

DATE: May 17, 2007

TO: Salt Lake City Planning Commission

FROM: Nick Norris, AICP, Senior Planner

RE: Staff Report for the May 23 Planning Commission Meeting

CASE#: 410-768 (amendment to conditions of approval)

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 an amendment to the Planning Commissions original conditions of approval from June 14, 2006. The applicants would like to amend condition number 7 which reads “The owner of the property shall provide access to the pole and that T-MobileUSA Inc. shall work on an agreement with all property owners, in order for the pole to be accessed from Glenmare Street.” The telecommunications tower will consist of wireless telecommunication antennas and associated electrical equipment, including an 8 foot by 10 foot structure that would house the electrical equipment. The applicants are proposing to use a crane to place the structure and mechanical equipment in the rear yard of the subject property. The applicants have submitted an agreement with the subject property owner to access the equipment by passing through the existing building.

In June 2006, the Planning Commission approved the project with 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.
7. The owner of the property shall provide access to the pole and that T-MobileUSA Inc. shall work on an agreement with all property owners, in order for the pole to be accessed from Glenmare Street. (this condition was added by the Planning Commission)

The Planning Commission is specifically reviewing condition of approval #7. By approving the project in June 2006, the applicants have a vested right to place the telecommunications equipment on the site. Access to the site should be the focus of the discussion. Because this is a review of a specific condition of approval, only the standards applicable to the access issue will be reviewed.

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.

SUBJECT PROPERTY HISTORY:

Upon review of the initial 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.

On June 14, 2006 the Planning Commission reviewed the matter in a public hearing and approved the petition with conditions. Subsequently, the applicants appealed the Planning Commission conditions of approval to the Land Use Appeals Board. The appeal was heard and was denied on August 10, 2006. The applicants then proceeded to work with the adjacent property owners to acquire an access easement to access the site. At that time, 5 of 6 property owners had agreed to the access, but an agreement could not be reached with the 6th.

The applicants then initiated a condemnation hearing in Third District Court. The condemnation motion was denied by the court. As a result, the applicants have found an

alternative way to access the site that does not impact the dissenting property owner and are requesting an amendment to the conditions of approval.

ACCESS:

The facility will be located behind the small commercial development associated with the subject property. There is no direct street access to the rear of the property. Access would be through an existing commercial building. The applicants have submitted an access agreement with the property owner.

PROJECT DESCRIPTION:

The applicants have received approval from the Planning Commission to place wireless telecommunication equipment on 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.

ANALYSIS AND FINDINGS:

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.

- 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. Access would be through an existing structure. A crane would be used to lift the equipment over the existing building to the rear of the property for installation. The applicants have submitted a copy of a lease agreement to allow service technicians to access the equipment by passing through the building. There would be no vehicular access.

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 by foot through an existing building. 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.

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 and the original conditions of approval one through six. 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 amending the conditions of approval for petition 410-768, specifically condition number 7 so that it reads:

7. That the telecommunications facility is installed and accessed from the subject property and not accessed across any adjacent property.

The conditions of approval one through six remain applicable to this petition and will not be altered by the amendment to condition of approval number seven.

Nick Norris, AICP
Principal Planner

Attachments:

Exhibit 1– Supplemental Information Submitted by the Applicant
Exhibit 2– Plans

Exhibit 1
Supplemental Information Submitted by the
Applicant

Exhibit 2 Plans