

BOARD OF COUNTY COMMISSIONERS FOR  
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION FOR LAND USE CASE DECISION - CASE #RCU2014-00004 CROWN  
CASTLE CELL TOWER CUP RENEWAL

**Resolution 2014-176**

WHEREAS, on the 21<sup>st</sup> day of April, 2014, the Board of County Commissioners, held a public hearing on the application of Marken Telecom Services, Case #RCU2014-00004; and,

WHEREAS, this case involved an application for: Renewal of a Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district on the following described property:

PARCEL NUMBER: 0172131205002

APPROXIMATE LOCATION: 7725 Dahlia Street

LEGAL DESCRIPTION: SUB: BILLKORT SUBD LOT:2

WHEREAS, substantial testimony was presented by members of the public and the applicant; and,

WHEREAS, the Adams County Planning Commission held a public hearing on the 27<sup>th</sup> day of March, 2014, and forwarded a recommendation of APPROVAL to the Board of County Commissioners based on the following:

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing and the recommendations of the Department of Planning and Development and the Planning Commission, the application in this case be hereby **APPROVED** based upon the following findings of fact and subject to the fulfillment of the following conditions precedent and stipulations by the applicant:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board

of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation.

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

**Conditions to the Applicant:**

1. The Conditional Use Permit shall expire on April 21, 2024.
2. The applicant shall install screen fencing enhanced with vegetation around the perimeter of the lease area. The fence permit shall be applied for by May 21, 2014, and the fencing with vegetation shall be installed by August 21, 2014.
3. Any telecommunications facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use. In order to ensure compliance, the applicant will be required to submit a performance bond in the amount of the removal costs, or other adequate security as approved by the Director of Planning & Development, and give the County the right to enter the property for removal of such tower.

**Note to the Applicant:**

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry \_\_\_\_\_ Aye  
Tedesco \_\_\_\_\_ Aye  
Hansen \_\_\_\_\_ Aye  
Commissioners

STATE OF COLORADO    )  
County of Adams        )

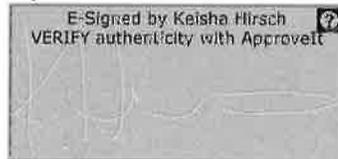
I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 21<sup>st</sup> day of April, A.D. 2014.

County Clerk and ex-officio Clerk of the Board of County Commissioners  
Karen Long:



By:



Deputy

# Crown Castle Cell Tower CUP Renewal

<b>Case Number:</b>	<b>RCU2014-00004</b>
<b>Planning Commission Hearing Date:</b>	<b>03/27/2014 at 6:00 p.m.</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>04/21/2014 at 10:00 a.m.</b>

Case Manager: Michael Weaver

Case Technician: Mark Moskowitz

Applicant: Marken Telecom Services  
MARK MCGAREY 303-485-0912  
4133 HAWTHORNE PLACE  
LONGMONT, CO 80503

Owner: CROWN CASTLE ATTN: JON DOHM 8059571629  
510 CASTILLO ST. #302  
SANTA BARBARA, CA 93101

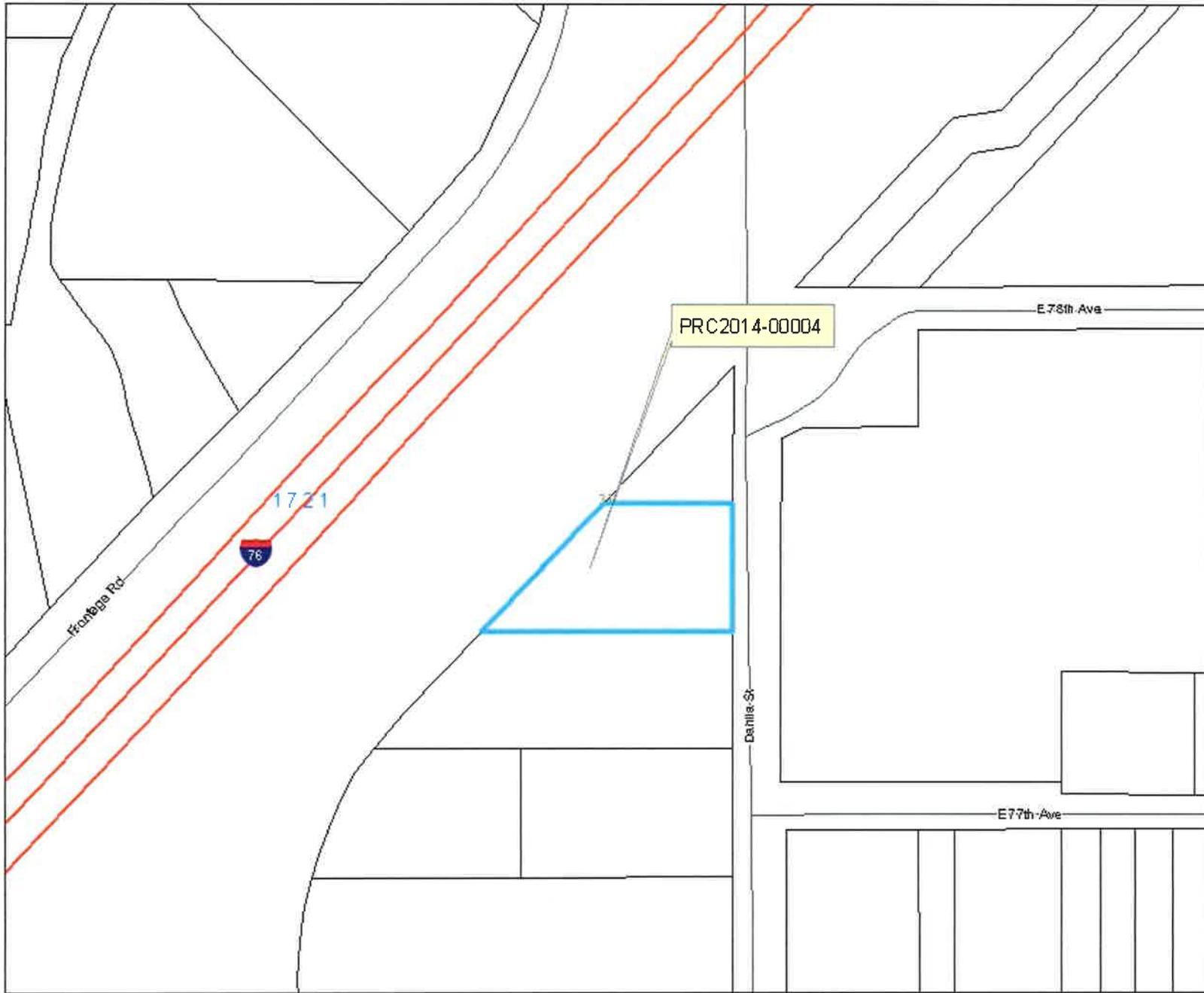
Representative:

