



MEMORANDUM

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Michaela Oktay, Planning Manager 801/535-6003

Date: February 26, 2014

Re: PLNPCM2013-00319 Century Link Conditional use—Ground Mounted Utility Box- 503 E. 1st Ave
PLNAPP2013-00914 Century Link Conditional Use Appeal

ACTION REQUIRED: The Appeals Hearing Officer has reversed the Planning Commission's denial of a conditional use permit in case PLNPCM2013-00319 and remanded the petition back to the Planning Commission for the consideration of appropriate and reasonable conditions.

The Commission shall review the issue with the understanding that reasonable conditions may be imposed on the use to mitigate its anticipated detrimental effects.

RECOMMENDATION: Staff recommends that the Planning Commission review the application and other associated documents, including the decision of the Appeals Hearing Officer, and approve the conditional use permit applying the following conditions to the approval:

1. All necessary building permits for the structure shall be obtained from the building department prior to installation of the structure;
2. The applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view;
3. The applicant shall put information on the box with contact information in the event that the box is vandalized or otherwise damaged;
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issue of a building permit; and,
5. If the certificate of appropriateness petition is denied, this approval becomes null and void.

BACKGROUND/DISCUSSION:

On May 8, 2013 Century Link, represented by Ralph Vigil requested approval for a conditional use for a ground mounted utility box structure located at approximately 503 E. 1st Avenue.

On August 8, 2013 a public hearing was held as an Administrative Hearing. The matter was tabled to allow the applicant and the neighboring property owner's time to explore alternative options on their site. There were several complaints voiced either in writing or in person at the hearing. The main concerns raised were about the effect of utility boxes in the Avenues historic district and site specific concerns such as maintenance, graffiti and crime. There were also concerns about how the utility boxes would affect property values of adjacent properties. After the item was tabled, the parties were not able to reach an agreement for an alternative location on site. The applicant requested that the petition be put on the September 12, 2013 Administrative Hearing agenda.

On September 12, 2013 a second public hearing was held as an Administrative Hearing. There were several complaints raised at the hearing similar to those from the initial hearing. The Administrative Hearing Officer forwarded the petition to the Planning Commission due to the considerable amount of public concern raised.

On October 23, 2013 a third public hearing was held by the Planning Commission. The petition was reviewed and the Commission voted to deny the application citing that there were impacts that the Planning Commission could not mitigate such as location and cited the prominent visibility of the box that would create a detrimental effect to the neighborhood and values of the property.

On November 4, 2013 Century Link appealed the October 23, 2013 decision of the Planning Commission to deny the conditional use permit in case PLNPCM2013-00319. The main argument presented was that the Planning Commission's decision was not based on substantial evidence in the record and that the Commission acted arbitrarily and discriminatorily.

On January 13, 2014 the Appeal was heard by the Appeals Hearing Officer. The Hearing Officer's decision was to reverse the Planning Commission's denial. (See attachment #1) He stated that the decision to deny the conditional use is not to be based on whether the use is desirable, that if it is allowed by ordinance it is deemed appropriate, and that any anticipated negative effects of the use can likely be substantially mitigated in the zone, as per the standards in the code. He further stated that there was substantial evidence in the record that the use can be reasonably mitigated in this location at 503 E. 1st Avenue. The decision remanded the case back to the Planning Commission for its review with the understanding that reasonable conditions may be imposed on the use to mitigate its reasonably anticipated detrimental effects.

Planning Staff has provided a recommendation of conditions to mitigate the use's reasonably anticipated detrimental effects above. The Planning Commission is charged with reviewing and finalizing those conditions.

Attachments:

1. January 13, 2014 Appeal Decision by Appeals Hearing Officer PLNAPP2013-00914
2. January 13, 2014 Appeals Hearing. Appellant Information & Salt Lake City Attorney's Response
3. October 23, 2013 Planning Commission Minutes
4. October 23, 2013 Staff Memorandum

Appeals Decision
CenturyLink Utility Box Conditional Use Permit
PLNAPP2013-00914
January 15, 2014

This is an appeal by CenturyLink, representing the Applicant, of a decision by the Salt Lake City Planning Commission to deny a conditional use application for a ground-mounted utility box in the public right-of-way at approximately 503 East First Avenue.

The decision here is to reverse the Planning Commission's denial of the application for a conditional use permit. The matter is remanded to the Planning Commission for the consideration of appropriate and reasonable conditions.

