



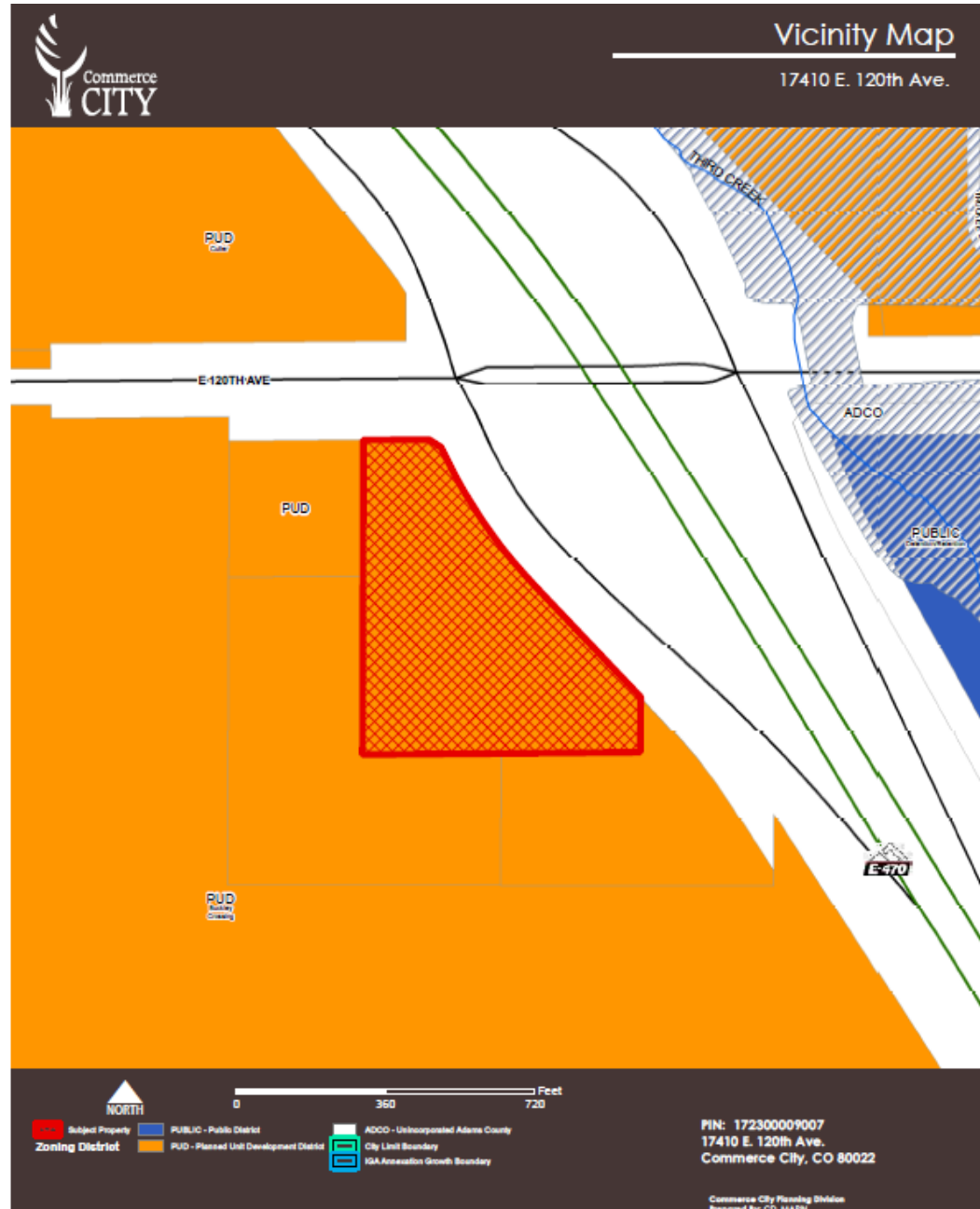
Case #A-1754-H-20

A Height Exception request for an existing telecommunication tower

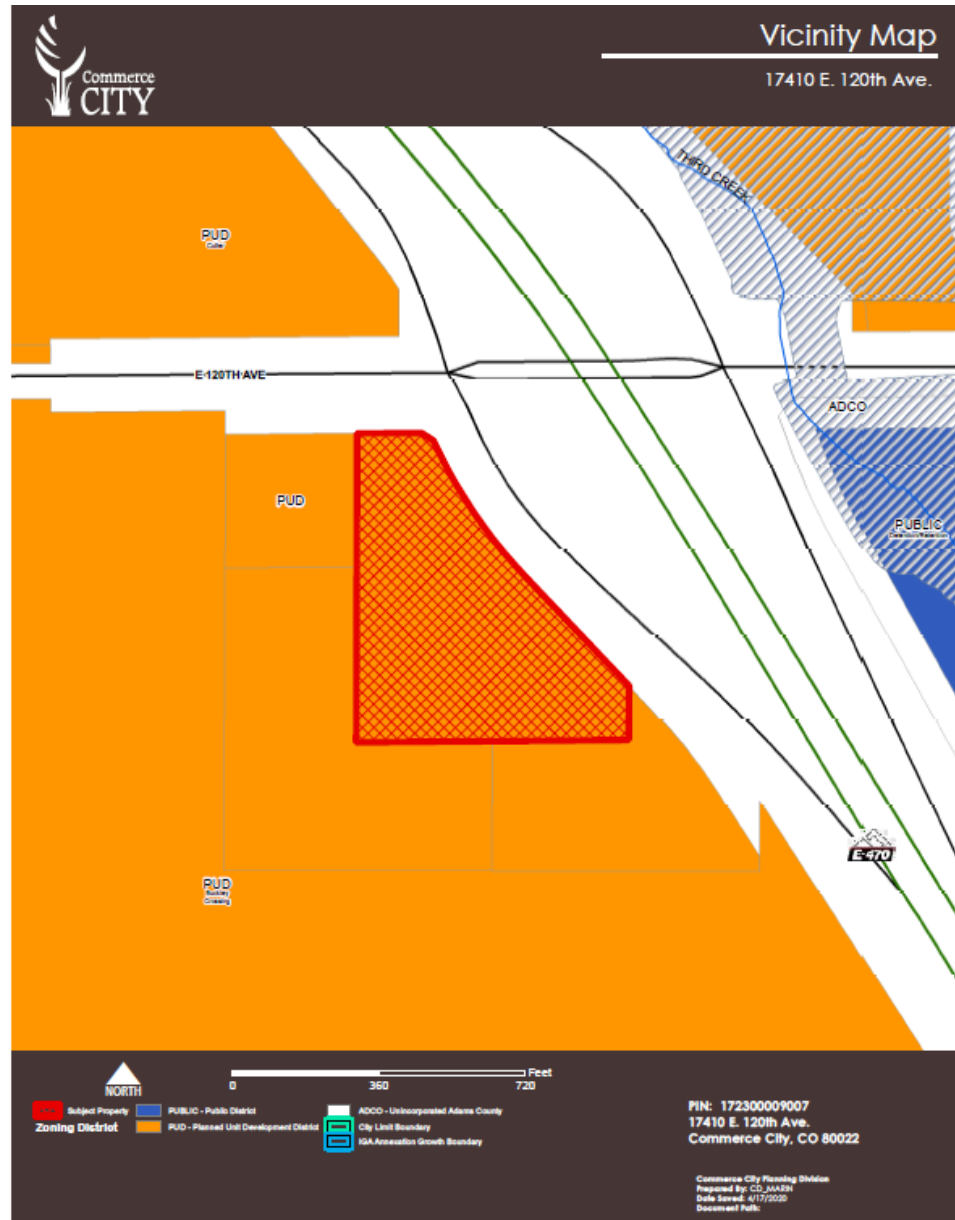
Applicant: Crown Castle

Presented by Matt Post, City Planner

Subject Property: PUD



Future Land Use: Open Space



Aerial Photo



Applicant Request

- Applicant is requesting a Height Exception to increase the height of an existing monopole from 77' to 97'. The proposal will include a new Antenna to be co-located on the tower.
- Project will reduce the need for additional in the area.



Background

- The request for modification of this tower is qualified to be reviewed as an Eligible Support Structure under the provisions of Section 6409(a) of the Middle Class Tax Relief Act, commonly known as the “Spectrum Act”
- Mandates that state and local governments “may not deny, and shall approve, any Eligible Facilities Request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station”

