



*Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623*

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 28, 2019
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the February 14, 2019 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:40 p.m.
CONTINUED PUBLIC HEARING
Minor Site Plan Review, Special Use Permit, Conditional Use Permit & Variances-Attachment B
Applicant: Kristin Caroll, Kurtis Sparrow & Pamela Maguire
Location: 296 S. 3rd Street
6. 7:40 p.m. – 8:25 p.m.
PUBLIC HEARING – UDC Amendments.....Attachment C
7. 8:25 p.m. – 8:35 p.m.
Small Cell Antenna Amendment Discussion.....Attachment D
8. 8:35 p.m. – 8:40 p.m.
Staff Update
9. 8:40 p.m. – 8:45 p.m.
Commissioner Comments
10. 8:45 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings: Mar. 14, 2019 – Public Hearing - Small Cell Antenna - Zone Text
Amendment
VCAP Report

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday February 14, 2019

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jade Wimberley
Marina Skiles
Jay Engstrom
Tristan Francis (2nd Alternate)

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner

Commissioners Absent:

Nicholas DiFrank (1st Alternate)
Nick Miscione
Jeff Davlyn

Other Persons Present

The meeting was called to order at 7:01 p.m. by Michael Durant.

January 24, 2019 Minutes:

Jay made a motion to approve the January 24, 2019 minutes. Marina seconded the motion and they were approved unanimously with Ken abstaining.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

**Continued Public Hearing – Request for Continuance Minor Site Plan Review
159 Sopris Avenue**

Michael made a motion to continue the Public Hearing to the March 14, 2019 meeting. Ken seconded the motion and it was approved unanimously.

PUBLIC HEARING – Zone Text Amendment – Signs

John presented the Staff Report acknowledging that the proposed changes were at the direction of the Town Attorney and that Staff agreed with the changes.

Ken asked about the number formatting and John clarified that it was a formatting issue and that the indicated sections are the correct sections.

Michael opened the public hearing, there were no members of the public present to speak. Ken made a motion to close the public hearing. Marina seconded the motion and it passed unanimously.

Ken made a motion to recommend approval of the UDC amendments as indicated in Sections 2.5.4 C. 2 Signs and Section 5.9.3 Prohibited Signs and Section 8.3 Other Terms Defined of the Unified Development Code.

Jay seconded the motion and it was approved unanimously.

UDC Redlines

Janet gave a brief background on the process that the P&Z has undertaken up to now on the proposed UDC redlines. Janet also pointed out that The Town has budgeted funds in 2019 for Clarion to clean the redlines up. This includes adding the hyperlinks, adjusting headers, fixing the table of contents and ensuring that cross references are accurate. This will most likely be done after adoption.

Janet pointed out the following sections in the UDC that have been recently redlined for changes:

- **2.4.3 D Modification to a PUD or Amendment of Approval**
The commission commented that there needed to more guidance on what is an adverse or substantial affect on surrounding properties.
The commission requested more clarity on the language in this section.
- **Table 3.2-7 R/MD Dimensional Standards**
Language was added clarifying the lot area minimum requirement per dwelling unit.
- **Table 3.3-1 C/T District Dimensional Standards**
Removing the minimum lot area required for a single-family dwelling.
- **Table 3.3-7 MU District Dimensional Standards**
Removing the minimum lot area required for a single-family dwelling.
- **Table 3.4-1 O District Dimensional Standards**
Add lot width, impervious and landscape requirements that are show in Table 3.7-4 summary table.
- **Section 3.7.2 Maximum Impervious Lot Coverage, Residential Districts.**
Removed the “next higher category” Language to simplify the standards.
There were additional comments from the Commission concerning the amount of area that a pervious paver system could be used for. Staff will include the suggestions in the redlines for Commission review.
- **Table 4.2-1 Allowed Uses**
Changes include making a duplex a conditional use in the MU district and a permitted use in the PF district.
Making a Multi-family dwelling a permitted use in the R/HD District and also a permitted use in the PF District.
Making a Single family detached Dwelling a permitted use in the C/T and PF districts.

- **5.6.7 Supplemental Standards: Old Town Residential District**
The addition of more specific Building Design Standards.
- **Table 5.8-1 Number of Off-Street Parking Spaces Required: Schedule A**
Removed the parking requirement for a restaurant with a drive through.

There was a discussion concerning the Mobile Home Park Standards that included changes to the setback standards, drive and parking area width, the definition of a mobile home, HUD home and travel home as well as the standards for allowing RV use in a mobile home park.

Selection of Special Alternate Members to Board of Adjustment

Janet presented a letter from the Chair of the Board of Adjustment requesting at least three Planning Commissioners serve as “special alternate members” to the BOA as provided for in UDC Section 2.8.4.C. It is anticipated that the BOA meeting will be on March 20, 2019.

The Commission discussed the request and suggested that once the hearing date is set, that commissioners who were not part of the previous public hearing be chosen.

Staff Update

There were no staff update comments.

Commissioner Comments

Members of the Commission commented on the brightness of Street lights in areas of Town.

Marina reminded the Commission to purchase their tickets for the fashion show.

Motion to Adjourn

A motion was made by Ken to adjourn. Marina seconded the motion and the meeting was adjourned at 8:34 p.m.



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning Commission Agenda Memorandum

Meeting Date: 2-28-19

TITLE: Continued Public Hearing - 296 S. 3rd Street

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Amended Land Use Application – February 2019
Planning Commission Minutes 1-24-2019

BACKGROUND

The Planning Commission held a public hearing on this item on January 24, 2019. At the meeting, the Commission continued the hearing to February 28, 2019 with the request for revisions to the application. The minutes from that meeting are also attached.

The original request was for a Minor Site Plan Review and Special Use Permit for a new Single Family Dwelling with an Accessory Dwelling Unit, Variances and Conditional Use Permit.

In response to the Planning Commission's comments provided at the January 24, 2019 meeting as well as feedback from the public, the application was significantly revised, including elimination of the ADU. The amended application includes the following variances:

1. Variance from the street side setback of 10 ft. to allow a 2 ft. setback for the structure and 0 ft. setback for the roof eave along 3rd Street. (Table 3.2-3)
2. Variance from the allowed height of a vertical wall that is parallel to and within five feet of a side yard setback to exceed 20 ft. (UDC Section 5.6.6.B.5)
3. Variance to allow the projection of eave into side yard setback on east side. (Table 3.8-1)
4. Variance to exceed the allowed maximum impervious lot coverage of 44%. (Table 3.7.2)

5. Variance from the required off-street parking requirement of one parking space for the single family dwelling to allow the use of on-street parking with no on-site parking. (Table 5.8-1)

The Planning Commission is required to hold a public hearing and approve the application, approve it with conditions, or deny the application. The Commission may also continue the public hearing.

DISCUSSION

The property is located on the northeast corner of 3rd Street and Sopris Avenue. The property is located in the Old Town Residential (OTR) zone district. The applicants are proposing to demolish the existing structure on the parcel and construct a single family detached dwelling.

The house would be a two-story structure with a full basement. The single family residence would be a one-bedroom, 3,618 sq. ft. structure.

Lot Area and Dimensions

The parcel is 2,750 ft. The required lot size in the UDC is 4,125 sq. ft. for a single family dwelling.

The required lot dimensions in the OTR zone district are 37.5 ft. in width and 100 ft. in depth. This lot is 25 ft. wide and 110 ft. deep.

As a result, this is a legal non-conforming lot. UDC Section 7.5.2. allows a nonconforming lot to be developed as long as all development criteria are met with the exception of lot size and/or minimum lot dimensions. Also, UDC Section 7.5.1. requires a conditional use permit for a change in use on a legal nonconforming lot to allow the new construction of a single family dwelling. This has been included in the application.

Setbacks

The required and proposed setbacks are as follows:

| | Required | Proposed |
|--------------------|----------|-------------------------------|
| Front Yard | 15 ft. | 15 ft. |
| Side (East) | 5 ft. | 5 ft. |
| Street Side (West) | 10 ft. | 2 ft. (wall) and 0 ft. (eave) |
| Rear | 5 ft. | 22 ft. |

As you can see, a variance from the required 5 ft. setback is requested for the west side of the structure. The roof eave would extend to the property line. This is adjacent to the 3rd Street right-of-way. 3rd Street is a 75 ft. wide right-of-way.

This request appears to be acceptable due to the width of the lot. If the setbacks were strictly adhered to, it would only allow an 8 ft. wide structure.

Building Height

The allowed building height is 25 ft. The proposal is for a 21'5" structure.

UDC Section 5.6.6.B. states that a vertical wall of a structure that is both parallel to and within five feet of a side yard setback shall not exceed 20 ft. While the wall on the east side of the structure is no higher than the 20 ft., the roof is approximately 21.5 ft. in height. This was included as a variance.

Parking

The code requires one parking space for a one bedroom single family dwelling. The reduction in the length of the house has opened up the opportunity to construct two parking spaces off the alley. The applicant indicates that it is preferred that this be a yard area. A variance request was included for this item.

Staff recommends that one parking space be provided as required by the code. A pervious pavement system could be utilized to soften the appearance of the parking space.

Staff would note that there are rooms in the house which could be converted into bedrooms in the future. Staff would recommend a condition that if a room is converted into a bedroom in the future, that a second off-street parking space be required.

Maximum Impervious Coverage

The UDC allows a maximum of 42% of impervious surface. The remaining 58% must be pervious surface. The application indicates that 44% of the lot would be impervious.

Staff requested clarification of what was counted toward pervious surface. The applicants indicated that the gravel strip on the east side of the housing was calculated as pervious surface. The gravel parking spaces on the north side of the house were also counted as pervious surface. It should be noted that the UDC does not allow gravel parking spaces to be counted as pervious surface that unless a pervious paving system is reviewed and approved by the Town. The applicants also counted the walkways on the site and the entry stoops as pervious surface. They indicated a pervious paving system would be utilized. This has been done in the past.

Staff would be supportive of a variance from the maximum impervious surface allowed due to the size of the lot; however, it seems that the percentage of impervious surfaces needs to be refined to allow a better understanding of the extent of the variance. Staff would request that an updated calculation which includes one parking space be presented at the Planning Commission meeting.

Supplemental Standards: Old Town Residential District

Section 5.6.6.B.6 states that the façade of a dwelling facing the street shall be broken up with dormers, porches, offset gables, or other features such that the façade does not present an unbroken face to the street.

The last sheet of the revised application shows a sketch of the south and east sides of the building. Staff feels that the design of the structure has progressed over the months and now is in compliance with this code section.

Variance Criteria (UDC Section 2.7.3.b)

This code section states that in the original Townsite and Weaver's Addition, the placement of residential structures and/or the division of lots prior to zoning and subdivision regulations may have made nonconforming situations or may prevent an owner expanding an existing building or affecting new construction without violating setback requirements. The Town may grant a variance for these situations. An applicant must meet the following criteria:

1. The structure to be built or altered is a residential dwelling unit or an accessory structure to the residential unit;
2. The lot must be located in the Old Town site or Weaver's Addition;
3. The applicant may not have caused the situation or hardship by his/her own actions. An exception may be granted if the owner/applicant built or placed the structure, or split the lot prior to subdivision or zoning regulations being instituted in the Town;
4. The new construction, alteration or addition could not be reasonably placed in another location;
5. The new construction, alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;
6. The variance requested does not harm the public or injure the value of adjacent properties; and
7. The granting of a variance will be consistent with the spirit and purpose of the Code.

Staff Recommendation

The lot is very challenging; however, Staff feels that the applicants have been successful in designing a viable, attractive single family structure while minimizing the variances required to do so. As noted, the only variance that Staff does not support is the parking variance.

Staff would recommend the following motion: **Move to approve the Site Plan, including the conditions and findings, with the variances for:**

- 1. The street side setback of 10 ft. to allow a 2 ft. setback for the structure and 0 ft. setback for the roof eave along 3rd Street.**
- 2. The allowed height of a vertical wall that is parallel to and within five feet of a side yard setback to exceed 20 ft.**
- 3. The projection of eave into side yard setback on east side.**
- 4. Allowed maximum impervious lot coverage of 44%.**

Conditions

1. All development shall comply with the Site Plans and Building Elevations submitted with the application.
2. If a room is converted into a bedroom in the future, a second off-street parking space shall be required.
3. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
4. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
5. The Applicant shall also pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings

Variances

1. The structure is a residential dwelling unit;
2. The lot must be located in the Old Town site;

3. The applicant did not cause the situation or hardship by his/her own actions. An exception is warranted because the lot was subdivided prior to subdivision or zoning regulations being instituted in the town;
4. The new construction, alteration or addition could not be reasonably placed in another location;
5. The new construction, alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;
6. The variance requested does not harm the public or injure the value of adjacent properties;
7. The granting of a variance will be consistent with the spirit and purpose of the Code

Site Plan Review

1. The site plan is consistent with the Comprehensive Plan as it utilizes a small, non-conforming lot near the downtown;
2. There are no previous applicable land-use approvals;
3. The site plan complies with all practical development and design standards set forth in this code with the exception of the variances which are the minimum necessary to utilize the non-conforming lot; and
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Prepared By: Janet Buck, Planning Director

296 So. 3rd Street Land Use Application

Addendum



Variances

- Eave Projection into setback (Table 3.8-1)
- Side Yard- streetside setback (10 ft.- streetside – Table 3.2-3)
- Building Height – vertical wall within 5 feet of setback (Sec 5.6.6.B5)

Carbondale, Colorado
February, 2019

296 So. 3RD STREET LAND USE APPLICATION

Legal Description: (Lot 13, Block 7 of Original Carbondale Townsite).

