

RESOLUTION NO. 2018-

A RESOLUTION DENYING AN APPLICATION BY T-MOBILE WEST, LLC AND ECO-SITE, LLC FOR A USE BY SPECIAL REVIEW/SITE DEVELOPMENT PLAN FOR A PERSONAL WIRELESS SERVICE FACILITY

WHEREAS, T-Mobile West, LLC and Eco-Site, LLC (collectively, the “Applicant”) have requested approval of a Use by Special Review-Site Development Plan (“Application”) to enable the construction of a personal wireless service facility and related infrastructure (the “Facility”),

WHEREAS, the Applicant proposes siting the Facility on property owned by the Town of Castle Rock, commonly known as “Quarry Mesa Open Space,”

WHEREAS, public hearings on the Application have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code (“Code”).

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Findings. After consideration of (i) the Planning Commission recommendation, (ii) the staff agenda memorandum, (iii) the testimony and comments of staff, Applicant and the public at the Town Council hearing on the Application on April 3, 2018, and (iv) the other public input offered into the record, the Town Council makes the following findings:

A. The Application is in a form and contains the required supporting information and material which substantially complies with the Code submittal requirements and constitutes a complete Application.

B. Hearings before the Planning Commission on March 22, 2018 and Town Council on April XXXXX, 2018 were properly noticed and conducted in compliance with the Code.

C. The Applicant and all interested parties have been given an adequate opportunity to present relevant testimony and information before the Planning Commission and Town Council as to the merits of the Application.

D. The Application must be evaluated under the following provisions of the Code: Chapter 17.60 (Wireless Facilities) and processed in accordance with Section 17.38.050 (Use by Special Review) and Section 17.38.040 (Site Development Plan).

E. The Applicant requests approval to locate a personal wireless service facility on a portion of property owned by the Town of Castle Rock commonly referred to as “Quarry Mesa Open Space” (“Town Parcel”).

F. Chapter 17.60 of the Code establishes public property as a priority location for new communication facilities.

G. The Town Parcel has a Use Area designation of Open Space Dedication (OSD) under the Major Amendment No. 4 to the Crystal Valley Ranch Planned Development zoning classification which allows the following uses:

1. Permitted Uses

- Passive Open Space
- Such other public uses, not inconsistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock,
- Utility and drainage facilities
- Public shelters and restroom facilities

2. Accessory Uses

- Parking
- Trails, pedestrian and bicycle
- Equestrian trails

H. The Applicant has proposed locating the Facility on a 2,100 square-foot tract of the Town Parcel (“Facility Site”) for installation and maintenance of, and access to the Facility. It is proposed that Applicant would acquire use rights from the Town pursuant to lease agreement.

I. Construction of the Facility will necessitate significant disturbance of the surface and grade of the Facility Site. Maintenance of the Facility will result in increased vehicular use with attendant noise and visual impacts apparent to users of the Town Parcel as well as proximate private property. Although the Applicant has made best efforts to mitigate the visual impact of the Facility, the scale and location of the Facility will result in a prominent visual profile, inconsistent with the natural condition and value of the Town Parcel as open space, and which will result in adverse visual impacts to adjacent residential properties.

J. Accordingly, the placement of the Facility on the Facility Site does not meet the Minimum Requirements under 17.60.060B. 1. and 2. of the Code. Specifically, adding a new structure within the Town Parcel of the scale proposed is not compatible with the use of the Town Parcel as open space and therefore placement of the Facility will interfere with the intended and actual use of the Town Parcel as open space, and the Facility will result in adverse impacts on surrounding private property.

K. Similarly, the Facility does not meet the Industry site selection criteria under 17.60.030 F., H. and K. Due to the profile and location of the Facility it is not feasible to adequately mitigate the visual impacts of the Facility, nor may the Facility be screened by existing vegetation or landforms, resulting in incompatibility with the Town Parcel and other open space constituting the larger Quarry Mesa natural area.

Section 2. Denial. Pursuant to Section 17.30.050, Section 17.38.040 and Chapter 17.60 of the Castle Rock Municipal Code, the Special Use Permit/Site Development Plan for a

personal wireless service facility on the Facility Site as proposed in the Application is hereby denied.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2018 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services