

PLANNING COMMISSION STAFF REPORT

**Qwest Corporation
Ground Mounted Utilities
Conditional Use Petition PLNPCM2009-00266
2857 S Melbourne Street
Public Hearing Date: June 10, 2009**



Planning Division
Department of Community and
Economic Development

Applicant:

Rob Vigil, Qwest Corporation

Staff:

Michael Maloy - Principal Planner,
michael.maloy@slcgov.com
Megan Deming - Planning Intern,
megan.deming@slcgov.com

Tax ID:

16-28-228-010

Current Zone:

R-1/7000 Residential

Master Plan Designation:

Low Density Residential,
Sugar House Community Master Plan
(Adopted December 13, 2005)

Council District:

District 7 – Soren Simonsen

Lot Size:

Approximately 0.30 of an acre

Current Use:

Residential

Notification:

- Notice mailed on May 26, 2009
- Sign posted on June 1, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on May 26, 2009

Applicable Land Use**Regulations:**

- Chapter 21A.54 Conditional Uses
- Section 21A.40.160 Ground Mounted Utility Boxes

Exhibits:

- A. Site Plan
- B. Photographs of Proposed Utilities
- C. Correspondence from Residents
- D. Departmental Comments
- E. Administrative Hearing Minutes

Request

Rob Vigil, Qwest Corporation, is requesting approval of a conditional use petition for installation of two ground mounted utility boxes (one small and one medium) located approximately at 2857 South Melbourne Street. The purpose of the structures is to upgrade and expand high speed internet service in the area.

Staff Recommendation

Staff recommends that Planning Commission review the proposal, conduct a public hearing, and consider approval of the petition as per the findings contained within this staff report and subject to compliance with the following conditions:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures;
2. Applicant shall comply with all City department and/or division recommendations found within Attachment D of this staff report;
3. Applicant shall restore the site to existing conditions following construction; and
- 4.
5. Provide screening for the ground mounted utilities in compliance with ordinance 21A.46.160.

Vicinity Map



Background

The applicant is requesting approval of a conditional use petition to install a Cool Ped cabinet, which essentially provides DSL (digital subscriber line) service, and a separate Power Ped cabinet, which provides power to the Cool Ped (i.e. DSL) cabinet (see Attachment A – Site Plan).

The purpose for the ground mounted utilities is to upgrade and expand high speed internet service in the area. The Cool Ped cabinet will measure no more than 44 inches tall, 36 inches wide and 14 inches deep. The Power Ped will measure no more than 58 inches tall, 22 inches wide and 12 inches deep (see Attachment B – Photographs of Proposed Utilities).

Comments

Public Comments. Staff received inquiries from four residents who opposed the petition citing concerns with health, noise, and aesthetics. Essentially the residents view the proposal as a potential nuisance (i.e. graffiti) and overly disruptive to existing mature landscaping on the proposed site (see attachment C-Correspondence from Residents).

Open House Comments. The Public Open House was held on April 16, 2009. Two residents attended the meeting and voiced their opposition to the project.

City Department Comments. Notice of the petition was routed to each affected City department or division on March 16, 2009 for comment and recommendation. Although the Public Utilities Department initially responded with a recommendation to deny the petition citing a conflict with existing water and sewer lines, the Public Utilities Department reversed their original recommendation subject to compliance with recommended conditions. All other departments or divisions of the City recommended approval subject to compliance with existing City standards and policies (see Attachment D – Department Comments).

Administrative Hearing Comments. The applicant's petition was considered during an administrative hearing on May 14, 2009. Concerns were brought forth from the residents about the placement of the boxes. Due to the concerns surrounding the petitions by the residents and community council chair it was forwarded to the Planning Commission for further review (see Attachment E- Administrative Hearing Minutes).

Analysis and Findings

Standards for Conditional Uses (City Code 21A.54.080). 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. 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. In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

1. **Master Plan and Code Compliance:** The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;
 - a. The proposed development is one of the conditional uses specifically listed in this title; and
 - b. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

Analysis: Salt Lake City Code 21A.40.160.B.4 stipulates that the proposed ground mounted utility structures are to be processed as a conditional use subject to regulations contained within Chapter 21A.54, which is entitled Conditional Uses.