Owner: Pamela Mitchell Maguire & Kurtis Sparrow and Kristin Carroll

ADDENDUM TO LAND USE APPLICATION February 8, 2019

APPLICATION STATUS/SUMMARY

Please consider this an addendum to the 296 S. 3rd Street land-use application. As you know, this was subject to an extensive public hearing on January 24. There are a number of design changes presented at the meeting in response to concerns from staff and neighbors. The majority of the discussion revolved around the potential design changes which were presented to the Commission for the first time at the hearing.

The changes were substantial. The changes resulted in a reduction of the number of variances to 3 which will be addressed in this packet. A remaining element of the application is the conditional use permit per Section 7.5.1 of the UDC related to a change in use or expansion of a user structure in a nonconforming site/lot. Please see Section 4 of the original application packet for the evaluation of the project and the approval criteria for a Conditional Use Permit as contained in Section 2.5.1.C.3.a.i.

CHANGES TO PLAN

The following is a summary of the changes to the original land-use application

- Building length reduced (from 80' to 67')
- Height reduced (ridge height, mid-span and west wall dormer). 25' peak, 21'4-1/4" at mid-span
- Building height stepped down approaching alley
- Impervious footprint reduced (to 44%)
- Front fence height conforms
- ADU removed
- Vertical side wall height reduced – under 20 ft.
- Larger Rear yard area – can also be used for parking

REMAINING VARIANCES/APPLICATION ELEMENTS

Per the changes above, many of the original variances and special use permit and minor site plan are no longer relevant. The following variances and application elements are still before the Planning Commission:

- Eave projections into setback (if less than 5 feet from property line)
- Side yard – Street side setback
- Building Height – vertical wall within 5 feet of setback
- Conditional Use Permit. To allow an expansion of a use or structure in a nonconforming site/lot (7.5.1 – UDC)

ABBREVIATED SITE AND PROPERTY DESCRIPTION

The site is located at the northeast corner of 3rd and Sopris Avenue and is a single, original miners' lot 2750 ft.² in size. It is in the original Townsite and is zoned Old Town Residential (OTR). Both the Sopris and 3rd Street rights-of-way are 75 ft. in width, characteristic of Oldtown. The property is presently served by all utilities.

An existing residential structure exists on the site. The existing structure and the accessory structure (shed in back) encroach into the Town Right-of-way. There is fenced rear yard which also encroaches into the 3rd Street right-of-way. Previous property owners had leases for these encroachments.

Site constraints

The primary site constraint is the size and dimensions of the lot. A survey of the site is attached. With standard setbacks in the OTR Zone District, the building envelope would be 10' x 80'. A plan showing the "building extends" is attached.

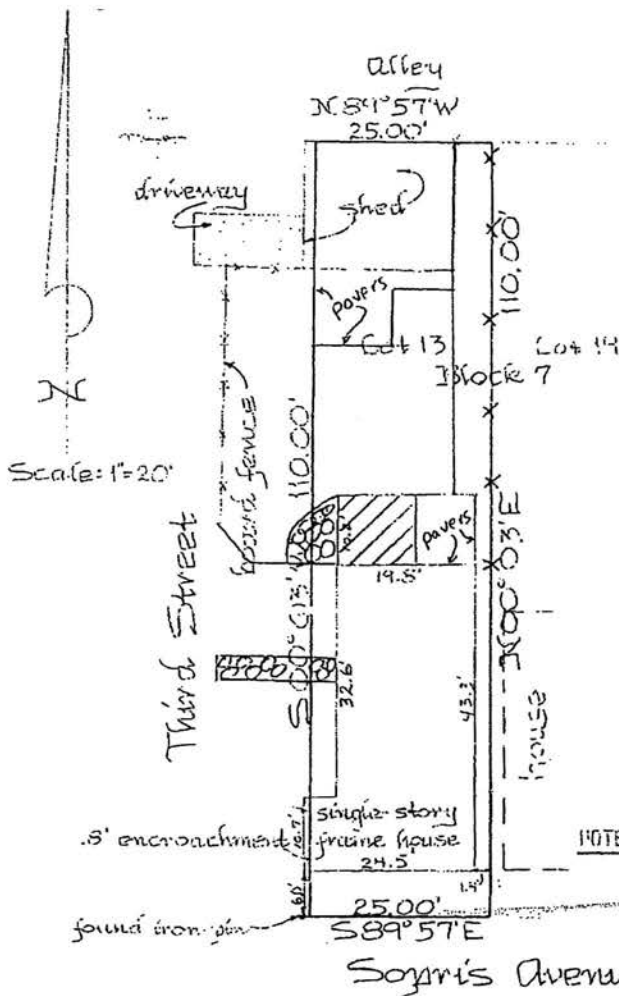
There are many problems associated with the existing structure. We went over and extensively in the public hearing.

ZONING AND COMPLIANCE SUMMARY

A chart showing OTR Zone district standards and the proposed construction data provided by the design included in this Addendum is attached.

VARIANCE COMPONENT ELEMENT - DIMENSIONAL CRITERIA ANALYSIS

Below is a point by point discussion of the 3 dimensional variance requests. I am putting these in tabular form in order to keep this as brief as possible. The



NOTE: The real property described hereon does not lie within the limits of a 100 Year Flood Hazard Boundary.

I hereby certify that this Improvement Location Certificate of Lot 13, Block 7, Town of Carbondale, State of Colorado, was prepared by me, the improvement location being based on a previous property survey that has been monumented by others, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines.

I further certify that the improvements on the above described parcel on this date, 23 September 1978, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

By: Sydney Lincicome
Sydney Lincicome LS 14111



Street Address: 296 Third Street
Carbondale, Colorado

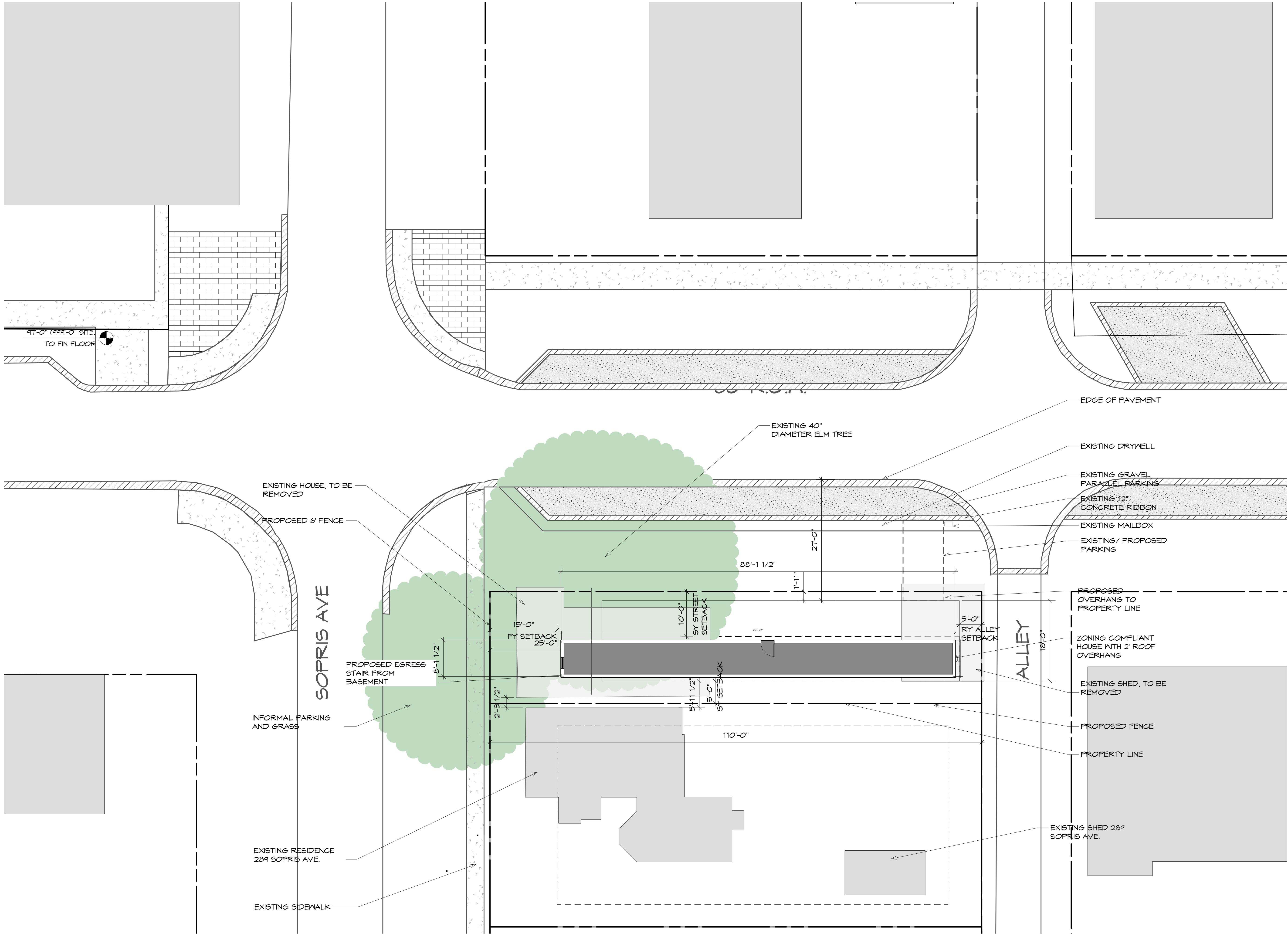
SURVEY PLAT

Improvement Location Certificate
Lot 13, Block 7, Carbondale, Colo.

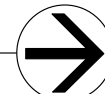
BY: **LINES IN SPACE**

SYDNEY LINCICOME (L.S. 14111)

| | | |
|--------------------|---------------------------|---------------|
| Revised 08/11/2006 | BOX 121 CARBONDALE, COLO. | 303-963-3852 |
| Revised 3/8/91 | 26 Sept. 1978 | SCALE: 1"=20' |



1 SITE PLAN
Scale: 1" = 10'-0"



Zoning and Development Criteria/Data

| Item | Standard | Provided | Comment |
|------------------------------------|----------|----------|---|
| Front Setback | | | |
| House - from Sopris | 15 Ft | 21 ft | Conforms |
| Rear Setback (north -alley) | | | |
| House - Rear Entry | 5 FT | 22 ft | Conforms |
| Side Setback | | | |
| side, private property | 5 FT | 5 ft. | eave projects into setback 2 ft. |
| side, street | 10 FT | 2 ft | front stoop/roof projects - 2 ft (75 ft ROW) |
| Height | | | |
| Main Building | 25 Ft. | 21'5.25" | Conforms |
| Vertical wall: 5 ft- setback | 20 ft | 17' 9.5" | Conforms - 19'6" at dormer at east wall |
| Lot Size & related (SF) | | | |
| Lot Area Min | 4,125 | 2,750 | Pre-existing |
| Lot Dimensions (ft) | | | |
| Lot depth, min | 100 ft | 110 ft | Conforms |
| Lot width, min | 50 ft. | 25 ft. | Pre-existing |
| General Data | | | |
| Open Space/pervious | 56% | 56% | Conforms - 19'6" . With have pervious stoop/entries |
| Impervious surface | 44% | 44% | home 67' x 18' footprint - See Above |
| No. Parking spaces/SFD | 1.5 | 2 | 1 BR - Parking can be accomadted in back yard |
| ADU | NA | NA | Withdrawn |

Notes

| | | |
|-----------------|-------------|---|
| Zone District | OTR | |
| Sopris Ave. ROW | 75 ft. wide | similar width to most ROW's in Old Town |
| 3rd St ROW | 75 ft wide | similar width to most ROW's in Old Town |

variance criteria are those contained in Section 2.7.1.C.3.b – Special Variances in the Original Townsite and Weavers Addition.

