

**DATE:** June 21, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Nick Norris, AICP, Principal Planner

**RE:** Staff Report for the June 27, 2007 Planning Commission Meeting

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**CASE#:** 410-07-07

**APPLICANT:** Art Brothers, representing Beehive Telephone

**STATUS OF APPLICANT:** Representative

**PROJECT LOCATION:** 1727 North 200 West



Proposed location

**PROJECT/PROPERTY SIZE:** 400 Square feet  
**COUNCIL DISTRICT:** District 3, Council Member Eric Jergensen

**SURROUNDING ZONING DISTRICTS:**  
**North** – OS Open Space  
**South** – OS Open Space  
**East** – OS Open Space  
**West** – OS Open Space

**SURROUNDING LAND USES:**  
**North** – telecommunication facility  
**South** – telecommunication facility  
**West** – open space  
**East** – telecommunication facility

**REQUESTED ACTION:**  
**Petition 410-768** a request by Beehive Telephone, Inc. to install a telecommunications tower in the designated telecommunication site described in Zoning Ordinance section 21A.32.100 located at approximately 1727 North 200 West in an OS Open Space Zoning District. The proposed facility would be located on City owned property. The proposed telecommunication tower is approximately twenty feet high by six inches wide. The proposed pole would have a circular antenna that is approximately 2 feet in diameter. A building approximately 100 square feet in size would house the mechanical equipment for the facility.

**PROPOSED USE(S):**  
The conditional use request is to locate a wireless telecommunications facility on property that is located at 1727 North 200 West in an OS Open Space Zoning District.

**APPLICABLE LAND USE REGULATIONS:**  
Open Space District Section 21A.32.100(G); Conditional Use Section 21.54.080 of the Salt Lake City Zoning Ordinance; and 21A.40.090(C) Communication Towers

**MASTER PLAN SPECIFICATIONS:**  
The adopted land use policy document that guides new development in this area is the Capitol Hill Master Plan. The Capitol Hill Future Land Use Map designates the area as Open Space. The Master Plan does not discuss the placement of telecommunication

facilities. The Master Plan does discuss the protection of the foothills as a goal of the plan. The purpose of creating the telecommunication facility corridor in this area was to limit the locations of this type of facility and to protect the natural environment.

**SUBJECT PROPERTY HISTORY:**

The area has been used for the location of telecommunication facilities for some time. The earliest building permits that show up on the City electronic database are from 1983.

**ACCESS:**

The facility will be accessed from an existing dirt road. The road is gated and connects to Sandhurst Drive. No new access roads will be created as part of this proposal.

**COMMENTS, ANALYSIS AND FINDINGS:**

**Department Comments:** This request was routed to Engineering, Transportation Building Services, Public Utilities and Property Management for review. Most agencies did not have any issues with this proposal. Those agencies that did respond provided information on regulatory requirements, such as building permit requirements. The proposed location is on public property and a lease agreement with Property Management is required prior to construction work on the tower being started.

**Community Council:** A request for comments on the Conditional Use was sent to the Capitol Hill Community Council on April 3, 2007. The Capitol Hill Community Council reviewed the proposal during a regularly scheduled meeting on May 16, 2007. Questions raised during the Community Council meeting were focused on where the tower would be visible from and the dimensions of the tower. The applicant attended the meeting and answered questions. The item was set on the June agenda for a vote. As of press time, the comments from the community council have not been returned.

**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.

**21A.32.100 (G)(2) Special Conditional Use Standards for**

**A. The facility is located within the telecommunication site described above;**

Analysis: The proposed location is within the telecommunication site. The site is located on City owned property and therefore a lease agreement with Property Management is required prior to the installation of the telecommunication facility.

**Finding:** The proposed telecommunication facility is located within the designated telecommunication site described in ordinance 21A.32.100(G)(1).

**B. The facilities and access roads are designed and constructed so as to minimally disturb the natural terrain.**

**Analysis:** The proposal facility will be located within the established telecommunication tower. If any damage is done to the natural vegetation during the construction process, the vegetation should be restored to a natural state. The proposed facility will be accessed from existing maintenance roads and no new roads are proposed.

