



## **Case # A-1750-H-20 Nativity Lutheran Church**

Location: 12500 E. 104<sup>th</sup> Ave

Applicant: Michael Bieniek / LLC Telecom Services

Request: 15' height exception for the construction of a concealed telecommunication Tower

# Notice

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All Information pertinent to notice and  
Publication is in the Record.

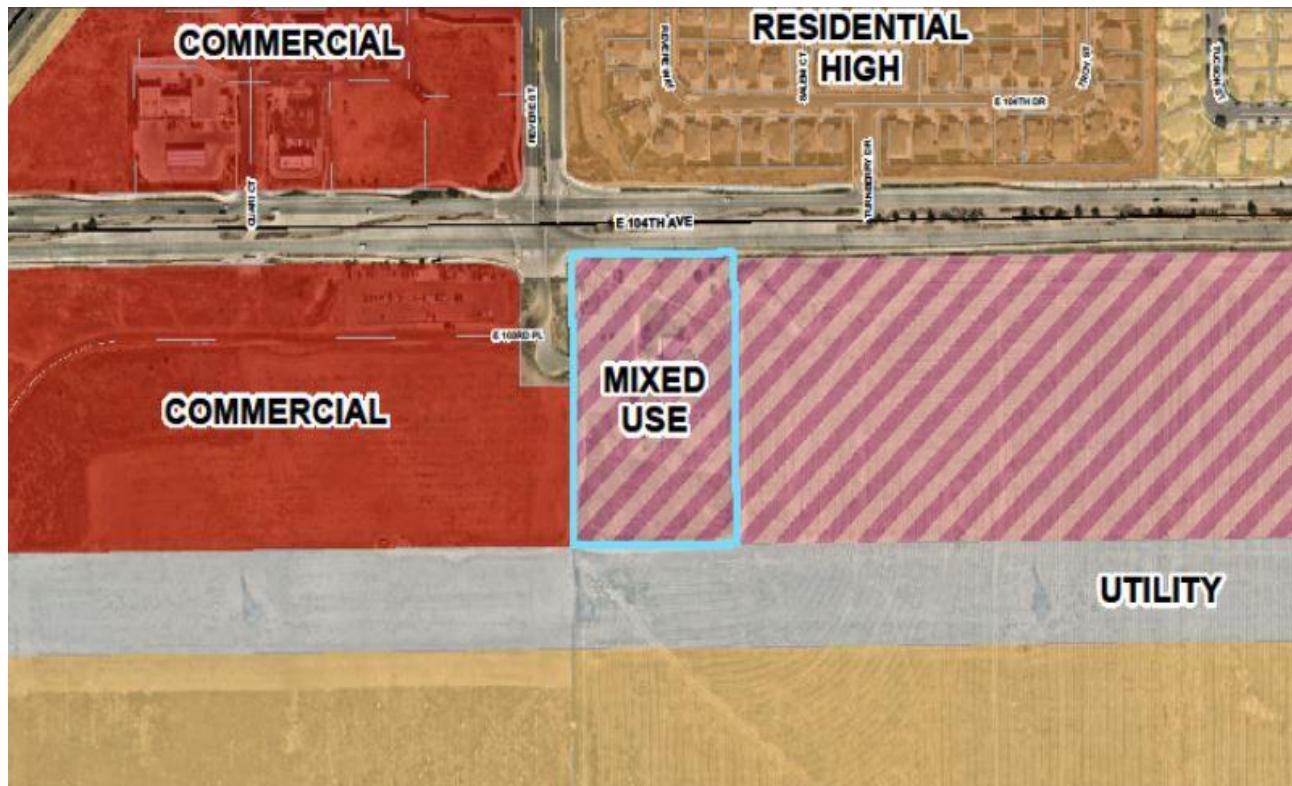


# Site Summary

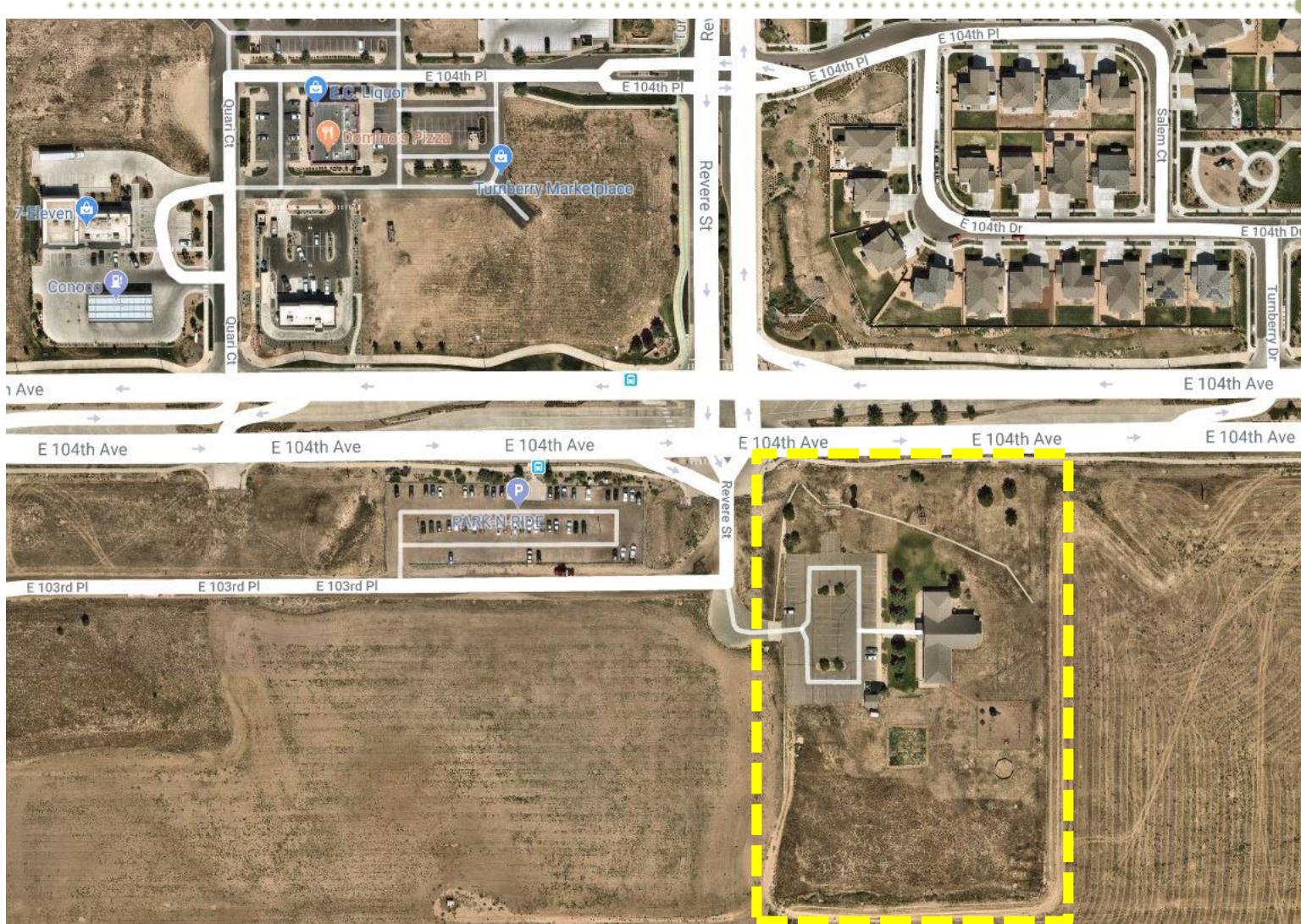
- **Address:** 12500 E. 104<sup>th</sup> Ave.
- **Lot Size:** 4.99 Acres
- **Annexation into Commerce City:** AN-131-96
- **Current zoning:** C-3 Regional Commercial District (Z-692-98-20)
- **Current Use:** Use-by-Permit for Church (A-1403-98)
- **Future land use:** Mixed Use