| Eave Projection into Setback (Must be 5 ft. from PL) | Side Yard Street side setback 10 ft. required | Building Height – Vertical wall within 5 Ft of setback |
|--|---|---|
| Criterion 1: Structure to be altered will be a residential DU | Criterion 1: same | |
| The structure to be built will be a residential dwelling unit. | The structure to be built will be a residential dwelling unit. | The structure to be built will be a residential dwelling unit. |
| Criterion 2: lot must be located in Old Town site or Weavers | Criterion 2: same | Criterion 2: same |
| The subject property is located in the Old Town. | The subject property is located in the Old Town | The subject property is located in the Old Town |
| Criterion 3: applicant may not have caused situation or are or hardship. Exception may be granted if owner/applicant built prior to zoning regulations. | Criterion 3: same | Criterion 3: same |
| The lot dimensions were created when the original townsite was platted, well in advance of zoning | The lot dimensions were created when the original townsite was platted, well in advance of zoning | The lot dimensions were created when the original townsite was platted, well in advance of zoning |
| This lot was not purchased with another adjoining lot as was the custom in the majority of the town | this lot was not purchased with another adjoining lot as was the custom in the majority of the town | this lot was not purchased with another adjoining lot as was the custom in the majority of the town |
| | | All efforts made to keep sidewalk to lowest possible elevation while still allowing two stories |

| | | |
|--|---|--|
| | | Narrowness of lot prevented moving structure further to the west |
| Criterion 4: the alteration or addition cannot be reasonably placed in another location | Criterion 4: same | Criterion 4: same |
| <p>The alteration/addition could not be reasonably placed in another location. Another location in the lot would have been interfered with utilization of open space and spaciousness of the subject property and may also have resulted in other nonconformities.</p> | <p>The alteration/addition could not be reasonably placed in another location. Another location would have been interfered with open space and spaciousness of the subject property.</p> <p>Encroachment into the street side setback is reasonable. The right-of-way is 75 feet in width, wider than a typical residential subdivision right-of-way of 50 feet, and also wider than the narrowest streets in old town – Main Street and a street</p> | <p>See above. If the normal building site was per the typical lot in Oldtown/Weaver additions (two adjoining lots), they would've been room to move structure to the West.</p> |
| Criterion 5: the new alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required | Criterion 5: same | Criterion 5: same |
| <p>Projection is minimum to allow sufficient drainage</p> <p>please note that separation between buildings is increased from 2 feet, 3 inches to 5 feet, 11 inches</p> | <p>This placement is located in a reasonable location</p> <p>all structural components are located in private property, including the eave projection</p> | <p>The height of the west wall is minimum while still being able to accommodate two stories.</p> |

| | | |
|---|---|--|
| This is the only code I am aware of that requires any eave projection to be a minimum of 5 feet from a property line. | | |
| Criterion 6: the variance requested does not harm the public or injure value of adjacent properties | Criterion 6: same | Criterion 6: same |
| Variance requested does not harm the public or injure adjacent properties. In fact, distance between structures, drainage and access to maintenance are improved | Variance requested does not harm the public or injure adjacent property (across 3 rd Street). Encroachment into right-of-way removed | Variance requested does not harm the public or injure adjacent properties. In fact, distance between structures, drainage and access to maintenance are improved |
| Criterion 7: the granting of a variance will be consistent with the spirit and purpose of the zoning code of the town | Criterion 7: same | Criterion 7: same |
| The granting of the variance will be consistent with the spirit and purpose of the zoning code. In fact, the code provides for special consideration of variances in historic old town as well as in the OTR zone district. Finally, properties in and projects in Old Town oftentimes are often not required to put in suburban style infrastructure in the past and this is an appropriate solution | The granting of the variance will be consistent with the spirit and purpose of the zoning code. In fact, the code provides for special consideration of variances in historic old town as well as in the OTR zone district. Finally, properties in and projects in Old Town oftentimes are not required to put in suburban style infrastructure in the past and this is an appropriate solution | The granting of the variance will be consistent with the spirit and purpose of the zoning code. In fact, the code provides for special consideration of variances in historic old town as well as in the OTR zone district. Finally, properties in and projects in Old Town oftentimes are not required to put in suburban style infrastructure in the past and this is an appropriate |

MISCELLANEOUS ISSUES

The purpose of this section is to address a few miscellaneous issues, some of which came up during the January 24 public hearing.

Front yard fence. The proposed front yard fence has been reduced in height from 6 feet to 3 ½ feet. The fence will be wrought-iron or some other fencing material that is relatively transparent. While there was a concern expressed at the meeting that it may be best not to have a fence in this location, we feel that further discussion is not necessary. Any fencing would meet town code and frankly, someone could go to town Hall the day and pick up a building permit for such a fence. Please note that a Landscape Plan as well as a landscape artistic rendering have been provided in this packet.

Sopris Avenue Entry. There were concerns expressed at the January 24 meeting that the south elevation does not reflect use as a front of the residence or that it does not provide enough Street presence. We disagree. We hope this is because that new elevations and designs were brought out at the meeting and the Commission did not have adequate time to review them prior to the hearing. Please note that the applicant's intent is to install a French door on the Sopris Avenue frontage.

Provision of Open Space. As presently design, minimum open space requirement is met as long as Town accepts pervious pavers and even pervious entries to the structure. Building footprint is 67 feet by 80 feet – 1206 ft.².

Parking. With the reduction in length of the structure, the backyard is available for parking. As a planner, my research on parking for that neighborhood showed about half of the residences parking in the town right-of-way. Even though 3rd Street is a busy corridor and the County Library Annex has been constructed catty corner to the subject site, we do not think that the area is “over parked”. In addition, the town has provided parking infrastructure within the right-of-way. Regardless, the backyard is available for parking. I think it would be a better use of space if that could be a private backyard.

WRAP UP AND SUMMARY

While there are many components of this land use application, the end result and request is straightforward. That is, to allow construction of a new single-family detached house on a small, narrow lot in the OTR Zone District. The building envelope allowed by the OTR's dimensional requirements is very narrow. The Applicants and Design Team have improved the relationship to the adjacent

residence to the east by moving the new structure to the specified setback line. Efforts have been made to reduce mass, the building has been reduced in length and the roof steps down to the alley. There is now a backyard, which can be used for open space and would also be available for parking.

The ADU has been removed. The Project Architect is designing the house to emphasize streetscape and pedestrian level scale. Finally, parking can occur as it always has, within the town rights-of-way. While there are constraints due to the minimum dimensions of the site, we feel that the project complies as much as possible with OTR dimensional criteria, that the standards of the conditional use permit are met and that the project is in compliance with the OTR Purpose statement and the Town's Comprehensive Plan.

Design Exhibits

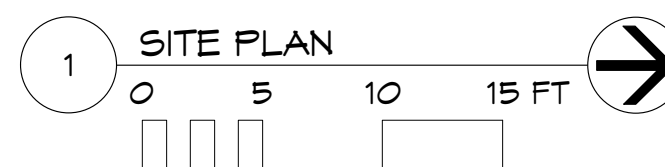
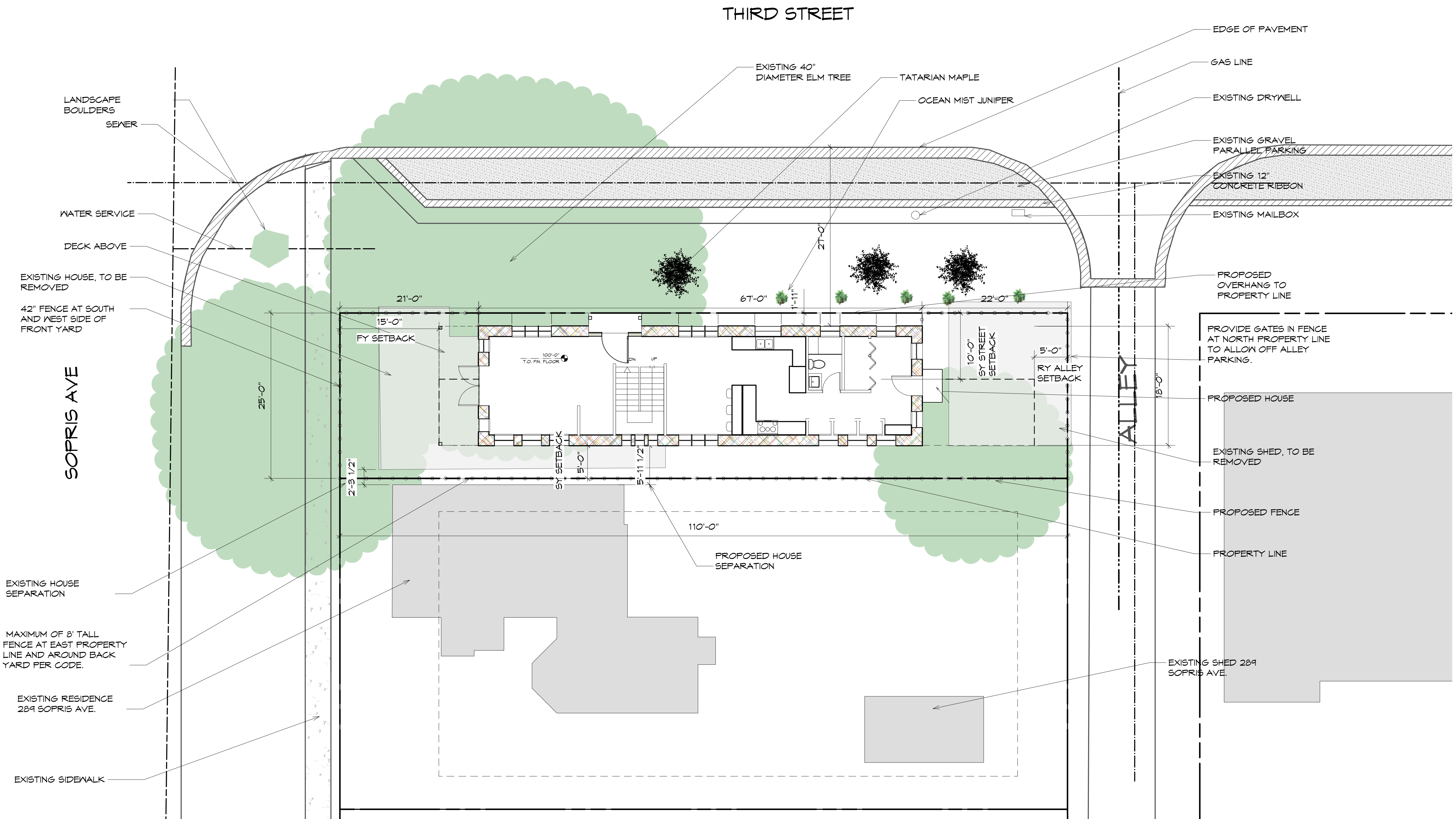
- Site Plan,, floor plans and building elevations – Energy and Sustainable Design, Inc.
- Landscape Plan - RCLA

Miscellaneous Exhibits

- Letter for Terralink Structures, LTD RE: Constructability
- Letter from Evolve Structural Design RE: Constructability
- Artistic rendering of landscaping

Design Drawings

- A1.1 Site Plan**
- A2.1 Lower Floor Plan**
- A2.2 Main Floor Plan**
- A2.3 Upper Floor Plan**
- A3.1 Architectural Elevations**
- L-1 Landscape Plan**



LOT AREA 2750 SF

HOUSE 1206 SF

STOOPS-PERVIOUS 31 SF

TOTAL IMPERVIOUS 1206 SF

PERCENT IMPERVIOUS = 43.8%

82 WEANT BLVD, CARBONDALE, COLORADO 81623

JEFF DICKINSON
ARCHITECT
SUSTAINABLE DESIGN, INC.

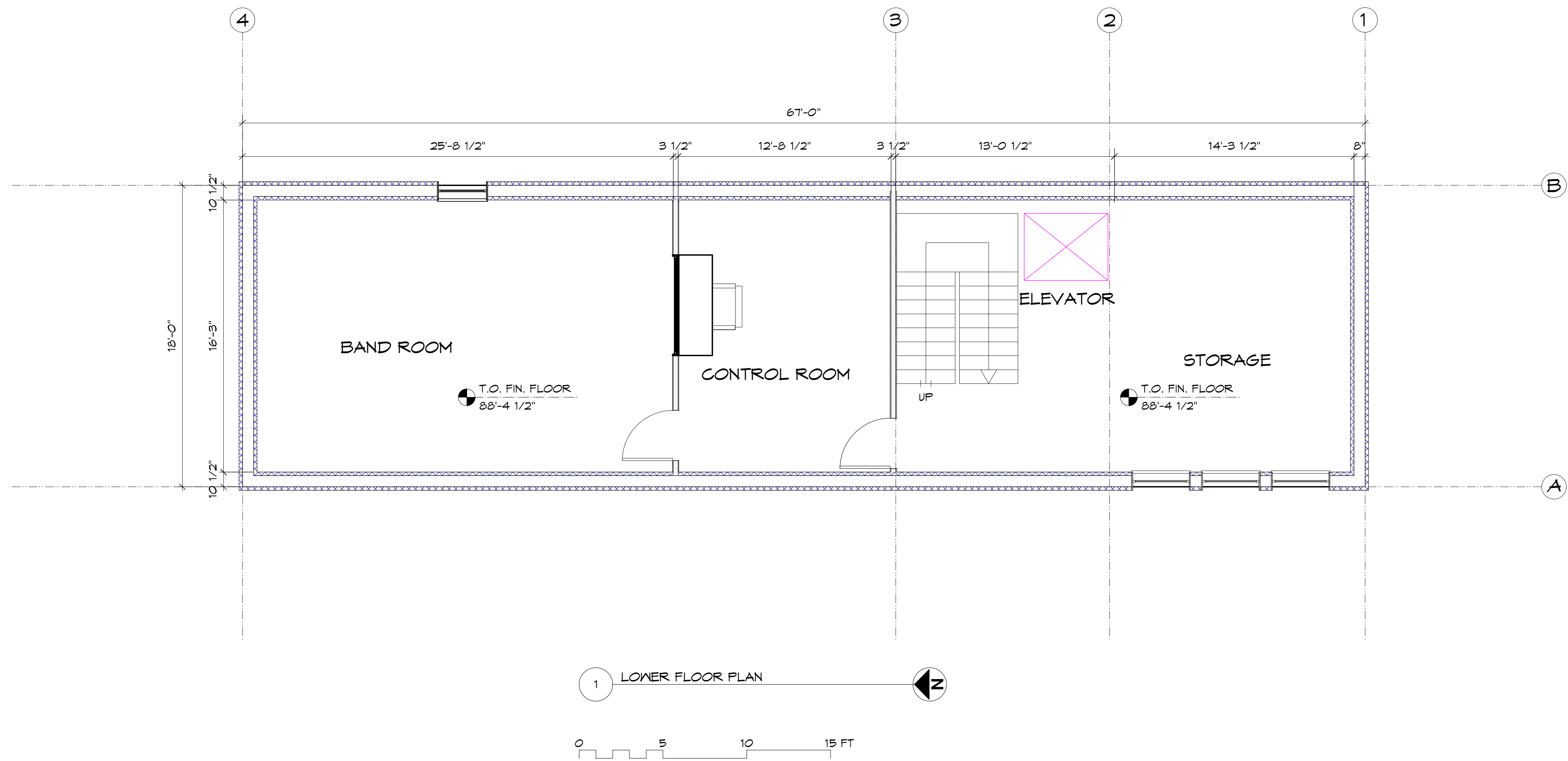
(970) 963-0114 - PHONE/FAX BIOSPACE@SOPRIS.NET - EMAIL

