

DATE: June 14, 2006

TO: Salt Lake City Planning Commission

FROM: Elizabeth Giraud, AICP, Senior Planner

RE: Staff Report for the June 14, 2006 Planning Commission Meeting

CASE#: 410-768

APPLICANT: Jerome Gourley, representing T-Mobile

STATUS OF APPLICANT: Representative

PROJECT LOCATION: 1596 E. Stratford Avenue



PROJECT/PROPERTY SIZE: NA

COUNCIL DISTRICT: District 7, Council Member Søren Simonsen

SURROUNDING ZONING DISTRICTS:

North – RMF-35, Medium Density Residential; CN, Neighborhood Commercial

South – R-1-7000, Single Family Residential

East – R-1-7000, Single Family Residential

West – CN, Neighborhood Commercial

SURROUNDING LAND USES:

North – residential; commercial

South - residential

West - commercial

East - residential

REQUESTED ACTION:

Petition 410-768 by Jerome Gourley, representing T-Mobile, requesting Conditional Use approval to replace a thirty-three (33) foot high utility pole in a public right-of-way with a forty-three (43) foot pole to accommodate wireless telecommunications antennas and the associated electrical equipment. The project is located at 1596 E. Stratford Avenue and is in a Neighborhood Commercial (CN) Zoning District. The Administrative Hearing Officer determined that the proposed project was consistent with the standards for such facilities, and thus suitable for an administrative review and hearing process. Upon concerns and opposition expressed by a nearby property owner, on May 16, 2006 the hearing officer forwarded the request to the Planning Commission for consideration, as per Section 21A.54.155(B)(2) of the Zoning Ordinance.

PROPOSED USE(S):

The conditional use request is to locate a wireless telecommunications facility on a public utility pole at the rear of a commercial property located at 1596 E. Stratford Avenue.

APPLICABLE LAND USE REGULATIONS:

Antenna Regulations Section 21.A.40.090, Conditional Use Section 21.54.080 and Administrative Consideration of Conditional Uses Section 21.A 54.155 of the Salt Lake City Zoning Ordinance.

MASTER PLAN SPECIFICATIONS:

The adopted land use policy document that guides new development in this area is the Sugarhouse Master Plan, 2001. The Sugar House Business District Design Guidelines Handbook contains design considerations to assure high quality development. The plan identifies the importance of careful location and screening treatment of mechanical equipment.

SUBJECT PROPERTY HISTORY:

Upon review of the request, the Administrative Hearing Officer elected to consider the proposed project according to the administrative hearing process for Conditional Use requests established in Section 21A.54.155 of the ordinance. Staff found that this request complied with the standards set forth in the ordinance and was no different than other utility pole wireless telecommunications facilities approved by the City in the past. As with all Conditional Use requests, the Planning Division Staff presented the project to the appropriate community council (Sugar House). The staff provided the required 14-day notice to property owners within a 300 foot radius of the project, and posted the site ten days prior to the hearing. Staff received one comment in opposition to the proposed project prior to the administrative hearing from an abutting property owner. At the administrative hearing on May 16, 2006, a nearby property owner expressed opposition to the proposed telecommunications antennae, citing health concerns, diminishment of property values and negative visual impacts. Based on the opposition, the administrative hearing officer subsequently forwarded the proposed conditional use to the Planning Commission.

ACCESS:

The facility will be located behind the small commercial development associated with the subject property and is accessible from Stratford Avenue and Glenmare Street.

PROJECT DESCRIPTION:

T-Mobile USA, Inc. is requesting conditional use approval to construct a wireless telecommunications facility at the rear of the property at 1596 E. Stratford Avenue. The applicant is proposing replacement of a thirty-three foot (33') high utility pole with a forty-three foot (43') high tapered wood pole and to install three 6 feet high by 8 inches wide antennas at the top of the pole. The antennas will be flush mounted to the pole and the antennas and mounting structure will not exceed twenty-six inches (26"), and are seventy-two inches (72") high. The associated electrical equipment will also be enclosed at the rear of the commercial building located at 1596 E. Stratford Avenue as shown on the accompanying plans. The square footage of the enclosure is eighty (80) square feet.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

This type of request is not routed for city departmental comments, as pole-mounted antennas do not typically generate comments from other City departments. The proposed work is located on private property and unlike similar proposals that are located in the public way, Development Review Team review is not necessary as a condition of the permit.

