting the electric grid with new energy devices and technology.



The blue line shows the lot boundaries and red circle shows the location of proposed tower within the existing substation

Color and Materials:

The monopole tower is proposed with a galvanized treatment, which is grey in color. The existing transmission structures and equipment/facilities within the substation yard are of similar color and treatment.

Lighting:

No additional lighting is proposed for this project.

Screening and Landscaping:

The fenced area of the substation is approximately 1.6 acres and consists of a concrete fence 8 feet in height. The proposed tower is located within the fenced area of the substation. There are no buildings proposed with this application. Landscaping outside of the substation yard consists of previously Town approved landscaping. The west portion of the site contains earth berming, evergreen trees and shrubs. No additional landscaping is required with this project.

Setbacks:

The proposed tower is located 210 feet from the north property line, ~114 feet from the west property line, ~114 feet from the south property line and over 800 feet from the east property line. The Unified Development Code requires new wireless communication towers be set back from residential properties at least 2X the height of the proposed tower. In this case, that would be 210 feet from the north property line which the applicants have met and have shown on the Site Plan.

Special Review Use Analysis:

The Special Review Use was reviewed for conformance with Municipal Code, Title 10, Section 7.13.C.9, Approval Criteria and Section 3.2.B.2.d specific to a Non-Concealed Freestanding Towers. Staff finds the Special Review Use for the Telecommunication Facility in compliance with the Special Review Use Approval Criteria as listed below.

- a. The proposed use is generally consistent with the Town's Comprehensive Master Plan and all applicable provisions of this UDC and applicable State and Federal regulations;

The Comprehensive Plan designates this property as Public/Quasi Public. This land use category anticipates facilities for essential public services such as electrical substations, water and wastewater facilities, and other similar uses. Staff finds this project proposal is consistent with the Comprehensive Plan.

Per the UDC, this proposal requires an amendment to the existing Site Plan. The applicant is required to comply with all Federal Communications Commission (FCC) regulations related to telecommunications facilities.

- b. The proposed use is generally consistent with the purpose and intent of the zoning district in which it is located;

The purpose described in the Public Land & Institutions zone district section of the Code states these areas are for the development of public or quasi-public facilities or private facilities of a non-commercial character. The proposed wireless communication tower has been determined to be a non-commercial project. This antenna array is one of many that PSCo is installing throughout the PSCo Service Territory and together they will comprise PSCo's new Field Area Network (FAN). A Telecommunication Facility is permitted in every Town zone district through the Special Review process.

- c. The proposed use is generally consistent with any applicable use-specific standards set forth in Section 3.2;

Use Specific Standards (10.3.2.B.2.d)

Height

The base height for all freestanding towers without the bonus height permitted for collocation is 75 feet. The maximum permitted height for freestanding towers using the bonus height permitted for collocation is 150 feet.

The proposed tower is 105 feet tall. The applicant is not proposing collocation and is asking for a taller height through the Special Review Use process.

Height for a freestanding tower shall be measured from grade to the highest point on the tower structure, including any installed antennae and lighting and supporting structures.

The elevations show the height has been properly measured.

Tower structures shall not exceed the height limits set forth in Section 2.7.(B).

Section 2.7 of the UDC is specific to various overlay zones that exist within the Town, this property is not located within any of those overlay zones and therefore this is not applicable.

Additional height beyond the maximum permitted in this Section may be approved by Special Review Use permit.

The applicant is asking for a height that exceeds the 75 foot maximum for freestanding towers that do not provide collocation. A feasibility study was performed that evaluated the heights of the pole and determined that a lower monopole reduces the signal coverage to an unacceptable level. The applicant has also stated several reasons for not collocating other antennas on the site; safety and access concerns, cyber security, interference with electric equipment in the substation, engineering limitations of the monopole design, and maintenance coordination. There are several reasons why requiring collocation would create multiple burdens on the applicant for a property that is already substantially developed.