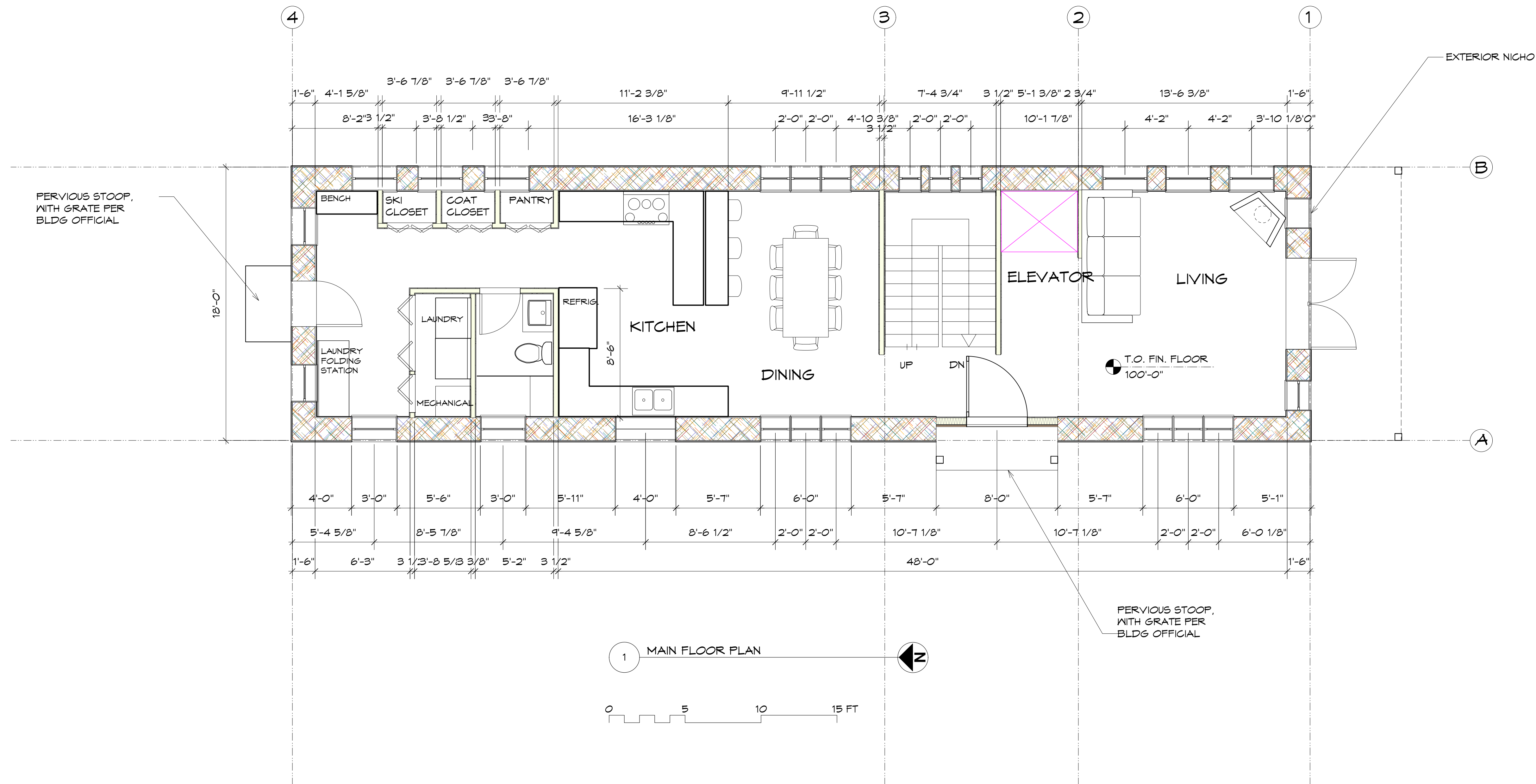
CARROLL SPARROW RESIDENCE
296 S 3RD ST CARBONDALE
GARFIELD COUNTY, CO

SHEET NAME:
SITE PLAN

OPTION F
PLANNING
REVISIONS
DATE:
01/24/19

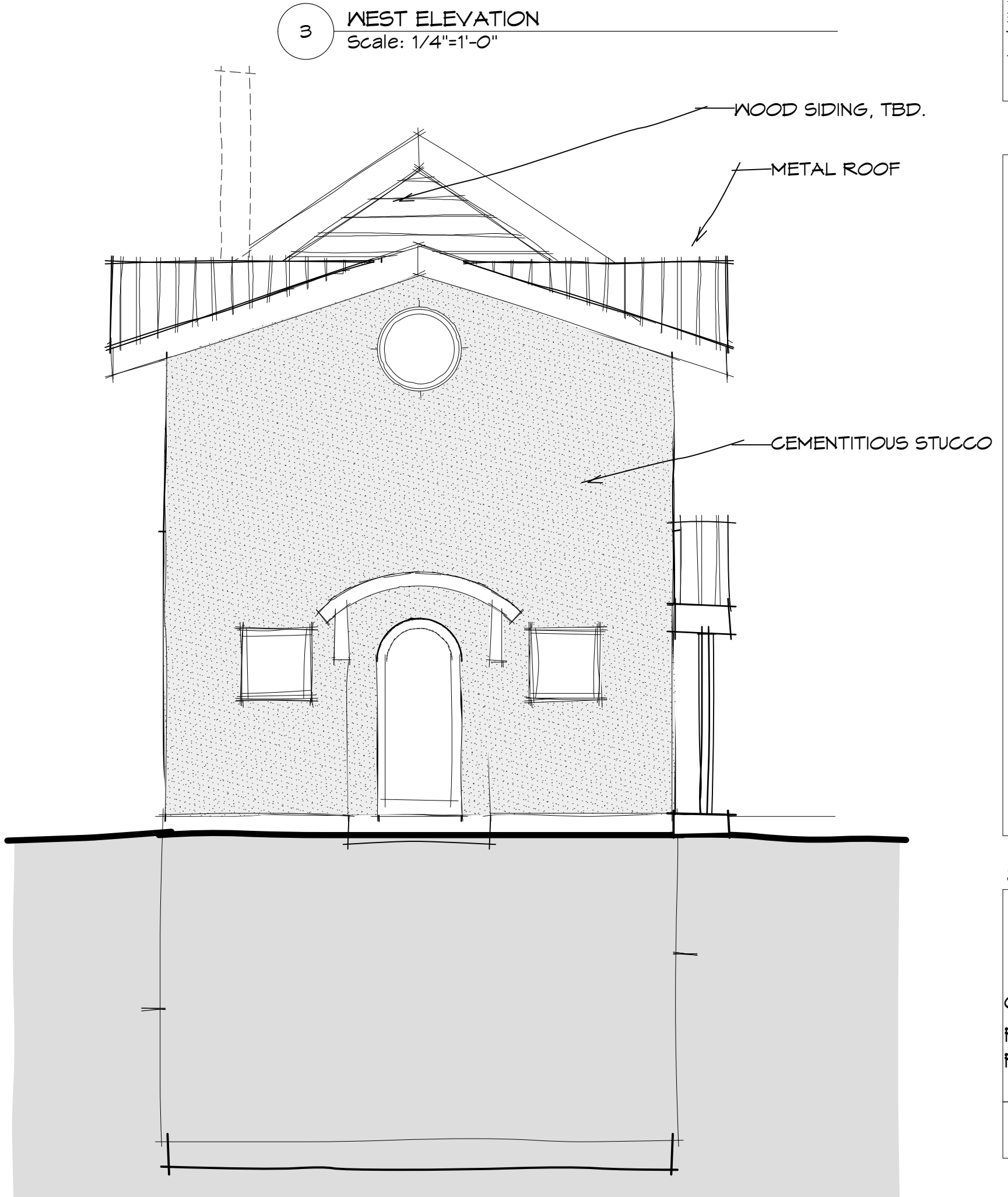
A1.1







82 WEANT BLVD, CARBONDALE, COLORADO 81623
JEFF DICKINSON
ARCHITECT
SUSTAINABLE DESIGN, INC
(970) 963-0114 - PHONE/FAX BIOSPACE@SOPRIS.NET - EMAIL



CARROLL SPARROW RESIDENCE
296 S 3RD ST CARBONDALE
GARFIELD COUNTY, CO

SHEET NAME:
PROPOSED
ELEVATIONS

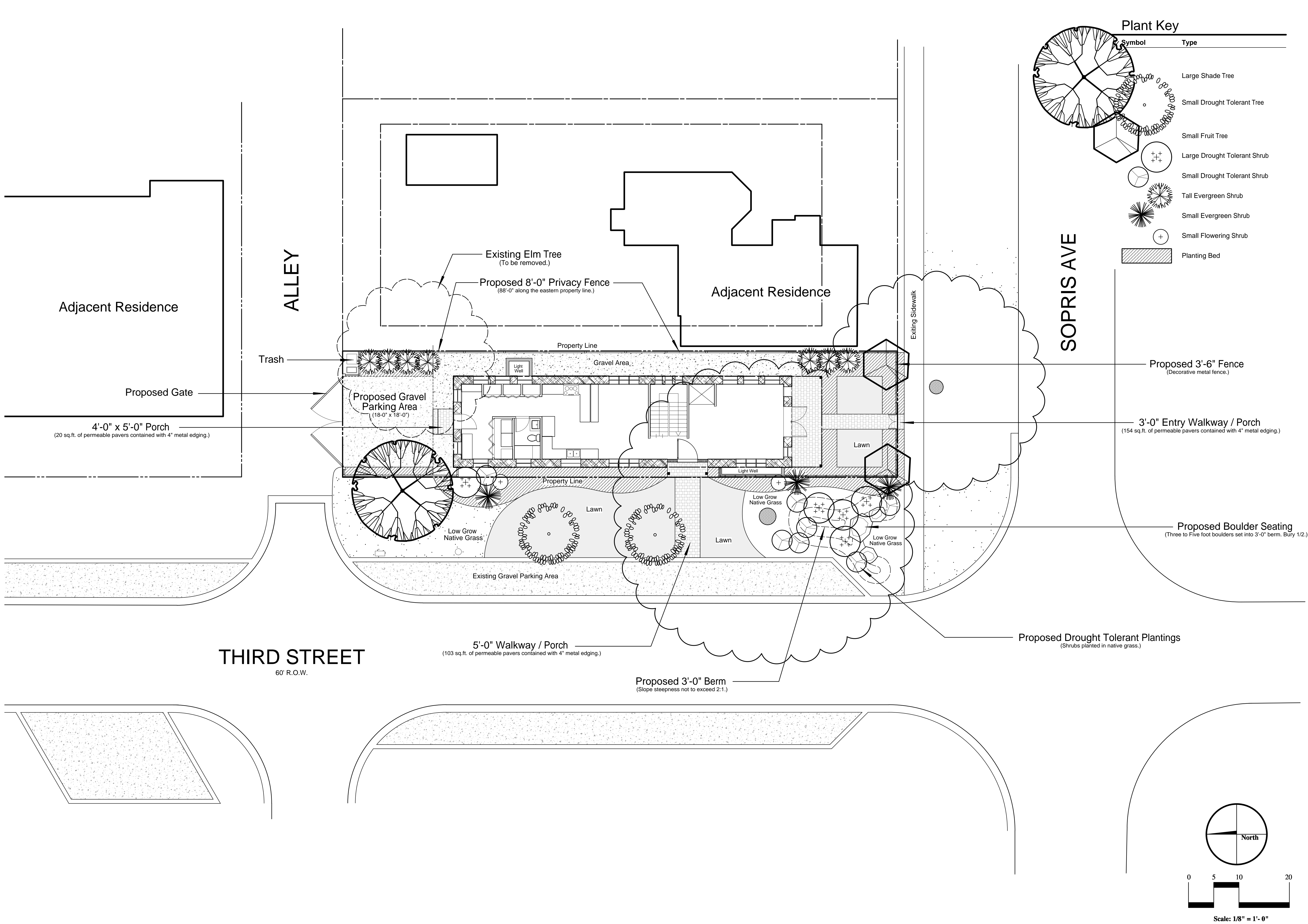
OPTION F
PLANNING
REVISIONS
DATE:
01/24/19

A3.1

2 EAST ELEVATION
Scale: 1/4"=1'-0"

4 NORTH ELEVATION
Scale: 1/4"=1'-0"

0 5 10 15 FT



Conceptual Planting Plan
Carroll / Sparrow Residence
Carbondale, Colorado

Date: February 8, 2019
Revised:

Sheet:
L - 1

Miscellaneous Exhibits

- **Letter for Terralink Structures, LTD RE: Constructability**
- **Letter from Evolve Structural Design RE: Constructability**
- **Artistic rendering of landscaping**



TERRALINK STRUCTURES, LTD.
Custom Building Contractor

February 6, 2019

Kristin Carroll & Kurtis Sparrow
240 Euclid Ave
Carbondale, CO 81623

RE: Feasibility of Construction of the Proposed Residence at 296 3rd St, Carbondale, CO

Dear Kristin and Kurtis,

We have performed an initial constructability analysis of the draft set of architectural drawings that you provided to me for your proposed 3rd street residence.

It is our determination that the utilization of a temporary soil stabilization system at the property lines would allow the foundation to be dug while supporting the adjacent residence, grades, and trees.

Consulting with a local Geotechnical Engineer we have learned that the soils in the area are most likely cobble and are conducive to successful soil stabilization that will allow the walls of the excavation to be dug vertically reducing the footprint of the disturbed area, which is required on this small site.

