



Applicant's Guide to Wireless Communications Facilities

City of Greenwood Village

This guide discusses the purpose, types of applications, application requirements, process, and review criteria related to *wireless communications facilities* (WCF) applications.

What is a WCF?

A WCF means the plant, equipment and property, including but not limited to cables, wires, conduits, ducts pedestals, antennae, towers, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications service, but excluding direct-to-home satellite dish antennae less than one (1) meter in diameter, TV antennae for the reception of broadcast television signals, and wireless cable antennae designed to receive or transmit fixed commercial non-broadcast communications signals via satellite to and/or from a fixed customer location.

Applicability

A WCF permit is required in order to locate a new facility, collocate equipment with other carrier equipment or on existing utility infrastructure, or to modify or replace existing equipment, including an eligible facilities request, within the City of Greenwood Village (City) limits. A WCF permit is required for proposals on both private property and within the rights-of-way (ROW). The term "WCF permit" includes what are generally referred to as the "zoning approval" and "building permit", but does not include a ROW permit reviewed through the Public Works Department.

A WCF permit is not required for the installation, placement, operation, maintenance, or replacement of *micro wireless facilities* that are suspended on cable operator-owned cables or lines strung between existing utility poles in compliance with national safety codes. However, a ROW permit, coordinated through the City's Public Works Department, may be required for micro wireless facilities.

What is the City's intent for WCF installations?

The City wishes to balance the need for reliable wireless communications services for residents and businesses, while preserving the quality and character of Greenwood Village and while protecting the public health, safety, and welfare of the community.

The City intends to minimize the adverse impacts of WCFs by encouraging the collocation of facilities on existing structures by way of a pole replacement or with other carriers; and protecting public health, safety, and welfare by ensuring proper engineering and equipment siting. Adverse visual impacts will be minimized through careful and consistent design, appropriate siting, and by placing support equipment out of view.

In April 2019, the City adopted the **Small Cell Infrastructure Design Guidelines** (Design Guidelines) to provide a framework for the deployment of small cell wireless facilities throughout the community. The Design Guidelines include pre-approved designs for various pole-mounted

and free-standing facility applications. The Design Guidelines also include a reference **Map of Height Limitations of Small Cell Facilities** by location throughout the City.

WCF Application Review Process

Planning Staff review WCF applications and serve as the main point of contact for each application. Based on the Application Classifications and Timeframes table below, decisions will be rendered through one of two primary processes: –1) an administrative review process; or 2) by a decision of City Council.

Administrative Review Process

- a. Administrative Review: WCF applications that can be reviewed administratively are processed through a building permit application. During review of the application, Staff reviews stamped engineering and zoning drawings concurrently. WCF permits typically have a 14-business day review cycle per submittal round, once the application is deemed complete and logged into the permit system by Staff.

After all Staff comments have been resolved by the Applicant, the WCF permit can be issued. The issuance of the WCF permit, which authorizes construction to begin, equates to zoning and building approval by the City.

- b. Exception Requests: Applications that are eligible for administrative review, but that request exceptions from design or siting standards (as defined by Land Development Code (LDC) Section 16-23-64), must receive approval by City Council for the exception request at a public meeting prior to issuance of the WCF permit.

Once the need for an exception request is identified by Staff during the review process, or by the Applicant at the time of application, Staff will notify the Applicant and schedule the permit for a review at a future City Council meeting. Exception requests are heard by City Council as a business item rather than a full public hearing; however, limited public noticing is required. Staff will assist the Applicant with the noticing materials and presentation outline.

If an application requires an exception request to be reviewed by City Council, the WCF permit application will be placed on a “hold” status. Once a decision by City Council is rendered, the permit can continue to be processed based on City Council direction, per Section a. above.

City Council Review Process

Applications deemed ineligible for administrative review will be processed as a WCF Development Application (not a WCF permit). WCF Development Applications require a Neighborhood Input Meeting (NIM) with the public prior to formal submittal of the Development Application. Following formal submittal and Staff review, the Development Application will be reviewed by City Council at a public hearing, which requires public notice. If the project receives City Council approval, the Applicant can then proceed to file for a WCF permit through administrative review as described in section a. above. Staff will assist the Applicant with the noticing materials and presentation outline for both the City Council hearing and NIM.