Collocation Required

Each new tower shall be designed to accommodate 1 additional user's equipment for every 25 feet of tower height above 75 feet.

The proposed tower is 105 feet tall. The applicant is not proposing collocation and is asking for a taller height through the Special Review Use process.

Applicants seeking to erect a tower greater than 75 feet in height, and proposed to be located within 3,000 feet of any communication tower greater than 75 feet in height, shall provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed tower(s) or that no existing tower(s) will technically satisfy the applicant's needs.

There are no towers greater than 75 feet that are within 3,000 ft of the project.

Setbacks

All freestanding towers shall be set back from the property boundary a distance equal to the height of the proposed tower. In addition, all freestanding towers shall be set back from all existing dwelling units and property zoned residential or mixed use by a minimum of 200 feet, or at least 2 times the height of the proposed tower, whichever is greater. All supporting mechanical base equipment shall be set back from property lines by at least the minimum distance required for principal uses in the applicable zone district and shall be screened from public view. The Community Development Director may reduce setbacks using the Minor Modification process if the applicant can demonstrate that the structure will not collapse and not topple.

There are existing residential dwellings located to the north of the project area. The applicant has strategically located the tower to be exactly 210 feet from that property line which is 2 times the height of the proposed tower. Staff finds that the applicant has met this requirement.

- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The proposed Telecommunications Facility is compatible with the adjacent uses. The long term anticipated impact of the facility is the potential visual impact however, in this case the visual impact will be largely mitigated by the existing screening provided and existing towers/structures associated with the PSCo power substation. The new tower will be the tallest structure on the property but not the most impactful.

- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable;

Significant adverse impacts are not anticipated for this use.

- f. Facilities and services (including sewage and waste disposal, water, gas, electric, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

Necessary utilities and services are readily available on the site.

- g. Adequate assurances of continuing maintenance have been provided; and

The PSCo power substation currently undergoes continued maintenance. The applicant stated the new tower will also receive continuing maintenance.

- h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent reasonably practicable.

Adverse impacts on the natural environment are not anticipated.

Site Plan Analysis:

The Site Plan was reviewed for conformance with Municipal Code 10.7.12.F.9 Approval Criteria. Staff finds the Site Plan in compliance with the Site Plan Approval Criteria as listed below.

- a. The Site Plan is generally consistent with the Town's Comprehensive Master Plan;

The Comprehensive Plan designates this property as Public/Quasi Public. This land use category anticipates facilities for essential public services such as electrical substations, water and wastewater facilities, and other similar uses. Staff finds this project proposal is consistent with the Comprehensive Plan.

- b. The Site Plan is generally consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;

The proposed project requires an amendment to the existing Site Plan for the property. The applicant has properly amended that plan.

- c. The Site Plan complies with all applicable development and design standards set forth in this Code, including but not limited to the provisions in Chapter 2, Chapter 3, Chapter 4, and Chapter 6;

The site plan generally complies with the development and design standards of the Code.

- d. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

Adverse impacts are not anticipated. There is an existing screen fence made of concrete that screens existing and proposed equipment up to 8 feet in height. The height of the proposed tower falls under the originally approved height of 135 feet for a transmission line tower.

- e. The development proposed on the Site Plan and its general location is or will be compatible with the character of surrounding land uses.

The proposed Telecommunications Facility is compatible with the adjacent uses. The long term anticipated impact of the facility is the potential visual impact however, in this case the visual impact will be largely mitigated by the existing screening provided and existing towers/structures associated with the PSCo power substation. The new tower will be the tallest structure on the property but not the most impactful.

Neighborhood Meeting:

As required by the Municipal Code a Neighborhood Meeting was held on August 20 at 5:30 p.m. in the Erie Community Recreation Center. The required notice for the Neighborhood Meeting was provided.

Public Notice:

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	August 28, 2019
Property Posted as required:	August 30, 2019
Letters to Adjacent Property Owners:	August 30, 2019

Public Comments:

No written public comment has been received for these applications.