Review of the project and a site visit with a local excavator determined that once the soil stabilization is in place, the excavation of the foundation will be easily accessible from the alley side.

Based on our experience with similar projects and consultation with local experts we feel that this project is feasible without affecting the neighboring residence.

Please feel free to contact me with any questions.

Regards,

Andy Braudis (970)-379-3741



TERRALINK STRUCTURES, LTD.

Custom Building Contractor

Terralink Structures' Qualifications:

We have recently completed a similar project at 609 West Smuggler in Aspen, which was the renovation of a historic home while adding a full basement underneath it. The property line was 15" to the west side of the house and 6" to the east side of the house. The closest existing residence was only 5'-0" away and also had a shallow crawl space foundation. There was also a 50' spruce tree that we needed to navigate around. We utilized a temporary soil stabilization system to successfully support the adjacent grades and properties.

February 5, 2019

Kristin Carroll & Kurtis Sparrow
240 Euclid Avenue
Carbondale, Colorado 81623
kris10cc@gmail.com
(970) 379-6146

RE: Proposed Residence at 296 3rd Street, Carbondale, Colorado

Kristin & Kurtis,

As requested, we have reviewed the structural feasibility of the proposed residence at the property noted above. Our review was based upon the site plan and architectural drawings, dated January 24, 2019, by Jeff Dickinson.

The proposed residence is a two-story building over a basement level. The above grade structure is assumed to be a combination of wood frame and straw bale construction. The basement foundation is assumed to be reinforced concrete wall and footing construction.

The location of the residence is proposed at a five-foot setback line off the east property line. This places it approximately six feet from the neighboring residence. We are assuming that the bottom of foundation of the neighboring residence lies above the proposed bottom of foundation for the new structure. Due to these conditions, temporary shoring will be required to support the soil between and below the neighboring foundation. A recommended method to accomplish this in an efficient manner, without extending shoring beyond the setback, is a temporary micropile retaining system. This entails a linear arrangement of vertical steel piles, driven to an adequate depth, as determined by the soil type and loading. This will allow a full depth excavation for the proposed basement foundation without affecting the neighboring residence or the grade beyond the setback line.

Should you have any further questions regarding this matter, please feel free to contact us.

Sincerely,

Evolve Structural Design LLC



Sara Mickus, P.E.
Principal



MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday January 24, 2019

Commissioners Present:

Michael Durant, Chair
Nick Miscione
Marina Skiles
Jay Engstrom
Tristan Francis (2nd Alternate)
Jeff Davlyn
Nicholas DiFrank (1st Alternate)

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Ken Harrington, Vice-Chair
Jade Wimberley

Other Persons Present

Richard Camp, 231 Euclid Avenue
Dan Muse, 289 Sopris Avenue
Kenny Teitler, 206 S. Third Street
Karen Good, 201 E. Silver Street, Marble
Mark Chain, 811 Garfield Avenue
Jeff Dickinson, 82 Weant Blvd. #201
Kristin Carroll, 240 Euclid Avenue
Kurtis Sparrow, 240 Euclid Avenue

The meeting was called to order at 7:02 p.m. by Michael Durant.

January 10, 2019 Minutes:

Jeff made a motion to approve the January 10, 2019 minutes. Nicholas seconded the motion and they were approved unanimously with Nick, Marina, Jay and Tristan abstaining.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Special Use Permit-615 Buggy Circle-P&C Express- Medical Marijuana Cultivation

Jeff made a motion to approve the Special Use Permit for a medical marijuana cultivation facility. Marina seconded the motion and it was approved unanimously.

Special Use Permit -615 Buggy Circle- Durango Alternative-Medical Marijuana Cultivation

Nicholas made a motion to approve the Special Use Permit for a medical marijuana cultivation facility. Marina seconded the motion and it was approved unanimously.

Public Hearing – Minor Site Plan Review, Special Use Permit, Conditional Use Permit and Variances -296 S. 3rd- Applicants: Kristin Carroll, Kurtis Sparrow & Pamela Maquire

Janet said that this is a public hearing to consider a Minor Site Plan Review and Special Use Permit for a new Single Family Dwelling with an Accessory Dwelling Unit, Variances and Conditional Use Permit. She stated that the Planning Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

Janet explained that there currently is a single family home on the lot. She said that the applicants are proposing to demolish the structure and construct a single family dwelling with an ADU.

Janet continued by saying that the house would be a two-story structure with a full basement. She stated that the single family residence would be 3,880 sq. ft. with a 440 sq. ft. ADU for a total of 4,320 sq. ft.

Janet stated that the property is located in the OTR zone district. She said that because of the size of the lot, it is a legal non-conforming lot. She said that the UDC allows a nonconforming lot to be developed as long as all development criteria are met with the exception of lot size and/or minimum lot dimensions.

Janet explained that the application includes a number of variances. She noted the following;

1. Variance from the minimum lot size
2. Variance from the required off-street parking requirements
3. Variance for the size of the ADU
4. Variance from allowed maximum impervious lot coverage
5. Variance from the street side setback
6. Variance from the allowed height of a wall within five feet of a side yard setback
7. Variance for an eave projection

8. Variance from allowed fence height

Janet said that the application is complete and detailed. She stated that overall, the design of the building is attractive and appears to be in compliance with the building design standards in the OTR zone district. She stated however, Staff does not support this proposed application.

Janet stated that the variances requested are not the minimum amount required in order to reasonably develop the property. She said that the property could be developed with a fewer number of variances.

Janet said that the purpose section of the OTR zone district states that the mass and scale of new development should integrate into the neighborhood. She stated that she's not sure that this has been accomplished with this design.

Janet stated that the Infill goals in the Comprehensive Plan require that special care should be taken to ensure mass and scale conform to the existing neighborhoods.

Janet said that while Staff doesn't support this proposal as currently designed, we recognize that variances may be needed to reasonably develop this property. She stated that this could include a street side setback variance and a variance to have eaves project into the side yard setback. She said that a variance from the maximum impervious lot coverage may also be needed but it should be the minimum necessary.

Janet continued by saying that the mass and scale of the structure should be brought down to scale with the neighborhood. She said that Staff would suggest that the length of the building be reduced and two parking spaces constructed off the alley.

Janet explained that with a special use permit that we need to make sure that the impacts of a development are mitigated upon the surrounding neighborhood. She said that she did not include the special use criteria in the Staff report but that it is a key finding.

Janet stated that Staff's recommendation is for denial of the project and the Commission may also continue the public hearing.

Janet explained that the applicants knew that she had concerns early on and that she thinks that they have heard from the neighbors. She said that she also thinks that they are willing to change their design to reduce the number of variances requested and would need time to complete this.

Janet said that if the Commission is inclined to continue the item, Staff would recommend that it be continued to the February 28, 2019 meeting so there is time to review the application for conformance with the UDC.

Nick asked if the existing building was listed on the historic survey.

Janet said that it was not and that she didn't believe a survey was done previously.

Nick asked if this property was eligible for a survey.

Janet stated that it was hard to say because the survey is what determines the integrity and the history. She said that we do not have any regulations that would prohibit the demolition of the building. She continued by saying that the only time we can do a stay of demolition is if the building is located in the HCC zone district and if it is over fifty years old. She said that the applicants' intent when they bought the property was to rehabilitate it but that further problems were discovered. Janet noted that the applicants' were planning on reusing some of the materials from the home.

Marina asked for clarification of the demolition of historical property and that the HCC zone district was the only zone district that a building cannot be demolished.

John answered that it is correct.

Janet stated that even in the HCC that a stay of demolition is only good for 180 days, which allows time for the CHPC and the Town to negotiate with the property owners. She said that after the 180 days that if negotiations fail the property owners can demolish the property. Janet stated that our historic preservation ordinance is owner consent.

Nick asked if the applicant has reached out to HPC.

Janet stated that she didn't believe so.

Michael said that is a question for the applicant when it is their turn. He added that with these questions he wondered if everyone has seen the same building that he has seen.

Nick stated that from a historic perspective it shouldn't matter whether it is a mansion or a shed. He said that it is not a determining criteria for historic significance.

John said that what he thinks Michael is speaking to is its' condition.

Michael commented that if there had been any historical significance that it was gone two or three remodels ago.

Jay asked if there might be any potential for redoing the sidewalks for this intersection and this corner.

Janet said that there are no plans that she knew of but that she would also have to check with the Public Works Director.

Jay said that three corners of this intersection have a pedestrian crosswalk but that this corner does not have one.

Mark Chain introduced himself, the applicants, Kristin Carroll and Kurtis Sparrow, Designers, Jeff Dickinson and Robin Sher. He said that the owners have been working hard on this for six months meeting with twelve households of neighbors as well as Staff. He said that the application includes six variances and a special use permit with a site plan review.

Mark said that there are new designs to come into conformance as much as possible and to reduce the number of variances.

Mark gave a PowerPoint presentation outlining the following:

- The nonconforming lot with a house that was built in 1888
- Encroachments in the right-of-way
- Explanation of the request for variances
- Structural issues with current home
- Comprehensive Plan requirements
- Old Town Residential (OTR) zoning requirements
- Initial design layout
- Revised design/ layout
 - Rear yard, which could have parking
 - Height reduction
 - Building step-down to the alley
 - Fence variance removed for the front yard
 - ADU has been removed
 - Vertical side wall reduction
- Two variances with the revisions, eve projections and side yard setback
- Drainage improvements

Jeff Dickinson explained the drawings on the wall, referencing the site plan. He said that this a “forever-home” for the applicants so they went out and met with their neighbors.

Jeff Dickinson said that the mass of the home has been brought down as well as the height and length. He said that the impervious area has been reduced to 44%, which is what is allowed by code. He said that there is now a nice backyard that can be fenced in as well as in the front yard. Jeff said that the owners have sacrificed a lot and that there has been a lot of effort on their part.

Michael asked Mark if the changes were reflected in the application in the packet.

Mark explained that the changes are not in the packet but that they are in the slides and the drawings on the wall. He said that there are images in the PowerPoint.

Jeff Dickinson said that they revised the drawings in the last month and that they were wanting to get the Commission’s take on them.

Marina commented that this home is straw bale which takes up a lot of square footage on a really tight site.

Jeff Dickinson said that the applicants want a straw bale home and that is one of their top criteria.

Nick asked if there were any other buildings in the Town of Carbondale that were straw bale.

Jeff Dickinson answered yes about a dozen.

Kristin said that they currently rent an ADU close by that is a straw bale where they have lived for ten years. She listed many reasons for their choice of straw bale.

Nick asked what the oldest straw bale in town was.

Jeff Dickinson said 1992.

Nick asked if they had run dew point calculations on their assembly including its location.

Jeff Dickinson explained that it was a breathable assembly in the middle of the wall.

Jay asked if the square footage was on the outer dimensions of the building.

Jeff Dickinson answered yes.

Marina said that this is the corner of Third Street and Sopris Avenue and that you are putting the back side of your house on the main street. She said that this is the OTR and that we need to consider this different than any other part of town.

Kristin explained the changes to their design and that they love this location.

Michael stated that we have an application and the building that is going to be proposed is not reflected in the application in the packet. He said that we also have eight variances in this application and that he doesn't see eight variances passing. Michael explained that there are specific criteria for a variance and that several of these variances don't even come close to fitting the criteria. He said that he doesn't see how this lot could be developed without a variance or two. He continued by saying that this is a public hearing and that he doesn't want to ask the applicant questions on a design that won't be happening.

Richard Camp, 231 Euclid Avenue said that he is in favor of the proposed plan that the Commission hasn't seen. He said that they have gone to great strides to reduce the mass of this house and respond to the neighbors' concerns. He said what it comes down to is that they are asking for a setback variance and an overhang variance, which will create a developable lot. He said that the applicants are a working family and that it

is important to keep them in town. He said that this was the only lot that they could afford and that he likes the direction that they are going with the house. He asked the Commission to please consider a variance on the setbacks.

Dan Muse, 289 Sopris Avenue said that he and his wife are the property on the east side. He said that it seems to be an outlier with the cost of the house and the cost of the lot. He said that he has not seen the revised plans. He said that the applicants are great people as well as everyone involved. He said that this corner has always been a funny ignored corner in town so it would be nice to see the corner get developed and embraced by the houses around it. He said that he can't speak to the revised plans as he hasn't had a chance to see them yet.

Kenny Teitler, 206 S. Third Street said that he is two doors down from them. He said that he appreciates how Kristin and Curtis have listened to the feedback that they have been given. He said that he appreciates the new proposal and that the side setback is fine. He said that he has lived on this street for twenty years and that he can't count the number of people that have lived in this house because it is not livable as it. He said it would be great to have people that have already been our neighbors and that it would be great to see them have a good life here.

Karen Good, 201 E. Silver Street, Marble, said that Kristin and Curtis are personal friends. She said that she has seen firsthand the stress and hardship that they have been going through. She said that there are a lot of problems with the current house regarding safety issues. She said that she admires their perseverance and willingness to work with the neighbors and the Town to figure out a good fit. She said that with their new plan that it seems like a no-brainer. She said that it will benefit everybody and she hopes that they get their place the way they want it.

Nicholas asked if the windows in the new plan were egress windows.

Inaudible discussion followed.

Jeff asked if the applicant was going to pursue the variance for the off street parking for the single family dwelling.

Inaudible discussion followed.

Mark Chain suggested that the backyard would be good for the applicant to have their nest and as the surroundings change maybe make parking in the future when needed.

Jay said that he has concern with the two big trees and the foundation going in for the basement. He asked what kind of trees they were.

Mark Chain said that the trees were Siberian Elms.

Further discussion ensued about trees.

Janet said that the Town Arborist could weigh in on the trees.