a) **Community Council:** The Sugar House Community Council reviewed and supported the proposed facility as mentioned in the attached Citizen Group Input Form of their November 2, 2005 meeting (Exhibit 3).

b) **Planning Division:** Section 21A.40.090.E of the Salt Lake City Zoning Ordinance identifies types of wireless telecommunications facilities that may be approved and provides a guide as to where they should be located (zoning district). The most preferable sites that create the least impacts are typically existing buildings or structures (i.e. utility poles) to which antennas can be mounted. Recognizing that some facilities create minimal land-use impacts, routine requests may be handled expeditiously as a permitted use requiring review for building permit issuance only. Other types of facilities that are more obtrusive and have the potential to create greater negative impacts to the surrounding area, such as monopoles, may be allowed in specific zoning districts through the Conditional Use review process.

Section 21A.40.090(E)(1)(a) of the zoning ordinance provides an administrative review and hearing process for routine and/or low-impact wireless telecommunications facilities requiring Conditional Use approval. After considering an application, the Planning Director or his designee makes a determination as to whether the request is suitable for the administrative hearing format or to forward potentially more controversial requests to the Planning Commission for consideration. At an administrative hearing, the hearing officer may make a decision on the request or, if there is neighborhood opposition or the applicant has failed to adequately address the Conditional Use standards, forward the application for Planning Commission consideration. The hearing officer may grant the Conditional Use request only if the proposed project is consistent with the Conditional Use standards.

Section 21A.40.090.E(2)(f) of the zoning ordinance establishes criteria specifically for evaluating wireless telecommunications antennas located on utility poles. Antennas located in the public right-of-way are typically permitted uses provided they comply with the height and design criteria outlined in the ordinance. Conditional Use approval is required for antennas located in a rear yard utility easement in the CN Zoning District.

2. ANALYSIS AND FINDINGS

The Planning Commission has final decision authority with respect to this request. In order to make its decision, the Commission must use the following standards.

21.54.080 Standards for Conditional Uses.

- A. The proposed development is one of the conditional uses specifically listed in this Title.**

Analysis: Section 21A.040.090E(2)(f) of the zoning ordinance requires conditional use approval for the replacement of a utility pole to accommodate wireless telecommunications antennas.

Finding: The proposed development is a conditional use as listed in this Title.

- B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

Analysis: The zoning ordinance identifies types of wireless telecommunications facilities that may be approved and provides a guide as to where they should be located (zoning district). The ordinance encourages the use of existing structures for mounting antennas because it is usually less obtrusive than constructing a new facility. The zoning ordinance specifically identifies utility poles as suitable sites for mounting antennas provided the proposed project complies with the specific standards set forth in the zoning ordinance. Although requiring conditional use approval, a taller replacement pole in this location may reduce the need for additional sites in the area by optimizing the effectiveness of the proposed antennas being installed at the 43 foot level.

Finding: Therefore, the proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

- C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

Analysis: The facility is located at the rear of the property. A service technician may visit the site periodically to maintain the facility.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry this minimal change in traffic and will not materially degrade the service level on the adjacent streets.

D. The internal circulation system of the proposed development is properly designed.

Analysis: No changes to the existing circulation system are proposed. The proposed facility would be accessed via Stratford Avenue. Since little traffic will be generated by the facility, traffic circulation patterns for existing development in the area will not be affected by the proposed facility.

Finding: The internal circulation system of the proposed development is properly designed.

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Analysis: Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Finding: The applicant meets this standard.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Analysis: Locating antennas on utility poles helps to disguise wireless telecommunications facilities and mitigate potential adverse visual impacts to the area. The applicant is proposing an 8 foot high chain-link fence, with barbed wire. In the CN Zoning District, the applicant cannot install a fence higher than 6 feet high and barbed wire is not allowed.

Finding: The plans will need to be modified to comply with the Zoning Ordinance requirements.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Analysis: Color requirements and installing all cabling leading to the antennas within a conduit have assisted in efforts to blend in equipment with the color and materials of the surface to which they are attached. These issues will be addressed as conditions of approval. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood. The equipment box will be located at the rear of the existing commercial property at 1596 E. Stratford., and thus will not be visible from the street. The proposed siding is steel siding.

Finding: At 80 square feet and 11 feet high, the equipment box will not have an adverse impact on the nearby properties, and will appear as any small garden shed to the surrounding properties.

H. Landscaping is appropriate for the scale of the development.

Analysis: The applicant is not proposing landscaping for this project. It is located at the rear of the property, and thus will not be visible from Stratford Avenue. The location of the proposed utility equipment box and replacement pole abut the rear yard of the house located at 2626 S. Hartford, which is in an R-1-7000 zoning district.