Finding: Staff finds that the proposed development is one of the conditional uses specifically listed in the Zoning title, is compatible with applicable master plans, and complies with the intent of the zoning district.

2. **Use Compatibility:** The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:
- a. 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;
 - b. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i) The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii) Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii) Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and
 - iv) The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
 - c. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
 - d. Existing or proposed utility and public 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;
 - e. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts; and
 - f. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property.

Analysis: Generally, utility boxes are located within residential neighborhoods. The structures will provide improvements to utility services provided in the area. Screening should be added to the site to mitigate or reduce any negative visual impacts on the neighborhood and adjoining residents. The boxes will be located in an area that does not impede traffic, or pedestrian circulation.

Finding: Whereas the proposed use (i.e. ground mounted utility) is a specific use allowed within residential districts, staff finds that the proposal is generally compatible with the character of the site, adjacent properties, surrounding neighborhood, and other existing development.

3. **Design Compatibility:** The proposed conditional use is compatible with:
- a. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
 - b. Operating and delivery hours are compatible with adjacent land uses; and
 - c. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

Analysis: Although the utility structures will be located on public property, the City has determined that it will not interfere with public vehicular traffic and pedestrian right-of-ways. Also, the structures will not eliminate any required parking. Access to the site is from Melbourne Street, which is adequate for the proposed development. Once the utility structures are installed, the only traffic generated by the proposed development will be from maintenance vehicles that visit the site for routine service.

Finding: The design of the proposed conditional use is compatible with the intensity, size and scale for the type of use and with surrounding uses.

4. **Detriment to Persons or Property:** The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:
- Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
 - Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
 - Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: No deterioration of the environment will occur as a result of this application. Whereas the DSL cabinet and power cabinet do not emit any harmful or hazardous pollutants into the ground or air, the proposal will not require any environmental mitigation.

Finding: The proposed use satisfies this standard.

5. **Compliance with Other Applicable Regulations:** The proposed development shall comply with all other applicable codes and ordinances.

Analysis: Approval of this application is conditioned on compliance with all applicable City building permits codes and zoning regulations prior to installation.

Finding: Staff finds the proposed conditional use complies with all other applicable codes and ordinances.



Attachment B

Photographs of Proposed Utilities

DIGITAL PHOTOS – 2857 S. Melbourne St.
(FOR SAI 2829 S. Melbourne St.)

Proposed Power Ped
(H58", W22", D12")

Proposed cool Ped
(H44", W36", D14")

LOOKING EASTERLY

Proposed Power Ped
(H58", W22", D12")

Proposed cool Ped
(H44", W36", D14")

Melbourne St.

LOOKING NORTHERLY

Maloy, Michael

From: Isellre111@aol.com
Sent: Friday, April 10, 2009 2:46 PM
To: maloy@slcgov.com
Subject: Quest petitions PLNPCM2009-00266 & PLNPCM2009-00267

Dear Michael,

I was at the meeting last year when we were able to stop Quest from petitioning throughout the valley for all DSL & Power Cabinets.

My big concern then, and now, is that each site is different and should be addressed as such even though Quest's reasons for having the new cabinets may be valid.

Over the years, the amount of grafitti has increased dramatically. It seems to be a midnight sport to grafitti this equipment and the Company has trouble cleaning up quickly as does the city. That's why I always wish that the equipment could be put together in one box and that that box could be out of sight.

Be that as it may, I feel that private individuals and companies should have the right to make arrangements with Quest on their own property. Quest and others have negotiated with these properties because they had so much trouble with publicly owned locations.

I am not against these two sites but hope that Quest will take in to account the concerns of the neighbors.

Grace Sperry
Past Chair of the SHCC

Feeling the pinch at the grocery store? Make dinner for \$10 or less.