Marina reiterated the corner and that it shouldn't feel like a back yard as well as how the corner creates community. She added that she wasn't sure why the ADU went away.

Inaudible discussion followed.

Mark Chain stated that the applicants were listening to their neighbors.

Further discussion ensued regarding design.

Nicholas asked where the window well was in relation to the setback.

Jeff Dickinson said that it doesn't go outside of the property line and that they are not egress windows on the west side. He said they could possibly put in a railing.

Nicholas said that he thinks that a fence is inappropriate on the corner and that he would love to work with them personally.

Further discussion ensued regarding the corner.

Motion to Continue the Public Hearing

Jeff made a motion to continue the public hearing to February 28, 2019. Marina seconded the motion and it was approved unanimously.

Garfield County Referral – Go Self Storage – 12744 Highway 82

John stated that Planning Staff received a referral from Garfield County. He said that the referral concerns an application for the development of a mini storage facility to be located at 12744 Highway 82. He explained that the site is currently used by the Planted Earth Nursery located in the Dixon Subdivision for material and equipment storage and is 2.7 +/- acres in size. John said that it appears that Planted Earth will continue operations on the other adjacent parcels. He stated that the County review of the application includes a limited impact review similar to our Site Plan Review and also included a Land Use Change permit for the change of uses on the site. He said that the Property is Zoned Rural.

John stated that the facility is to be a three-story self-contained storage building to be approximately 99,407 +/- square feet in size.

John said that the operation is to include a self-service kiosk for 24-hour service to rent and move into units at any time. He added that there will also be an onsite office that will be open from 8:30 am to 5:30 pm Monday through Friday and Saturday from 9:00 am to 1:00 PM.

John stated that these units are climate controlled and the facility will be fenced with a computerized gate access and security cameras to prevent theft. He said that the facility will also have on hand trucks and trailers for delivery and moving services. He stated that no outdoor storage is allowed on the site.

John noted that the applicant has indicated that the building will use non-reflective materials and will follow the Garfield County lighting standards to minimize impacts of the exterior lighting.

John said that the County standards are similar to the Towns in that lighting is required to be downcast and fully shielded from view.

John continued by stating that in the memo dated 11-20-18 from Yancy Nichol of Sopris Engineering, he points out that the existing Dixon Subdivision does not appear to have an existing CDOT Access Permit and that it may be a “grandfathered” access point, the memo goes on to state that the change in use may require a new access permit to be issued dependent on the traffic generated. The memo is attached and includes estimated traffic counts.

John stated that Staff recommends that the Planning Commission review the attached application then discuss the referral. He said that the Commission may then direct staff to provide comments to Garfield County by Thursday January 31, 2019.

Points for referral letter:

- Comprehensive Plan, significant parcels pages 73 & 74
- Comprehensive Plan, gateways page 46.
- Perform line of sight from the Town.
- Entryway to the Town of Carbondale.
- RV storage too close to the highway.

Garfield County Referral – Blue Mountain Self Storage – Intersection of County Road 100 and Colorado Highway 82

John stated that Planning Staff has received a referral from Garfield County.

John said that the referral concerns an application for the development of a mini storage facility to be located on the northwest corner of Highway 82 and County Road 100. He stated that the site is part of the T.O. Ranch Subdivision (Lot 1) and is 5.988 acres in size. He explained that the County review of the application includes a Limited Impact Review similar to our Site Plan review and also includes a Land Use Change permit for the change of uses on the site. He said that the property is Zoned Rural.

John said that the facility is to be a three-story self-contained storage building to be approximately 96,900 +/- square feet in size with 32,300 square feet per floor. He stated that no outdoor storage is allowed on the site.

John stated that the applicant has indicated that the building will use materials that reflect the natural environment of the location and its surroundings. He stated that the applicant indicates that the lighting will be 0.00-foot candles at the perimeter of the property and will conform to County lighting standards. He said that the county standards are similar to the Towns in that lighting is required to be downcast and fully shielded from view.

John stated that the memo from Yancy Nichol of Sopris Engineering indicates that a CDOT access permit is not required as access is off of County Road 100.

John stated that Staff recommends that the Planning Commission review the attached application then discuss the referral. He said that the Commission may then direct Staff to provide comments to Garfield County by Friday, February 1, 2019.

Points for referral letter:

- Zoning is a Village Center.
- Water tank height in berm.
- Artificial barrier for surrounding property owners.
- It is a residential parcel, why change to commercial?

Staff Update

Janet said that the Board of Adjustment now has seven members and that they will meet next Wednesday January 30th. She asked the Commission if there were three Commissioners that could sit on the Board of Adjustment if needed. Nicholas and Tristin volunteered and Jay was tentative.

Commissioner Comments

There were no comments from the Commissioners.

Motion to Adjourn

A motion was made by Jeff to adjourn. Nick seconded the motion and the meeting was adjourned at 9:14 p.m.



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 2-28-2019

TITLE: Public Hearing – Zone Text Amendment to the Unified Development Code (UDC)

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: UDC – Separate Attachment

BACKGROUND

The redlined UDC is ready for review by the Planning Commission at the following link:

http://cms7.revize.com/revize/carbondaleco/government/boards_&_commissions/planning_and_zoning_commission/agendas_minutes_packets.php

The UDC will also be sent to the Commission in a Word Document in a separate e-mail.

This is a public hearing for the purpose of considering amendments to the Unified Development Code (Chapter 17 of the Carbondale Municipal Code) to consider revisions to the Unified Development Code (UDC). The amendments cover numerous aspects of the UDC including but not limited to General Provisions, Administration, Zoning Districts, Use Regulations, Development Standards, Subdivision, Nonconformities and Definitions.

The Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. The Commission may also continue the public hearing.

The UDC will be sent to the Commission in a Word Document in a separate e-mail.

DISCUSSION

The UDC process started in July of 2013 with the intent to re-write the subdivision and zoning code so that it was in harmony with the 2013 Comprehensive Plan. It was adopted in March of 2016.

Overall, the UDC provides a clear development code for Staff to administer and for the public to understand. The UDC incorporates many of the elements of the 2013 Comprehensive Plan which relate to the built environment. The UDC is well written and to date, it has provided an excellent platform during review of land use applications.

When the UDC was adopted, it was agreed that it is a living document and that it would need amendments from time to time. Since the adoption of the UDC, Staff and the Planning Commission have been working on various amendments to the UDC as we find areas that need tweaking.

These amendments incorporate changes based on comments made by the Board in March 2016 after code adoption. We also solicited comments from Town Staff, Boards and Commissions in 2017. Planning and Building Staff requested a number of revisions over the last year. We also had Clarion review Development Standards as they relate to impervious coverage, lot size and common open space. This included modeling in the R/HD zone district. The Clarion findings were presented at the December 6, 2018 Planning Commission meeting. Members of the public were present at that meeting and provided feedback on amendments.

Planning Commission meetings to discuss the amendments were held on the following dates:

- Ø July 13, 2017
- Ø July 27, 2017
- Ø August 10, 2017
- Ø October 10, 2017
- Ø January 11, 2018
- Ø February 16, 2018
- Ø September 24, 2018 (review of proposed amendments and modeling update)
- Ø November 15, 2018
- Ø December 6, 2018 – Clarion Presentation
- Ø January 10, 2019
- Ø February 14, 2019

The result of the meetings and feedback from various entities is the redlined UDC under review this evening. The amendments are fairly extensive and are scattered throughout the UDC. They cover items from incorporating Mobile Home Park Standards into the code to changing zoning parameters.

It may be challenging to navigate your way through the document. The best way which Staff has found is to go to the tab titled “review.” If you hit “next”, it should bring you to the next redline. Paper copies can be reviewed at Town Hall.

There are formatting changes that will need to be made at a certain point. The Town has budgeted funds in 2019 for Clarion to clean the redlines up. This includes adding the hyperlinks, adjusting headers, fixing the table of contents and ensuring that cross

references are accurate. Clarion is reviewing the redlines and we are working on a scope of work. The formatting work will most likely be done immediately after adoption. For now, the Commission should focus on the substance of the amendments rather than formatting.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Section 2.4.1.C.3.b. states amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

FISCAL ANALYSIS

The cost to format the UDC appears to be the only fiscal impact. However, this has been budgeted for 2019.

RECOMMENDATION

Staff recommends the following motion: **Move to recommend approval of the UDC zone text amendments with the following findings:**

Findings:

1. The proposed amendments will promote the public health, safety, and general welfare;
2. The proposed amendments are consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code as it provides improvements to the UDC; and
3. The proposed amendments are desirable because of changing conditions, specifically, administration of the UDC over the last 18 months indicate that the amendments are desirable to improve the UDC.

Prepared By: Janet Buck, Planning Director



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Agenda Memorandum

Meeting Date: 2-28-2019

TITLE: Introduction - Wireless Communication Facilities (WCF) and
Small Cell Antennas

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Staff Memo to Aspen City Council dated 1-22-2019
Staff Memo to Glenwood Springs City Council dated 7-18-2018
Memorandum from River Oaks Communications Corp 7-24-2018
Small Cell Technology – FAQ Brochure – Castle Rock
Glenwood Springs WCF Regulations

BACKGROUND

The purpose of this is to introduce the Planning Commission to small cell technology and wireless communications facilities (WCF). Staff's understanding is that there have been Federal and State rule changes that will require updates to the UDC.

DISCUSSION

I have attached a number of items which provide a backdrop of what the various issues are. Bottom line, Staff's understanding is that pursuant to the FCC order, local governments have until April 14, 2019 to adopt design standards for small cell facilities.

It appears that the main changes would be:

- Ø Adding definitions to reflect new technology such as small cell antennas.
- Ø Establishing the uses in the Land Use Table and the associated review process.
- Ø Adding design standards for wireless communications facilities.

Because of the deadline, Staff has set a public hearing to consider amendments which address WCF regulations for the March 14, 2019 Planning Commission meeting. Because of the short turnaround, Staff wanted to provide the Commission resource material to help get up to speed on what other communities are doing.

Staff asked Tareq Wafaie from Clarion if they had any feedback regarding the WFC regulations. Tareq said that Clarion generally does not become involved with WCF regulations. He did, however, suggest that we look at Glenwood's regulations. I have attached those to this packet. I also included a memo from Glenwood's City Attorney which provides City Council information of cell tower regulations.

I also included a Memo from Aspen Staff members to their City Council which provides a very good description of issues related to WCF regulations.

The one difference between Glenwood, Aspen and Carbondale is that Carbondale does not run its own electric department. In addition, none of the street lights are owned by Carbondale. They are owned by Holy Cross on the north side of the railroad tracks and Excel on the south side of the railroad tracks.

FISCAL IMPACTS

At this time, Staff is unclear of any fiscal impacts to the Town related to WCF.

RECOMMENDATION

Staff would recommend that the Planning Commission review the attached resource material to become familiar with the terminology and technology.

Prepared By: Janet Buck, Planning Director

MEMORANDUM

TO: Mayor Skadron and Aspen City Council

FROM: Andrea Bryan, Assistant City Attorney
Paul Schultz, Information Technology Director

THRU: Sara Ott, Assistant City Manager
Jessica Garrow, Community Development Director

RE: Small Cell & Wireless Infrastructure Update

DATE: January 22, 2019

PURPOSE & REQUEST OF COUNCIL:

The purpose of this work session is to provide City Council an update regarding small cell technology and federal and state rules changes that necessitate updates to the City's wireless infrastructure regulations, and to get initial direction on next steps.

SMALL CELL BACKGROUND:

Wireless Communications Service Providers (e.g., AT&T, Sprint, T-Mobile, Verizon) are "densifying" their wireless networks by installing many additional smaller cell sites. The demand for more bandwidth, desire to improve wireless coverage and capacity, and the ability to more efficiently use wireless spectrum are driving wireless network densification. The latest generation of wireless technology, called "5G" (for Fifth Generation) promises faster wireless data rates, reduced latency (i.e., the time it takes for data to get from one place to another) and the ability to support many more wireless connections (e.g., supporting Smart Cities and the "Internet of Things").

5G deployments began in 2018 and are accelerating around the world, creating an even greater demand for denser wireless networks and more small cells. These "small cells" can be on buildings, light poles, mono-poles and can even be underground using special manhole covers. A small cell site typically includes one or more antennas, radios, electrical connections and fiber optic cable connections. Two out of four of the major wireless communications service providers have already approached City of Aspen regarding small cell deployment.

Small cell infrastructure can be deployed tastefully and unobtrusively, or haphazardly and intrusively. Community aesthetics, the integrity of historic districts, the character of commercial and residential areas, and the natural character of parks may be undermined by the installation of this above-grade infrastructure. Communities have approached regulations in a variety of ways, some of which could be used as models for the City of Aspen, and others are a lesson in what waiting to address the changing wireless landscape could result in.

SMALL CELL EXAMPLES:

Staff is concerned that waiting to address this emerging technology could result in wireless infrastructure that is inconsistent with Aspen's small town and historic character. A potential worst-case scenario would be unsightly wireless infrastructure installed every 150 feet by the lowest priced contractor for each wireless communications service provider. For reference, a traditional block length in Aspen is 270 feet. Additionally, each cell site requires fiber optic cable (to carry the wireless data to and from the Small Cell) and electricity, as well as trenching and/or boring for conduit, fiber optic cabling and electrical cabling which can all result in significant construction impacts.

The images below illustrate how this technology can look when updated regulations are not implemented.