Location: 7725 Dahlia ST  
Parcel Number: 0172131205002  
Size of Property: undetermined parcel size  
Proposed Use:

Request: Request for a renewal of a Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district.

## HEARINGS

<b>Planning Commission</b>	<b>Board of County Commissioners</b>
Date: 03/27/2014	Date: 04/21/2014
Action:	Action:
Date:	Date:
Action:	Action:
Review for Tracking:	Date:
Map Updated by:	Date:
Approved By:	Date:



**LEGEND**

- ★ Special Zoning Conditions
- 3 Section Numbers
- +— Railroad
- Major Water
- Zoning Line
- Sections
- ▨ Airport Noise Overlay
- ▭ Incorporated Areas

**Crown Castle Cell Tower CUP Renewal**  
**RCU2014-00004**



For display purposes only.



This map is made possible by the Adams County GIS group. We bear no responsibility for its accuracy.

P-U-DI-2

E-78th Ave

Dahlia St

Frontage Rd

I-1

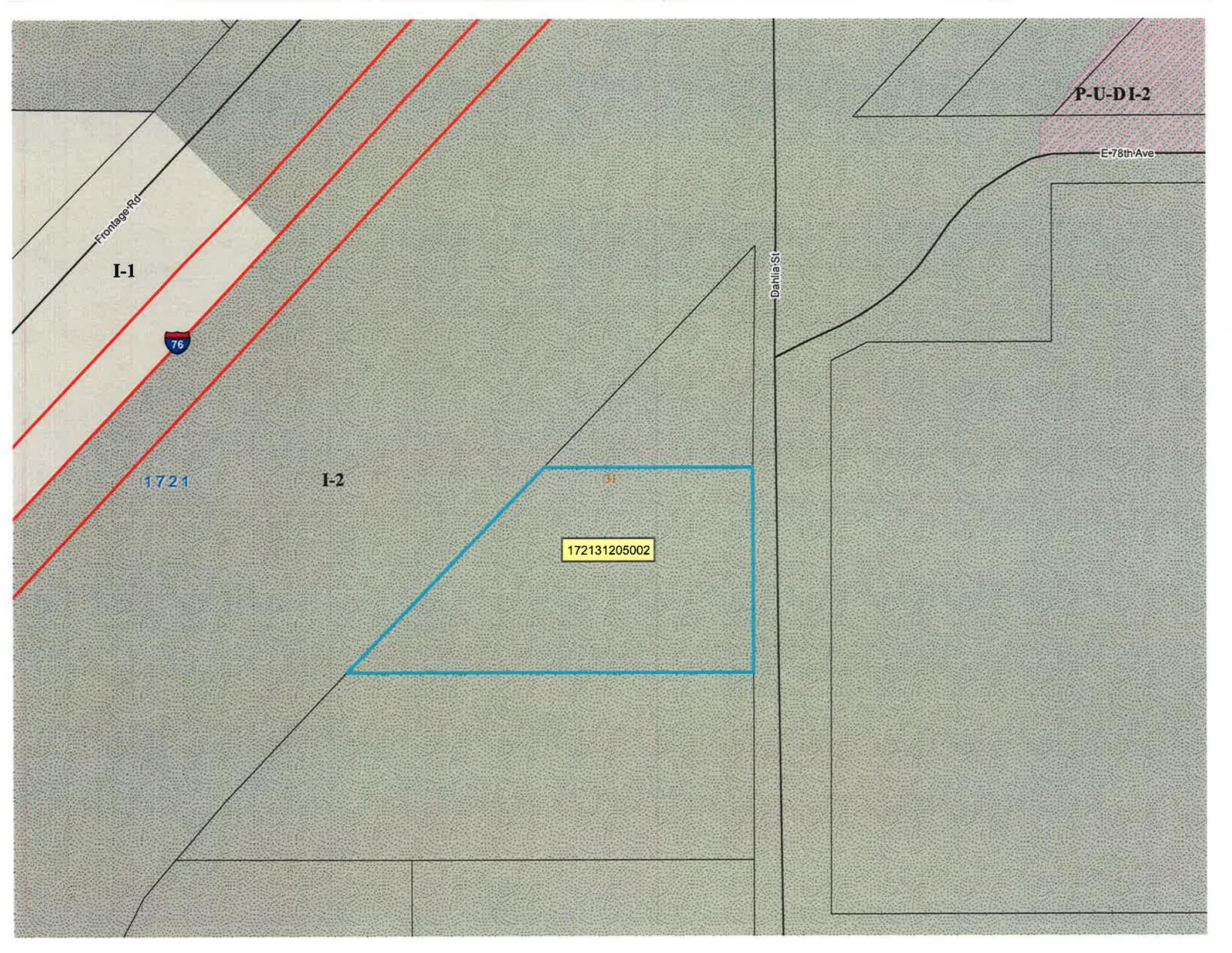


1721

I-2

31

172131205002





Frontage Rd

76

1721

172131205002

Dahlia St

E 78th Ave



**PLANNING AND DEVELOPMENT DEPARTMENT  
STAFF REPORT**

Board of County Commissioners

April 21, 2014

CASE NO.: RCU2014-00004    CASE NAME: Crown Castle Cell Tower CUP Renewal
---

Owner's Name:	Jon Dohm (Crown Castle Inc.)
Applicant's Name	Mark McGarey (Marken Telecom Services)
Applicant's Address:	4133 Hawthorne Place, Longmont
Location of Request:	7725 Dahlia Street
Nature of Request:	Renewal of a Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district.
Site Size:	+/- 0.66 acre
Zone District:	I-2, Industrial
Proposed Use:	Industrial / Cell Tower
Existing Use:	Industrial / Cell Tower
Hearing Date(s):	PC: March 27, 2014 / 6:00pm BOCC: April 21, 2014 / 10:00am
Report Date:	March 31, 2014
Case Manager:	Michael Weaver <i>MW</i>
PC Recommendation:	APPROVAL with 8 Findings of Fact, 3 Conditions, and 1 Note
Staff Recommendation:	APPROVAL with 8 Findings of Fact, 3 Conditions, and 1 Note

**SUMMARY OF APPLICATION**

Crown Castle is requesting to renew the Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district. In 2000, a previous owner of the cell tower (Qwest) received approval for a 5-year Conditional Use Permit, which expired in 2005. Also in 2000, the original owner of the cell tower received approval for a variance of 43 feet from the one-to-one foot minimum setback requirement to construct a 50-foot tall freestanding cellular tower seven feet from the side property line in the I-2, Industrial zone district. Crown Castle acquired the cell tower in 2011.

Nearby parcels are zoned I-1, Industrial and I-2, Industrial. The purpose of the I-2, Industrial zone district is to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products as well as allowing service facilities for industries and their employees. Commercial communication towers are considered a permitted conditional commercial use in the I-2, Industrial zone district. The maximum height of any structure in the I-2, Industrial zone district is 75 feet.

The Future Land Use map designates this site as Industrial. In general, Industrial areas are intended to provide a setting for a wide range of employment uses, including manufacturing, warehouses, distribution, and other industries. These areas may also include limited supporting uses such as retail and outdoor storage. Key considerations at the edges of industrial areas include limiting or buffering noise, vehicle, appearance, and other impacts of industrial uses on nearby non-residential uses.

