

ADMINISTRATIVE HEARING STAFF REPORT

CenturyLink High Speed Internet Xbox Conditional Use PLNPCM2013-00318 390 East First Avenue August 8, 2013



Planning and Zoning Division
Department of Community
Development

Applicant: Ralph Vigil of
CenturyLink

Staff:
Maryann Pickering
(801) 535-7660 or
maryann.pickering@slcgov.com

Tax ID:
09-31-459-008

Zone:
RMF-35 (Moderate Density Multi-
Family Residential)

Master Plan:
Avenues

Council District:
District 3 – Stan Penfold

Community Council:
Greater Avenues

Lot Size:
0.27 acres or 11,761 square feet

Current Use:
Zion's Bank Parking Structure

Applicable Land Use Regulations:

- 21A.24.130 – RMF-35 Zoning District
- 21A.34.020 – H Historic Preservation Overlay District
- 21A.40.160 – Ground Mounted Utility Boxes

Attachments:

- A. Applicant's Project Description
- B. City Department/Division Comments

Request

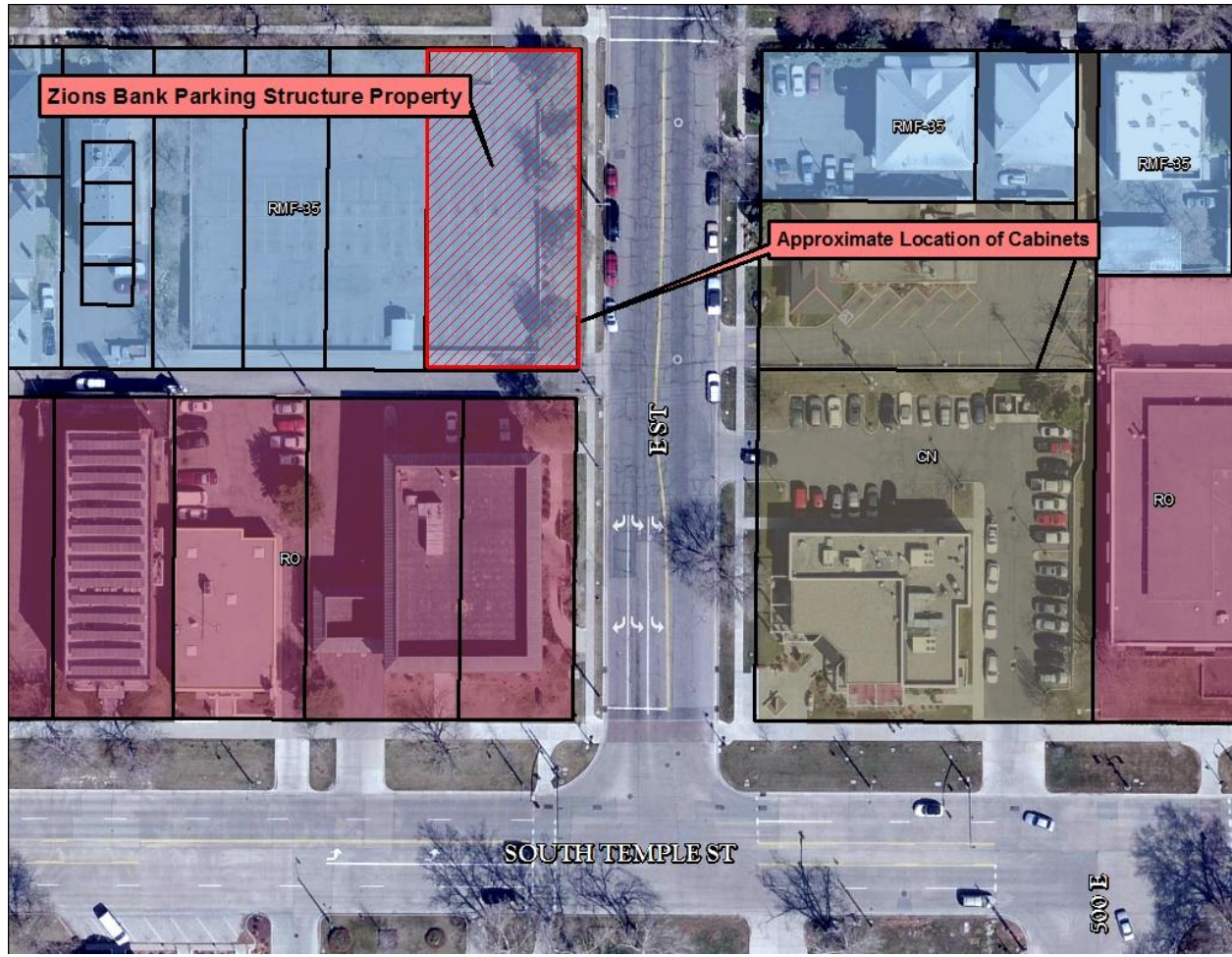
A request by Ralph Vigil of CenturyLink for conditional use approval to place ground mounted utility boxes in the public right-of-way located at approximately 390 East First Avenue. The subject property is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project adequately meets the applicable conditional use standards for ground mounted utility boxes in the public right-of-way and therefore recommends the Hearing Officer approve the application subject to the following:

