

**CITY OF EDGEWATER  
RESOLUTION NO. 2015 - 02  
SERIES OF 2015**

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL REVIEW PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES AT 2250 EATON STREET, EDGEWATER, COLORADO

WHEREAS, Centerline Solutions, as the authorized representative of T-Mobile (the "Applicant"), has filed an application for approval to replace and install certain wireless telecommunications facilities at 2250 Eaton Street, Edgewater, Colorado (the "Property"), including the written consent of Brothers Redevelopment, Inc., as owner of the Property (the "Application"); and

WHEREAS, the Property is located in the R-4 zone district; and

WHEREAS, under the Edgewater Municipal Code ("Code"), telephone exchange facilities where no public business office and no repair or storage facilities are maintained, such as those proposed by the Application, are permitted in the R-4 zone district only by special review and approval by the Edgewater City Council ("City Council"); and

WHEREAS, prior to such special review being conducted by the City Council, the Code requires the Edgewater Planning and Zoning Commission ("Commission") to consider the Application, conduct an informal hearing thereon and make written recommendation on the same to the City Council; and

WHEREAS, on December 10, 2014, the Commission conducted an informal hearing on the Application, at which all interested parties were given the opportunity to be heard, after which the Commission adopted Resolution No. PC 06-14, recommending approval of the Application to the City Council; and

WHEREAS, after due and proper notice in accordance with the Code, the City Council conducted a hearing on the Application on January 15, 2015, at which all interested parties were again given the opportunity to be heard; and

WHEREAS, based upon the testimony and evidence received at such hearing, as applied to the applicable special review use criteria set forth in Sections 16-10-10(5).b.e.j.k.l.m and n. of the Code, the City Council finds that the Application should be approved, as further provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

**Section 1.** Findings: The City Council hereby makes the following findings concerning the application for approval to install certain wireless telecommunications facilities at 2250 Eaton Street, Edgewater, Colorado, filed by Centerline Solutions, as the authorized

representative of T-Mobile, with the consent of the Property owner, Brothers Redevelopment, Inc., as specified in the Development Application signed by the applicant's representative on October 1, 2014, together with all documents concurrently and subsequently submitted by the applicant in support thereof, as it relates to the special review use criteria specified in Section 16-10-10(5).b.e.j.k.l.m and n. of the Code:

**Code Section 16-10-10(5):**

b. The area of the special uses in relationship to the total area of the building or improvement;

The proposed upgrades are to an existing wireless facility currently located on the roof of the apartment building at the Property and will not exceed the current leased area of 400 square feet. The total area of the principal building is 68,791 square feet (the building footprint is 9,837 square feet). Thus, the leased area represents just over 4% of the roof area, and less than 1% of the total building area.

e. Noise;

The applicant submitted evidence that the proposed new equipment has a noise level of approximately 65 decibels. This is comparable to an HVAC unit and is unlikely to be heard from inside the apartment building or at ground level. Noise during installation of the upgrades will also be minimal, confined to day-time hours and within the limitations imposed by Article 14 of Chapter 10 (Noise) of the Code.

j. Compliance with all applicable provisions of this Code;

Telephone exchange facilities, where no public business office and no repair or storage facilities are maintained, are a permitted accessory use in the R-4 Zone District. Code Section 16-10-10(7). The existing T-Mobile facility antennas and equipment extend approximately thirteen (13) feet above the roof line of the existing building (51'8" in height); the new proposed facilities will increase that height by two (2) feet. There are no height or bulk plane restrictions in the R-4 District. The project therefore complies with applicable Code provisions.

k. Evaluation, comments and recommendations of the Mayor, City departments and staff members;

City Staff did not present concerns or recommendations.

l. Compatibility with the uses of the principal building or improvements, and the property uses within the neighborhood within a reasonable distance from the subject property.

The proposed facilities are compatible with the residential use of the principal building because they will occupy only a small percentage (4%) of the roof area (not used for residential purposes). Other telecommunication facilities are also located

on the roof. The proposed facilities are compatible with the neighborhood because they will not be visible from street level on the Property or the areas directly adjacent to the Property.

m. Length of time of the proposed uses.

There is no proposed expiration of the proposed use; because of its projected lack of adverse impacts, this does not present concerns.

n. Any other matters deemed necessary by the City Council related to Section 16-1-30, which states the purpose of the City's zoning regulations as "promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City by lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing light and air, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewerage, schools and other public requirements, securing protection of the tax base, and by other means in accordance with the Comprehensive Plan."

The City Council finds that the proposed facilities do *not* create an increased risk of congestion in the streets; pose an usual fire risk; obstruct the provision of light or air to the subject or surrounding properties; encourage population congestion; obstruct the adequate provision of transportation, water, sewerage, schools or other public requirements; endanger the tax base; or otherwise conflict with the Comprehensive Plan.

**Section 2. Decision:** Based upon the findings of fact set forth in Section 1 hereof, the City Council hereby APPROVES the Application. In accordance with Code Subsection 16-10-10(7), the special use approved hereby shall not run with the land, is granted only to the Applicant, and shall cease immediately upon termination of such use by the Applicant, or in the event of any noncompliance with any condition imposed by the City Council in connection with this approval.

INTRODUCED, READ and ADOPTED this 15<sup>th</sup> day of January, 2015.

*/s/ Bonnie McNulty*, Mayor

ATTEST:

*/s/ Beth A. Hedberg*, MMC  
City Clerk

APPROVED AS TO FORM:

*/s/ Thad Renaud*, City Attorney