The site is located along the east side of Dahlia Street, just north of 77<sup>th</sup> Avenue, near Commerce City. This is about 1/10 mile south of I-76 and about 1/3 mile west of US 85. The Burlington Canal runs along the western boundary of the property. The site has access onto Dahlia Street.

Per Section 4-09-02-07, all freestanding towers must maintain a minimum one-to-one foot setback from all property lines. As discussed above, the applicants were granted a variance from this standard in Case # VSP2000-00024. The cell tower blends in with other large pole structures in the area. All antenna arrays are fully enclosed within the pole instead of attached to the outside of the pole structure. The base of freestanding telecommunications equipment needs to be screened from adjacent properties, roads, and public areas.

Currently on the site is a truck and trailer parts business. Other areas of the property, besides the approximately 380 square foot area leased from the current owner for the cell tower, are dedicated to employee and customer parking, landscape areas, building, and equipment storage yard. The base of the cell tower is currently not screened; this requirement is therefore included as a condition of approval.

The facility is unmanned. A technician will visit the site as required for routine maintenance. The project will not disturb the site or surrounding areas. No sanitary sewer service, potable water, or trash disposal is required for the operation of the facility. No commercial signage is proposed.

If all the conditions of approval are adhered to with this request, the tower will not have an adverse impact on the health, safety, or general welfare of the inhabitants of the area or the County.

### **REFERRAL AGENCY COMMENTS**

The City of Commerce City, in a letter dated March 7, 2014, states that the City has no recommendation to make as to approval or denial of the request. If the case is approved, the City recommends that the Conditional Use Permit only be approved for an additional five years, and also recommends that a screening wall or fence be installed surrounding the lease area.

## **CITIZEN COMMENTS**

There were no citizen comments.

## **PLANNING COMMISSION UPDATE**

This case was heard on March 27, 2014 by the Planning Commission, which recommended approval in a unanimous decision (7-0). No public testimony was presented at the hearing. The Planning Commission did not have any concerns with the applicants' request, and recommends that the Conditional Use Permit be renewed for a period of 10 years.

## **STAFF RECOMMENDATION**

The telecommunications tower has existed in this location for 14 years and provides a service to the public. The use is compatible with the surrounding area and does not create off-site impacts. This request is in harmony with the general purpose and intent of these standards and regulations, and is consistent with the area. Staff recommends approval based on 8 Findings of Fact, 3 Conditions and 1 Note.

