



STAFF REPORT

Planning Commission

ORDINANCE #2068

PC Date:	November 4, 2015	Case Planner:	Caitlin Hasenbalg Long
CC Date:	December 21, 2015		
Location:	City-Wide		
Applicant:	City of Commerce City		
Address:	7887 East 60 th Avenue, Commerce City, CO 80022		

Case Summary

Request:	Commerce City Staff is requesting amendments regarding Telecommunications Facilities in the Land Development Code.
Project Description:	<p>The current standards for telecommunications facilities were adopted in 1997, with minor amendments in 1999 and in 2009 with the adoption of the Land Development Code (LDC) (Ordinance #1798).</p> <p>Since that time, there have been advances in the types and quality of technology available for telecommunications facilities. Citizens have also advised staff and City Council on occasion of the lack of consistent cell reception in the Northern Range. The proposed amendments seek to balance the needs of the community and the telecommunications industry while providing and maintaining a high-quality aesthetic appearance.</p>
Staff Recommendation:	Approval

Attachments for Review: *Checked if applicable to case.*

☒ Proposed Language of Amendments

Background Information

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. To implement this, changes or amendments are implemented periodically.

Each year, there have been a number of minor amendments intended to clean up discrepancies, address changes in the community, and provide for new development trends. There have also been certain topics for which there was a more in-depth review and discussion.

The list below highlights the previous LDC Amendments.

Ordinance	Date	Request	Action
Ord. #1720	January 2009	Adoption of the Land Development Code	Approval
Ord. #1770	October 2009	Amendments regarding regulation of medical marijuana dispensaries.	Approval
Ord. #1785	April 2010	24 minor amendments to the LDC	Approval
Ord. #1810	May 2010	Amendments regarding garage requirements for non-profit agencies.	Approval
Ord. #1854	March 2011	20 minor amendments to the LDC	Approval
Ord. #1887	June 2012	28 minor amendments to the LDC	Approval
Ord. #1891	June 2012	Amendments regarding regulation of oil and gas operations.	Approval
Ord. #1916	August 2012	Amendments related to alcohol establishments.	Approval
Ord. #1938	December 2012	Amendments for Floor Area Ratio revisions.	Approval
Ord. #1948	March 2013	Amendments related to a trail's proximity to medical marijuana dispensaries.	Approval
Ord. #1956	June 2013	Amendments related to the use of limited moving trucks in the C-3 zone district.	Approval
Ord. #1976	October 2013	Amendments to Article VIII- Sign Code.	Approval
Ord. #1992	February 2014	Amendments regarding floodplain regulations	Approval
Ord. #2020	January 2015	26 minor amendments to the LDC	Approval
Ord. #2048	May 2015	Amendments related to marijuana uses	Approval
Ord. #2061	July 2015	Amendments related to electric fences	Approval

As a growing community, Commerce City’s needs are constantly evolving and monitoring development regulations helps to ensure that the regulations are relevant and reflect the community’s values. Therefore, future amendments and updates should be expected. Currently, there are no limitations or preclusions related to the number of zoning code amendments that the city may adopt.

The regulations for telecommunications facilities were identified by staff in their work plan as needing to be updated in 2015. Further, during the latest round of minor LDC amendments, Council directed staff to consider the needs of the industry to enhance coverage in the northern range of the city. In addition, the Federal Communications Commission has imposed some new standards which must be followed and conflict with some of the current LDC regulations.

Request and Analysis

The Comprehensive Plan adopted in 2010 identifies provisions for regular amendments and updates to the City's LDC. Therefore, the general concept of regular LDC amendments is supported by the Comprehensive Plan.

Comprehensive Plan Summary:

The City's adopted Comprehensive Plan is intended to be a guiding document that articulates the City's long-term vision. One of the tools the City uses to implement this vision is the Land Development Code (LDC). The LDC outlines development processes, development regulations, and subdivision regulations. In order to ensure that the LDC continues to meet the needs of the community and reflect the City's long-term vision, the Comprehensive Plan encourages regular amendments to the LDC. Since the adoption of the LDC in 2009, City Council has approved a series of various different amendments and should expect to see proposed amendments in the future.

Identifying LDC Amendments:

Potential amendments to the LDC are identified in a variety of ways. Some amendments are identified through the development review process, some are identified through the building permit review process, some are identified through our industry's "best practices", and some are identified by the community. When a potential amendment has been identified, staff adds the item to a list for future consideration. Once there are enough amendments under consideration, staff conducts an internal review process to determine which amendments will be carried forward for consideration by the Planning Commission and the City Council.