Finding: No landscaping is proposed, but given the location of the proposed project, the lack of landscaping is not inappropriate.

I. The proposed development preserves historical architectural and environmental features of the property.

Analysis: The site is not located in a locally designated historic district therefore, review by the City's Historic Landmark Commission is not necessary. There are no known environmental features requiring preservation.

Finding: The proposed development preserves architectural and environmental features of the property.

J. Operating and delivery hours are compatible with adjacent land uses.

Analysis: This is a cell tower. Therefore, the operating and delivery hours criteria do not readily pertain to the use.

Finding: This standard does not apply in this case.

K. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

Analysis: The visual impact associated with the proposed conditional use to the neighborhood will be minimal, in that only one utility pole along this minor arterial will be increased in height with three antennas added to the pole. The associated utility equipment will be located to the rear of the commercial building at 1596 E. Stratford Avenue.

Finding: The proposed project fits within the context of its surroundings and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

- L. **The proposed development complies with all other applicable codes and ordinances.**

Analysis: Approval of the request shall be subject to meeting all applicable City departmental requirements. The construction plans shall be stamped by a professional Engineer to address seismic and structural concerns.

Finding: The proposed development shall comply with all other applicable codes and ordinances.

21A.40.090 (E) (7) Supplemental Conditional Use Standards for Telecommunication Facilities.

- aa. **Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.**

Analysis: As required by the zoning ordinance, the replacement utility pole will not be more than ten feet (10') higher than the existing pole nor will the antennas, including the mounting structure, exceed thirty inches (30") in diameter.

Finding: The proposed structure is compatible with the height and mass of existing buildings and utility structures.

- bb. **Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles etc. is possible without significantly impacting antenna transmission or reception.**

Analysis: In an effort to reduce the overall number of new facilities, the zoning ordinance encourages antenna placement on existing buildings and structures. The utility pole location at the rear of this property, where there are already utility poles, provides a suitable site for mounting antennas without significantly impacting antenna transmission or reception, and would have the least visual impact for nearby property owners.

The neighborhood surrounding the subject property has few, if any, buildings suitable for roof or wall mounted antennas. Several nearby poles are similar in height to the pole proposed for replacement; one is substantially higher. If this pole were to be replaced with one ten feet higher (Utah Power and Light requires that poles accommodating cellular antennas be a minimum of ten feet higher, in order to provide clearance for its wires), the visual effect would have a greater impact on the surrounding properties.

Finding: The proposed pole replacement and attached antennas is the optimal location for this area. Co-location on other existing structures in the same vicinity is not possible without significantly impacting antenna transmission or reception.

- cc. **The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening.**

Analysis: Appropriate design measures as mentioned above have been taken to fit the project within the context of its surroundings and minimize any adverse impacts on the neighborhood.

Finding: The proposed project in relation to existing vegetation, topography and buildings, therefore, is appropriate.

- dd. **Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties.**

Analysis: The carrier has complied with city objectives to make use of existing structures for the installation of new telecommunications facilities.

Finding: Spacing between monopoles and lattice towers does not create detrimental impacts to adjoining properties.

Recommendation:

Based upon the above findings, staff recommends conditional use approval of the proposed facility subject to the following conditions:

1. A professional engineer's stamp shall be provided on the construction drawings.
2. All cabling leading to antennas shall be placed within a conduit.
3. The utility pole, antennas, mounting and conduit shall be painted a flat color to match existing wood utility poles.
4. The Petitioner shall meet all applicable City, County, State or Federal requirements.
5. The conditional use approval shall be valid for a one year period unless a building permit is issued and construction is actually begun, or the use commenced within that period, or a longer time is requested and granted by the Administrative Hearing Officer.
6. That the fence surrounding the equipment building not be taller than six feet (6) high, and that barbed wire not be used.

Elizabeth Giraud, AICP
Senior Planner

Attachments:

Exhibit 1– Supplemental Information Submitted by the Applicant
Exhibit 2– Plans
Exhibit 3 -- Photographs
Exhibit 4 – Community Council
Exhibit 5 – Minutes from Administrative Hearing, 5.16.06

Exhibit 1
Supplemental Information Submitted by the
Applicant

Exhibit 2 Plans

Exhibit 3 Photographs

Exhibit 4
Community Council

Exhibit 5
Administrative Hearing
5.16.06