## **RECOMMENDED FINDINGS OF FACT**

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

### **Recommended Conditions to the Applicant:**

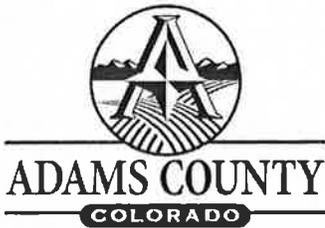
1. The Conditional Use Permit shall expire on April 21, 2024.
2. The applicant shall install screen fencing enhanced with vegetation around the perimeter of the lease area. The fence permit shall be applied for by May 21, 2014, and the fencing with vegetation shall be installed by August 21, 2014.
3. Any telecommunications facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use. In order to ensure compliance, the applicant will be required to submit a performance bond in the amount of the removal costs, or other adequate security as approved by the Director of Planning & Development, and give the County the right to enter the property for removal of such tower.

**Recommended Note to the Applicant:**

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations.

<b>Staff Recommendation: APPROVAL, with 8 Findings of Fact, 3 Conditions, and 1 Note</b>
--

<b>PC Recommendation: APPROVAL, with 8 Findings of Fact, 3 Conditions, and 1 Note</b>
---



Planning and Development Department  
4430 South Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601-8216  
PHONE 720.523.6800 FAX 720.523.6998

## MEMORANDUM

To: Board of County Commissioners  
From: Michael Weaver, Planner II – Economic Development  
Subject: Crown Castle Cell Tower CUP Renewal / Case #RCU2014-00004  
Date: April 21, 2014

If the Board of County Commissioners does not concur with the Planning Commission and Staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

### ALTERNATIVE RECOMMENDED FINDINGS

- 1.The conditional use is not permitted in the applicable zone district.
- 2.The conditional use is not consistent with the purposes of these standards and regulations.
- 3.The conditional use will not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
- 4.The conditional use is not compatible with the surrounding area, is not harmonious with the character of the neighborhood, is detrimental to the immediate area, is detrimental to the future development of the area, and is detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation.
- 5.The conditional use permit has not addressed all off-site impacts.
- 6.The site is not suitable for the conditional use including inadequate usable space, inadequate access, and presence of environmental constraints.
- 7.The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting.
- 8.Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and inadequate to serve the needs of the conditional use as designed and proposed.



**PLANNING AND DEVELOPMENT DEPARTMENT  
STAFF REPORT**

Planning Commission

March 27, 2014

CASE NO.: RCU2014-00004    CASE NAME: Crown Castle Cell Tower CUP Renewal

Owner's Name:	Jon Dohm (Crown Castle Inc.)
Applicant's Name	Mark McGarey (Marken Telecom Services)
Applicant's Address:	4133 Hawthorne Place, Longmont
Location of Request:	7725 Dahlia Street
Nature of Request:	Renewal of a Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district.
Site Size:	+/- 0.66 acre
Zone District:	I-2, Industrial
Proposed Use:	Industrial / Cell Tower
Existing Use:	Industrial / Cell Tower
Hearing Date(s):	PC: March 27, 2014 / 6:00pm BOCC: April 21, 2014 / 10:00am
Report Date:	March 10, 2014
Case Manager:	Michael Weaver <i>MW M</i>
Staff Recommendation:	APPROVAL with 8 Findings of Fact, 3 Conditions, and 1 Note

**SUMMARY OF PREVIOUS APPLICATIONS**

- **2000:** Case # *VSP2000-00024*. Variance of 43 feet from the one-to-one foot minimum setback requirement to construct a 50-foot tall freestanding cellular tower seven feet from the side property line in the I-2, Industrial zone district. Approved.
  
- **2000:** Case # *RCU2000-00055*: Conditional Use Permit to allow a commercial telecommunications tower 50 feet high in the I-2, Industrial zone district. Approved.

## SUMMARY OF APPLICATION

Crown Castle is requesting to renew the Conditional Use Permit to allow a 50-foot tall commercial telecommunications tower in the I-2, Industrial zone district. In 2000, a previous owner of the cell tower (Qwest) received approval for a 5-year Conditional Use Permit, which expired in 2005. Also in 2000, the original owner of the cell tower received approval for a variance of 43 feet from the one-to-one foot minimum setback requirement to construct a 50-foot tall freestanding cellular tower seven feet from the side property line in the I-2, Industrial zone district. Crown Castle acquired the cell tower in 2011.

Nearby parcels are zoned I-1, Industrial and I-2, Industrial. The purpose of the I-2, Industrial zone district is to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products as well as allowing service facilities for industries and their employees. Commercial communication towers are considered a permitted conditional commercial use in the I-2, Industrial zone district. The maximum height of any structure in the I-2, Industrial zone district is 75 feet.

The Future Land Use map designates this site as Industrial. In general, Industrial areas are intended to provide a setting for a wide range of employment uses, including manufacturing, warehouses, distribution, and other industries. These areas may also include limited supporting uses such as retail and outdoor storage. Key considerations at the edges of industrial areas include limiting or buffering noise, vehicle, appearance, and other impacts of industrial uses on nearby non-residential uses.

The site is located along the east side of Dahlia Street, just north of 77<sup>th</sup> Avenue, near Commerce City. This is about 1/10 mile south of I-76 and about 1/3 mile west of US 85. The Burlington Canal runs along the western boundary of the property. The site has access onto Dahlia Street.

Per Section 4-09-02-07, all freestanding towers must maintain a minimum one-to-one foot setback from all property lines. As discussed above, the applicants were granted a variance from this standard in Case # VSP2000-00024. The cell tower blends in with other large pole structures in the area. All antenna arrays are fully enclosed within the pole instead of attached to the outside of the pole structure. The base of freestanding telecommunications equipment needs to be screened from adjacent properties, roads, and public areas.