1. Option "B" is installed at this location.
2. The applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
3. Compliance with all City Department and Division requirements outlined in the staff report for this project.
4. The applicant shall ensure all necessary City permits for the project are obtained.
5. The applicant shall put information on the box with a number to call in the event that the boxes are vandalized or otherwise damaged.

Vicinity Map



Background

Project Description

The applicant, CenturyLink Corporation, is requesting conditional use approval for utility cabinets designed to enhance the internet service for homes and businesses in the immediate neighborhood. The purpose of the cabinets is to house the mechanical equipment necessary for the service. The cabinets are proposed to be located in the public right-of-way, in the park strip, between the street and the sidewalk.

The Zoning Ordinance lists various locations for utility cabinets that are permitted. If the placement does not meet one of these standards, conditional use approval is required. Utility cabinets placed within the public way are required to be reviewed as a conditional use. Generally, the applicant works with property owners to secure a private easement to place the boxes on their property. In this case, the applicant was not able to secure an easement with any private property owners in the immediate neighborhood, so they are seeking conditional use approval for the cabinets in the public right-of-way.

There are two types of ground mounted utility boxes proposed at this location. The applicant has proposed to locate the new utility cabinets in the narrow park strip between the sidewalk and the private property line. The cabinets will be located approximately 16 feet north of the driveway access to the Zions Bank parking structure and it will be located approximately 11 feet from the curb or edge of E Street. The cabinets will be approximately one foot from the property line of the Zions Bank property. In addition, the applicant has provided two potential options for the provision of utility boxes as part of this application. Option “A” is two new cabinets and Option “B” includes one new single larger cabinet which requires a concrete pad.

Project Details

	Equipment	Height	Width	Depth
Option “A”	<i>Cooling Pedestal</i>	44 inches	36 inches	14 inches
	<i>Power Pedestal</i>	58 inches	22 inches	12 inches
Option “B”	<i>DSL Cabinet</i>	44 inches*	31 inches	45 inches

* Includes a 2½ inch concrete pad that extends four to six inches beyond the cabinet.

Public Notice, Meetings, Comments

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on July 23, 2013.
- Sign posted on property on July 26, 2013.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on July 23, 2013.

Public Comments

Staff received no comments directly about this proposal at the time of publication. The Council office did receive a call from a resident concerned with the cabinets being located in historic districts.

City Department Comments

The proposed conditional use petition was reviewed by the applicable City Departments and Divisions. The review comments have been attached to this report as Attachment B. None of the comments would preclude approval of the project.

Analysis and Findings

Approval Standards for Utility Boxes reviewed as Conditional Uses; Section 21A.40.160.D:

Conditional use review is required for all ground mounted utility boxes not specifically addressed as permitted uses in the Zoning Ordinance. Applications shall be reviewed administratively by the planning director or an assigned designee subject to the following criteria as found in Section 21A.40.160.D:

The following analysis is directed toward Option “A” or Option “B” in the application materials.

Standard 1: Location: Utility boxes shall be located and designed to reduce visual and environmental impacts on the surrounding properties.

Analysis: The petitioner has chosen a location near an existing commercial use even though the zoning of the site is RMF-35. By locating the cabinets next to an existing commercial use, the visual clutter will not have as much of an impact than if the cabinets were placed next to a residential use or building. The location also works well because of vegetation in the area helps to minimize the view. The cabinets will not be taller than the walls of the existing parking structure.

Finding: Staff finds that the boxes are located to reduce the visual and environmental impacts on surrounding properties.

Standard 2: Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.

Analysis: These boxes will be the first ones' located on this property. There are no other current utility boxes in the park or green strip. Option "A" would add two boxes at this location but they are appropriately spaced from each other. Option "B" is to utilize a single cabinet; this could present a less cluttering affect upon the area due to the fact that there are currently no other cabinets in this area.

Finding: Staff finds that limiting the number of boxes at this site is desirable. Therefore, the proposed spacing of Option "B" utilizing a single cabinet best reduces the visual impact of the boxes on the neighboring properties.

Standard 3: Setbacks: The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.