A hearing was held on January 13, 2014. Representing the Appellant CenturyLink were Torry Somers, Associate General Counsel; Georgeanne Weidenbach, Government Affairs Director, and Ralph Vigil, with CenturyLink's Right of Way staff. Representing the City were Paul Nielsen, Deputy City Attorney; and Wilf Sommerkorn, Planning Director.

The application received extensive review through an administrative process concluding with a denial of the Conditional Use Permit Application by the Planning Commission. The Appellant's appeal of the decision by the Planning Commission comes with appropriate attachments from the record and includes about 100 pages of documents. A conditional use for this particular use may be granted by the Planning Director, but in this instance the matter was referred to the Planning Commission due to an expression of concerns by nearby residents and property owners.

Following the hearing, the documents in the record were reviewed in some detail and the full video tape of the Planning Commission meeting of October 23, 2013 was viewed.

Utah Code Section 10-9a-507(2) provides:

- (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.

The "applicable standards" involved here are found in the *Salt Lake City Code* at Section 21A.40.160. It appears that this case turns on several questions, in sequence:

1. What are the reasonably anticipated detrimental effects of installing a ground-mounted utility box in a public right-of-way?
2. Can those detrimental effects be "substantially mitigated" in this location, in accordance with the standards in the ordinance? In other words, what is it about this location, when compared to other areas where ground-mounted utility boxes are allowed, which do not allow for substantial mitigation, under the standards in the ordinance, of the reasonably anticipated detrimental effects of such a use?

The standards in the ordinance cited above relate to location, spacing, setbacks, screening, design, and view of the utility box, as well as how a utility box is to be further regulated if located in an historic district.

A decision to deny a conditional use is not to be based on whether or not that use is generally desirable. That decision is already made, because if a use is not desirable in the area it is not allowed by the ordinance. If it is allowed, it is deemed appropriate. By including a ground-mounted utility box use in the zone, the city council has also stated that the reasonably anticipated negative effects of the use can likely be substantially mitigated in a typical situation in the zone. It is of note that the use is to be allowed if the negative effects can be substantially mitigated, not that those negative effects must be subject to elimination.

The Planning Commission correctly concluded that there may be negative aspects related to the appearance and long-term maintenance of a ground-mounted utility box, but we can also take note that the City Council would know that and thus would have only included that use as a conditional use in the zone with the knowledge of the general appearance and maintenance of those facilities. The council must be presumed to have determined that the reasonably anticipated negative effects of the use, under circumstances typical of the applicable zone, could often, if not normally, be substantially mitigated.

The professional staff, in its report, concluded that the reasonably anticipated negative effects of the utility box use could be substantially mitigated, and recommended some conditions that would achieve that mitigation. These submissions, as well as others, qualify as substantial evidence in the record that the reasonably anticipated detrimental aspects of the proposed use can be reasonably mitigated in this location.

There is no substantial evidence in the record to support the conclusion by the Planning Commission that those reasonably anticipated negative effects could not be substantially mitigated by the imposition of conditions consistent with the standards in the ordinance. The record does acknowledge an apparently well-founded general view that these utility boxes are

unattractive and often poorly maintained, but does not contain evidence that mitigation is simply impossible.

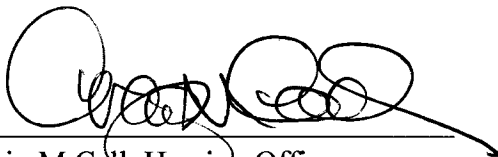
The City Council, faced with a choice, concluded that utility box uses are appropriate and beneficial here, in this zoning area within this historic district. The Council, in fact, specifically acknowledged in the ordinance that these utility boxes would be appropriate in historic districts, if regulated through the Certificate of Appropriateness process.

The City Council could have restricted all such structures to private areas only and refused to allow them within public rights-of-way. Telecommunications providers do have the power of eminent domain and can obtain private easements in that manner if they were required to. The Council, however, chose the alternative remedy of allowing utility boxes in the rights-of-way, but only with the opportunity to impose reasonable mitigating conditions on their negative aspects.

What the Planning Commission has done in this case is attempt to revisit a policy decision that the City Council has already made, and which the Council alone can make as the legislative body of the City. The Planning Commission may reasonably interpret and administer the ordinances, but it may not substitute its opinions for the provisions of the ordinance. While one commissioner stated that “you can’t mitigate ugly”, that is exactly what the City Council charged the Planning Director (or Planning Commission in this instance) to do.