Currently on the site is a truck and trailer parts business. Other areas of the property, besides the approximately 380 square foot area leased from the current owner for the cell tower, are dedicated to employee and customer parking, landscape areas, building, and equipment storage yard. The base of the cell tower is currently not screened; this requirement is therefore included as a condition of approval.

The facility is unmanned. A technician will visit the site as required for routine maintenance. The project will not disturb the site or surrounding areas. No sanitary sewer service, potable water, or trash disposal is requirement for the operation of the facility. No commercial signage is proposed.

If all the conditions of approval are adhered to with this request, the tower will not have an adverse impact on the health, safety, or general welfare of the inhabitants of the area or the County.

### **REFERRAL AGENCY COMMENTS**

The City of Commerce City, in a letter dated March 7, 2014, states that the City has no recommendation to make as to approval or denial of the request. If the case is approved, the City recommends that the Conditional Use Permit only be approved for an additional five years, and also recommends that a screening wall or fence be installed surrounding the lease area.

### **STAFF RECOMMENDATION**

The telecommunications tower has existed in this location for 14 years and provides a service to the public. The use is compatible with the surrounding area and does not create off-site impacts. This request is in harmony with the general purpose and intent of these standards and regulations, and is consistent with the area. Staff recommends approval based on 8 Findings of Fact, 3 Conditions and 1 Note.

## **RECOMMENDED FINDINGS OF FACT**

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

### **Recommended Conditions to the Applicant:**

1. The Conditional Use Permit shall expire on April 21, 2019.
2. The applicant shall install screen fencing enhanced with vegetation around the perimeter of the lease area. The fence permit shall be applied for by May 21, 2014, and the fencing with vegetation shall be installed by August 21, 2014.
3. Any telecommunications facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use. In order to ensure compliance, the applicant will be required to submit a performance bond in the amount of the removal costs, or other adequate security as approved by the Director of Planning & Development, and give the County the right to enter the property for removal of such tower.

**Recommended Note to the Applicant:**

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations.

**Staff Recommendation: APPROVAL, with 8 Findings of Fact, 3 Conditions and 1 Note.**

**CASE ANALYSIS**

1. The conditional use is permitted in the applicable zone district. Yes.
2. The conditional use is consistent with the purposes of these standards and regulations. Yes.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards. Yes.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation. Yes.
5. The conditional use permit has addressed all off-site impacts. Yes.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints. Yes.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting. Yes.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed. Yes.

**CITIZEN COMMENTS**

None

**COUNTY AGENCY COMMENTS**

**Adams County Building Safety Division:**

None

**Adams County Code Compliance Division:**

None

**Adams County Parks and Community Resources Department:**

None

**Adams County Sheriff's Office:**

None

**Adams County Transportation Department:**

There is no objection to renewing the conditional use permit.

**Adams County Treasurer's Office**

None

**REFERRAL AGENCY COMMENTS**

**Responding with concerns:**

None

**Responding without concerns:**

Commerce City

**Notified but not responding / Considered a Favorable Response:**

Adams County School District 14  
Colorado Department of Public Health and Environment  
Colorado Department of Transportation  
Colorado Division of Wildlife  
Comcast  
Metro Wastewater Reclamation  
Qwest Communications  
Regional Transportation District  
South Adams County Fire District  
Xcel Energy



Planning and Development Department  
4430 South Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601-8216  
PHONE 720.523.6800 FAX 720.523.6998

## MEMORANDUM

To: Planning Commission

From: Michael Weaver, Planner II – Economic Development

Subject: Crown Castle Cell Tower CUP Renewal / Case #RCU2014-00004

Date: March 27, 2014

If the Planning Commission does not concur with the staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

### ALTERNATIVE RECOMMENDED FINDINGS

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is not consistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is not compatible with the surrounding area, is not harmonious with the character of the neighborhood, is detrimental to the immediate area, is detrimental to the future development of the area, and is detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, odors, or inappropriate hours of operation.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is not suitable for the conditional use including inadequate usable space, inadequate access, and presence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and inadequate to serve the needs of the conditional use as designed and proposed.

# CERTIFICATE OF POSTING



I, Michael Weaver, do hereby certify that I posted the property at

7725 Dahlia Street

on March 7, 2014

in accordance with the requirements of the Adams County Zoning Regulations

Michael Weaver

Michael Weaver

# Marken Telecommunication Services, LLC

## PROJECT EXPLANATION

To: Adams County Community Development Department

From: Mark McGarey, Marken Telecom Services on behalf of Crown Castle

Date: January 2014

Re: Conditional Use Permit Extension Request, Turbo, BUN 839623  
7725 Dahlia Street

Crown Castle owns the existing wireless communications facility at 7725 Dahlia Street, APN: 0172131205002, in Adams County. The site was originally developed by Qwest in 2000 and received conditional use approval by Adams County (RCU2000-00055). The site was purchased by Crown Castle in 2011. The original approval and subsequent extensions were subject to 5 - year expiration stipulations. As a result, Crown must secure an additional use permit to remain in compliance. With this application, Crown desires to keep the facility permitted and operational for at least an additional ~~5~~<sup>20</sup> years.

The facility is located in the A-1 Industrial zone and is located on a parent parcel who's primary use is a construction materials shipping facility. The cell site consists of a 50' monopole with three-sector antenna array (Sprint) and outdoor radio equipment on a concrete pad within a 20 x 20 leased area. The site is located in the rear parking lot and protected from vehicle damage with concrete parking bollards.

Crown and their carrier tenant, Sprint, have no intention of decommissioning this facility in the near-term and would request the longest time extension allowable with this CUP. Crown is unaware of any negative input regarding the facility. The site provides cellular coverage for Sprint users in the vicinity of the facility, including E911 service. The pole can accommodate additional uses and Crown is actively marketing this facility for future tenant's use.

