

DATE: September 21, 2006
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: **STAFF REPORT FOR THE SEPTEMBER 27, 2006 MEETING**

CASE#: 410-06-26
APPLICANT: Steve Van Vleet, Cricket Communications
REQUESTED ACTION: Conditional Use to replace a utility pole for an antenna and to locate a private utility building in the rear yard of a single family residence in the R-1/7,000 (Single Family Residential) zoning district. The Planning Commission is the decision maker for these conditional uses.
STATUS OF APPLICANT: Representative
PROJECT LOCATION: 530 North 1300 West



PROJECT/PROPERTY SIZE: 0.17 acres

COUNCIL DISTRICT: District 1
Councilmember Carlton Christensen

PROPOSED USE(S): Wireless communication facility

APPLICABLE LAND USE REGULATIONS:

- Section 21A.24.190: Table of Permitted and Conditional Uses for Residential Districts
- Section 21A.40.050: General Yard, Height, and Bulk Limitations of Accessory Structures
- Section 21A.40.090: Antenna Regulations
- Section 21A.54.080: Conditional Use Standards
- Utah State Code 10-9a-507: Conditional Uses

SURROUNDING ZONING DISTRICTS:

North – R-1/7,000 (Single Family Residential District)
South – R-1/7,000 (Single Family Residential District)
East – R-1/7,000 (Single Family Residential District) and CN (Neighborhood Commercial)
West – R-1/7,000 (Single Family Residential District)

SURROUNDING LAND USES:

North – Single Family Residential
South – Single Family Residential
West – Single Family Residential and Retail
East – Single Family Residential

MASTER PLAN SPECIFICATIONS:

The adopted land use policy document that guides new development in the area is the Northwest Community Master Plan adopted in January of 1992. The Northwest Community Master Plan assigns a future land use of low-density residential for this property.

SUBJECT PROPERTY HISTORY:

The subject property is a single family residential structure and the abutting alleyway is public right-of-way.

ACCESS:

The subject property is accessible via 1300 West and from the public alley to the east. The alley is accessible from the north via 600 North and from the south via 500 North.

PROJECT DESCRIPTION:

Cricket Communications, represented by Steve VanVleet, Construction Manager, is proposing to replace an existing sixty foot utility pole in a public alley with a new sixty foot high pole that includes three Cricket antennas. The applicant is also proposing to lease a 456 square foot portion of the rear yard from Arnulfo Gomez, the owner of the subject property. Within this leased area, Cricket Communications plans to erect a twenty foot by ten foot, or 200 square foot, private utility structure to house the electrical equipment associated with the antennas. The shelter would be approximately twelve feet tall and an air conditioning unit would be mounted on the north side of the shelter. A new six foot chain link fence would be erected to demarcate the lease area from the rest of the rear yard. An inward-swinging ten foot wide gate would be placed in the existing fence between the subject property and alley to allow Cricket Communications to access the lease area from the alley. A technician from Cricket Communications would visit the site approximately once a month for routine maintenance but the company would have 24/7 access. The property owner would still have an accessible rear yard of approximately 3,960 square feet and the remainder of the rear yard, including an existing concrete parking pad, will be accessible from the alley via an existing gate.

As per Section 21A.40.090E(2)(f)(i)(C), any time a utility pole is replaced to facilitate antennas for wireless communication facilities, conditional use approval is required. A private utility structure, defined by the Zoning Ordinance as a building or structure “used in conjunction with the provision of... private utilities,” is a conditional use in the R-1-7,000 zoning district according to Section 21A.24.190.

Staff can find only one example of a similar case in which equipment related to a wireless communication facility was placed in a residential rear yard. Petition number 410-529, a proposal by VoiceStream PCs II Corporation at 2267 East 2700 South, was taken to the Planning Commission Ray McCandless on April 19, 2001 and was approved. On July 19, 2001, the Planning Commission voted to not revisit the item after a neighboring property owner had requested that the Planning Commission fully consider issues that she believed were not considered at the prior hearing.

