

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 17-R-61**

**A RESOLUTION REGARDING THE REVIEW OF THE CONDITIONAL
USE REQUEST FOR A 150 FOOT FREESTANDING WIRELESS
TELECOMMUNICATIONS TOWER, AND ADOPTING CERTAIN
FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE
CONDITIONAL USE APPLICATION.**

WHEREAS, Eco-Site, Inc., on behalf of T-Mobile, has submitted an application for a conditional use to construct and own a freestanding 150-foot stealth “windmill” self-support telecommunications facility at 4021 Kodiak Ct. on land owned by Four Amigos LLC, on the following real property, to wit:

Lot 6, Block 2 of the Bear Industrial Park Replat 1, **Town of Frederick, County of Weld, State of Colorado.**

and

WHEREAS, the property is zoned Industrial (I) and wireless telecommunications facilities are a conditional use in the Industrial District; therefore, it is necessary for the Board of Trustees to approve this conditional use on this property.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact. The following findings are made by the Board of Trustees of the Town of Frederick, after due consideration of the recommendations made by the Planning Commission, the recommendations of staff, the presentation of the applicant and public comments on October 10, 2017:

- a. The applicant’s application and supporting documents are in substantial compliance with *Article 3, Zoning Regulations*, of the *Frederick Land Use Code*.
- b. The conditional use plan is compatible with adjacent land uses and conforms to the requirements and standards established in *Article 3, Zoning Regulations*, of the *Frederick Land Use Code*.
- c. The conditional use plan as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

**Section 2. Conclusions and Order Approving the Conditional Use Plan of
Eco-Site, Inc.**

(10) The Land Use Code restricts freestanding wireless telecommunication facilities to no more than 50 feet above the ground with an additional 20 feet per co-locating user up to a height of 70 feet. However, exceptions may be granted upon request and the applicant has requested an exception to the maximum height. An independent, third party engineer reviewed the application and agreed the tower height is necessary to meet T-Mobile's fill-in coverage requirement, as well as, making the tower attractive for co-location by other cellular carriers.

(11) The applicant's engineer has confirmed that the tower is designed to have a 50-foot fall radius and the tower is set back 50 feet from the nearest property line.

b. The planning commission considered the application on September 19, 2017 and recommended approval with the following conditions:

(1) The applicant must complete the subdivision amendment process submitted on August 29, 2017.

(2) The applicant must reserve space for the town on the tower.

c. This finding is specifically conditioned upon the applicant complying with all of the conditions stated above.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

Section 4. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND SIGNED THIS 10th DAY OF OCTOBER, 2017.

ATTEST:

TOWN OF FREDERICK

By Meghan C. Martinez
Meghan C Martinez, CMC, Town Clerk

By Tony Carey
Tony Carey, Mayor