### Criteria Review

1. The site is in the I-1 industrial zoning district. This facility is an appropriate use in this district as evidenced by the original CUP approval and no negative feedback since the site has been in place.
2. The industrial zoning regs allow for telecom use with the CUP.
3. All applicable performance standards will be met. Crown Castle strives to maintain all their facilities in good maintenance and will meet all current applicable local, state and federal permits and regulations.
4. The neighborhood surrounding the facility is industrial in nature and this facility poses no adverse impacts on surrounding owners, creates little traffic, no noise, vibration, lighting or dust of any kind.
5. There are no off-site impacts that need to be addressed in allowing the continuing operation of this facility. There are no changes to the site being requested. There is no intensification of the use.
6. There are no physical space constraints nor environmental impacts of any kind being created through the extension of this use permit. Visual impact of the facility have become an accepted use on this property and there have been no recorded objections to the facility.
7. No changes are being requested to the layout of the facility nor are any needed.
8. The existing infrastructure is adequate to support this site now and in the future.

Please contact me at 303-485-0912 or via email at [marken.co@comcast.net](mailto:marken.co@comcast.net) if you have any questions and/or need additional information.



Vicinity Map - N.T.S.



Monopole Detail  
N.T.S.

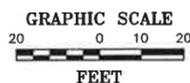
Lease Area/Access & Utility Easements  
TO BE DETERMINED

**Line Legend**

	= SUBJECT PARCEL BOUNDARY LINES
	= SECTION LINES
	= ADJOINING PARCEL BOUNDARY LINES
	= EASEMENT LINES
	= RIGHT OF WAY LINES
	= FLOOD PLANE LINES
	= BARBED WIRE FENCE
	= CHAINLINK FENCE
	= UNDERGROUND ELECTRIC LINES
	= UNDERGROUND GAS LINES
	= OVERHEAD ELECTRIC LINES
	= UNDERGROUND SANITARY SEWER LINES
	= UNDERGROUND TELEPHONE LINES
	= UNDERGROUND WATER LINES



CAL VADA  
SURVEYING, INC.



Geographic Coordinates as Shown  
1983 DATUM: LATITUDE 39°50'14.73"N LONGITUDE 104°55'55.31"W

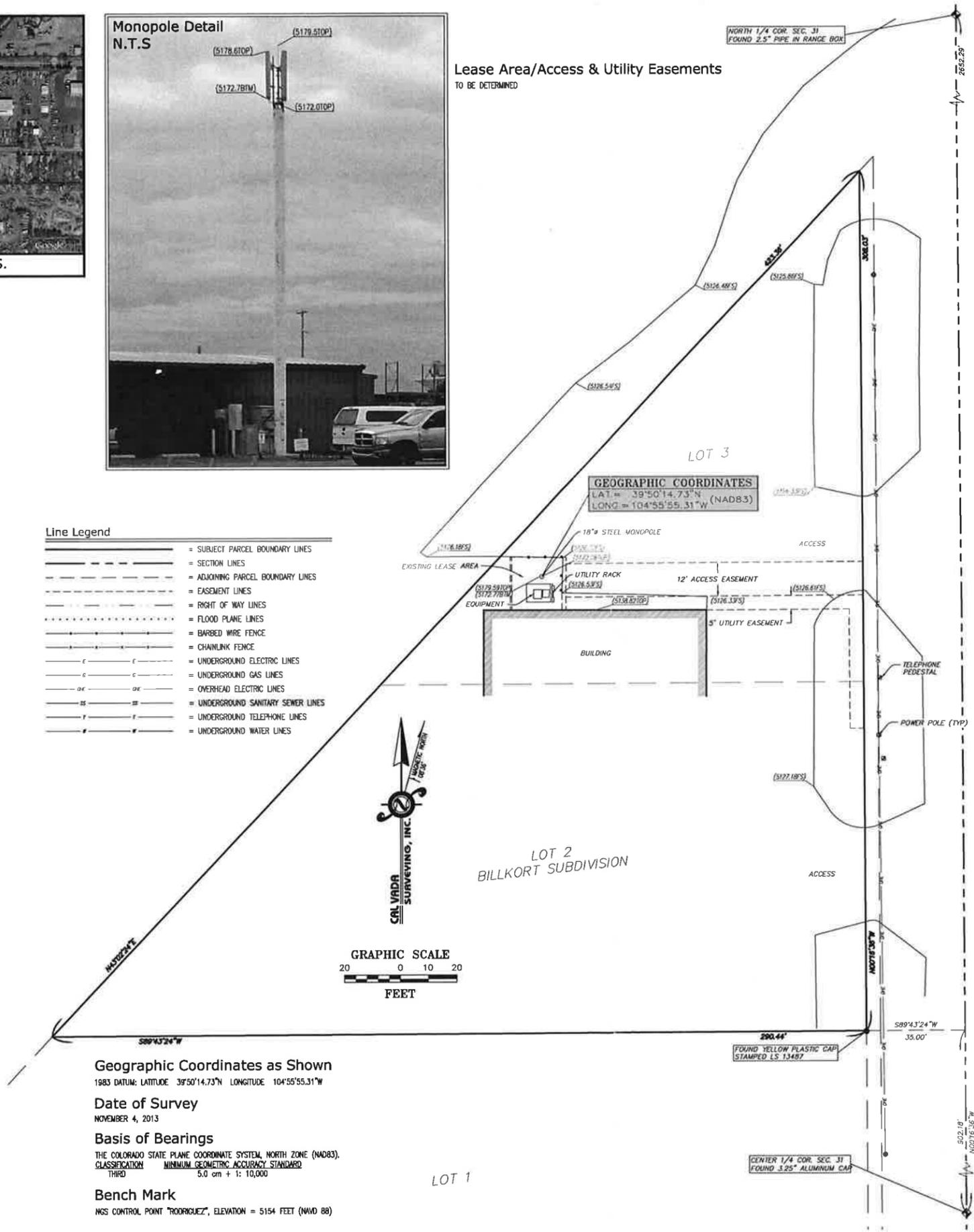
Date of Survey  
NOVEMBER 4, 2013

Basis of Bearings  
THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).  
CLASSIFICATION THIRD MINIMUM GEOMETRIC ACCURACY STANDARD  
5.0 cm + 1: 10,000