The decision by the Planning Commission to deny the conditional use permit for a ground-mounted utility box in the public right-of-way is reversed. The issue is remanded back to the Planning Commission for its review, with the understanding that reasonable conditions may be imposed on the use to mitigate its reasonably anticipated detrimental effects.

Dated this 15 day of January, 2014.

A handwritten signature in black ink, appearing to read 'Craig M. Call', written over a horizontal line.

Craig M Call, Hearing Officer



Petition # PLNAPP 2013 - 00914

RECEIVED
RECEIVED

Appeal of a Decision

NOV 4 2013
BY: A Anglin
BY:

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project # Being Appealed: <u>PLNPCM 2013-000319</u>	Received By: <u>A Anglin</u>	Date Received: <u>11/4/13</u>
Appealed decision made by: <u>Decision made on Oct. 23, 2013</u>		
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Administrative Decision	<input type="checkbox"/> Historic Landmark Commission
Appeal will be forwarded to:		
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Appeal Hearing Officer	<input type="checkbox"/> Historic Landmark Commission
Project Name: <u>Appeal of utility box decision</u>		

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed: <u>Salt Lake City Planning Commission - PLNPCM 2013-000319</u>	
Address of Subject Property: <u>503 East First Avenue, Salt Lake City UT</u>	
Name of Appellant: <u>Qwest Corp. d/b/a Century Link AC</u>	Phone: <u>314-628-7464</u>
Address of Appellant: <u>1 Savvis Parkway Town & Country Mo 63017</u>	
E-mail of Appellant: <u>eric.schwalb@centurylink.com</u>	Cell/Fax: <u>-</u>
Name of Property Owner (if different from appellant): <u>Public Right of Way</u>	
E-mail of Property Owner: <u>N/A</u>	Phone:
Appellant's Interest in Subject Property: <u>Public Utility</u>	

APPEAL PERIODS

➔ An appeal shall be submitted within ten (10) days of the decision. For subdivisions the appeal shall be submitted within thirty (30) days of the decision.

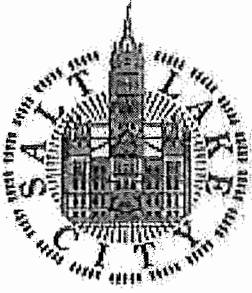
REQUIRED FEE

➔ Filing fee of \$229.67, plus additional cost of postage for mailing notice.

SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: <u>Eric J Schwalb</u>	Date: <u>11-1-2013</u>
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SALT LAKE CITY CORPORATION

Buzz Center

451 South State Street, Room 215 Phone: (801) 535-7700
P.O. Box 145471 Fax : (801) 535-7750
Salt Lake City, Utah 84114

Date: Nov 04, 2013

QWEST CORP. (CENTURY LINK)

APPEAL APPLICATION

1 SAVVIS PARKWAY
TOWN AND COUNTRY CITY, MO 63017

Project Name: UTILITY BOX DECISION APPEAL

Project Address: 503 E 1ST AVE

Detailed Description:



* P L N A P P 2 0 1 3 - 0 0 9 1 4 *

Description	Qty	Dept	C Ctr	Obj	Amount		
					Invoice	Paid	Due
Invoice Number: 1095514							
Filing Fee (	1	06	00900	125111	\$229.67		
Postage for Planning Petitions (	49	06	00900	1890	\$22.54		
Total for invoice 1095514					\$252.21		\$252.21
Total for PLNAPP2013-00914					\$252.21		\$252.21

OFFICE USE ONLY
Intake By: AA1589

CAP ID #
PLNAPP2013-00914
Total Due: \$252.21



Treasurer's Office
Rcpt# 1214802
PL PLNAPP2013-00914 Card
\$252.21 11/4/2013



* P L N A P P 2 0 1 3 - 0 0 9 1 4 *

www.slpermits.com

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This Box Clear

SUBMITTAL REQUIREMENTS

Staff Review

Please include with this application

A written description of the alleged error and the reason for this appeal.

A copy of the mailing list which was used for the notice of public hearing.
Available by contacting the Planning Division at 535-7757.

