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PLANNING COMMISSION REPORT

SPECIAL USE PERMIT CASE NO: SU-17-002 **REPORT DATE:** August 4, 2017
CASE NAME: Kendrick Substation FAN **PC HEARING DATE:** August 23, 2017
Special Use Permit

ADDRESS OF SUP REQUEST: 1800 S. Union Blvd., Lakewood, CO 80228

APPLICANT: Public Service Company of Colorado, Larry Claxton – Applicant’s representative

REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow for a new 85-foot freestanding wireless communication facility structure in the Mixed Use Neighborhood Suburban (M-N-S) zone district. A freestanding wireless support structure over 60 feet in height is allowed with the approval of a SUP.

CITY STAFF:
Brea Pafford, Case Planner

STAFF RECOMMENDATION:
Approval of Special Use Permit Case No. SU-17-002 to allow a new freestanding wireless facility support structure that is over 60-feet in height for the Kendrick Substation Field Area Network Project, subject to the conditions listed in the staff report and Planning Commission resolution.



Brea Pafford, Planner
Planning – Development Assistance



Paul Rice, Manager
Planning – Development Assistance

- ATTACHMENTS TO THE REPORT:**
- Attachment A – Vicinity Map
 - Attachment B – Zoning Map
 - Attachment C – Written Description
 - Attachment D – Site Plan
 - Attachment E – Monopole Elevation & Antenna Specifications
 - Attachment F – Photo Simulations
 - Attachment G – Feasibility Study
 - Attachment H – Neighborhood Meeting Summary

I. SUMMARY OF REQUEST

The applicant is requesting approval of a Special Use Permit (SUP) to allow a new freestanding wireless facility support structure in the Mixed Use Neighborhood Suburban (M-N-S) zone district. If the SUP is approved, the property owner will be allowed to construct a new 85-foot tall freestanding wireless communication facility at the existing Kendrick Substation as part of Public Service of Colorado’s (PSCo) new Field Area Network (FAN). The freestanding structure is proposed to be an 80-foot monopole with a 5-foot lighting rod at the top.

The existing substation property is approximately 1.8 acres in size. The property has been used as an electrical substation for at least 40 years. Existing buildings/structures include a 1,200 square foot control building, transformers and transmission lines.

The FAN project includes a system of secure noncommercial wireless communication antenna throughout the Denver Metro service area. The proposed wireless antenna will be mounted at the top of the monopole to communicate and collect data from the new field devices and send it directly to the control centers through existing fiber optic lines. The result of the smarter electric grid network will provide PSCo’s customers with faster service and reduce the time it takes to resolve electrical outages. These facility improvements will also improve the utility provider’s ability to respond to grid conditions directly from the control centers and better manage power outages. Although the technology and wireless equipment is similar to what is typically used by other commercial cellular phone and wireless network providers, it will be a secure private network exclusively for PSCo. To ensure adequate security of the grid network, PSCo will not allow commercial cellular providers to use or lease any of the FAN facilities, including the proposed monopole.

II. PROCESS – REQUIRED CITY APPROVALS

The applicant has followed the procedures for submitting a SUP application as specified in Article 2 of the Lakewood Zoning Ordinance. These procedures include holding a neighborhood meeting, submittal of an application with a conceptual site plan, and holding a public hearing before the Planning Commission.

Section 17.2.4.3 of the Lakewood Municipal Code designates the Planning Commission as the body to hear and decide applications for SUPs. The decision of the Planning Commission is final.

SUP applications are required to include a conceptual site plan (Attachment D). The conceptual site plan and written description (Attachment C) prepared by the applicant are intended to supply enough information about the proposed development for the Planning Commission to make a decision about the requested use. While the site plan and exhibits are provided for review during the SUP process, a separate site plan approval will also be required to ensure that the final improvements comply with the applicable zoning regulations. Since the proposed improvements do not trigger a Major Site Plan application, an administrative site plan approval will be required as part of the building permit review process. If the SUP is approved, any conditions of the SUP will be verified and documented on the both the site plan and building permit plans as applicable.

III. ZONING AND LAND USE

	North	South	West	East
Adjacent Zoning Designation	Residential R-1-6	Mixed Use Neighborhood Suburban (M-N-S)	Multifamily Residential (R-MF)	Unincorporated Jefferson County
Adjacent Land Uses	Single-family	Motor Vehicle Service Fueling Station/Car Wash	Attached Dwelling Units (Townhomes)	Single-family
See Attachment A - Vicinity Map and Attachment B - Zoning Map				

The project site consists of one parcel that straddles two separate zone districts. The southern portion (where the substation and new wireless facility are located) is in the M-N-S zone district. The northern portion of the site, which is primarily undeveloped, is zoned Small Lot Residential (R-1-6). The site is surrounded by residential land uses on three sides with a non-residential land use abutting the southern property line. The single-family residential dwelling units to the east are within an unincorporated Jefferson County enclave.

IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Public Notification

Notices for the neighborhood meeting and for the Planning Commission public hearing were mailed to 110 tenants and owners of property within 300 feet of the subject property and were mailed to the 6 registered neighborhood organizations located within 1/4-mile of the subject property, as required by the Lakewood Zoning Ordinance. Notice for the public hearing was also published in the Lakewood Friday Report, posted in the Civic Center and posted on the property to satisfy all notice requirements.

Agency Review

The case materials were sent to outside agencies for review, as indicated in the table below. As part of the referral process, staff received a response from three agencies: West Metro Fire Protection District, Xcel Energy and Century Link, each indicating that they had no objections to the project as long as their standards are met when development occurs.

Agency	Notification Sent	Referral Sent	Response Received
Lakewood Police		X	
West Metro Fire Protection District		X	X
Xcel Energy		X	X
Green Mountain Water & Sanitation District		X	
Comcast		X	
Century Link		X	X
Heritage West HOA	X		
South Lakewood Business Association	X		
Union Corridor Professionals Group	X		
Ward 4 Coalition	X		
View Point Townhomes	X		
West Lochwood Civic Association	X		

Referral Agency Comments

1. West Metro Fire Department had no objection to the proposal. The West Metro Fire Department indicated fencing and warning signs must be installed as required by the FCC and OSHA. The district also referenced specific improvements that will require a permit.
2. Xcel Energy and Century Link stated that they have no comments/objections to the special use permit.

Neighborhood Meeting Comments

The Lakewood Zoning Ordinance requires that any applicant requesting a Special Use Permit must hold a neighborhood meeting prior to submitting a formal application. The purpose of this meeting is to provide neighbors and other interested stakeholders with the opportunity to learn more about the proposed SUP and to begin a dialogue between area stakeholders and the project applicant.

A neighborhood meeting was held to introduce the proposal and solicit comments on February 9, 2017. Approximately 10 resident's/property owners were in attendance for the meeting which was about an hour in length. Staff also received comments via email before and after the neighborhood meeting that were forwarded onto the applicant. Attendees at the neighborhood meeting expressed concern over the monopole height/impact to existing views and the current condition/appearance of the substation yard. Others asked questions regarding a range of issues. A summary of the neighborhood meeting is included with this staff report as Attachment H.

V. ANALYSIS – SPECIAL USE PERMIT CRITERIA

Article 2 of the Lakewood Zoning Ordinance provides specific review criteria for SUPs. The review criteria are shown below in bold text followed by staff's analysis in standard text. Following is a summary of staff's analysis.

1. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance.

There are no supplemental standards for a wireless communication facility set forth in Article 4, so this criterion is not applicable; however, Article 10 of the zoning ordinance sets forth review requirements for all wireless facilities including those with new freestanding support structures like the proposed monopole. An analysis of these standards is provided in Section VI below.

2. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance.

If the SUP is approved, the new facilities must comply with any applicable dimensional and development requirements of Article 5. The location of the proposed monopole and H-frame (depicted on Attachment D) satisfy the M-N-S zone district setbacks. It also appears that the proposed improvements will not have significant reductions in open space with approximately 55% of the site remaining open. The maximum structure height for a new freestanding wireless support structure in this zone district is 60 feet, however, pursuant to Table 17.4.1. the proposed 85-foot monopole is allowed through the special use permit process.

3. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance.

If the SUP is approved, the proposed improvements must comply with any applicable non-residential design standards of Article 7 at the time of the Site Plan review. Please note the existing substation facility is not required to be brought into compliance with current building and site design standards. However, all new improvements shall satisfy applicable non-residential standards. Because this is a utility structure, staff does not anticipate that any of the building or site design standards will apply to the monopole.

4. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans; and

The proposed special use is in conformance with the Lakewood Comprehensive Plan because it ensures adequate utilities are available for Lakewood's current and future residents and businesses. Approving a structure that exceeds the permitted 60-foot height at existing substation also helps to limit the visual impacts of utility lines and cell towers throughout the City as additional 60-foot structures would be necessary to fill in the gap in coverage that is provided by the 85-foot structure.

5. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

This criterion relates to potential negative impacts of the new wireless facility on the use and redevelopment potential of the adjacent properties. With the exception of the commercial property to the south of the substation, the site is surrounded by residential uses with the single-family homes to the east sitting at a much higher elevation than the subject site. Most of the adjacent single-family homes and the fulling station were constructed in the 1960's and early 1970's prior to the existing substation. The townhome development to the west happened after the substation in the mid 1980's. Development to the south of W. Jewell Avenue is more recent, occurring primarily in the late 1990's and early 2000's. As such, staff finds that the existing facility has not substantially impaired the use or further development in this general area.