COMMENTS:

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comments/concerns received:

City Department/Division Comments

A. Department of Airports (Allen McCandless)

The subject property is in Airport Influence Zone B, a high noise impact area. Thus, Salt Lake City requires an aviation easement for new development in this zone. This project creates no observed impacts to airport operations.

B. Engineering

No comments were received from the Engineering Division.

C. Building Services and Licensing Division (Larry Butcher)

The comments were as follows:

1. Provide a complete dimensioned site plan. [Provided by applicant.]
2. Document that the antennas do not extend more than 10' above the top of the pole. [Documented by applicant.]
3. Document the size of the antennas per Section 21A.40.090D.
4. Location of the equipment shed shall not block parking access.
5. Equipment shed must be within five feet of rear property line or demonstrate that the shed must be set back for required access per the Transportation Division. Applicant may also average the setback per Section 21A.40.050A(3)(d).
6. Gate swing encroaches into alley. [Plans modified by applicant.]
7. Document height of shed to be 12' or less. [Documented by applicant.]

D. Transportation Division (Barry Walsh)

A field review indicates that the proposal does not impact the public transportation corridor of 1300 West or the alley way. The power pole is an existing pole and subject to standard utility easements. The plan indicates that two proposed chain-link fence gates swing out into the alley; it is recommended that they swing into the property and not block or impact the alley. [Plans modified by applicant.]

E. Fire Department (Brad Larson)

The Fire Department had no objections to the petition.

F. Police Department

No comments were received from police.

G. Public Utilities Department (Jason Brown)

Plans submitted to the Public Utilities office indicated that the proposed structure required no water or sewer connections and that the location of the structures would not have any negative effect on the existing water and sewer facilities. The Public Utilities Department recommended that the conditional use in question be approved.

Community Council Comments

A. State Fairpark Community Council

The applicant presented the proposal to the Fairpark Community Council on August 24, 2006. Planning Staff was in attendance to hear comments and answer any planning or zoning questions related to the proposal. Issues raised by those in attendance related to the effect that the use and the structure would have on neighbors' property values. Neighbors also expressed concern for the visual and sound impacts of the antenna atop the utility pole in the public alley. There were general questions about how the site was chosen and why Cricket Communications did not opt to place the antennas and the electrical equipment in the nearby commercial district at the corner of 500 North and Oakley Street. Mr. Van Vleet explained that the specific pole was chosen by Rocky Mountain Power and the location of the utility structure was based on its proximity to that pole. The Fairpark Community Council asked the applicant to seek more information on why Rocky Mountain Power chose that specific pole. The Community Council did not vote on the matter. Planning Staff received no written or verbal comments from the Fairpark Community Council other than those heard by Staff at the meeting.

ANALYSIS AND FINDINGS:

In reviewing this proposed development, the Planning Commission must make findings with respect to conditional use standards. Utah State Code 10-9a-507 states that:

- a. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*
- b. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

21.54.080 Standards for Conditional Uses

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

Discussion: Section 21A.40.090E(2)(f)(i)(C) states that “replacement of a utility pole requires conditional use approval.” According to the proposal, the utility pole on which the antennas will be sited will be replaced by a new pole. The private utility structure to be placed in the rear yard of the subject property requires a conditional use per Section 21A.24.190.

Finding: The proposed development consists of two uses specifically allowed as conditional uses in the zone.

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.

Discussion: The subject property is in the R-1/7,000 Zoning District in which the primary use is single family residential dwellings. The Northwest Community Master Plan identifies that the future land use for the property is low-density residential uses. Private utility structures are conditional uses in residential areas. The Zoning Ordinance does not provide standards for private utility structures other than the standards set forth for conditional uses. Its bulk and height would be governed by the standards for accessory structures in the R-1/7,000 Zoning District. Analysis of the proposed structure in terms of location, bulk, and yard coverage is found in Standard L.