# Future Land Use Plan



# Aerial View



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# Current Site Photos

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# Request

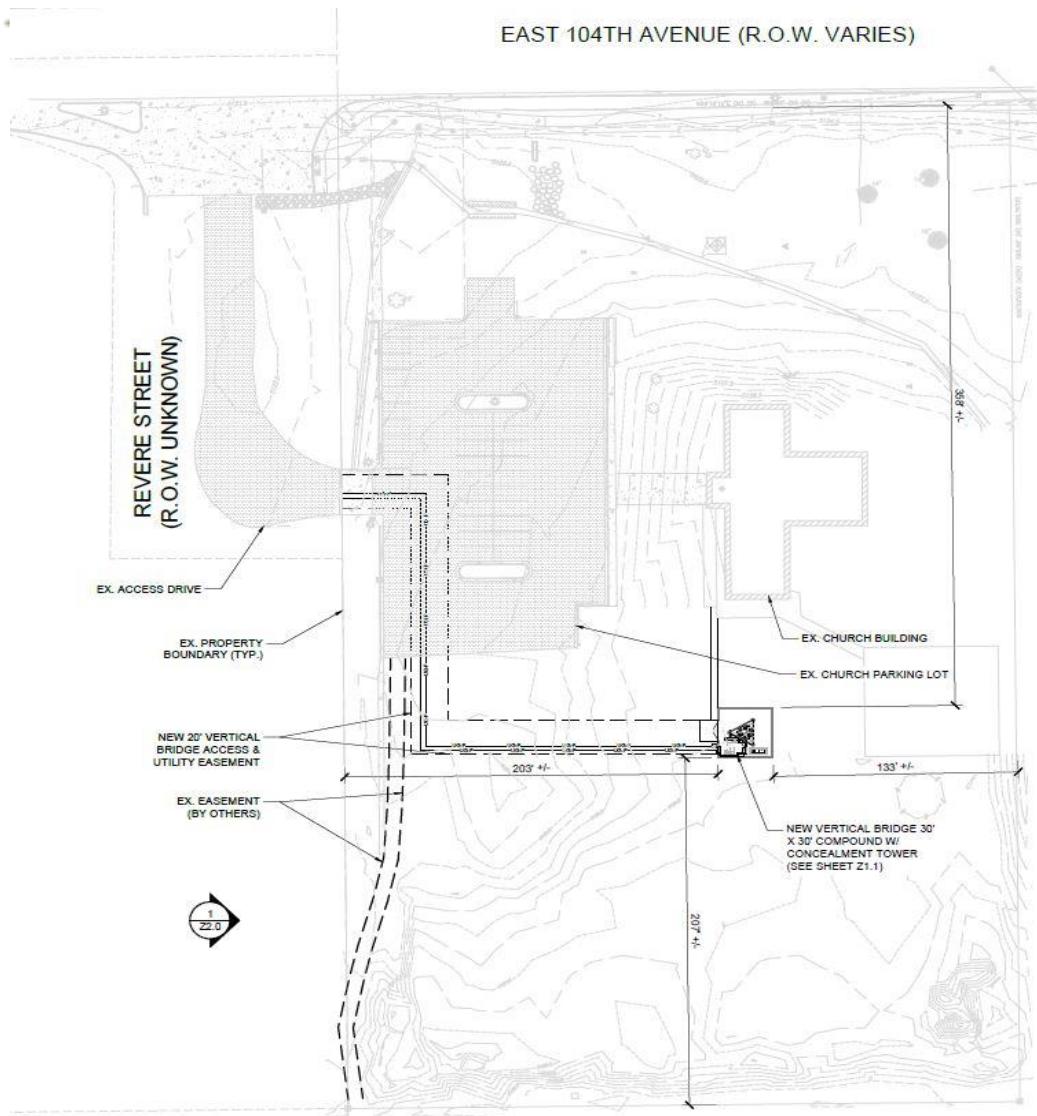
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- Request: Applicant requests the approval of a height Exception of 15' in order to construct a concealed 65' telecommunication tower.
- Property owner intends to lease a part of their property (Approx. 900 S.F.) to construct a new concealed telecommunication tower in the rear of the property.
- A 50' max height is determined by the C-3 zoning Designation
- The Telecommunication facility is a use-by-right in this zone district.



