

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday March 28, 2019

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jade Wimberley
Marina Skiles
Jay Engstrom

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Nicholas DiFrank (1st Alternate)
Tristan Francis (2nd Alternate)
Nick Miscione
Jeff Davlyn

Other Persons Present

The meeting was called to order at 7:00 p.m. by Michael Durant.

March 14, 2019 Minutes:

Ken made a motion to approve the March 14, 2019 minutes. Michael seconded the motion and they were approved unanimously with Jade and Marina abstaining.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

CONTINUED PUBLIC HEARING – Unified Development Code (UDC) Zone Text Amendment – Wireless Facilities

Janet said that this is a continued public hearing for the purpose of considering amendments to the Unified Development Code (Chapter 17 of the Carbondale Municipal Code) to include regulations related to Wireless Facilities, including Small Cell Antenna regulations.

Janet outlined some of the items that were changed after the last meeting:

- Table of allowed uses on page 6 of the regulations. She said the Commission had wanted the regulations as restrictive as possible that would be allowed under the State and FCC regulations. She continued by saying that we are required to allow small cell facilities in our rights-of-way and in all zone districts. She stated that we need to have design standards in place otherwise we will have to accept

a provider's proposal. She said that small cell facilities, small cell wall and roof mounted are all permitted uses. She said that we dialed back the non-small cell wireless facilities because the State and FCC are not regulating those. She said that we have created a separate table for rights-of-way. She said that once she had gotten the allowed uses chart put together then that allowed her to go back and make sure that every use had a definition, a design standard and a procedure for review. She said that when she was drafting the design standards that she took Aspen's regulations because they have the strictest ones as far as camouflage and concealment of the facilities.

- Page 10 states that providers would need to give us a narrative to explain where they want to put the wireless facilities because there will be a number of them and that they will need to have some idea of where they would want them to go to provide the coverage.
- Page 6 of allowed uses, she said that we have non-small cell wall mounted or roof mounted wireless facilities. She said that they are special review in mainly the R/MD, R/HD and the commercial zone districts. She said that we were not required to put those in our regulations but that we wanted to do it because of the previous application with Verizon on the Creamery building. She said that we did not have any regulations in place to control the design as well as the placement of that facility. She said that the small cell wireless we have as a permitted use across the board.
- Page 14 of the development standards or the design standards for small and non-small cell wireless facilities. She said that it is limited to wall mounted facilities, which are only allowed on multi-family structures containing eight or more dwellings or an institutional use. She said that it seems that those standards would not allow a non-small cell tower to be on the Creamery building.

Michael asked what is an institutional building.

Janet explained that a small cell antenna is about the size of a pizza box. She said that Holy Cross will not allow these to be put on their street lights so they are going to be looking for buildings, with the property owner's permission. She said that we want to allow this because north of the railroad tracks it is all Holy Cross. She said that instead of having new free standing poles in the rights-of-way they could use buildings to provide more options. She said that it seems like small cell antennas should be allowed on all buildings. She said that non-small antennas should be allowed on a commercial building like the Creamery.

Janet read the definition of an institutional building, it is a civic building, a club, a lodge, a community center, convention hall, country club, library, museum and religious use. She said that it seems like there is a gap, which she can fix. She said that she also thinks that instead of having this limitation in the design standards it should really be in use-specific standards. She said that for example a drive-through bank we have the use in the land use table but then we bring it to the use-specific standards to limit it to being only allowed in the CRW and PCC zone districts.

Janet said that she went through the UDC and actually created redlines adding them to the following;

- table of contents
- processes in the summary table
- common review procedures
- definitions

There were no questions for Staff.

There were no members of the public present.

Motion to Close Public Hearing

A motion was made by Marina to close the public hearing. Jay seconded the motion and it was approved unanimously.

Points of Discussion

- Create separate definition chapter 8.4 for wireless facilities.
- Base Station is a Special Use, which also contains components of equipment.
- Difference between standards and use specific standards, used residential standards as a template. Create use specific standards to cross reference them to the development standards?
- Facilities could be in manhole covers as technology progresses.
- Page 14, roof mounted small cell, add commercial and institutional buildings, with owner's permission.
- Switch boxes or additional equipment concealment, does it include all equipment? Does it fall under accessory equipment on page 9?
- Create a new category for accessory equipment for anything that is not ground based, all of which needs to be camouflaged.
- In California municipalities are fighting the 5G technology because of possible health hazards. There are Federal lawsuits currently pending.
- 5G could be on many houses, with owner's permission.
- Colorado has passed a statue which stated that we must allow the small cell facilities as a permitted use in all zone districts and that we can attach conditions.
- Use Table spells out that everything that is small cell is permitted and everything that is not small-cell is a Special Use.
- Base station is a Special Use.
- Base Station and Towers overlap.
- Remove the S for Special Use from R/MD, in the Table on page 6 for non-small cell.
- Separate small and non-small cell, C refers to non-small cell wall mounted wireless facilities and D to non-small cell roof mounted facilities. Add commercial and institutional buildings.

- Take the non-small cell roof mounted standards paragraph and put in use specific standards.
- Non-small cell, limit of two per building.
- Holy Cross does not allow on their poles for everything north of the bike path.
- More obvious on poles, better on buildings.
- Do not allow installations on side walls.
- Accessory equipment i.e., switch box, junction box, electric cables need to be camouflaged and concealed.
- Create a new accessory category.
- Right-of-way required to make a use by right.
- UDC Sec. 5.13.5 small and non-small cell permitted in all districts.
- Page 9, accessory equipment not to exceed 350 square feet, change to 50 square feet.
- Contact Jett @ Pinnacle Consulting for clarification of equipment.
- What noise is produced from what equipment?
- Page 12 Sec.15.13.3 Define public art, camouflage with art.
- Page 17 Sec. 2.5.5 Wireless facilities, separate exhibit item D, second paragraph typo of hanging #2.
- Consolidate provider applications, place a limit.

Motion

Ken made a motion to recommend approval of the Wireless Facilities Regulations as well as the redlines in other sections of the Unified Development Code with changes discussed and findings in the Staff report. Marina seconded the motion and they were approved unanimously.

Staff Update

Janet said that the Board unanimously approved the UDC Amendments on March 19. Michael said he attended that Board meeting and the Board thanked the P&Z for their hard work. Janet said that she has been working with Clarion on the redlines.

Commissioner Comments

There were no comments.

Motion to Adjourn

A motion was made by Ken to adjourn. Marina seconded the motion and the meeting was adjourned at 8:19.