AVAILABLE CONSULTATION

➔ Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Mailing List



1-481-018-0000
T, SHANNON K & JEFFREY R; TC
750 MAGNOLIA AVE
PASADENA, CA 91106

[09-31-482-012-0000]
BURNS, CHERIE K
1199 PACIFIC HWY #1501
SAN DIEGO, CA 92101

[09-31-487-002-0000]
PROPERTIES @ 34 G STREET, LLC
2189 S 4000 W
REXBURG, ID 83440

[09-31-487-001-0000]
PHILLIPS, RONALD C & ROXANNA; JT
PO BOX 1395
ELEPHANT BUTTE, NM 87935-1395

[09-31-489-010-0000]
SKORUT, ANNA
15 FEATHER SOUND DR
HENDERSON, NV 89052

[09-31-481-008-0000]
WEST, JASON B & JILL A; JT
217 W LEONA ST
UVALDE, TX 78801-4603

[09-31-482-009-0000]
VANYA HOLDINGS, LLC
HC64 BOX 3215
MOAB, UT 84532

[09-31-481-007-0000]
HAJ & EDJ LAUNDRY, INC
70 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-006-0000]
KENDALL, JEREMIAH J & HORNG, WAN; JT
72 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-005-0000]
LOOCK, RONALD D & DONALD A; JT
78 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-482-005-0000]
MERICOLA, AUGIE K & KAREN A; JT
68 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-020-0000]
MIROW, SUSAN
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951

~~[09-31-481-021-0000]
MIROW, SUSAN; TR
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951~~

[09-31-481-012-0000]
SENJO, SCOTT
77 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-481-011-0000]
WILKINSON, CRAIG
83 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-001-0000]
MARK, HENRY J & MARY H; JT
88 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-010-0000]
CARROLL, PHILIP & CARLISLE S (JT)
89 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-016-0000]
STRAUS, CHRISTOPHER M
67 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-015-0000]
PHILLIPS, MELISSA W
73 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-014-0000]
RUGH, THOMAS F & SUSAN S; JT
75 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-013-0000]
WARMATH, SARAH
83 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-489-008-0000]
REID, DAN & CHERYL; JT
1400 E 3010 S
SALT LAKE CITY, UT 84106-3408

[09-31-489-005-0000]
HAMMOND, RANDY G
3389 S EVERGREEN PL
SALT LAKE CITY, UT 84106

[09-31-481-017-0000]
THOMPSON, JEFFREY P
473 E FIRST AVE
SALT LAKE CITY, UT 84103-2902

[09-31-489-011-0000]
BAHR, KRISTOPHER
511 E FIRST AVE #9
SALT LAKE CITY, UT 84103-2908

[09-31-489-016-0000]
ONTKO, THOMAS S
511 E FIRST AVE #15
SALT LAKE CITY, UT 84103-2908

[09-31-489-013-0000]
HESSE, DAN
511 E FIRST AVE #403
SALT LAKE CITY, UT 84103-3178

[09-31-482-021-0000]
PFITZNER, MARK; TR (MP LV TRST)
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

~~[09-31-482-023-0000]
PFITZNER, MARK; TR
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906~~

[09-31-482-022-0000]
LEE, MARY ANN W; TR
535 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

[09-31-482-002-0000]
G STREET PINES, L.C.
1714 E FORT DOUGLAS CIR
SALT LAKE CITY, UT 84103-4450

[09-31-481-015-0000]
ANDERSON, JOHN L & MYRNA L (JT)
629 S LAKE ST
SALT LAKE CITY, UT 84102-3422

[09-31-481-019-0000]
SUN SHADOW VENTURES, LLC
3551 E MILLCREEK RD
SALT LAKE CITY, UT 84109-3879

[09-31-481-016-0000]
LESSING, DALE L
526 N PERRYS HOLLOW RD
SALT LAKE CITY, UT 84103-4244

[09-31-482-017-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-014-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

~~[09-31-489-012-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

~~[09-31-489-009-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

~~[09-31-489-006-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

~~[09-31-489-007-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

[09-31-489-001-0000]
MON DE VILLE CONDM COMMON AREA MASTER
CARD
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-002-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