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City Council Meeting Schedules

The City Council typically meets on the first and third Mondays of the month, however new cases and business items are typically only heard on the first meeting of the month. A 15-day notice period is required to place an item on an agenda and to meet public noticing requirements.

Application Classifications and Timeframes

Application Category	Type of Application	Approval Body	Decision Timeframe Upon Receipt of a Complete Submittal
Initial placement of telecommunications facility (free-standing poles, pole-mounted, or building-mounted) on private property, meeting all adopted standards or free-standing small wireless facilities in the right-of-way, meeting all adopted standards	WCF permit (Processed as a Building permit)	Staff (Administrative)	90 days (typically sooner)
Initial placement of small wireless facilities mounted to replacements of existing poles or structures in the right-of-way meeting all adopted standards	WCF permit (Processed as a Building permit)	Administrative	60 days
Initial placement of telecommunications facility (free-standing poles, pole-mounted, or building-mounted) on private property, <u>with an exception request</u> or free-standing small wireless facilities in the right-of-way, <u>with an exception request</u>	WCF permit (Processed as a Building permit) Permit will be put on hold while Council exception approval is sought.	<u>WCF Permit</u> Staff (Administrative) <u>Exception Request</u> City Council (Administrative)	90 days
Initial placement of new tower in the right-of-way or on private property	Development Application and WCF permit (Processed as a Building permit)	<u>Development Application</u> City Council (Public Hearing) <u>WCF Permit</u> Staff (Administrative)	150 days for City Council review of Development Application 60 days for Staff review of WCF permit

Application Category	Type of Application	Approval Body	Decision Timeframe Upon Receipt of a Complete Submittal
Modifications to existing towers that do not qualify as an eligible facility request and that are considered a ‘substantial change’	Development Application	<u>Development Application</u> City Council (Public Hearing)	150 days for City Council review of Development Application
	and WCF permit (Processed as a Building permit)	<u>WCF Permit</u> Staff (Administrative)	60 days for Staff review of WCF permit
Modifications to existing facilities, excepting towers, that are considered a ‘substantial change’ and that exceed applicable code standards	Processed as a new application	Can be administrative if within code standards; otherwise, requires City Council review.	150, 90, or 60 days, depending on application type
Eligible facilities requests (modifications to existing facilities that are not considered a ‘substantial change’ (per LDC Section 16-23-80)	WCF permit (Processed as a Building permit)	Staff (Administrative)	60 days

What are the main steps of a WCF application?

Step 1: Pre-application Meeting

- Applicants are strongly encouraged to contact Planning Staff prior to submitting an application to discuss the proposed application and determine the proper classification and application pathway. The pre-application meeting can usually be accommodated next-day and can be in-person or over the phone.
- The following information should be provided by the Applicant during (or prior to) the pre-application meeting:
 - Site address
 - Technology type of the proposed project (small-cell, macro-cell, distributed antennae system, etc.)
 - Intended location of equipment (pole, building, free-standing, tower, etc.)
 - Equipment dimensions, heights, coverage area, mounting locations, screening/camouflaging techniques, and quantity of antennae being replaced, added, or modified.

Step 2: Submit Application

- For projects that qualify for administrative approval:
 - Submit the application as a WCF permit. Applications should be submitted electronically through an email to comdev@greenwoodvillage.com. Payment of the

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permit fee must be made in person or over the phone with Staff at Phone: 303.486.5783.

- See the WCF Submittal Checklist for items to be submitted. Confirm items to submit with Staff.
- For projects in the right-of-way, a concurrent ROW permit will be needed prior to the issuance of the WCF permit. If applicable, Staff will notify the Applicant of the ROW permit review process with first submittal round review comments.
- For projects that require City Council approval as a Development Application:
 - A NIM will need to be conducted prior to submitting the application to the City for review. At least one Applicant representative and one City representative need to be present at the NIM. Staff will provide notice materials to the Applicant. The Applicant shall send written notice of the NIM, via first-class U.S. mail to all property owners within 1,000 feet of the boundary lines of the property, at least 15 days prior to the meeting date. The Applicant will need to provide a signed affidavit of the notice in the format provided by Staff.
 - Submit the Development Application. Applications should be provided as a hard copy submittal with two (2) hard copies and one (1) electronic copy via flash drive or CD. Payment of the permit fee must be made in person or over the phone with Staff at Phone: 303.486.5783.
 - See the WCF Submittal Checklist for items to be submitted. Confirm items to submit with Staff.