# Site Plan

EAST 104TH AVENUE (R.O.W. VARIES)



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# Renderings

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# Renderings

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EXISTING VIEW



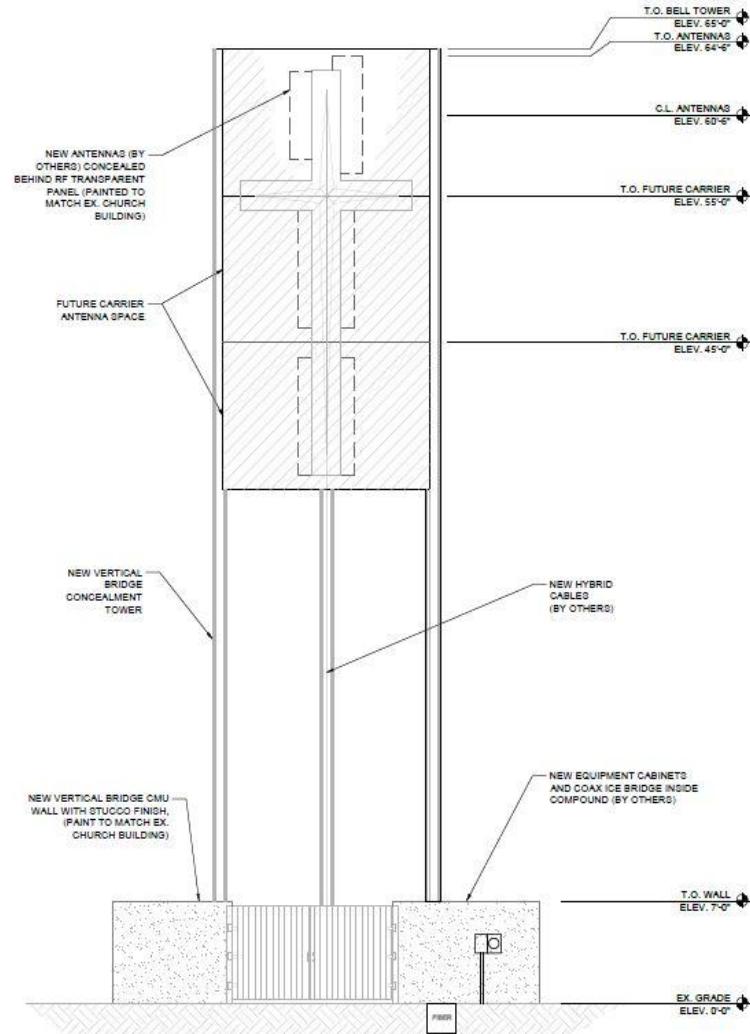
# Renderings

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EXISTING VIEW



# Tower Elevations



# DRT Analysis

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- Concealed facilities not required to comply with Sections 21-5603 and 5604
  - Including separation requirement from other facilities
- The tower is located more than 150 feet from the nearest residential area. (100-foot minimum distance from residential properties)
- Sec. 51-5605 of the LDC requires the dimensions of a concealed telecommunication facility to be reasonably approximate to the dimensions of the object of which it is being disguised
- Facility is designed in a harmonious way with existing Nativity Lutheran Church, utilizes premium architectural materials to compliment the building, reducing visual impact on adjacent uses



# Approval Criteria

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- The structure complies with all city standards
- The exception would have minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air
- The exception will not interfere with the city's ability to provide public services to the site at the level currently enjoyed by the area



# Approval Criteria

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- There is no evidence to suggest that the exception would interfere with or complicate emergency services or otherwise impair public safety
- The exception provides a demonstrated benefit to the city
- The architecture and character of the proposed structure is compatible with existing development on surrounding or adjacent parcels.



# Neighborhood Meeting

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- Held on 8/10/2020
- Meeting was held via Zoom (Virtual Neighborhood Meeting)
- No Members of the public attended the meeting.



# Required Public Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 300 feet	✓	33 Adjacent Property Owners Notified
Publication/Newspaper Notice	Notice in local newspaper	✓	Notice in the Sentinel Express
Placard/Sign on Property	At least one sign on subject property	✓	One Sign Posted

*All public notification met the requirements of Resolution 2020-30 to provide notice that the meeting may be conducted electronically; advance registration for testifying is required; and information for participation is provided in the published agenda*



# Public Notification

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- As of August 28<sup>th</sup>, staff has received no comments, questions or objections to the proposal.



# DRT Recommendation

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- The Development Review Team recommends that the Board of Adjustment **approve** the request.





**Staff is available to answer any questions.**

**The applicant is also present to speak on behalf of this request and answer any questions that the Board might have.**