~~[09-31-489-003-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

~~[09-31-489-004-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645~~

[09-31-487-003-0000]
UTAH DEPARTMENT OF TRANSPORTATION, ETAL
PO BOX 148420
SALT LAKE CITY, UT 84114-8420

[09-31-482-003-0000]
HART, STEVE E
PO BOX 22523
SALT LAKE CITY, UT 84122-0523

[09-31-487-005-0000]
FIRST AVENUE MANAGEMENT COMPANY, LLC
PO BOX 520673
SALT LAKE CITY, UT 84152-0673

[09-31-489-015-0000]
MONSON, E E COMPANY
PO BOX 62
SALT LAKE CITY, UT 84110-0062

[09-31-478-006-0000]
FLANDRO, KENT O; TR
PO BOX 9827
SALT LAKE CITY, UT 84109-9827

[09-31-481-003-0000]
ROBINSON, VERNICE
468 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-481-004-0000]
BERRYMAN, LISA Y && DAVID M; JT
474 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-482-024-0000]
BARKER, CHRIS G & LYON, JULIA B; JT
514 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-010-0000]
WEIXLER, ROBERT W & SHEREE G; JT
520 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-011-0000]
GARCIA, LIENG K; TR (LKG FAM TRUST)
530 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-004-0000]
GEE STREET LLC
573 E SEVENTH AVE
SALT LAKE CITY, UT 84103-3051

[09-31-487-006-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

~~[09-31-487-007-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114~~

~~[09-31-487-008-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114~~

~~[09-31-487-004-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114~~

[09-31-486-007-0000]
AIC INVESTMENT PROPERTIES, LLC
PO BOX 4902
JACKSON, WY 83001

Before the
APPEALS HEARING OFFICER
Salt Lake City, Utah 84111

Appeal of Denial of Conditional)
Use Application for CenturyLink High-)
Speed Internet X Box at)
503 East First Avenue, Salt Lake City, Utah)

Case No. PLNPCM 2013-000319

QWEST CORPORATION D/B/A CENTURYLINK QC
APPEAL OF A DECISION BY SALT LAKE CITY PLANNING COMMISSION

November 4, 2013

Eric J. Schwalb
Senior Corporate Counsel
Brandon D. Porter
Corporate Counsel
CenturyLink Law Department
One Savvis Parkway
Town & Country, MO 63017
(t) 314.628.7464
eric.schwalb@centurylink.com

Georganne Weidenbach
Director, State & Local
Government Affairs
CenturyLink
250 East 200 Street
Salt Lake City, Utah 84111
(t) 801.237.3101
georganne.weidenbach@centurylink.com

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BACKGROUND SUMMARY

Qwest Corporation, d/b/a CenturyLink QC (“CenturyLink”) is the local telephone and Internet company serving Salt Lake City, Utah (“City”). CenturyLink strives to improve lives, strengthen businesses and connect communities. To that end, CenturyLink provides service to business, government and residential customers throughout the City.

As CenturyLink connects communities, it must continue to build its network. Similar to the telephone and electric utility poles and copper wires that are required to connect and electrify our communities, fiber optic cables and the high-speed service they provide are now considered by most to be a desirable utility.

One facility necessary to the provision of advanced services is the high-speed utility box. These boxes take on various purposes—some serving to cross-connect fiber lines, others to amplify company cables—but all serve a similar purpose: to bring better and faster services to the communities CenturyLink serves.

CenturyLink has placed numerous utility boxes in the City, most of which are off the public right-of-way. In some cases, such placement is not possible, either because landowners refuse to allow the devices on their property, or because the design of CenturyLink’s network requires the devices be placed in a particular location to be most effective for an entire neighborhood. In these instances, CenturyLink is required to seek a conditional use permit for installation of these utility boxes in the public right of way.

The denial of CenturyLink’s May 8, 2013 request for a conditional use application to install a utility box at 503 East First Avenue in the City (the “Conditional Use Application”) is at issue here. For the reasons set forth below in this appeal, CenturyLink believes the City Planning Commission’s (“Commission”) decision to deny the Conditional Use Application was in error because the decision was not supported by substantial evidence in the record.