4/10/2009

Maloy, Michael

From: Scott Newbold [s_newbold13@hotmail.com]
Sent: Tuesday, April 21, 2009 12:50 PM
To: robert.vigil3@qwest.com; Maloy, Michael
Subject: RE: Petition for Qwest Corporation - DSL and Power Cabinets - 2857 Melbourne Street
Follow Up Flag: Follow up
Flag Status: Red

Michael and Rob:

As I explained at the open house on April 16 at the City and County Building, we do not want the Quest cabinet placed at 2857 Melbourne Street for all of the reasons previously stated. Of course I am speaking for myself and my wife but I think this same feeling was expressed at the Open House by Sue Dickey, whose property is adjacent to the north. The neighbor to the south has also expressed this opinion even though they were unable to attend the open house. They would attend the public hearing, if necessary.

As I mentioned at the open house, I find it interesting that civility and common courtesy demonstrated by my wife when she was approached by the Quest representatives has now somehow been interpreted to mean consent or concurrence with the proposal. In fact in discussing that conversation with her she felt like the site in front of our property was not going to be considered and she was relieved.

At any rate, I remind you that the water line and gas line both traverse the property at the very same place as the proposed location. In fact the water meter is a matter of inches from the proposed cabinets. Also these cabinets in the proposed location would be in the middle of the sidewalk should the city install a sidewalk on my side of the street in the future.

I think it is clear that we want these cabinets placed elsewhere. Our preference would be immediately behind the existing cabinet (which I understand is to remain) located at 2829 Melbourne. This location is already blocked by a fence and would not be as noticeable to neighbors. If this cannot be done (I would like to know why) then the location across the street should be pursued and obtained instead of the current proposal.

At any rate I would expect to be notified prior to any decision being finalized including, if necessary, to have the opportunity to voice these concerns at a public hearing together with my neighbors.

Thank you for your time.

M. Scott Newbold
 2857 Melbourne Street.

From: Robert.Vigil3@qwest.com
 To: Michael.Maloy@slcgov.com
 CC: s_newbold13@hotmail.com
 Date: Wed, 8 Apr 2009 12:10:14 -0500
 Subject: RE: Petition for Qwest Corporation - DSL and Power Cabinets - 2857 Melbourne Street

Michael,

4/30/2009

Qwest is currently looking at selecting an alternate location for the new proposed equipment, per the recommendation from the Salt Lake City Public Utilities Department. At the location still currently being proposed, myself and a fellow Engineer, Mike Johnson, visited with Mrs. Jerilee Newbold to discuss the selection of this particular site. We discussed what cabinets would be placed and showed her our proposed location, outside of her yard, and within the public right-of-way. She did have concerns if the cabinets were to be placed inside her fence (on her property), but expressed approval for the location we have proposed. Because of the application costs and time involved, when proposing the use of public right-of-way, we always seek approval from adjacent property owners prior to submitting a site for Conditional Use. We do this to identify and evaluate objections prior to submitting to SLC, in order to best utilize our resources. Our concerns were expressed to Mrs. Newbold. At that point, based in no small part on the positive feedback from Mrs. Newbold, the only property owner who would be directly impacted, we decided to move forward with this location, believing we had been proactive in our measures.

Once again, Qwest is still looking at selecting an alternate location per the SLC Utilities recommendation, however at this time, our proposed location remains unchanged.

Thank you for your continued correspondence and assistance in this matter,

Rob

From: Maloy, Michael [mailto:Michael.Maloy@slcgov.com]
Sent: Wednesday, April 08, 2009 8:55 AM
To: Scott Newbold
Cc: rxvigi3@qwest.com
Subject: RE: Petition for Qwest Corporation - DSL and Power Cabinets - 2857 Melbourne Street

Scott:

Thank you for your response on Petition PLNPCM2009-00266, which has been filed by the Qwest Corp for approval to install two utility cabinets adjacent to your property located at 2857 S Melbourne Street. I will include your comments within the petition file as part of the public record.

For your information, the Planning Division has received a negative recommendation from the Salt Lake City Public Utilities Department on this petition due to a potential conflict with water and sewer lines located in the same utility easement. Even so, please understand that the applicant may still pursue City approval for this location. However, based on comments received from Public Utilities, I have contacted Qwest and encouraged them to locate an alternate site.