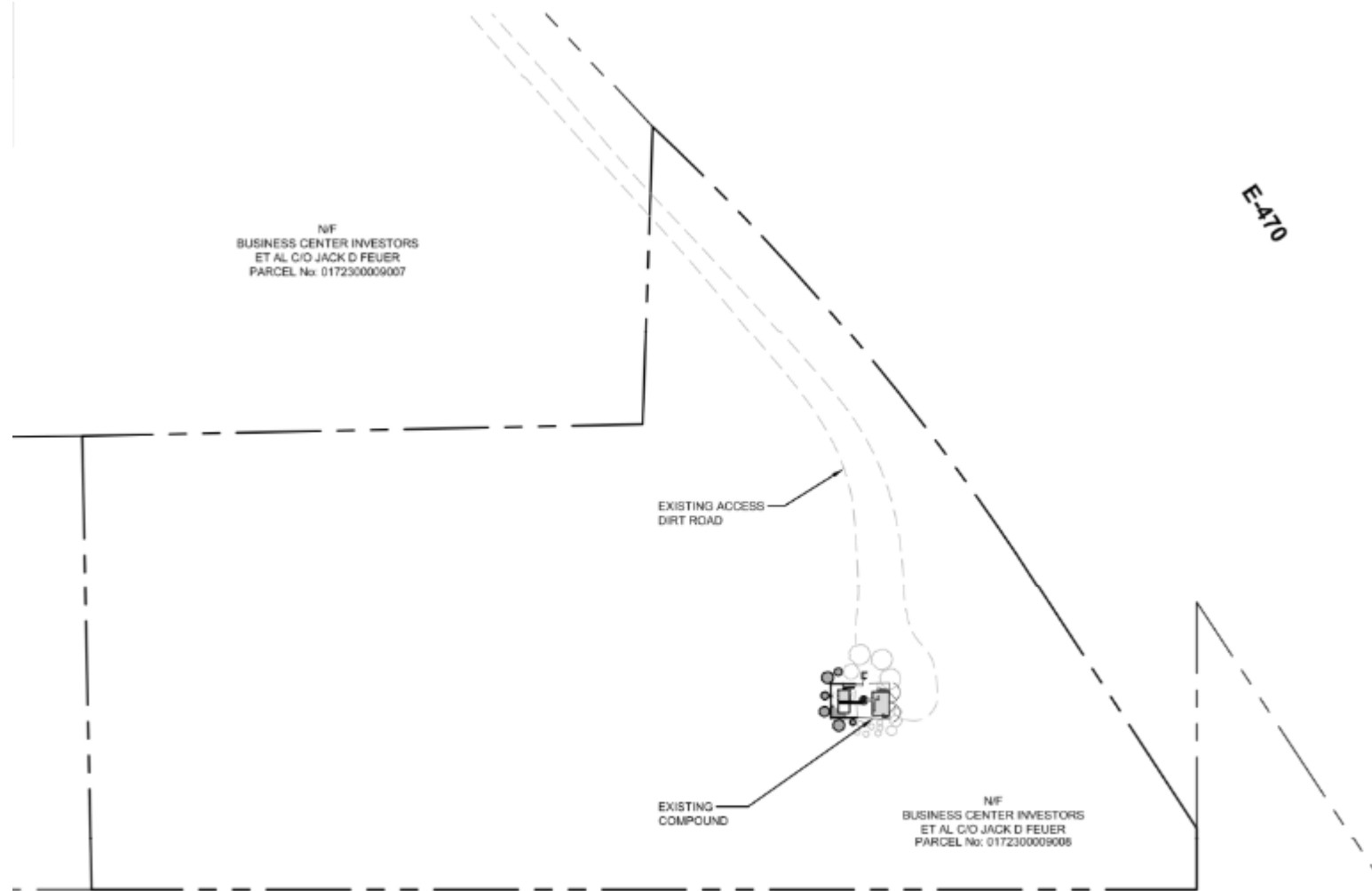


Background

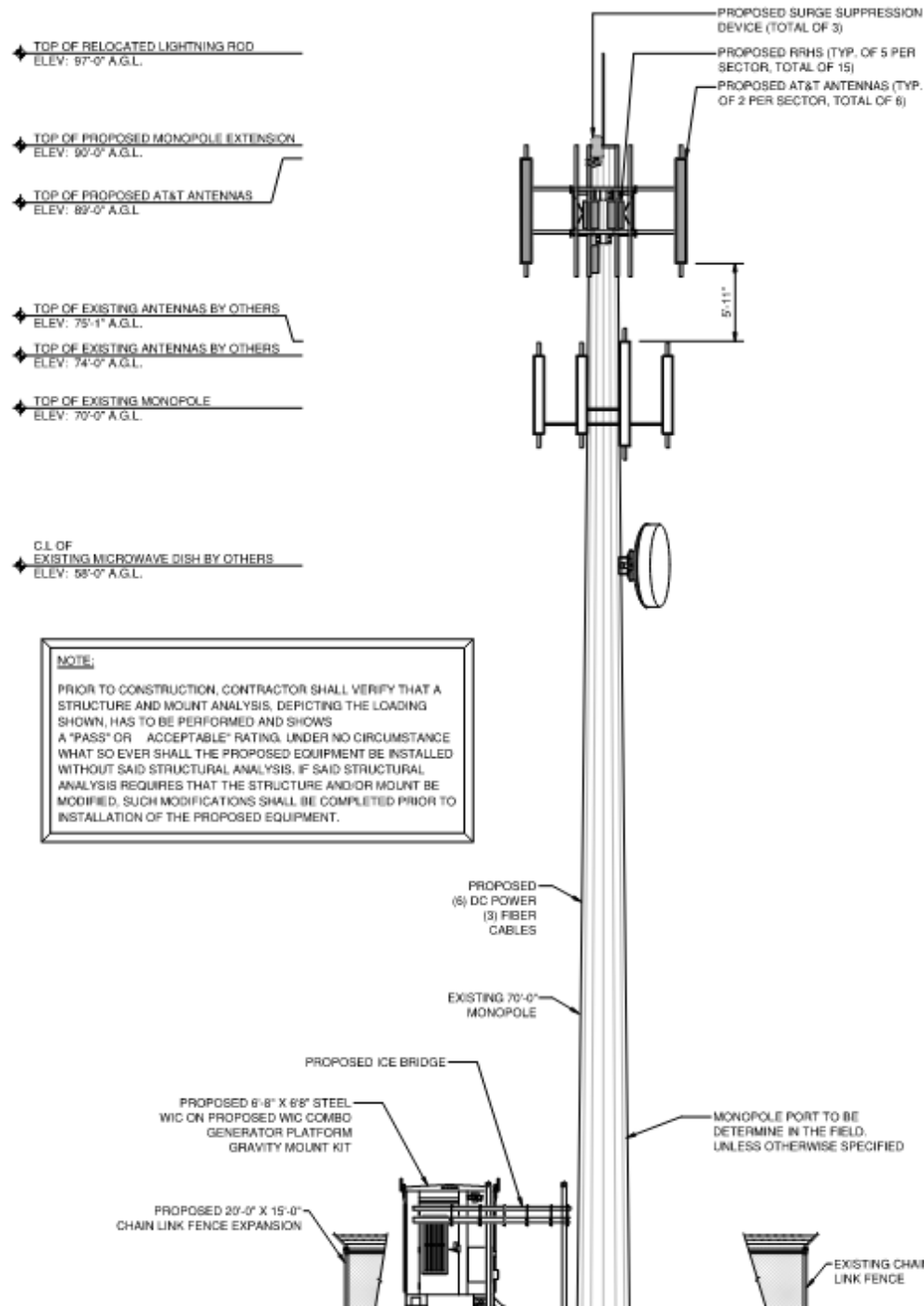
- Following a thorough review of the submittal, it has been found that the proposed increase in height does not constitute a Substantial Change as defined and clarified in FCC Declaratory Ruling and Notice of Proposed Rulemaking (FCC-CIRC2006-03), which states that “adding an antenna array to a tower out of the public right-of-way that increases the height of the tower would not be considered a substantial change, by itself, if there is no more than twenty feet of separation between the nearest existing antenna”



Site Plan



Elevation



View from E-470 on-ramp



DRT Analysis

- The tower is located more than 2,000 feet from existing telecommunications in the area. (2,000-foot minimum separation required by code)
- The tower is located more than 100 feet from the nearest residential area. (100-foot minimum distance from residential properties)
 - Buffalo Run East– 2,500 ft.
- Tower is already screened with fencing and landscaping.
- Any modifications to this tower would be reviewed against the standards in the LDC.



DRT Analysis

- Based on the qualification of this tower as an Eligible Support Structure, and the findings indicating that a Substantial Change is not occurring, the city may not deny, and shall approve the request for modification to increase the height of the tower from 77' to 97'.
- DRT believes that there is a community need for the expanded operation of the facility to help with cellular signals across the northern range.



Approval Criteria

- The subject property and proposed structure do and will continue to comply with all other standards of the city
- The proposed increase in height would not impede solar access in any significant capacity due to its location. Visual access, and rights of privacy, light, and air have not been demonstrated to be impacted from the proposed facility.
- The proposed increase in height will have no impact on the city's ability to serve the subject property. Public roads, fiber-optic, and electrical service lines, already serve the site.
- There has been no indication that emergency services will be impacted by the proposed structure. Access to emergency services will be expanded through the additional network capacity
- The applicant has demonstrated a need for additional wireless coverage in the area and has demonstrated that the height exception under consideration is directly proportional to the ability to provide adequate coverage and capacity in the area. The additional antenna would provide a significant increase in cell coverage in the general vicinity.



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 500 feet	✓	Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel-Express
Placard/Sign on Property	At least one sign on subject property	✓	One Sign Posted



Public Notification

- As of December 7, 2020 staff has not received public comment in regard to the Height Exception request.



DRT Recommendation

- The Development Review Team recommends that the Board of Adjustment **approve** the request as outlined in the staff report.





Staff is available to answer any questions.

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