Analysis: The proposed setbacks for the utility cabinets are located as close as they can be to the private property line and as far away from the street as possible to reduce the visual impact of the boxes when viewed from the street. The location is a better location than if the utility boxes were located directly adjacent to the street.

Finding: Staff finds that no setback modifications are necessary to reduce the visual and environmental impact of the proposed boxes.

Standard 4: Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and city rights of way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.

Analysis: Because the proposed boxes are in the public right-of-way, it is not appropriate that the applicant build some type of barrier or screen to shield the boxes from view. Construction of this type of barrier may constitute a larger visual and environmental impact on the neighborhood than simply leaving them as standalone structures. Shielding the boxes from view by planting or landscaping is a possibility; however, because the petitioner does not control the water supply and is only on site occasionally, the plantings would need to be tended by adjacent property owners.

Section 21A.48.060.E identifies that all plants and shrubs in the park strip must be less than 18 inches in height to protect the visual sightlines for cars and pedestrians. The location of the boxes within a seven foot park strip limits the amount of landscape area to provide screening vegetation.

To combat the inevitable abuse of the boxes by vandals, staff has included a condition of approval requiring that the boxes be marked with a telephone number to call to have graffiti removed, or have the boxes repaired if they are damaged.

Finding: Staff finds that the proposed boxes are properly shielded.

Standard 5: Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.

Analysis: The design of the boxes is similar to many boxes seen throughout the City. They are utilitarian and have a subdued neutral color. The size of the boxes is standard for this type of facility and is proposed to provide adequate internet service to the area. When the boxes are installed, individuals have a tendency to notice them, but over time, their existence becomes less noticeable, and the boxes become part of the urban environment.

Regardless, these boxes, and the service they provide (high speed internet) are an integral part of a modern neighborhood. High speed internet service enables residents of the neighborhood to work, and shop from their homes, which in turn reduces vehicle traffic and reduces impacts on the environment.

Finding: Staff finds that the proposed utility boxes are a design element that characterizes Salt Lake City's streets and neighborhoods.

Standard 6: View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.

Analysis: The proposed box location is not near any driveway or street intersection. This application was reviewed for compliance by the Transportation Division, who found that this location raised no sight distance or angle issues.

Finding: Staff finds the application meets this standard.

Standard 7: Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require Certificate of Appropriateness review and approval with respect to location and screening materials.

Analysis: The proposed location is located in an "H Historic Preservation Overlay District". The property is located within the Avenues Local Historic District.

The petitioner must submit a Certificate of Appropriateness application as part of the utility box approval as these boxes are located within the Avenues Historic District. Because of this, a finding will need to be made that the design of the box is historically

compatible with the historic structures, and the surrounding streetscape. This application will be reviewed separately from this application, and may require Historic Landmark Commission review. Staff has included a condition of approval requiring approval prior to the issue of a building permit.

Finding: Staff finds that this standard is applicable and met subject to the condition of this staff report that a Certificate of Appropriateness application is submitted and approved.

ATTACHMENT A
Applicant's Project Description



May 8, 2013

Salt Lake City Planning
451 South State Street, Rm. 406
Salt Lake City, Utah 84111

Re: Conditional use request – CenturyLink DSL Build – ~~xbox 35 N E Street~~

390 E First Avenue

Dear Planner,

As you know CenturyLink has been in the process of upgrading and expanding its fiber optic based high speed internet service within Salt Lake City. These projects (our build) require additional cabinet(s) to be placed adjacent to or as close as possible to an existing cabinet known as a cross connect box (xbox). Our xbox for this build is ~~35 N E Street~~. We have proposed an 'A' and 'B' option, utilizing public right-of-way, in ~~two different locations~~ and two different cabinet deployments.

390 E First Ave

In order, the following information is enclosed:

Conditional use application
Location map & Parcel Information
Zoning Information
Site digital photo
Site detail
Equipments schematic

CenturyLink build comments:

- Our build for this location proposes an 'A' and 'B' option.
- Option 'A' proposes placing our standard design of DSL cabinet (Cool Ped) and associated power ped within the public right-of-way behind the sidewalk.
- Option 'B' proposes placing our newly approved DSL cabinet (MC500) within the public right-of-way behind the sidewalk.

If you have any questions or need additional information, please contact me.