As you know, the Salt Lake City Planning Division will be conducting a public Open House meeting at the City & County Building on April 16th from 4:30 PM to 6:00 PM on this project. If you are available, I encourage you to come and discuss your concerns with a representative from the Qwest Corp who will be in attendance at the meeting.

Thanks again for your comments in response to this petition.

Sincerely,

Michael Maloy, AICP
Principal Planner
Salt Lake City Corp
PO Box 145480
451 S State Street Rm 406
Salt Lake City, Utah 84114-5480
(801) 535-7118 Office
(801) 535-6174 Fax
michael.maloy@slcgov.com

From: Scott Newbold [mailto:s_newbold13@hotmail.com]

4/30/2009

Sent: Tuesday, April 07, 2009 5:18 PM

To: Maloy, Michael

Subject: Petition for Qwest Corporation - DSL and Power Cabinets - 2857 Melbourne Street

April 7, 2009

Michael Maloy
Salt Lake City Planning Division
451 South State Street
Salt Lake City, Utah

Re: Petition for Qwest Corporation; DSL and Power Cabinets
Located at 2857 Melbourne Street

Dear Mr. Maloy,

I am writing to you in regards to the petition by Qwest Corporation to install power cabinets and DSL lines located at 2857 Melbourne Street. The proposed location is on the front part of my property. I oppose this proposal for the following reasons:

1. 1. The cabinets are unsightly and will detract from the appeal and value of my property.
2. 2. The proposed location is next to a play area used by my children and grandchildren and poses a risk to them.
3. 3. I believe that the cabinet will produce some a humming noise from electrical connections which will be an annoyance.

If this cabinet needs to be in the neighborhood, then I do not see any reason why it cannot remain in its current location (100 feet to the north). There is also a narrow piece of property just east of the current cabinet location which is shielded by a fence and would not make it visible to any property owners from their home.

I would appreciate your assurance that this cabinet or equipment will not be moved to 2857 Melbourne as proposed by Qwest Corporation.

Your prompt reply is greatly appreciated.

Sincerely,

M. Scott Newbold

Windows Live™: Keep your life in sync. [Check it out.](#)

Windows Live™ SkyDrive™: Get 25 GB of free online storage. [Check it out.](#)

4/30/2009

Maloy, Michael

From: Scott Kisling [scott.kisling@comcast.net]
Sent: Tuesday, May 26, 2009 3:08 PM
To: Maloy, Michael
Cc: Simonsen, Soren
Subject: Comment on PLNPCM2009-00266; Qwest Conditional Use

Michael,
Please put this in the record to be discussed in regard to all Qwest Corporation Conditional Use requests for installation of utility cabinets.

I am strongly against the placement of utility cabinets such as these, especially in the residential areas such as the location requested. Most people consider them an eyesore, even when nicely painted and kept free of graffiti. I consider them a unfair effect on property rights; the property value of one or a few homeowners is reduced so that others in his or her neighborhood can have a commercial service (DSL internet connectivity, in these cases).

If these are approved, I would very much like to see a time limit placed on their use, as an incentive for Qwest to use or develop less offending equipment. Two years, in my opinion, is more than generous.

Let it be know that I am not singling out Qwest or any particular type of service over their competitors; I also dislike the six Comcast cables strung behind my house on poles that once were used for electric power but, cut half off, are now used only for communications. I'm about to embark on a campaign to have Comcast relocate their cables onto the new electric power poles so I my back yard looks less like Mumbai.

Thank you,
Scott Kisling
2409 Lynwood Drive
Salt Lake City, Ut 84109

Maloy, Michael

From: Smith, Craig (Engineering)
Sent: Wednesday, March 18, 2009 9:38 AM
To: Maloy, Michael
Cc: Weiler, Scott
Subject: conditional use permits
Follow Up Flag: Follow up
Flag Status: Red

Michael-

It is my understanding that the three proposed Qwest cabinets located @766 n Redwood Road, 1306 w 1000 n, and 2705 s Imperial St. are all on private property. The Qwest cabinet located at 2857 S Melbourne St. will be installed in the public way. This cabinet will need to be located in a manner whereby it will not conflict with possible installation of future sidewalk. In addition, any work performed in the public way, such as excavation and placement of conduit will require the issuance of a public way permit with regards to all four locations. If you have any questions, I can be reached at 801-535-7995