PROCEDURAL HISTORY

On August 8, 2013, Mr. Ralph Vigil, CenturyLink's Right-of-Way Manager, formally appeared¹ before the City Planning Division and requested conditional approval to place a utility box in the public right-of-way at 503 East First Avenue. Mr. Vigil described the nature of the installation of the box, the need for the facility to be placed in that location, and CenturyLink's inability to come to terms with landowners regarding location of the utility box off the public right-of-way.²

At this meeting, the City's Planning Staff recommended approval of CenturyLink's Conditional Use Application, subject to a specific set of conditions. See "Salt Lake City Planning Division Administrative Hearing Minutes—August 8, 2013," a true and correct copy of which is attached hereto as Exhibit A ("8/8 Minutes"). The Planning Staff also filed a detailed Staff Report on August 8, 2013, a true and correct copy of which is attached hereto as Exhibit B ("8/8 Report"). In that report, the Planning Staff found, over the objections of a few residents,³ in pertinent part:

- No clustering of boxes in the area and no other boxes on the block. 8/8 Report at 3;
- No setback or view concerns. *See id.* at 3-5;
- Shielding of box not mandated; decision left to CenturyLink and adjacent property owners to decide upon shielding, if any. *See id.* at 4; and

¹ Mr. Vigil previously appeared at an informal "Open House" on July 18, 2013 to discuss installation of the utility box in public right-of-way. See <http://www.slcdocs.com/Planning/Open%20Houses/718.pdf> (last visited 11/1/13). Notably, no one appeared at this meeting in opposition to CenturyLink's proposed use.

² The property is zoned RMF-35 (Moderate Density Multi-Family Residential), with apartments/condominiums and attached townhomes in the immediate vicinity. The box, measuring approximately 42 inches high and 21 inches deep, is intended for a park strip between the street and sidewalk.

³ The 8/8 Report included a concerned email from Julia Lyon, and twenty form letters (including several from the Lawrence family and others who appeared) from residents, tenants and landowners all claiming the box would cause them to "loose (sic) value in their property" and will be "just on (sic) more attraction to accommodate more graffiti."

- Design of the box “similar to many boxes seen throughout the City;” of “standard” size and “utilitarian” design that will “fade into the background a bit, and become part of the urban environment.” Staff determined the device “is a design element that characterizes Salt Lake City’s streets, neighborhoods.” *Id.*

The 8/8 Minutes indicate that two sets of residents, Michael and Patricia Lawrence and Kris Bahr, spoke against the conditional use approval. *See* 8/8 Minutes at 3. They expressed their opinion that the utility box: (1) could be subject to graffiti; (2) was unsightly; and (3) would diminish their property values. They also opined that other locations might be available.

CenturyLink’s Mr. Vigil agreed to work with the residents to determine if an alternate location off the public right-of-way was feasible. Thus, approval of the Conditional Use Application was tabled.

Unable to reach agreement with landowners in the vicinity of 503 East First Avenue, CenturyLink again requested approval of the Conditional Use Application for the installation of the utility box. The request was heard on September 12, 2013. A true and correct copy of the “Salt Lake City Planning Division Administrative Hearing Minutes—September 12, 2013” minutes are attached hereto as Exhibit C (“9/12 Minutes”).

CenturyLink’s Mr. Vigil provided a timeline of efforts to reach agreement with local landowners without success. *See* 9/12 Minutes at 2, 4. The Lawrences, who appeared at the meeting on August 8, were joined in opposition at the September 12 meeting by: Mary Mark, Carlisle Carroll, Steve Hart, and Kim Bahr.⁴ These residents expressed essentially the same opinions as those raised on August 8: that the box is unsightly and subject to graffiti, would lower property values, and should be placed elsewhere.⁵

⁴ Phil Carroll, who spoke at both meetings, discussed issues within the entire “Lower Avenues” area of the City.

⁵ One resident also claimed that homeowners, more so than renters, object to such devices.

The Administrative Hearing Officer, Joel Paterson, resolved to send the CenturyLink application to the Commission for its further consideration. *See* 9/12 Minutes at 4.

On October 23, 2013, Michaela Oktay, City Planning Manager, issued a Memorandum, a true and correct copy of which is attached hereto as Exhibit D. That memo again recommended that the Conditional Use Application be approved, subject to the same conditions expressed in the 8/8 Report.

The Commission met on the evening of October 23, 2013, during which it was informed that the Planning Staff recommended approval of the CenturyLink's application. *See* "Salt Lake City Planning Commission Meeting—October 23, 2013" ("10/23 Minutes"), a true and correct copy of which is attached hereto as Exhibit E, at 4. The Commission also heard comment from six individuals that had previously provided comments at the August 8 and September 12 meetings. These several citizens reiterated that they did not want CenturyLink's "box on their property" (the land at issue, however, is public, not private) for reasons of graffiti and appearance; they presented no evidence to the Commission in support of their opinions and assertions. *Id.* at 5.