Bench Mark  
NGS CONTROL POINT "RODRIGUEZ", ELEVATION = 5154 FEET (NAVD 88)

LOT 1

GEOGRAPHIC COORDINATES  
LAT = 39°50'14.73"N  
LONG = 104°55'55.31"W (NAD83)



**Title Report**

PREPARED BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY  
ORDER NO.: CRC-WC-283035-C  
EFFECTIVE DATE: OCTOBER 18, 2013

**Legal Description**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWNSHIP OF CHASSALL, COUNTY OF ADAMS, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

LOTS 2 AND 3, BILLKORT SUBDIVISION ADAMS COUNTY, COLORADO.

PARCEL ILL #: 0172131205002

THIS BEING THE SAME PROPERTY CONVEYED TO THE MILES FAMILY LIMITED LIABILITY PARTNERSHIP, IN INSTRUMENT NO.'S: C1071667 AND C1071666.

PROPERTY COMMONLY KNOWN AS: 7725 DAHLIA STREET COMMERCE CITY, CO 80022

**Assessor's Parcel No.**

1721-31-2-05-002

**Easements**

5. SHORT FORM OF LEASE BETWEEN 7725 DAHLIA STREET LLC, A COLORADO LIMITED LIABILITY COMPANY, AND US WEST WIRELESS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED JUNE 02, 2000 AND RECORDED JUNE 23, 2000, BOOK 6167, PAGE 0997, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

6. MEMORANDUM OF PURCHASE AND SALE OF LEASE AND SUCCESSOR LEASE BETWEEN THE MILES FAMILY LIMITED LIABILITY PARTNERSHIP, A COLORADO LIMITED LIABILITY PARTNERSHIP, AND WIRELESS CAPITAL PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY DATED JANUARY 18, 2007 AND RECORDED FEBRUARY 20, 2007, AS INSTRUMENT NO. 200700018177, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

7. MEMORANDUM OF ASSIGNMENT BETWEEN WIRELESS CAPITAL PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND WCP WIRELESS LEASE SUBSIDIARY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED JANUARY 31, 2007 AND RECORDED APRIL 19, 2007, AS INSTRUMENT NO. 2007000039144, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

8. STATEMENT OF AUTHORITY, DATED AUGUST 31, 2007 AND RECORDED SEPTEMBER 17, 2007, AS INSTRUMENT NO. 2007000088239, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY BUT IS NOT PLOTTABLE).

9. STATEMENT OF AUTHORITY, DATED SEPTEMBER 14, 2007 AND RECORDED SEPTEMBER 17, 2007, AS INSTRUMENT NO. 2007000088240, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY BUT IS NOT PLOTTABLE).

10. STATEMENT OF AUTHORITY, DATED SEPTEMBER 19, 2007 AND RECORDED SEPTEMBER 19, 2007, AS INSTRUMENT NO. 2007000089189, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY BUT IS NOT PLOTTABLE).

11. MEMORANDUM OF ASSIGNMENT BETWEEN WCP WIRELESS LEASE SUBSIDIARY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND WIRELESS CAPITAL PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED DECEMBER 21, 2007 AND RECORDED JANUARY 30, 2008, AS INSTRUMENT NO. 2008000007320, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

12. MEMORANDUM OF ASSIGNMENT BETWEEN WIRELESS CAPITAL PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND MW CELL REIT 1 LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED DECEMBER 21, 2007 AND RECORDED JANUARY 30, 2008, AS INSTRUMENT NO. 2008000007321, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

13. MEMORANDUM OF FIRST AMENDMENT TO OPTION AND SITE LEASE AGREEMENT BETWEEN MW CELL REIT 1 LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND CROWN CASTLE MU LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED NOVEMBER 05, 2009 AND RECORDED MAY 20, 2010, AS INSTRUMENT NO. 2010000033598, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

14. CONVEYANCE OF GROUNDWATER RIGHTS BETWEEN MILES FAMILY LIMITED LIABILITY LIMITED PARTNERSHIP, AND SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT, A POLITICAL SUBDIVISION, DATED AUGUST 23, 2004 AND RECORDED JULY 15, 2013, AS INSTRUMENT NO. 2013000060435, IN ADAMS COUNTY, COLORADO. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

**Legend**

	CONCRETE PAVEMENT		NATURAL GROUND
	CONIFEROUS TREE		PARKING BOLLARD
	DIAMETER		POINT OF BEGINNING
	DECIDUOUS TREE		POINT OF COMMENCEMENT
	EDGE OF ASPHALT		OVERHEAD ELECTRIC LINE
	FINISHED FLOOR		POWER POLE
	FINISH SURFACE		PROPERTY LINE
	FIRE HYDRANT		RIGHT OF WAY
	FLOW LINE		SEWER MANHOLE
	FOUND MONUMENT AS NOTED		SIGN POST
	FOUND SECTION MONUMENT		STREET LIGHT STANDARD
	GEOGRAPHIC LOCATION		TELEPHONE PEDESTAL
	GAS METER		TYPICAL
	IRRIGATION CONTROL VALVE		WATER METER
			WATER VALVE