The proposed amendments to the standards for telecommunications facilities were identified by staff as needed to modernize the regulations pertaining to these types of facilities, as well as by Council during the 2014 round of LDC amendments in response to community input.

Study Sessions:

On August 4, 2015, staff held a study session with Planning Commission to discuss the proposed amendments. During the course of this study session, Planning Commission expressed their support for the proposed amendments and did not have any major changes.

On October 12, 2015, staff held a study session with City Council to discuss the proposed amendments, with the feedback from Planning Commission incorporated. City Council expressed their support for the proposed amendments and did not have any changes.

Request:

The intention of the proposed amendments to the standards for telecommunications facilities is to update and modernize the regulations, making them easier for the telecommunications industry to interpret and for staff to enforce. This includes: removing those standards which conflict with standards imposed by the Federal Communications Commission (FCC) and other relevant agencies; adding standards for new types of technologies which have become more prevalent in recent years and are less visually obtrusive than traditional facilities; expanding the allowed areas in which those less visually obtrusive facilities can be located to include additional commercial, public, and some residential areas, while also simplifying the process to an administrative approval in more instances; clarifying the standards which pertain to landscaping and design for greater predictability and consistency; and cleaning up discrepancies with other sections of the Land Development Code. These amendments will allow for better reception and coverage throughout the city, but especially in the

northern range, while holding telecommunications facilities to a high yet clear and predictable aesthetic standard.

Table of Proposed Amendments:

Section	Proposed Changes	Details/Rationale
General	Consolidate standards applicable to all facilities	Includes Review and Approval, FAA, Signage, Competition, Pre-Existing Facilities, Denials, and Abandonment
	Remove submittal requirements	Include submittal requirements in permit packet and Facts to Know
	Add approval criteria	Generally same as development plan approval criteria.
Use Schedule	Switch from standards by zone district to standards by land use	Still protects single-family uses, simplifies standards for PUDs, allows greater flexibility with non-residential structures in residential zone districts, such as churches.
	Add Facilities Mounted on Existing Buildings or Structures; Concealed Facilities; Facilities Mounted on Existing Pole Structures	Reflects variety of facility types, advances in technology.
	Allow certain facilities with low visual impact in public or private open space and parks	More options for providers; administrative approval for public uses.
	Allow certain facilities with low visual impact in residential areas	More options for providers; limited to building/structure mounted facilities and pole mounted facilities. UBP required
	Allow concealed facilities as a use by right	Incentive for facilities to be designed to blend into the surroundings.
	No change for monopole facilities	Still UBP; many other jurisdictions require CUP
Monopoles	Consolidate existing standards found in District Restrictions section	Includes location requirements, bulk standards, screening, landscaping, potential for collocation, setback from residential, requirement for location on transmission line, accessory equipment.
	More specific standards	Location on lot, landscaping, color, screening. Predictability for industry and ease of use for staff.
	Remove references to height exception	Telecom is specifically excluded from obtaining height exception.
Concealed Facilities	New section	Added description and standards

Building or Structure Mounted Facilities	Formerly "Co-location on existing buildings or structures"	True collocations addressed in separate section. This section is for new facilities
	Removed standards which conflict with FCC order	Included certain bulk/dimensional standards
	Enhanced design standards	Must be flush-mounted or screened the same as any other mechanical/utility equipment.
Pole- Mounted Facilities	New Section	Added description and standards

Summary:

Staff has proposed these amendments to the Land Development Code based on their ability to implement the City's Comprehensive Plan and positively impact the community. These amendments are intended to better meet the needs of the community by ensuring that the code is clear, consistent, and modern. Therefore, the DRT is recommending that Planning Commission forward a recommendation of approval to City Council for the proposed amendments to the LDC for the standards for telecommunications facilities.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team recommends that the Planning Commission forward Ordinance #2068 to the City Council with a recommendation of approval.

Recommended Motion

To recommend approval:

I move that the Planning Commission recommend that City Council approve Ordinance #2068, an ordinance amending the Commerce City Land Development Code.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission recommend that City Council approve Ordinance #2068, an ordinance amending the Commerce City Land Development Code subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission recommend that City Council deny Ordinance #2068, an ordinance amending the Commerce City Land Development Code because it fails to meet the following criteria:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny Ordinance #2068.

To recommend continuance:

I move that the Planning Commission continue Ordinance #2068 to a future Planning Commission agenda.