After public comment concluded, the Commission discussed the concerns voiced by the several citizens at the 10/23 meeting. Throughout the discussion, the Commission was reminded by the Planning Staff and the City Land Use Attorney that:

- "public clamor was not a consideration in approving Conditional Uses;"
- "if the impacts could be mitigated then the Planning Commission was obligated to approve the petition;"
- "the petition could not be denied because of maintenance history or the lack thereof;"

- “the petition could not be denied just because of the way it looked, the Commission would have to make findings as to why the subject location was different from other locations;” and
- “[the Commission] could not deny the petition based on the fact that [CenturyLink] had not exhausted all options.” *Id.* at 6.

Nevertheless, on a 5-1 vote, the Commission denied the CenturyLink application. The denial was based upon a decision by the Commission that “there were impacts the Planning Commission could not mitigate, being the location and device was prominently visible in the area and created a detrimental effect to the neighborhood and values of the property.” *Id.* Sparse explanation is provided in the 10/23 Minutes concerning the evidentiary basis upon which the Commission made its decision, and what little information is recorded indicates that the Commission largely disregarded the 8/8 Report, the Planning Manager’s recommendation, and considerations of law—in favor of public clamor. *See, e.g.*, 10/23 Minutes at 7 (“Vice Chairperson Ruttinger asked what right the Applicant had to establish their highest capacity network in an area if the neighbors didn’t want it there. Mr. Neilson stated that was not a consideration of a conditional use.”).

On October 24, 2013, a “Record of Decision” of the Commission’s denial was issued. A true and correct copy of the Record of Decision is attached hereto as Exhibit F.

CenturyLink now brings this timely appeal of the Commission’s October 23, 2013 denial of approval of CenturyLink’s Conditional Use Application for placement of a utility box at or near 503 East First Avenue in the City.

STANDARD OF REVIEW

City Ordinance § 21.A.16.030 (E)(1)(c) sets forth the relevant standard of review for this appeal: “[t]he appeals hearing officer shall uphold the decision unless it is not supported by **substantial evidence** in the record or it violates a law, statute, or ordinance in effect when the decision was made” (emphasis added). Substantial evidence is defined as “that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.” *Bradley v. Payson City Corp.*, 2003 UT 16, P15, 70 P.3d 47 (citation omitted).

Utah courts also use the substantial evidence standard. If a local government’s land use decision is not supported by substantial evidence, it is considered “arbitrary and capricious” and subject to reversal. *See, e.g., Springville Citizens v. City of Springville*, 1999 UT 25, P24, 979 P.2d 332 (local government’s “land use decision is arbitrary and capricious if it is not supported by substantial evidence”); *see, also, Ralph L. Wadsworth Constr., Inc. v. West Jordan City*, 2000 UT App. 49, P9, 999 P.2d 1240..

Here, the Commission’s decision was not based upon substantial evidence. Accordingly, the decision should be reversed.

ARGUMENT

I. The Commission’s Denial Was Not Based on Substantial Evidence and Should Be Reversed.

Mere “public clamor” and “adverse citizen comment” do not constitute the substantial evidence necessary to deny a conditional use permit. *Uintah Mt. RTC, L.L.C. v. Duchesne County*, 2005 UT App 565, P32, 127 P.3d 1270 (citations omitted); *see, also, Davis County v. Clearfield City*, 756 P.2d 704, 712 (Utah Ct. App. 1988) (applying substantial evidence test to denial of conditional use permit and holding that citizen opposition alone is an insufficient basis for denial of permit). Here, CenturyLink was found to have met all relevant standards for a

conditional use by City staff, and the adverse opinions of a small group of citizens to that lawful use did not constitute substantial evidence upon which the Planning Commission could validly deny the Conditional Use Application.

Moreover, CenturyLink has applied for—and been granted—conditional use applications for the placement of the same type of communications boxes throughout the City.⁶ In each case, even over some “public clamor,” the City has understood that CenturyLink has made a valid showing of a need for the conditional use. No evidence has been offered in this proceeding that dictates a different result. *See Wadsworth Constr., supra*, (rejecting, as arbitrary and capricious, the city council’s finding that the “appellants’ proposed storage is much different than that of neighboring properties” because “the evidence shows that there are several other parcels near appellants’ property which have outdoor storage areas similar to that proposed by appellants.” (quotations omitted)).

