



## Board Summary Report

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**File #:** 24-234

**Agenda Date:** 4/29/2024

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works & Development

**Prepared By:**

Jason Reynolds, Planning Division Manager, PWD

**Presenter:** Jason Reynolds, Planning Division Manager, PWD

**Subject:**

1:00 PM \*Consideration of an Appeal Request for Lakeview Park Concealed Telecommunication Facility and Equipment Compound (CMRS21-001)

**Purpose and Request:**

On March 25, 2024, the Planning Manager approved the proposed Lakeview Park Commercial Mobile Radio Service (CMRS) application, which proposes a 65-foot-tall cellular facility designed to resemble an evergreen tree, along with a ground-based equipment shelter. Per 5-3.8.A.1.e.i of the Land Development Code, the Planning Manager’s decision may be appealed by a citizen or citizen group if submitted within 10 working days of the Planning Manager’s decision. On April 8, 2024, which is within 10 working days of the decision, PWD received an appeal letter signed by 276 residents. Per the Land Development Code, “such decision may be taken to the Board of County Commissioners for consideration and decision.” Staff is seeking direction from the Board on whether or not to schedule the appeal at a Board business meeting.

**Background and Discussion:** Crown Castle submitted a CMRS application for a site within Lakeview Park, which is owned by the Cherry Creek Vista Park and Recreation District. The application, CMRS21-001, was accepted for review by Arapahoe County on March 23, 2021. Crown Castle conducted a required neighborhood meeting on June 1, 2022, and mailed the required outside referral packet to nearby residents on December 20, 2023. The attached approval letter dated March 25, 2024 provides additional background for this application and the attached appeal letter summarizes the nearby residents’ objections to the approval.

**Fiscal Impact:** If an appeal is scheduled, the County would absorb the cost of mailing notifications and posting

a sign on the property as required by Table 5-1.1.1 of the Land Development Code.

**Alternatives:** The Board of County Commissioners has two options:

1. Direct Staff to Schedule an Appeal - If a majority of the Board chooses, staff will schedule a publicly-noticed appeal before the Board of County Commissioners. If this option is chosen, staff would like direction on whether or not to hold the meeting at a special meeting in the evening.

2. Direct Staff to Proceed with Permitting - If the Board chooses not to hold an appeal, staff approval will be final. Staff would note that the decision may be subject to a Rule 106 appeal.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:** Staff is seeking direction on whether or not to schedule an appeal hearing.

**Concurrence:** This report has been reviewed by Public Works & Development and County Attorney staff.