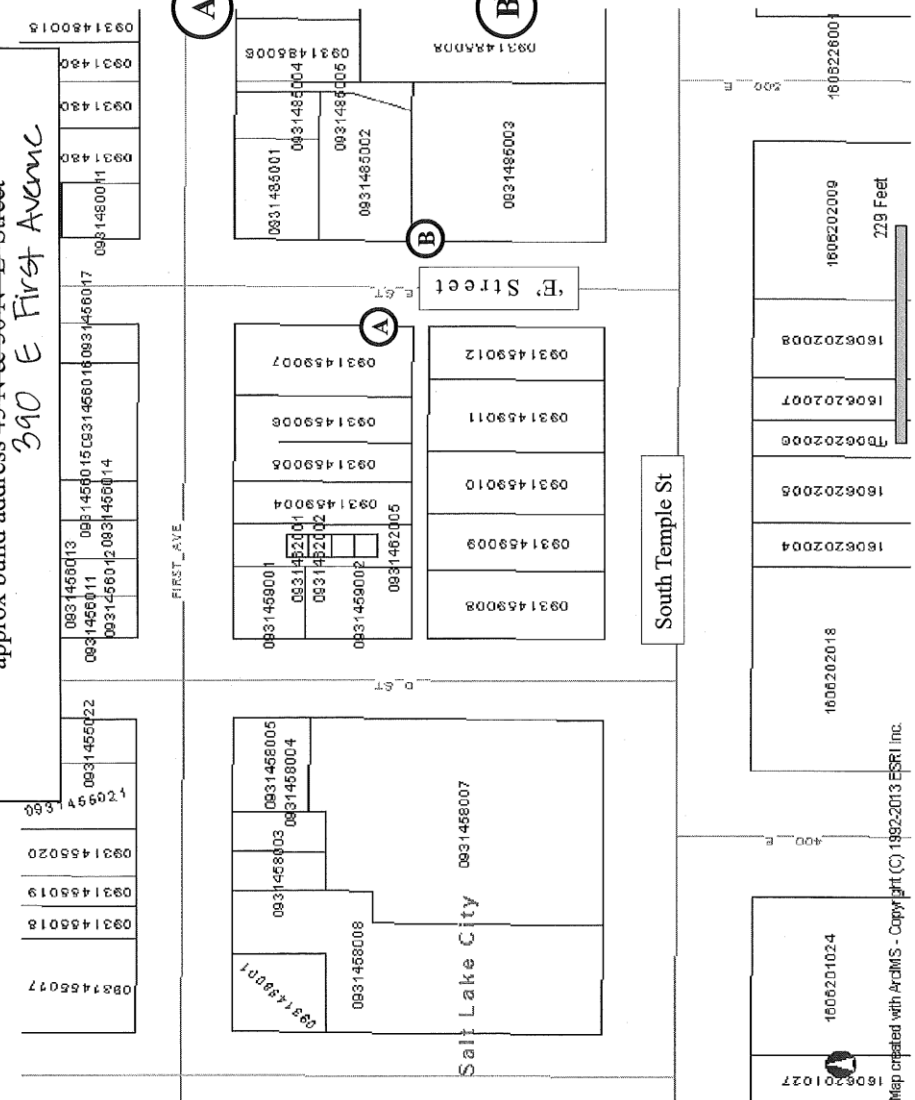
Sincerely,

Ralph Vigil
CenturyLink
Right-of-way Manager
off: 237-7149
mo: 259-9964
email: rxvigil@qwest.com

CenturyLink Site
 for existing xbox ~~35 N E Street~~ - Options - 'A' & 'B'
 approx build address ~~45 N & 50 N E Street~~
 390 E First Avenue

A
 Parcel Number: 09314590070000
 Owners: ZION FIRST NATIONAL BANK
 Part Owners (O):
 Owner Address: PO BOX 30709
 SALT LAKE CITY UT 84130
 Parcel Address: 400 E FIRST AVE
 Book: 9625
 Page: 6002
 Total Acres: 0.27

B
 Parcel Number: ~~09314850030000~~
 Owners: ~~WILLIAMSEN SOUTH TEMPLE INC~~
 Part Owners (O):
 Owner Address: ~~655 E 400 S #200~~
 SALT LAKE CITY UT 84102
 Parcel Address: ~~781 E SOUTHTEMPLE ST~~
 Book: ~~7400~~ Page: ~~1299~~
 Total Acres: ~~0.66~~



Zoning Information

Salt Lake City Corporation

Salt Lake City
Zoning information

Search By Address Search By Parcel

Search By Parcel Number

(Enter a ten digit Parcel number, click "Submit" to Search)

0931485003

Submit

Code	Description	Parcel #	Detail
CN	NEIGHBORHOOD COMMERCIAL DISTRICT	09-31-485-003	For detail on this Zoning Ordinance, click on this, enter NEIGHBORHOOD COMMERCIAL DISTRICT to search. On the search result list, looking for item with CN code.