Sincerely,

Craig W. Smith, SLC Engineering

4/6/2009

Maloy, Michael

From: Walsh, Barry (Transportation)
Sent: Tuesday, March 17, 2009 5:55 PM
To: Maloy, Michael
Cc: Young, Kevin; Weiler, Scott; Itchon, Edward; Garcia, Peggy; Butcher, Larry; Spencer, John
Subject: Pet PLNPCM2009-00266 Qwest Cabinet
Categories: Program/Policy

March 17, 2009

Michael Maloy, Planning

Re: Conditional Use for Qwest Corporation – Petition PLNPCM2009-00266 to locate DSL cabinet and Power cabinet in park strip at @ 2857 South Melbourne Street.

The division of transportation review comments and recommendations are as follows:

The proposed locations present no conflict with driveways or intersection clear sight zone triangles. There currently is no sidewalk in the 10' +/- park strip area along Melbourne Street. We recommend that the cabinet locations be limited to a future 5' park strip area at the back of curb to address future sidewalk installation conflicts. The "cool ped" etc. shown, needs to be located a minimum of 24 inches from the back of the rolled gutter.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Ted Itchon, Fire
Peggy Garcia, Public Utilities
Larry Butcher, Permits
John Spencer, Property Management
file

4/6/2009

SALT LAKE CITY BUILDING SERVICES

Preliminary Zoning Review

Log Number: PLNPCM2009-00261
PLNPCM2009-00264
PLNPCM2009-00266
PLNPCM2009-00267

Date: March 23, 2009

Project Name: Conditional Use for Qwest Corporation

Project Address: 1306 West 1000 North
766 North Redwood Road
2875 South Melbourne Street
2705 South Imperial Street

Contact Person: Michael Maloy
Phone Number: (801) 535-7118

Fax Number: (801) 535-6174
E-mail Address:

Zoning District: R1-5,000 / R1-7,000

Reviewer: Alan Hardman

Phone: 535-7742

Comments

1 The following properties propose to place the equipment in front yards or corner side yards:

1306 West 1000 North
766 North Redwood Road
2705 South Imperial Street

Ordinance 21A.40.090 states that "electrical equipment placed in the front or side yard shall be placed underground".

2. The following property proposes to place the equipment in the public right of way:

2857 South Melbourne Street

Ordinance 21A.40.090 states that "electrical equipment in the public right of way shall either be attached directly to the utility pole or placed underground" and "shall comply with the requirements of the Salt Lake City engineering and transportation divisions".

Since all of this equipment is above-ground, this should be noted in the staff reports for consideration during the approval process. I understand these above-ground units in these types of locations have been approved through the Conditional Use process in the past.

Maloy, Michael

From: Stoker, Justin (Public Utilities)
Sent: Monday, April 27, 2009 10:03 AM
To: Maloy, Michael
Cc: 'rxvigil@qwest.com'; Garcia, Peggy
Subject: Qwest Pedestals at approximately 2850 S Melbourne
Categories: Program/Policy

I spoke with Qwest representatives about the proposed pedestals at approximately 2850 South Melbourne. The Public Utilities department would be willing to support the proposal, and would recommend approval, if the following are met:

- The actual location of the water and sewer mains are verified. Blue stakes would need to be contacted, all utilities located, and the water and sewer mains potholed. It is supposed that they are located near the curb and gutter which allows for some usable space toward the edge of the right-of-way boundary.
- Give Public Utilities department a minimum of 24-hrs notice at the time of utility potholing, so surveyors and inspectors may be present to document location of mains.
- The cool ped and power ped are revised to sit next to each other in a north to south configuration, rather than east to west.
- The cool ped and power ped must be located at least 5-ft (10-ft is preferred) from the verified water and sewer mains to accommodate excavation that occurs during maintenance of the underground utilities.
- Qwest conduit crossings of the water and sewer mains must maintain at least 18-inches of separation.

If you have any questions, please feel free to contact me.