Step 3: Application Completeness Check

- Staff reviews the application for completeness.
- If the application is incomplete, Staff will provide written explanation to the Applicant.
- Once an application is deemed complete, the item will be formally accepted for review and decision.

Step 4: Application Review

- Once an application is deemed complete, Staff reviews the application for compliance with the regulations in the City’s LDC (Article 16-23) and adopted Design Guidelines. These regulations include, but are not limited to:
 - Height standards
 - Size standards
 - Design of free-standing and pole-mounted equipment relative to the approved design standards in the Design Guidelines
 - Setbacks and location standards
 - Screening/camouflaging of equipment
 - Placement of support facilities
 - Public health, safety, and welfare concerns
- The Director is granted the authority to enforce local zoning regulations for applications, including for eligible facilities requests, through 47 U.S.C. §332 (c)(7) of the Telecommunications Act of 1996 and §6409 of the Middle Class Tax Relief Act of 2012.

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- Written notice will be provided to applicants of any corrections that need to be made to the application to comply with the City’s LDC and adopted Design Guidelines.

Step 5: Decision

- Once any and all review comments have been addressed by the Applicant, a decision will be rendered by the approval body identified in the table above.
- For projects that qualify for administrative approval:
 - If approved, a WCF permit can be issued. The issuance of a WCF permit indicates approval and compliance with zoning and building code requirements.
 - If denied, a denial letter will be issued to the Applicant explaining the decision and providing supporting evidence.
- For projects that require an exception review by City Council:
 - Staff and the Applicant will select a mutually agreeable City Council meeting date.
 - Public noticing must be completed by the Applicant, with Staff support. If the application is located in a residential neighborhood, notice of the City Council meeting shall be provided to households located within 500 feet on the same street as the application or all adjacent streets if the application is located at an intersection.
 - Staff will prepare a staff report and present the case to the City Council.
 - City Council will render a decision at the meeting.
 - If approved, the Applicant can proceed with the completion of the WCF permit Process.
- For projects that require full City Council approval (as a Development Application):
 - Staff and the Applicant will select a mutually agreeable City Council hearing date.
 - Public noticing must be completed by the Applicant, with Staff support. Public noticing requirements include:
 - Mailed Notice – Per LDC Section 16-2-270 (b)(2)(a)(3), the Applicant must mail a notice of the public hearing to the owners of record, and neighborhood groups or homeowners’ associations registered with the City, within the area of notification. Staff will provide an address list of properties for the mailings and a notice letter to the Applicant based on Arapahoe County records. The notice is to be sent by the Applicant via First Class mail a minimum of 15 days prior to the scheduled hearing date. The Affidavit of Mailing must be submitted to Staff prior to the City Council hearing.
 - Posted Notice – Per LDC Section 16-2-270 (c), a sign will be provided to the Applicant by Staff to notify the public of the date and time of the hearing. The sign must be posted on the property facing the public street(s) and public open space (if adjacent) a minimum of 15 days prior to the hearing. The Affidavit of Posting and a photo of the sign must be submitted to Staff prior to the City Council hearing. Please return the sign to the City after the hearing.
 - Publication Notice – Per LDC Section 16-2-270 (d), Staff will post notice of the hearing date and item on the City’s website.
 - Staff will prepare a staff report and present the case to the City Council at the hearing. The staff report will include a recommendation of approval or denial.

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- The Applicant, or representative, is also given an opportunity to present the case to City Council. Visual aids, such as a Power Point presentation, are recommended.
- Public hearings are open for comment, and neighbors and the general public are likely to attend and provide comment.
- City Council will deliberate and render a decision at the public hearing. The possible outcomes of the hearing are:
 - Approval - If the application is approved, the Applicant may apply for a WCF permit.
 - Approval with Conditions - The City Council may impose conditions of approval on the application, including any mutually agreed upon terms by the City and the Applicant during the hearing.
 - Denial - If the application is denied, the a WCF permit cannot be sought. The Applicant cannot apply for a substantially similar application in the same location for a period of one year.

Contact Information:

To discuss a WCF project, please contact the Planning Staff in the Greenwood Village Community Development Department to set up an in-person or phone call meeting.

Community Development Department
6060 S. Quebec Street
Greenwood Village, CO 80111
Phone: (303) 486-5783
Email: comdev@greenwoodvillage.com