Search By Address Search By Parcel

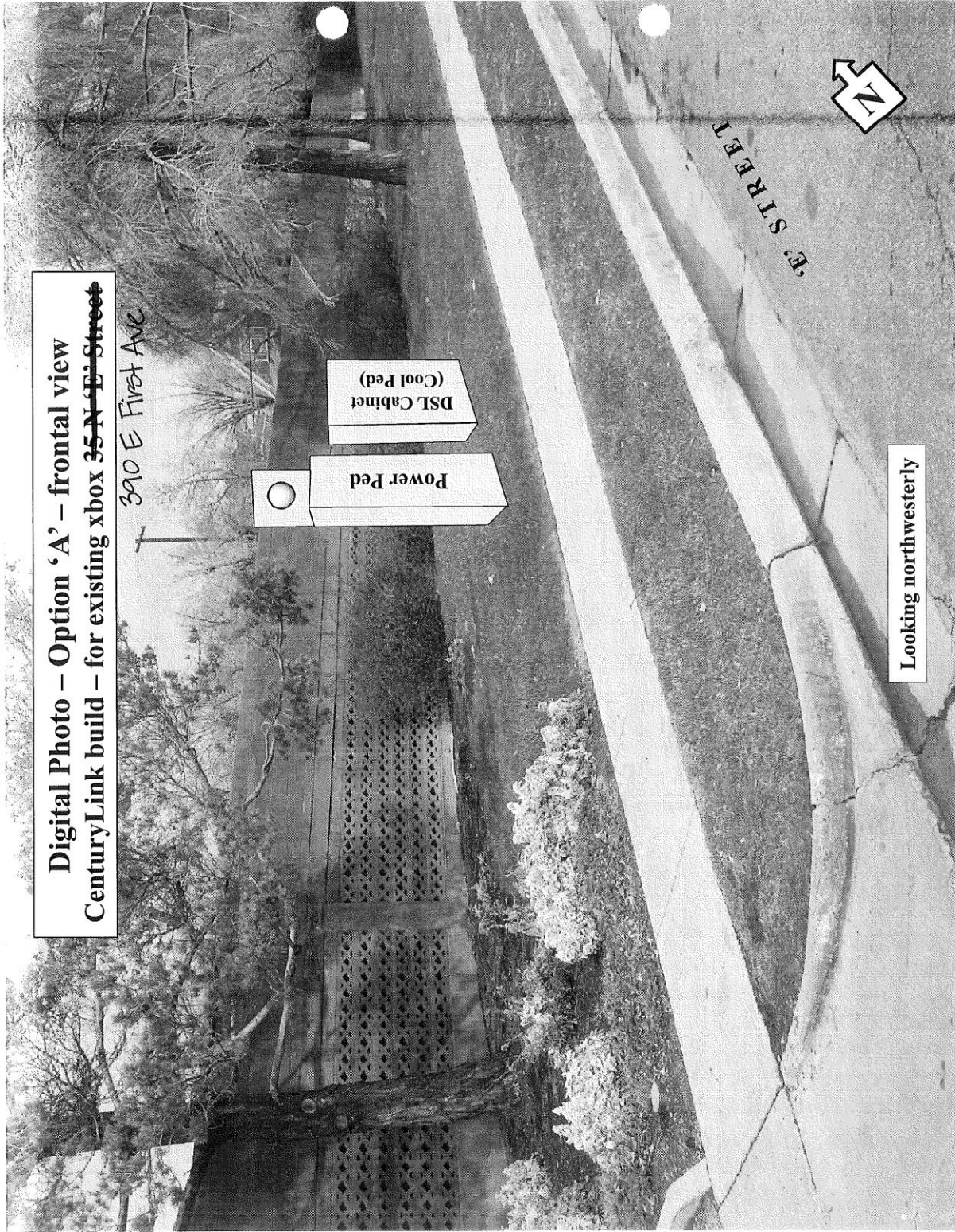
Search By Parcel Number

(Enter a ten digit Parcel number, click "Submit" to Search)