**Certificate of Survey**

THIS IS TO CERTIFY THAT THIS TOPOGRAPHIC MAP AND IMPROVEMENTS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JESUS A. LUGO, PLS 38081

THIS DOES NOT REPRESENT A MONUMENTED SURVEY. REFERENCE IS MADE TO A COMMITMENT FOR TITLE INSURANCE, NUMBER CRC-WC-283035-C, ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, AND HAVING AN EFFECTIVE DATE OF OCTOBER 18, 2013. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THE LESSOR'S LEGAL DESCRIPTION AND RECORD BOUNDARY ARE SHOWN HEREON FOR REFERENCE ONLY. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE LESSOR'S PROPERTY.

**Marken  
Telcom**

PROJECT INFORMATION:

TURBO

7725 DAHLIA ST,  
COMMERCE CITY, CO,  
COUNTY OF ADAMS

CURRENT ISSUE DATE:

11/19/13

ISSUED FOR:

DESIGN

REV.: DATE: ISSUED FOR: BY:

0	11/6/13	SUBMITTAL	JT

PLANS PREPARED FOR:

**CSAi**

CHARLES STECKLY ARCHITECTURE, Inc.  
ARCHITECTURE - PLANNING - DESIGN  
5935 SOUTH ZANG STREET, SUITE 280  
LITTLETON, COLORADO 80127  
OFFICE: 303.932.9974  
FAX: 303.932.6561

CONSULTANT:

**CAL VADA**  
SURVEYING, INC.

Los Angeles • Denver  
8551 S. Revere Place, Suite 105  
Englewood, CO 80111  
Phone: (720) 488-1305  
Fax: (720) 488-1308  
www.calvada.com • (800) CALVADA (225-8232)  
JOB NO. 13209

DRAWN BY: CHK.: APV.:

JT	JAL	JAL
----	-----	-----

LICENSURE:

SHEET TITLE:

TOPOGRAPHIC  
SURVEY

SHEET NUMBER: REVISION:

LS1	0
SHEET 1 OF 1 SHEETS	13209



# Adams County Transportation Department

## Referral Case Comments

**Date:** February 19, 2014  
**Referral Case:** Crown Castle Cell Tower CUP Renewal  
**Case Number:** RCU2014-00004  
**Document Number:** 4872132

---

There is no objection to renewing the conditional use permit.



March 7, 2014

Michael Weaver  
Adams County  
Department of Planning and Development  
4430 Adams County Parkway, Suite W2000A  
Brighton, CO 80601-8216

RE: Crown Castle Cell Tower CUP Renewal, RCU2014-00004

Dear Mr. Weaver:

Thank you for allowing the City of Commerce City the opportunity to review and comment on land use cases in Adams County. Commerce City staff has reviewed the application for renewal of the Conditional Use Permit for the telecommunications tower located at 7725 Dahlia Street, and has the following comments:

- No recommendation for approval or denial;
- If the case is approved, the City recommends the following conditions:
  - That the CUP only be approved for an additional 5 years;
  - That a screening wall or fence be installed surrounding the cabinet and lease area.

Please feel free to contact me at 303-227-8782 or [clong@c3gov.com](mailto:clong@c3gov.com) with any questions regarding these comments.

Sincerely,

Caitlin Hasenbalg Long  
City Planner

## Michael Weaver

---

**From:** Hasenbalg-Long, Caitlin - CD [clong@c3gov.com]  
**Sent:** Friday, March 14, 2014 10:43 AM  
**To:** Michael Weaver  
**Subject:** RE: RCU2014-00004

Hi Michael,

I apologize for the delayed response. The rationale for preferring only a 5-year renewal is that given the high visibility of the tower from Interstate-76 and Dahlia Street, the lack of screening, and the potential changes in the area due to development of the North Metro Rail Line, this may not be the most appropriate long-term location for such a facility.

Please let me know if you have any additional questions. Have a great weekend!

Caitlin Hasenbalg Long  
City Planner  
Commerce City Community Development  
7887 East 60th Avenue  
Commerce City, CO 80022  
303-227-8782

---

**From:** Michael Weaver [mailto:MWeaver@adcogov.org]  
**Sent:** Friday, March 07, 2014 11:33 AM  
**To:** Hasenbalg-Long, Caitlin - CD  
**Subject:** RE: RCU2014-00004

Hi Caitlin,

Thanks for the comments. Much appreciated. Is there a rationale for why Commerce City would prefer to only have a 5-year renewal of the CUP?

Best,  
Michael

**Michael Weaver, AICP | Planner II - Economic Development**  
Adams County Planning and Development Department  
4430 South Adams County Parkway | 1st Floor, Suite W2000A | Brighton, CO 80601 720.523.6853

---

**From:** Hasenbalg-Long, Caitlin - CD [mailto:clong@c3gov.com]  
**Sent:** Friday, March 07, 2014 9:31 AM  
**To:** Michael Weaver  
**Subject:** RCU2014-00004

Hello Michael,

Thank you for allowing Commerce City the opportunity to comment on land use cases in Adams County. Please see the attached comment letter for case number RCU2014-00004. Please feel free to contact me with any questions regarding these comments.

Regards,

Caitlin Hasenbalg Long  
City Planner  
Commerce City Community Development  
7887 East 60th Avenue  
Commerce City, CO 80022  
303-227-8782