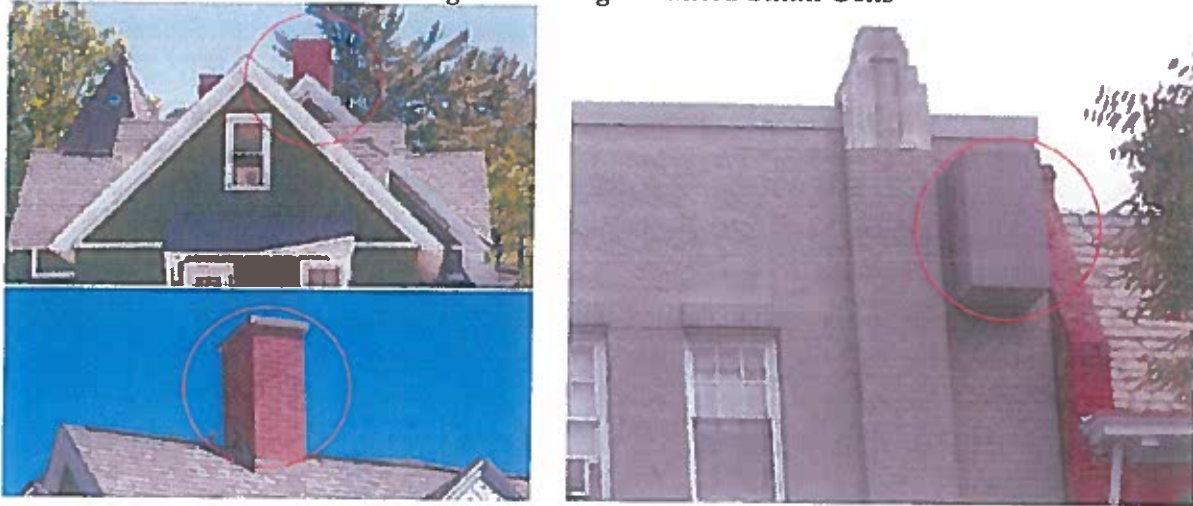
Unsightly Small Cells



With some updates to the City's review process and design requirements, it is possible to allow 5G small cell technology that is more consistent with Aspen's community character. This could result in improved wireless communication services delivered via compact wireless

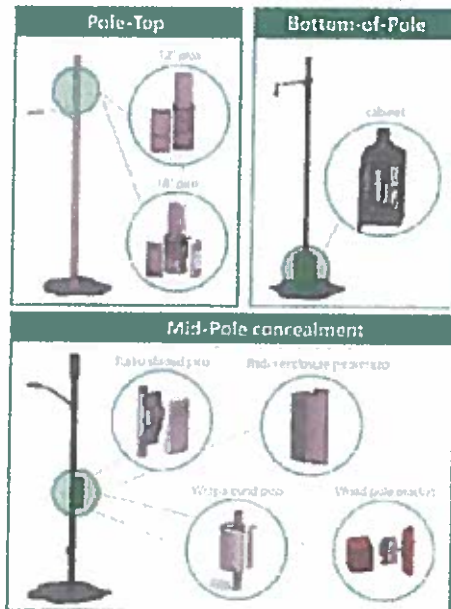
infrastructure that leverages existing built infrastructure, that is shared by all wireless communications service providers, and that is appropriately hidden and/or camouflaged. Camouflaging or “stealth” wireless infrastructure may be accomplished using technologies including radio frequency (RF) “transparent” materials that can be matched to a wide variety of textures and colors. The images below illustrate how other communities have achieved this type of camouflaging.

Camouflaged Building-Mounted Small Cells



Pole-mounted wireless infrastructure may be concealed by locating wireless infrastructure inside, or underground next to poles, as illustrated in the images below. The City could adopt a standard palette or style of pole that providers would be “pre-approved” to use if utilizing this location method. For instance, this could become part of the City’s standard light pole design.

Small Cell Pole Concealment & Example Poles



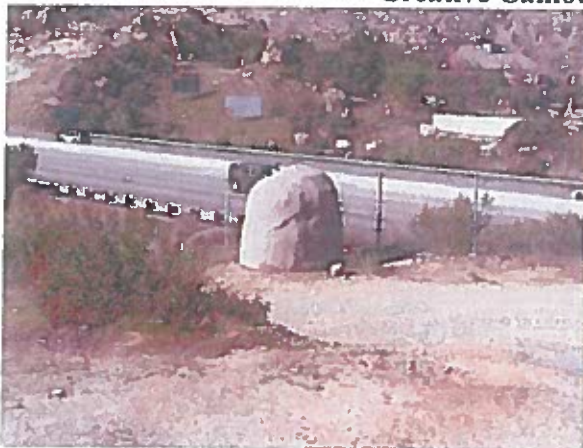
In some cases, like smaller areas where wireless users congregate, low power wireless infrastructure can be implemented entirely underground using an antenna module underneath a special manhole cover.[1] This may be an option to explore in Aspen for areas such as the pedestrian malls, where pole mounted or building camouflage applications are more difficult or less appropriate given historic and community context.

Underground Small Cell Components & Example Location



Additional creative camouflaged Small Cell designs include “rocks”, flagpoles and “water towers” in addition to more common “pine trees”, “cactuses”, etc. These options could be considered for open space or landscaped areas.

Creative Camouflaged Small Cells



LEGAL BACKGROUND:

The legal landscape surrounding rapidly-changing wireless infrastructure has also evolved in the last few years. With respect to small cell infrastructure in particular, there have been several recent developments in federal and state law under which Aspen must evaluate its wireless infrastructure code, which was adopted before small cells existed.

First, state law, through HB 1193, was amended in 2017 to create a use-by-right for small cell facilities in any zone district (subject to local police powers) and shortens the timeframe within which the City must act on an application for a small cell facility to 90 days. It also gives providers the right to locate or collocate small cell facilities on a City's lights poles, traffic signals, and similar infrastructure in the City's rights-of-way, also subject to local police powers.

More recently, the Federal Communication Commission (FCC) approved new rules, which took effect January 14, 2019 imposing new "shot clocks" for the processing of small cell applications (within 90 days of the date the application is submitted for new stand-alone facilities or 60 days for facilities collocated on city infrastructure) and limiting the permit fees municipalities can charge providers, among other regulations. The new FCC order also clarifies that municipalities are prohibited from adopting regulations that "materially inhibit" a particular small wireless facility deployment.

This changing technology and legal landscape requires the City to quickly address wireless regulations to be consistent with new laws while still protecting Aspen's design and aesthetic standards.

CODE AMENDMENT OPTIONS:

The City has engaged a telecommunications attorney to evaluate our current code and make suggested changes. A first draft with his changes is attached as **Exhibit A**. This draft is in no way intended to be a final draft, but merely a starting point to facilitate a discussion with Council about where our wireless infrastructure code may need some change. Based upon feedback from Council at the work session, staff will work with our attorneys to draft a code that addresses the concerns and needs of Council, the community, and stakeholders. Staff will also be discussing this issue with P&Z and HPC in February.

To summarize, the suggested code amendments mainly address the following:

- Adding and changing pertinent definitions to be consistent with state and federal law and to reflect new technology like small cells
- Amending review procedures for specific wireless facilities requests, consistent with state and federal law, including "Eligible Facilities Requests," and requests for small cell facilities in the public right-of-way, both of which require an expedited review process pursuant to state and/or federal law. Based on direction from outside counsel, the review process for these applications should be administrative.

- Adding additional design standards for wireless communications facilities, including small cell facilities (see Section F. of proposed code amendments titled “Design Standards”) that emphasize camouflaging and collocation of infrastructure. In addition to adding design standards in our code, the City may also adopt additional supplemental design guidelines, so long as they are published.

Notably, pursuant to the FCC order, local governments have until April 14, 2019 to adopt design standards for small cell facilities, which means the City would need to pass an ordinance adopting new code amendments with design standards by March 11, 2019 at the latest.

STAFF RECOMMENDATION:

Staff recommends that the city work with Wireless Communications Service and Technology Providers to share/co-locate wireless infrastructure, leveraging existing city assets (e.g., buildings, electrical lines, fiber optic cables, conduit, light pole locations and manholes) for wireless infrastructure and use appropriate wireless infrastructure stealthing technologies.

Staff also recommends continued work on code amendments to address small cell facilities, with a goal of adopting the code amendments in late February/early March. In conjunction with the code amendments, staff will also begin to review potential “master license agreements” (MLAs), that would be executed between individual carriers and the City for use of the public rights-of-way for small cells and which set forth the basic parameters for the application, permitting, and designs that a carrier may use in the rights-of-way.

Staff also desires to meet with vendors to identify preferred designs that may be “pre-approved” for small cells and begin the process of drafting design guidelines.

Attached is draft code language that addresses the immediate need to comply with state and federal regulations. Additional work to ensure this technology meets Aspen’s community aesthetic standards will be needed and can be completed following the initial code amendment. To develop guidelines sufficient to protect community aesthetics, Community Development staff will require outside assistance from consultants in the development of FCC-compliant design guidelines to complement the design guidelines in the new wireless infrastructure code. This will require a Spring 2019 Supplemental of at least \$50,000 if Council desires this work to be completed this calendar year.

QUESTIONS FOR COUNCIL:

- Does Council support moving forward with the development and adoption of updated regulations for small cell infrastructure in the City of Aspen?
- What are Council’s primary questions and concerns with the potential impacts of small cell deployment in the community?

References

[1] <M:\city\IT\Projects\Primetime-Wireless Infrastructure Info\Aspen Wireless Network Infrastructure Possibilities v3.pdf>

Karp, Neu, Hanlon^{PC}

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MEMORANDUM

DATE: July 18, 2018
TO: Mayor and Council, City of Glenwood Springs
FROM: Karl Hanlon, City Attorney
RE: Cell Tower Regulation

There has been significant interest in the City's ability to regulate the location and design of wireless communication facilities inside the city limits. In the most recent version of the proposed development code we are attempting to thread a needle between what is required by both State and Federal law as well as what is allowed in terms of regulation at the local level.

The controlling Federal regulation is found at 47 USC §332(c)(7) - Preservation of Local Zoning Authority, while preserving certain aspects of local control, it contains the following provisions which affect a local governments ability to regulate these facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless

service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

The three most important concepts to take away from these limitations are that you can't prohibit based on emissions, you can't prohibit or have the effect of prohibiting the provision of services as a result of your regulations, and that you must provide substantial evidence as to any denial. The substantial evidence standard is extremely high.

However, federal regulations are not the only regulations preempting local authority with regard to wireless facilities. In 2017, the State Legislature felt that there was insufficient state-wide access for small cell facilities and broadband facilities. These facilities are defined in CRS 29-27-402 (copy attached). By adopting the revised statutory language contained in CRS 29-27-401 et seq., and CRS 38-5.5-101 et seq., the State Legislature declared that these were matters of state-wide concern thus preempting the authority of even the City of Glenwood Springs as a constitutional home rule municipality.

Specifically, CRS 29-27-404 (3) now requires that small cell facilities be a permitted use in every zone district. Strict timelines for processing applications are now required. CRS 29-27-403. Telecommunication providers have a right to use public rights-of-way and political subdivisions cannot create or erect unreasonable requirements for entry to their rights-of-way. CRS 38-5.5-103. Telecommunication and broadband providers also have a right to locate or co-locate on a local government entity's light poles, utility poles, and traffic signals. CRS 38-5.5-104.5.

In light of the foregoing, the amount of regulation that can be applied is extraordinarily limited at this time. As a result, the regulations you are considering with the adoption of the new development code, while acknowledging these limitations, also try to provide sufficient design guidelines to provide some protection to our community.

Gretchen-
FYI -
Robin

River Oaks Communications Corporation
6860 South Yosemite Court, Suite 2000
Centennial, Colorado 80112
Telephone: (303) 721-0653 Fax: (303) 721-1746 E-Mail: bduchen@rivoaks.com

MEMORANDUM

To: NMPP Energy
From: Bob Duchen - Vice President, River Oaks Communications Corporation
Date: July 24, 2018
Subject: The Impact of "Small Cells" on Your Communities

Introduction

Wireless service providers need to deploy small cells to enable their networks to function better. Usage of cell phones for video, voice and data, along with other mobile devices (such as laptops and iPads), has caused the providers to deploy more network equipment. Cell phone and data usage will continue to grow exponentially during the coming years.

Verizon Wireless, AT&T Wireless and other service providers are actively looking to deploy "small cells" to add capacity to their existing networks. The logical placement for these antennas, poles, fiber optic cables and equipment cabinets is in City Rights-of-Way. This poses a host of challenges and complexities for cities.

"Small cells" are not always small. The coverage area is, but not always the equipment. Legislation in numerous States allows the wireless service providers to install equipment cabinets up to 28 cubic feet in volume. As a practical matter, that is quite large and unsightly (especially if it shows up in front of your house).

It is critical for each of you to know what your rights and responsibilities are in your particular State. Small cell legislation has passed in Colorado, Iowa and Kansas. We worked closely with the League of Nebraska Municipalities in 2017 to defeat LB 389 (the small cell Bill). It failed again in 2018 but will probably reappear next year.

North Dakota and Wyoming do not have small cell legislation. The hope is that municipalities will continue to enact Small Wireless Facilities Ordinances in those two States which may obviate the need for any small cell legislation.

The Players

Industry -- Industry claims that municipalities are taking too much time to grant approvals and unreasonably delaying the deployment of wireless infrastructure which is detrimental to providing services to consumers and businesses. Industry is making arguments to State Legislatures that local governments are inhibiting the deployment of 4G and 5G technology and that small cell legislation will bring broadband to rural America. That roll-out depends on fiber, not small cells.

Local Governments -- Cities and Counties have been approached by Mobilitie, an infrastructure provider. That company wanted to install 75' or higher poles in public Rights-of-Way without conforming to local

zoning requirements. Other companies, such as Verizon Wireless, want to deploy small cells on existing poles. Communities are justifiably concerned about maintaining their regulatory authority and aesthetics.