0931459007

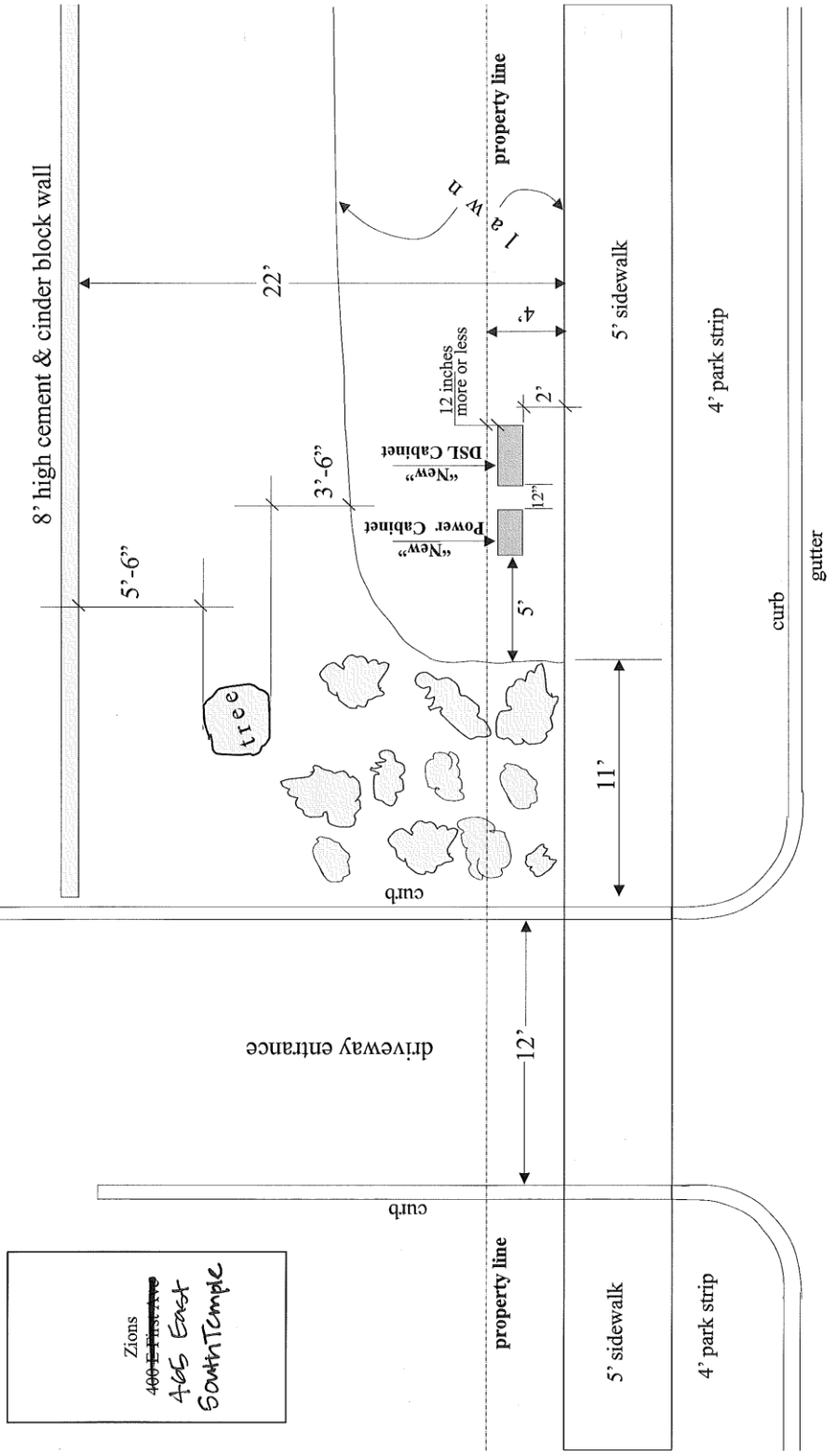
Submit

Code	Description	Parcel #	Detail
RMF-35	MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT	09-31-459-007	For detail on this Zoning Ordinance, click on this, enter MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT to search. On the search result list, looking for item with RMF-35 code.



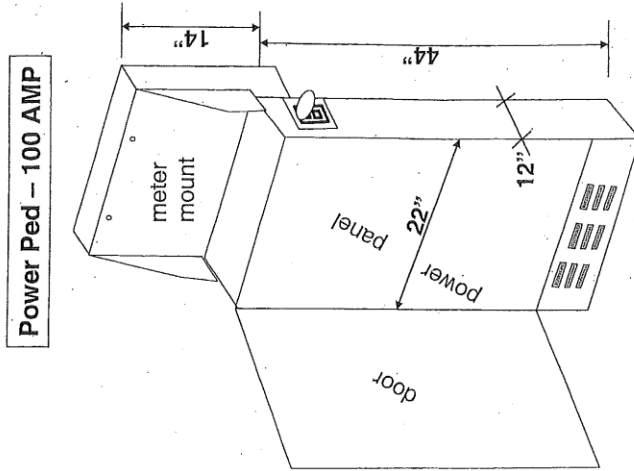
Digital Photo – Option ‘A’ – frontal view
CenturyLink build – for existing xbox ~~35 N E Street~~

Site detail – CenturyLink DSL build for – Option ‘A’ – 35 N ‘E’ Street
 Looking west 390 E First Ave