Finding: Staff finds that the proposal is in harmony with the general purposes and intent of this title and is compatible with 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.

Discussion: The applicant states that there will be three employees on site during the construction of the structure and the installation of equipment. Once a month, an employee will visit the site to perform routine maintenance on the equipment and once a year, there will be more extensive maintenance performed by an employee. The site will be accessed via the public alley behind the subject property. Neither the monthly or yearly site visits will result in traffic that will material degrade the level of service on adjacent streets. The Transportation Division found that the proposed use would not impact the public transportation corridor of 1300 West or the alley. They did ask that the gate to the proposed structure swing into the property and not out into the alley. The applicant has modified the plans based on comments received from the Transportation Division.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and the development will not generate a level of traffic that would materially degrade the service level of adjacent streets.

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

Discussion: There is no internal circulation system for the proposed development. The applicant has indicated that they will try to park the maintenance vehicle within the gated lease area if possible. However, the vehicle might still block the public alley.

Finding: There are no issues regarding internal circulation for this proposal. However, as a condition of approval, staff recommends the Commission make a condition that no maintenance vehicle may park in the public alley or block in any way while servicing the site.

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.

Discussion: Salt Lake City Public Utilities had no issues with the proposed development as noted in their comments above. The proposed development would not require new water and sewer connections and would not impact existing facilities.

Finding: Existing utility services are adequate for the proposed development.

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

Discussion: The proposed antennas will be located at the top of a new utility pole. The new pole will be the same height as the existing pole and the new antennas will not extend more than ten feet above the top. There is no landscaping associated with this project. The utility structure is equipped with an air conditioning unit that may make noise when the unit turns on. The unit is located on the north wall of the structure which is located approximately three feet from the north property line and approximately 154 feet from the single family residence to the north. The sound will be similar to the sound generated from a typical residential air conditioning unit but Staff believes additional buffering in the form of new trees may be appropriate to reduce the added noises associated with this structure. No new lighting is associated with this proposal.

Finding: Staff finds that new trees around the accessory structure will be necessary to buffer the neighboring properties from the additional noise generated by the use. Therefore, adequate buffering will be provided.

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

Discussion: The structure will be built to look like a typical storage shed found elsewhere in the neighborhood. The size is consistent with regulations governing the yard, bulk, and height limitations for accessory structures in the R-1/7,000 Zoning District.

Finding: Existing architecture and building materials are compatible with the adjacent neighborhood.

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

Discussion: There is no new landscaping associated with this proposal. As indicated in Standard F, Staff recommends that additional trees be planted to buffer abutting property owners from the additional noise generated by the air conditioning unit mounted on the utility structure.

Finding: Staff has recommended that trees be planted to provide buffering. This recommended landscaping is appropriate for the scale of the development.

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

Discussion: There are no architectural or environmental resources on the site. The site is not in a designated Salt Lake City Historic District and the building is not designated as an individually listed landmark site.

Finding: There are no historical, architectural, or environmental features to be preserved on the site, so this standard does not apply.

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

Discussion: As previously stated, after initial construction, the only visits to the site would be from Cricket Communications employees performing routine maintenance once a month for no more than an hour at a time. Once a year, an employee would visit the site for approximately two hours to perform more extensive maintenance. Cricket Communications does have continuous access to the site for emergency maintenance, however.

Finding: The operating hours of the proposed project are compatible with the residential uses on adjacent properties. Staff recommends that the Commission make a condition that maintenance only occurs during regular business hours except for emergencies.

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.

Discussion: Antennas are frequently located on existing and replacement utility poles and are compatible with the surrounding neighborhood. The proposed private utility structure would appear as a typical shed from the outside. Staff finds that sheds are common in the neighborhood but there is no evidence that other sheds in the area are used as public or private utility sheds. Staff does not

believe that the proposed conditional use would have a material net cumulative adverse impact on the neighborhood or Salt Lake City.

Finding: 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.