Thanks,
Justin

Justin D. Stoker, PE, LEED® AP
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com



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SALT LAKE CITY PLANNING DIVISION

MINUTES OF THE MEETING FOR ADMINISTRATIVE CONSIDERATION

Thursday, May 14, 2009

5:00 p.m.

City & County Building

451 South State Street, Room 126

This Administrative Hearing for the Salt Lake City Planning Division was held on Thursday, May 14, 2009, in Room 126 of the City and County Building, 451 South State Street. Planning Staff present were: Joel Paterson, Acting Hearing Officer; Nick Britton, Senior Planner; Casey Stewart, Senior Planner; Bill Peperone, Senior Planner; Michael Maloy, Senior Planner; and Kathryn Weiler, Senior Secretary.

5:00:32 PM The Hearing Officer opened the hearing and explained the procedures of the hearing. He also briefly explained the appeals process in regards to decisions made during this hearing.

PLNPCM2009-00253: Poplar Street Pub Outdoor Dining – a request by Alvie and Chris Carter for a conditional use permit to allow outdoor dining in conjunction with the Poplar Street Pub, located at 242 South 200 West, Downtown Warehouse/Residential District (D-3). (Staff contact: Kevin LoPiccolo, 801 535-6003, kevin.lopiccolo@slcgov.com)

5:00:45 PM See Staff Report

Mr. Lopiccolo presented the petition.

The applicant chose not to comment.

No members of the public chose to comment.

5:01:20 PM **Motion:**

The Hearing Officer approved the petition.

PLNBOA2009-00372: Murphy Home Occupation – a request by Kimberly Murphy at 234 East Williams Avenue for a special exception to operate a massage therapy business with approval granted as a conditional home occupation. The subject property is in the R-1/5,000 zoning district. (Staff: Nick Britton at 801-535-6107 or nick.britton@slcgov.com)

5:02:36 PM See Staff Report

Mr. Britton presented the petition.

The applicant did not choose to comment.

No members of the public chose to comment.

5:03:10 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

1. The home occupation is in compliance with district purposes;
2. The home occupation will not diminish neighboring property values;
3. The home occupation will not have a material adverse effect upon the character of the area;
4. The home occupation is compatible with surrounding development;
5. There will be no damage to natural or scenic features of the property;
6. The home occupation will cause no pollution of air, water, soil, or noise; and
7. The home occupation meets the standards as outlined in section 21A.36.030 (H)

PLNPCM2009-00265: 2024 South 1900 East Utility Box – a request by Qwest Corporation for a conditional use permit to install a total of three (3) ground-mounted utility boxes for DSL service on private, residential property located at 2024 South 1900 East. Conditional use approval is required due to their size and location in a residential zone (R-1/7000). (Staff contact: Casey Stewart, 801-535-6260, casey.stewart@slcgov.com)

5:04:24 PM See Staff Report

Mr. LoPiccolo presented the petition.

The applicant did not choose to speak.

Amy Berry, Sugarhouse Community Council: in general in favor of the request, but additional screening to obscure the view from the street and decrease the target to the graffiti.

Rob Vigil, representing Qwest Corporation, the applicant responded to the comments from the public.

5:09:28 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

1. The applicant shall obtain all necessary building permits for the utility structures prior to installation.
2. The applicant and current or future property owners shall maintain any existing screening fences throughout the duration of the subject utility structures.

PLNPCM2009-00268: 2705 South Chadwick Utility Box – a request by Qwest Corporation for a conditional use permit to install a total of three (3) ground-mounted utility boxes for DSL service on private, residential property located at 2705 South Chadwick Street. Conditional use approval is required due to their size and location in a residential zone (R-1/7000). (Staff contact: Casey Stewart, 801-535-6260, casey.stewart@slcgov.com)

5:10:46 PM See Staff Report

Mr. LoPiccolo presented the petition.

Amy Berry, Sugarhouse Community Council, currently a U shaped fence which would obscure from the public view. Proposal to remove North side of sidewalk.

Rob Vigil, Qwest Corporation responded to public comment. Existing fence in violation of zoning ordinance. Transportation has required the removal of the fence.