**Finding:** The facility and access roads should not disturb the natural terrain. However, if any damage is done to the natural vegetation, then the vegetation shall be restored to a natural state.

**C. The owner of the communications tower agrees to accommodate the multiple use of the tower where feasible.**

**Analysis:** The applicant has not indicated the tower will be co-located. The proposed tower will be 20 feet high. Given its height it is unlikely that the pole can accommodate co-location of other telecommunication devices.

**Finding:** It is not feasible that the tower will have multiple uses due to the proposed tower being twenty feet high.

**21A.54.080 Standards for Conditional Uses.**

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

**Analysis:** Section 21A.36.100G(2) of the zoning ordinance establishes telecommunication towers located in the designated telecommunication site as conditional uses.

**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 specifically designates an area within the Open Space Zoning District for the location of telecommunication facilities. The purpose of designating the area is “to promote the location of communication towers in a manageable area and to protect the aesthetics and environment of the site.” The zoning ordinance specifically identifies the area as suitable sites for communication antennas provided the proposed project complies with the specific standards set forth in the zoning ordinance. The section also states that the City shall retain title to all land that it currently owns. The petitioner will be required

to enter into a lease agreement with Property Management prior to constructing the site.

**Finding:** The proposed telecommunication facility 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, provided the petitioner enter into a lease agreement with Property Management prior to installing the facility in its proposed location.

**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 on top of a mountain peak accessed by a dirt road that is gated. The road is considered a service road and is open only to maintenance vehicular traffic. The dirt road connects to Sandhurst Drive. No new access roads will be created as part of this proposal.

**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:** An internal circulation system is not required for this development.

**Finding:** This standard is not applicable.

**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:** The area is outside of public utilities service area. The only required utility is power, which is available.

**Finding:** Utility service is sufficient for this proposal.

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

**Analysis:** The telecommunication site within the Open Space Zoning District was established to manage the location and visual impacts of telecommunication towers. The proposal falls within the area established by the Zoning Ordinance Section 21A.32.100(G)(1). Other poles in this area have been painted so that they blend in with the visual background.

**Finding:** The telecommunication tower should be painted a neutral color that would reduce the visual impact of the tower.

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

**Analysis:** The proposal is not located within an established neighborhood. The existing development in the immediate vicinity is similar in nature.

**Finding:** This standard is not applicable.

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

**Analysis:** The area surrounding the site will remain in its natural vegetative state and no new landscaping is required. If any damage is done to the existing natural vegetation, then the petitioner should replace the damaged vegetation with plant materials that are consistent with the natural vegetation found in the vicinity.

**Finding:** No landscaping is required because of the natural vegetation in and around the proposed site. If any natural vegetation is damaged, it should be replanted with native vegetation that is found in the area.

**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:** This standard is not applicable.

**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 telecommunication site within the Open Space Zoning District was established to manage the location and visual impacts of telecommunication

towers. The proposal falls within the area established by the Zoning Ordinance Section 21A.32.100(G)(1).

**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:** The petitioner has contacted Property Management concerning the purchase of approximately 400 square feet of City Owned land. City ordinance requires the City to retain title to all land within the designated corridor. Therefore, in order to construct the facility, the petitioner will need to enter into a lease agreement with Property Management prior to construction. 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.

**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 petitioner replaces any damaged vegetation during the construction of the tower.
7. That the petitioner enters into a lease agreement with Salt Lake City Property Management prior to issuing a building permit for the facility.

Nick Norris, AICP  
Principal Planner

**Attachments:**  
Exhibit 1– Plans

Exhibit 2– Map of telecommunication corridor  
Exhibit 3 -- Photographs  
Exhibit 4 – Community Council comments  
Exhibit 5 – Department Comments



# **Exhibit 1 Plans**

**Exhibit 2**  
**Map of Telecommunication Corridor**

## **Exhibit 3 Photographs**

## **Exhibit 4**

# **Community Council Comments**

## **Exhibit 5**

# **Department Comments**