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

Discussion: According to Section 21A.40.090E(2)(f)(i)(C), when a utility pole is replaced, the replacement pole cannot be more than ten feet higher than the existing pole. The existing pole is sixty foot tall and the replacement pole is also sixty foot all, so the proposal meets this requirement.

The utility structure is limited by the standards for accessory structures in the R-1/7,000, detailed in Section 21A.40.050, which are as follows:

- **Location in Rear Yard:** Per Section 21A.40.050A(3)(d), accessory structures in the R-1 districts shall be located a maximum of five feet from the rear property line unless the increased setback is required for transportation access, the applicant demonstrates that more than 50% of the properties on the block face have accessory structures located more than 5' from the rear property line, or the applicant obtains special exception approval for a hardship related to topography or mature vegetation. The proposed structure is located eight feet from the rear property line and is thus not compliant. The applicant must demonstrate that the proposal meets this provision. This is a condition of approval.
- **Rear Yard Coverage:** Per Section 21A.40.050B(1), an accessory structure cannot cover more than 50% of the rear yard as measured from the rear façade of the principal building to the rear property line. The total area of the subject property's rear yard is 87'-11" deep by 50' wide, or approximately 4,396 square feet. The accessory building measures 10' deep by 20' wide, or 200 square feet and covers only 4.5% of the rear yard.
- **Maximum Lot Coverage:** Per Section 21A.24.060F, the coverage of all principal and accessory structures cannot exceed 40% of the total lot area in the R-1/7,000 Zoning District. The primary structure is approximately 911 square feet and the proposed utility structure is 200 square feet for a total of 1,111 square feet. The total lot area is 7,500 square feet and thus the total coverage of all structures is approximately 15%. The proposal is compliant in terms of yard coverage.
- **Building Coverage:** Section 21A.40.050B(2) states that, in the R-1/7,000 residential district, the maximum building coverage for all accessory structures shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720)

square feet for a single-family dwelling. The principal structure measures 23'-3" deep by 39'-2" for a total of approximately 911 square feet, which allows for an accessory structure of approximately 456 square feet. The requested accessory structure is 200 square feet in size and is compliant.

- **Building Height:** Per Section 21A.40.050C(2)(b), the height of accessory structure with a pitched roof in the R-1/7,000 district cannot exceed seventeen feet as measured from the top of the roof and the finished grade at any given point of building coverage. The height of the proposed accessory structure will be no more than twelve feet and is thus compliant.

Finding: The development complies with all other applicable codes and ordinances.

RECOMMENDATION:

Based on the comments, analysis, and findings of fact noted in this report, the Planning Staff recommends that the Planning Commission approve the requested conditional uses to replace an existing utility pole and to locate a private utility structure on a property in the R-1/7,000 Zoning District subject to compliance with City Department/Division comments as noted in this report and the conditions listed below.

Conditions of Approval

1. The applicant must demonstrate compliance with the maximum rear yard setback provision for accessory structures in Section 21A.40.050A(4)(d).
2. No maintenance vehicles associated with this use can park in the public alley way behind the subject property.
3. Maintenance of equipment in utility structure must be performed during business hours unless there is an emergency.
4. Additional trees are to be planted around the proposed shed to buffer neighboring properties from the noises generated by the air conditioning unit.
5. A letter from Rocky Mountain Power, addressed to the Planning Director, stating that no other location in the immediate vicinity, including the nearby commercial properties, is appropriate for the utility structure.

Attachments:

Exhibit A – Site Plan
Exhibit B – Elevations
Exhibit C – Letter of Authorization
Exhibit D – Application

Exhibit E – City Department/Division Comments
Exhibit F – Photographs
Exhibit G – Letters and Information from Neighbors

Nick Britton, Principal Planner
September 20, 2006

Exhibit A Site Plans

Exhibit B Elevations

Exhibit C
Letter of Authorization

Exhibit D
Application

Exhibit E
City Department/Division Comments

Exhibit F Photographs

Exhibit G
Letters and Information from
Neighboring Property Owners