5:16:50 PM Motion:

The Hearing Officer approved the petition with the following conditions:

1. The applicant shall obtain all necessary building permits for the utility structures prior to installation.
2. The applicant shall maintain any existing screening fences throughout the duration of the subject structures.
3. The applicant shall install mirrors at the project site as required by the City Transportation Division to aid in vehicle visibility along 2700 South.

PLNPCM2009-00262: 1203 West 600 North Utility Box – a request by Qwest Corporation for a conditional use permit to install an at-grade utility box (medium) located along the 1200 West right-of-way at approximately 1203 West 600 North. (Staff contact: Bill Peperone at 801-535-7214 or bill.peperone@slcgov.com)

5:17:39 PM See Staff Report

Mr. Peperone presented the petition.

The applicant did not choose to speak to the matter.

No members of the public were present to speak to the matter.

5:18:03 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

1. That the utility box location designated Alternative "A" be used by Qwest Corporation.
2. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures; and
3. That a landscape plan is submitted, prior to construction, which illustrates how vegetation will be used to screen the utility boxes.

PLNPCM2009-00263: 1173 West 500 South Utility Box – a request by Qwest Corporation for a conditional use permit for three at-grade utility boxes (one small and two medium) located at approximately 1173 West 500 South. (Staff contact: Bill Peperone at 801-535-7214 or bill.peperone@slcgov.com)

5:18:25 PM See Staff Report

Mr. Peperone presented the petition.

The applicant did not choose to speak.

No members of the public expressed a desire to speak to the matter

5:18:48 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures; and
2. That a landscape plan is submitted, prior to construction, which illustrates how vegetation will be used to screen the utility boxes.

PLNPCM2009-00261: 1306 West 1000 North Utility Box - a request by Qwest Corporation for a conditional use permit for two ground-mounted utility boxes (one small and one medium) located at approximately 1306 West 1000 North. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).

5:18:59 PM See Staff Report

Mr. Maloy presented the petition.

The applicant did not choose to speak to the matter.

No members of the public choose to speak to the matter.

5:19:32 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures;
2. Applicant shall comply with all City department and/or division recommendations found within Attachment C of this staff report;
3. Applicant shall restore the site to existing conditions following construction; and
Provide screening for the ground mounted utilities in compliance with ordinance 21A.46.160.

PLNPCM2009-00264: 766 North Redwood Road Utility Box - a request by Qwest Corporation for a conditional use permit for two ground-mounted utility boxes (one small and one medium) located at approximately 766 North Redwood Road. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).

5:19:39 PM See Staff Report

Mr. Maloy was present to answer questions regarding the petition.

The applicant chose not to speak to the matter.

No members of the public expressed the desire to speak to the matter.

5:20:04 PM Motion:

The Hearing Officer approved the petition subject to the following conditions:

4. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures;

5. Applicant shall comply with all City department and/or division recommendations found within Attachment C of this staff report;
6. Applicant shall restore the site to existing conditions following construction; and Provide screening for the ground mounted utilities in compliance with ordinance 21A.46.160.

PLNPCM2009-00266: 2857 South Melbourne Street Utility Box - a request by Qwest Corporation for a conditional use permit for two ground-mounted utility boxes (one small and one medium) located at approximately 2857 South Melbourne Street. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).

5:20:10 PM See Staff Report

Mr. Maloy presented the petition. He stated that the petition was for two utility boxes within the right of way within a public utility easement. The Salt Lake City Public Utilities Department initially provided a negative recommendation because there were existing water and sewer lines within the easement. The comments from Public Utilities opposed any structure atop water or sewer lines, which potentially impedes access if there was a need for service or removal. The Public Utilities Department also opposed the structure because the Department wished to protect the integrity of the site and prevent possible damage to the lines due to subsequent construction.

Alternatives were considered including moving to a new site across the street and abutting the school. However, Public Utilities reversed their recommendation and agreed to support the request subject to a number of conditions, which they believed prevented unwanted interference with the original public utility lines.

Members of the public have expressed concerns regarding health, noise, and aesthetics; specifically possible graffiti and the removal of mature landscaping.