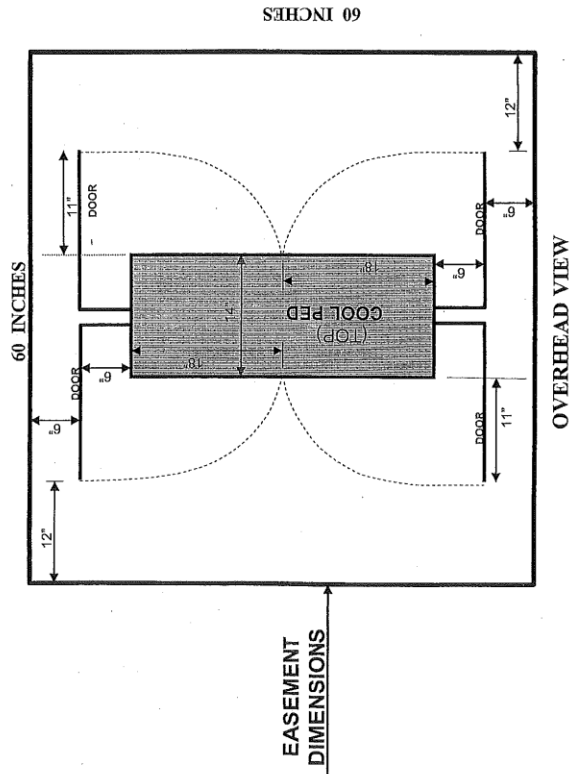
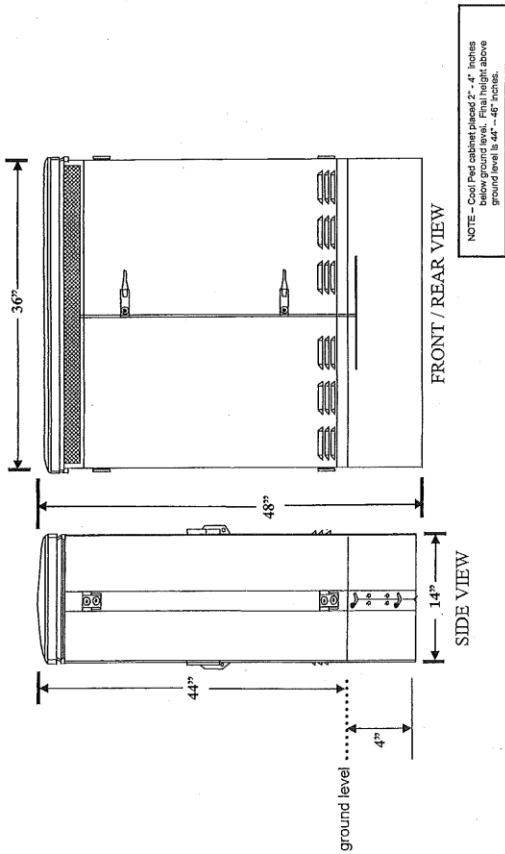


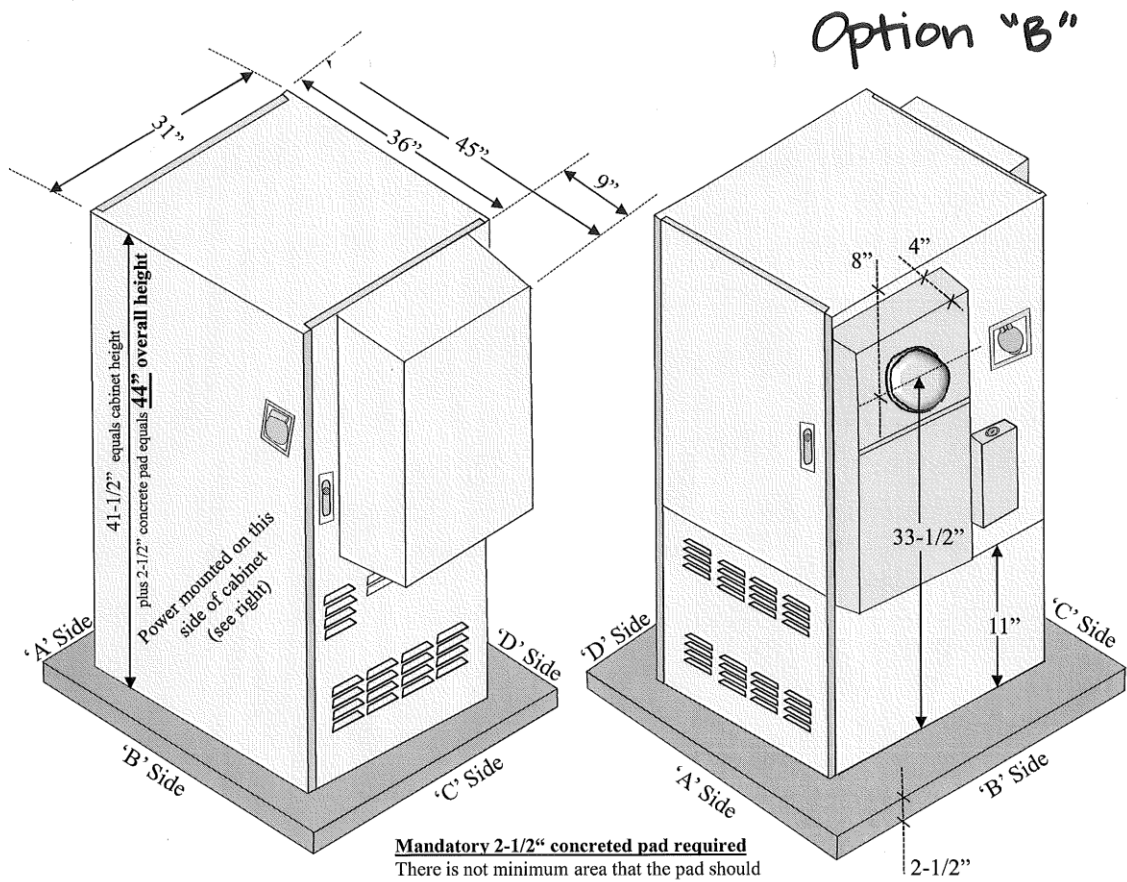
Zions
~~400 E First Ave~~
 465 East
 South Temple