Attendees at the neighborhood meeting expressed concerns with the original proposed height of the monopole (120 feet with a 5-foot lighting rod), appearance of the existing substation yard, dead or poorly maintained landscaping/street trees, and sidewalks that are overgrown. The photo simulations provided by the applicant indicate that the proposed monopole will be the tallest structure in this area. Although it will clearly be visible from the surrounding neighborhood, it is not anticipated to impair the use of adjacent properties.

The applicant has also made an effort to address several of the neighborhood meeting comments. The height of the monopole was reduced from a 120-foot structure to an 80-foot structure with the 5-foot lighting rod extension. Maintenance crews have also been out to the site to trim back the overgrown landscaping so that it no longer impedes pedestrian access along S. Union Boulevard. Finally, the applicant has also agreed to several improvements outside of the fenced substation to further improve the appearance of the existing site as follows:

- Street trees that are dead, dying or previously removed will be replaced with suitable deciduous canopy shade tree.
- The existing raised landscape beds will be cleaned up and planted with xeric shrubs and perennials.
- The existing irrigation system will be extended and repaired as needed to support the new trees and updated landscape areas.

VI. ANALYSIS – NEW FREESTANDING STRUCTURE REQUIREMENTS

Article 10 of the Lakewood Zoning Ordinance provides specific review criteria for Wireless Services and Communications. The applicable requirements below are bolded with staff's analysis follows each criterion in standard text. Following is a summary of staff's analysis.

A. New freestanding support structures of more than 60 feet in height may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the special use permit and site plan procedures identified in Article 2. 3.

Planning commission approval of the applicant's special use permit request will allow the proposed 85-foot monopole structure.

B. When adjacent to a property that is zoned residential or contains a residential use or structure, new freestanding support structures must be setback from property at least the minimum setback required by the zone district where the structure is located or 50 percent of the support structure height, whichever is greater.

The proposed 85-foot structure shall be setback a minimum of 42.5 feet from the east and west property line. Based on the conceptual site plan, the proposed monopole will be located so that it satisfies the minimum setback based on the proposed height.

C. New freestanding support structures shall be enclosed by security fencing 6 feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not create an increased risk to public health or safety.

The existing substation is secured with a perimeter fence that is well over 6 feet in height and designed to prevent access to the existing facilities and future monopole.

D. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

Existing mature trees and natural landforms will not be impacted from the proposed improvements. Xcel has also agreed to replace 7 street trees that have been removed and never replanted.

E. New free standing support structures between 45 feet and 100 feet in height shall be designed to accommodate a minimum number of colocations based upon their height.

The applicant has indicated that the monopole has been designed to support additional equipment for colocation, however, because of the high voltage equipment within the substation and possible interference with the public service provider's needs, co-location is not practical for this type of wireless communication facility. See page 10, Attachment C.

F. New freestanding support structures over 60 feet in height shall not be located within 1000 feet from any existing freestanding support structure that is over 60 feet in height, unless the applicant has shown to the satisfaction of the City that colocation is impracticable and that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

The applicant has also indicated that there are no other freestanding support structures over 60 feet within 1000 feet from the project.

VII. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood meeting and the staff report, staff supports the SUP request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

1. Larry Claxton, Authorized Agent for Public Service Company of Colorado is requesting approval of a Special Use Permit to allow for a new 85-foot freestanding wireless facility support structure; and
2. Notice of the neighborhood meeting was sent to residents and owners of properties within 300 feet of the site and to registered homeowner associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and
3. Notice of the public hearing was sent to residents and owners of properties within 300 feet

of the site and registered neighborhood associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and

4. Notice of the public hearing was posted on site and published in the newspaper of record, as required by the Lakewood Zoning Ordinance; and
5. The request was reviewed by the appropriate referral agencies; and
6. Supplemental standards set forth in Article 4 of this Zoning Ordinance are not applicable to the proposed use; and
7. The proposed freestanding wireless support structure use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and
8. The proposed freestanding wireless support structure use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance; and
9. The proposed freestanding wireless support structure use is consistent with the Comprehensive Plan and other adopted City plans; and
10. The proposed freestanding wireless support structure use will not substantially impair the appropriate use or development of adjacent property; and
11. The freestanding wireless support structure is consistent with the standards set forth in Article 10; and

THEREFORE

The Planning Commission adopts the findings of fact and order as presented in the staff report and **APPROVES** Case No. SU-17-002 a Special Use Permit as required under the Zoning Ordinance, with the following conditions:

1. The monopole along with any attachments shall not exceed a maximum height of 85 feet from finished grade.
2. Any new construction shall meet all applicable requirements of the Lakewood Zoning Ordinance prior to site plan approval.
3. Dead, dying and/or removed street trees shall be replaced with a suitable deciduous canopy shade trees.
4. Repairs and/or extensions to the existing irrigation system shall be completed as needed for all new and existing landscaping.
5. The Special Use Permit is subject to the criteria for revocation as listed in Article 2 of the Lakewood Zoning Ordinance, as amended.

Cc: Case File: SU-17-002
Larry Claxton