Mr. Vigil, representing Qwest Corporation, stated that his company considered a site that was on private property, but had been unsuccessful in acquiring an easement. Thus, Qwest had initiated this petition to pursue placement of the utility boxes in the public easement.

The following individuals spoke in opposition to the petition: Scott Newbold, neighbor, stated that the proposed location is in close proximity to a water meter and an area where children play. The visual impact would be from North, South, East, and West. There is currently a box within 200 feet and he wondered why the box could not be placed near the existing box. The site is visible from only one direction.

Susane Denike, neighbor, provided photos of a Qwest truck obstructing traffic. She stated that the mature landscaping on her property would be removed if the petition was granted. She stated that there was a constant problem with traffic obstruction by the Qwest service trucks and placing the truck at the proposed site further negatively impacted the neighborhood.

Susan Baker, neighbor, presented photos of the neighborhood traffic issues. Bike path is avoided by bikers because of the heavy traffic. All other boxes in the neighborhood have a privacy screen. She suggested that the utility box be located on an existing island in the street.

Amy Barry, Sugarhouse Community Council, stated that the Community Council was not notified and therefore, unable to comment regarding the petition.

Mr. Maloy stated that an Open House was held in regards to the petition and Grace Sperry, past Chair of the Sugarhouse Community Council had offered comments. He also stated the explained the Planning Division's standard practice of notification.

Rob Vigil responded to the public comment and explained the reasons the proposed site was selected and why other sites were not; specifically the school across the street. He stated that Qwest had negotiated with another property owner in an attempt to place the utility boxes on private property, but were unsuccessful. He also described some compromises that his company was willing to make; specifically screening or other modifications allowed by the City.

Susan Baker asked why the property east of the proposed site was not considered and stated the reasons for not using the school; such as poor air quality from running trucks, existed for the proposed site as well as it was also a children's play area.

Mr. Maloy followed up on his comments earlier regarding noticing. He stated that public open house noticing took place on April 6, 2009 and he had received emailed comments from Grace Sperry on April 10, 2009 which offered comments for both this petition and the one following this petition.

Scott Newbold stated that he attended the open house and was told that the island was not allowed because the City would not allow it, but Mr. Vigil's comments indicated that the island was not used because Qwest preferred to not use the island. He also wanted clarification as to why the proposed box could not be placed to the east of the existing boxes where the visual impact would be minimized.

Mr. Vigil stated that he thought that Salt Lake City would not grant a permit to place the box in the island and it would not be a viable location. He stated that the site to the east of the existing boxes, had a fence line that did not denote the property line and the property actually extends beyond the fence. It was not a public right of way. This was the property involved when Qwest failed to negotiate an easement.

6:00:36 PM Motion:

The Hearing Officer forwarded the petition to the Planning Commission for consideration.

PLNPCM2009-00267: 2705 South Imperial Street Utility Box- a request by Qwest Corporation for a conditional use permit for three ground-mounted utility boxes (two small and one medium) located at approximately 2705 South Imperial Street. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).

6:01:41 PM See Staff Report

Mr. Maloy was present to answer questions regarding the petition.

He also stated that Grace Sperry, Sugarhouse Community Council provided email comments stating that the Community Council supported minimal visual impact by the use of screens.

Amy Berry, Sugarhouse Community Council, stated that the Council did not oppose the proposal, so long as Qwest took precautions to appropriately screen the boxes to mitigate negative visual impact and target for graffiti.

Rob Vigil, representing the applicant, Qwest Corporation stated that the Salt Lake City Transportation Department had expressed some concerns in regards to blocking the view within a site triangle. However,

as Qwest determined that removal of the cinderblock fence was not a viable option, Qwest had agreed to comply with all conditions that the Transportation Department deemed necessary to alleviate the visual impact problem.

The Hearing Officer approved the petition subject to the following conditions:

- 1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.**
- 2. Applicant shall comply with all City department and/or division recommendations found within Attachment C of this staff report;**
- 3. Applicant shall restore the site to existing conditions following construction; and**
- 4. Provide screening for the ground mounted utilities in compliance with ordinance 21A.46.160.**

Kathryn Weiler