Option "A"



COOL PED

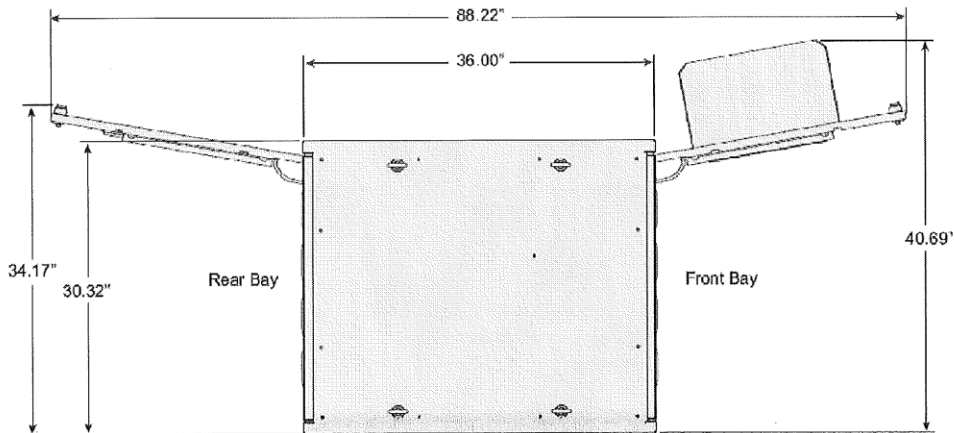




Mandatory 2-1/2" concrete pad required
 There is not minimum area that the pad should extend beyond the base of the pad. 4" to 6" would be typical.

NOT

The 'A' side of the cabinet will most often be referred to as the front but can be positioned to utilize the best available area, or as requested.



ATTACHMENT B
City Department/Division Comments



Work Flow History Report

390 E 1st Avenue

PLNPCM2013-00318

Date	Task/Inspection	Status/Result	Action By	Comments
6/21/2013	Community Open House	Complete	Pickering, Maryann	Open House meeting held on June 20, 2013.
7/26/2013	Building Review	Complete	Pickering, Maryann	Option A (390 E 1st Avenue) -- No comment
7/26/2013	Engineering Review	Complete	Pickering, Maryann	No comment.
7/26/2013	Fire Code Review	Complete	Pickering, Maryann	No comment
7/26/2013	Police Review	Complete	Pickering, Maryann	Maryann, The police department has no issues with this petition. Thank you, Sgt. Michelle Ross
7/26/2013	Public Utility Review	Complete	Pickering, Maryann	I have reviewed the proposal and don't see a problem or utility conflict with either of the two locations. The water and sewer mains are all located out in the travel lanes of the street. It should be noted that there appears to be a private sewer service located about 10-ft north of the proposed location B, but it appears unlikely that it would be a concern.
7/26/2013	Sustainability Review	Complete	Pickering, Maryann	No comments.
7/26/2013	Transportation Review	Complete	Pickering, Maryann	July 29, 2013 Maryann, Transportation's review comments for the proposed Century Link Xbox's are as follows: PLNPCM2013-00318 No impact to the required CSZ shown. PLNPCM2013-00400 Provide the required 10'x10' clear sign zone for the abutting driveway to the north.
7/26/2013	Zoning Review	Complete	Michelsen, Alan	Certificate of Appropriateness review and approval required with respect to location and screening materials.