How did this arise?

Mobilitie, LLC filed a Petition for Declaratory Ruling on November 15, 2016. That proceeding is still pending before the Federal Communications Commission.

For those of you who are not familiar with this scenario, Mobilitie has taken the position in numerous States that it is either a public utility or a provider of services such as broadband. Local governments have pushed back and asserted that Mobilitie is an infrastructure provider rather than an actual services provider and that it has to adhere to local zoning regulations and policies for ROW usage.

What is the FCC's perception?

One of the FCC Commissioners has made public remarks favoring the Industry. He seemed frustrated with local governments and an apparent lack of progress. It is also clear from the FCC's language in WT Docket No. 16-421 that it thinks local governments are hindering and delaying the deployment of wireless infrastructure. Once again, inside the Beltway, cities and counties are being portrayed as an impediment to wireless technology deployment throughout our country.

What about Congress?

On June 28, 2018, Senators John Thune (R-SD) and Brian Schatz (D-HI) introduced a Bill entitled "Streamlining the Rapid Evolution and Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act S.3157" ("Act"). The Act limits local government participation in the decision-making process on small cell wireless facility siting and unreasonably limits compensation for cities. Cities would only have 10 days, rather than 30 days, to notify applicants in writing if an application is incomplete. There is also a "deemed granted" provision for applications not timely acted upon by local governments. Fees are limited (including application and Right-of-Way use fees) to actual and direct costs. Of further importance is that the Act does not grandfather existing agreements between cities and providers or tower companies.

What about the money?

Section 253 of the Communications Act provides that local governments can require telecommunications providers to pay compensation for use of public Rights-of-Way. The caveats are that the compensation must be fair and reasonable, competitively neutral and nondiscriminatory, and publicly disclosed

Once again, the providers will claim that municipalities are asking for excessive and unfair fees for use of those Rights-of-Way. This is already being characterized at the FCC as a nationwide problem.

What are your choices?

Your local government could choose to do nothing and let the national organizations fight the battle. That is not a prudent course of action.

A better course of action is to proactively develop your own Wireless Communication Facilities Ordinance to control and manage the influx of requests that you are going to receive from the wireless providers. For those of you in States with small cell legislation (Colorado, Iowa and Kansas), you can develop templates that adhere to your State requirements and, at the same time, include provisions and concepts which are not preempted at the State level. Communities in other States (Nebraska, North Dakota and Wyoming) have the ability to develop Wireless Communication Facilities regulations which are not hamstrung by the State.

Biography

River Oaks Communications Corporation ("River Oaks") has provided legal or consulting services involving cities, counties or towns in 38 States (including the States covered by NMPP Energy). The company drafts regulatory documents and Agreements, re-writes and updates Wireless Communication Facilities Ordinances and Zoning Codes to conform with Federal law, and has assisted Municipal Leagues around the country on analyzing Small Cell Legislation. We have successfully developed Wireless Communication Facilities Ordinances that will enable the deployment of small cell equipment by the providers while, at the same time, preserving control of the Rights-of-Way and aesthetics (through stealth requirements) for local governments.

Bob Duchon, the co-founder and Vice President of River Oaks is a graduate of the University of Virginia School of Law, has spoken at Conferences throughout the country, authored articles for Municipal Leagues and presented Webinars covering a host of telecommunications issues. He will be presenting at NMPP's Annual Conference next March in Lincoln.

Small Cell Technology Frequently Asked Questions



The Town is updating its Municipal Code to provide for construction of small cell facilities in Castle Rock, as allowed by State and Federal laws. Following are answers to some frequently asked questions about this topic.

What is a small cell facility?

A small cell facility is an antenna, along with accessory equipment, that provides cellular and data coverage to smaller geographic areas, usually benefitting high-use or poor coverage areas within the larger cellular network. Because of their smaller coverage area, use of small cells requires a greater number of facility sites than traditional cellular towers.

Small cell antennas are generally the size of a suitcase and must be under 20 cubic feet in total volume, per State law. They typically are located on streetlights or

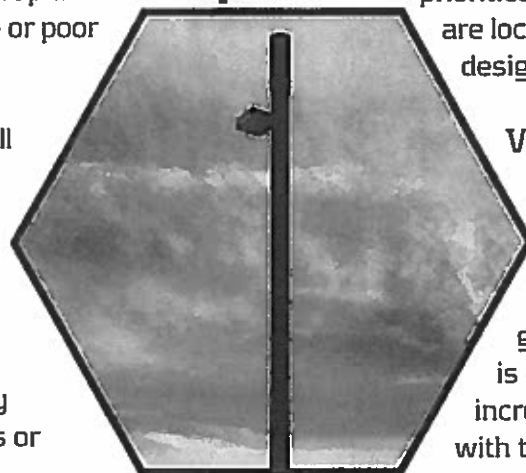
traffic signals. Like other utilities, the equipment is allowed in public rights of way, per State and Federal laws.

What is the Town's role with regard to small cell facilities?

The Town's Municipal Code is being updated to provide regulations for small cell facilities, including processing applications; setting priorities on where the facilities are located; and establishing design standards.

Why is there increased interest in installing small cell facilities?

Mobile data traffic has grown significantly and is expected to continue increasing at a rapid rate with the proliferation of mobile



devices. Wireless carrier companies say that existing infrastructure has become congested and cannot meet their customers' needs. Small cell facilities can help address this issue.

How is the Town handling small cell facilities proposed in Town rights of way?

Town staff will review applications in accordance with State and Federal laws, as well as Town Code and technical documents. State law requires the Town to consider applications from all providers equally, and to provide bulk processing of permit requests in 90 days or less, rather than requiring an individual permit process for each small cell facility. A hearing before Town Council would not be required for small cell facilities under the proposed Code.

Can the Town limit or standardize small cell facilities?

The proposed Code encourages locating small cell facilities within public rights of way and on public property, and in nonresidential areas, and attempts to minimize the number of facilities needed. Further, it attempts to minimize the visual impact of the facilities through careful design, siting, landscape screening and innovative camouflage techniques.

Within the proposed Code, the Town's preference is that small cell facilities in the right of way be located on an existing streetlight or on a new pole before being located on a traffic signal. In addition, the code contains spacing requirements between facilities that is consistent with the current spacing of streetlights. The height of any new poles constructed would be limited to 40 feet or less.

For a facility to be located in the right of way, the provider would need to enter into a lease agreement with the Town, through which the Town could impose additional requirements.

Can small cell facilities be installed on existing poles or buildings on private property?

This is possible, however, space on existing poles is becoming scarce - especially as infrastructure is increasingly being located underground rather than overhead. Providers also say that negotiations with individual private property owners is too complex and time-consuming to deliver on customers' current needs.

Additionally, the technology currently being used often requires separation between facilities to avoid signal interference.

Will large cell towers still be needed as small cells come online?

The large cell towers that have provided cellular service for years are a different form of cellular technology that will still be necessary for service, even if small cell facilities are available. The larger towers serve larger geographic areas and are good for voice service, but their data signal can degrade over distance. Small cells provide strong voice and data service within a limited geographic area. The proposed Code update provisions relate to large "macro" cell towers as well.

Who can I contact for more information?

Contact the Town's Development Services team at 720-733-3566 or planning@CRgov.com.

(7) Definitions

For purposes of this subsection, the following terms shall be defined as follows:

a. Alternative Tower Structure

Man-made trees, clock or water towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards of 070.030.030(g), *Wireless Communication Facilities*.

b. Antenna

Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

c. Antenna, Dish

Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

d. Base Station

1. A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this Article has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
2. The definition of "base station" does not include any structure that, at the time the application is filed with the City under 070.030.030(g), *Wireless Communication*

Facilities, does not support or house equipment described herein in sub-paragraphs a and b of this definition.

e. Camouflage, Concealment, or Camouflage Design Techniques

A WCF which is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of WCF's with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

f. Colocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

g. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) colocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

h. Eligible Support Structure

Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City under 070.030.030(g), *Wireless Communication Facilities*.

i. Existing

A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

j. OTARD

An over-the-air receiving device.

k. OTARD Antenna

1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or (iii)
3. An antenna that is designed to receive television broadcast signals.

l. OTARD Antenna Structure

Any pole, tower, or other structure designed and intended to support an OTARD antenna.

m. Site (for towers other than towers in the right-of-way and eligible support structures)

The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other towers in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

n. Small Cell Facility

A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

o. Substantial Change

A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than 10 feet, whichever is greater;
2. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure; or
5. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (1), (2), and (3) of this definition; and

6. For any eligible support structure, it does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.

p. Tower

Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any Federal Communications Commission ("FCC") - licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.

q. Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

r. Wireless Communications Facility, or "WCF"

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of 070.030.030(g), *Wireless Communication Facilities*.

(3) Marijuana Cultivation

No marijuana cultivation facility shall be located:

- a. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. This distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the marijuana cultivation facility; or
- b. Within 900 feet of another marijuana cultivation facility, medical marijuana business, or retail marijuana establishment. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities.
- c. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(4) Mini-Warehouse or Storage

a. Design

1. Doors to individual storage units shall not face any abutting street frontage.
2. One-story buildings shall be a maximum of 15 feet in height.

b. Other Activities

No other residential or nonresidential activities shall take place on the premises other than the rental of storage units.

c. Outdoor Storage

Outdoor storage shall not be permitted other than for boats, trailers, or vehicles, which shall be stored in screened areas. Screening for such areas shall comply with 070.040.050(f).

(g) Wireless Communication Facilities

(1) Purpose

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Glenwood Springs City Council finds that these regulations are necessary to:

- a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the city with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
- b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;
- c. Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;
- d. Encourage the use of wall mounted panel antennas;
- e. Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;

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- f. Encourage the location of towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
- g. Encourage strongly the colocation of WCFs on new and existing sites;
- h. Encourage owners and users of antennas and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;
- i. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
- j. Effectively manage WCFs in the right-of-way; and
- k. Manage amateur radio facilities and over-the-air receiving devices in the city.

(2) Applicability

a. Base Stations, Alternative Tower Structures, Small Cell Facilities, and Towers

The requirements in this subsection shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined in 070.030.030(g)(7), *Definitions*, and further addressed herein.

b. Exemptions

The requirements set forth in this subsection shall not apply to:

1. Amateur Radio Antennas

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.

2. Pre-Existing WCFs

Any WCF for which a permit has been properly issued prior to November 1, 2017, shall not be required to meet the requirements of this subsection, other than the operational standards set forth in this subsection. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this subsection.

3. Miscellaneous Antennas

Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.

(3) Operational Standards

a. Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this subsection shall bring such facility into compliance with such revised

standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

b. Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

c. Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall notify the City at least 10 calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process.

d. Legal Access

In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.

e. Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

f. Abandonment and Removal

If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the City. If the WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

(4) Design Standards

The requirements set forth in this subsection shall apply to the location and design of all WCFs governed by this section as specified below; provided, however, that the City may waive these requirements if it determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the city, consistent with other provisions of the Code.

a. Camouflage/Concealment

All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
2. The camouflage design may include the use of alternative tower structures should the director determine that such design meets the intent of the Code and the community is better served thereby.
3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

b. Wall-Mounted WCFs

Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.

c. Roof-Mounted WCFs

Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:

1. Roof-mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
2. Roof-mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

3. Other roof-mounted related accessory equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

d. Hazardous Materials

No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

e. Siting

1. No portion of any WCF may extend beyond the property line of the lot upon which it is located.
2. *Colocation.* WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.
3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.

f. Lighting

WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

g. Landscaping and Fencing

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
2. WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the director.
4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.
5. No trees larger than four inches in diameter measured at four and one-half feet high on the tree may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.

h. Noise

Noise generated on the site shall not exceed the standards permitted in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a

reasonable period of time during repairs, not to exceed two hours without prior authorization from the City.

i. Additional Design Requirements

Additional design requirements shall be applicable to the various types of WCFs as specified below:

1. Base Stations

If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.

2. Alternative Tower Structures and Small Cell Facilities

- i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area;
- ii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet;
- iii. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
- iv. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- v. Shall be compatible with the surrounding topography, tree coverage, and foliage;
- vi. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- vii. Visual impacts of the proposed ingress and egress shall be minimized.

3. Alternative Tower structures and Small Cell Facilities Located in the Right-of-Way

The following requirements apply in addition to those set forth in 070.030.030(g)(4)i.2:

- i. Shall be no higher than 35 feet;
- ii. Shall be no more than 10 feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 500 feet of the pole or structure;
- iii. Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of at least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;
- iv. Pole-mounted components shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
- v. Shall be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;

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- vi. Shall, to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;
- vii. Shall, when located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;
- viii. Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- ix. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;
- x. Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the Director; and
- xi. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4. Towers

- i. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- ii. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
- iii. Monopole support structures shall taper from the base to the tip;
- iv. All towers, excluding towers in right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;
- v. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet. Towers in right-of-ways shall not exceed 35 feet in height and shall meet all of the design requirements of alternative tower structures in the right-of-way;

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- vi. Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;
- vii. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- viii. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- ix. Visual impacts of the proposed ingress and egress shall be minimized.
- x. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - a. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - c. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.
- xi. A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:
 - a. The setback for a principal building within the applicable zoning;
 - b. Twenty-five percent of the facility height, including WCFs and transmission equipment; or
 - c. The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.
 - d. Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

5. Related Accessory Equipment

Accessory equipment for all WCFs shall meet the following requirements:

- i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
- ii. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet;
- iii. No related accessory equipment or accessory structure shall exceed 12 feet in height; and
- iv. Accessory equipment, including but not limited too remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within