In denying CenturyLink’s application, the Commission concluded:

there were impacts the Planning Commission could not mitigate, being the location and device was prominently visible in the area and created a detrimental effect to the neighborhood and values of the property.

See 10/23 Minutes at 6 (emphasis added). This basis is broken down and analyzed, below, to demonstrate that the Commission’s denial of CenturyLink’s application was not based on substantial evidence.

A. Location

Substantial evidence was not presented showing that the location of CenturyLink’s utility box would have a detrimental impact. The primary evidence in this matter regarding the location of the utility box arises from the 8/8 Report, where the Planning Staff found no harmful clustering of boxes, which would limit visibility: “there is no clustering of boxes in the area.” 8/8

⁶ *See, e.g.*, PLNPCM2013-00320.

Report at 3. The Planning Staff also found the proposed location of the box “raised no sight distance or angle issues.” *Id.* at 5.

Additional evidence regarding location was offered at various points by CenturyLink. Mr. Vigil stated in the Conditional Use Application, for example, that on several occasions he “tried to secure/acquire private rights of ways” without success. *See* 8/8 Report, Conditional Use Application, p. 7. *See also* 9/12 Minutes (“Mr. Vigil explained that he met with the Property Owners of 503 and 511 East First Avenue to negotiate alternative locations on surrounding properties, but they were unable to come to an agreement.”).

Evidence in the record also shows that the location of the box is driven by the technical needs of CenturyLink and its network. At the proposed location, the box can provide high-speed service to over 400 customers. *See* 10/23 Minutes at 4 (“400 households could not get the increased internet speed if the box was not allowed in the area”), 5 (power and signal strength determine box location). This includes the numerous condominium and apartment dwellers on this and adjacent streets.⁷ As noted in the Staff Report: “[r]esidential properties surround the proposed box and there are no other boxes located on the block face.” 8/8 Report at 2.

Opponents of the box have not shown an available, alternate location. Indeed, the residents complaining of the location of the box have declined payment for rights to place the box on their private property. *See* 8/8 Minutes (testimony of Lawrence family declining \$2000). Instead, they have complained only that they “[d]o not want the box on their property,” *see* 10/23 Minutes at 5, failing to understand that the proposed location is not their property—it is public right-of-way. And as the record shows, CenturyLink tried over many months to find other locations, and only as a last resort has requested a conditional use at the current location.

⁷ The area is zoned RMF-35 (Moderate Multifamily Residential). *See* 8/8 Report at 1.

B. Visibility

Furthermore, no substantial evidence was presented demonstrating that the visibility of CenturyLink's utility box would have a detrimental impact. The Commission raised the issue of "visibility" of the box. CenturyLink understands that term in the context of comments made by some residents that such boxes are, in their opinions, "ugly." *See* 8/8 Report, Attachment C, Various Form Letters.

Aside from the personal opinions of a few citizens, the evidence in the record is that the Planning Staff carefully considered the appearance of the utility box and found the "design of the box is **similar to many boxes seen throughout the City**. They are utilitarian in design. When the box is installed, individuals have a tendency to notice them, but over time, they seem to fade into the background a bit, and become part of the urban environment." 8/8 Report at 4 (emphasis added). The Planning Staff concluded their review by stating that "the proposed utility box is a design element that characterizes Salt Lake City's street, neighborhoods." *Id.*⁸

No evidence has been offered that CenturyLink's utility box is out of character with all of the other boxes seen throughout the City, whether placed by CenturyLink or another utility. No evidence has been offered that the proposed utility box is in some way less aesthetically pleasing than nearby bike racks, utility poles, other forms of utility boxes, mailboxes, or bus shelters.

C. Detrimental Effect to Neighborhood

Again, the only "detrimental effect" identified in the record is the opinion of some residents that the utility box is "ugly" and "will be just on[e] more attraction to accommodate more graffiti." *See* 8/8 Report, Attachment C Form Letters. No evidence exists, however, that the utility box is more likely to attract graffiti than any other structure (*e.g.*, fence, mailbox,

⁸ Further, the Planning Staff included as a condition of approval that CenturyLink work with the adjacent property owners "to determine what if any landscaping shall be planted to screen the box from view" and to be responsive to repair the box in the event it is "vandalized or otherwise damaged." *Id.* at 1.

newspaper box, streetlight cabinet, power cabinet, etc.), or to increase the amount of graffiti in this neighborhood.

Moreover, CenturyLink should not be penalized by the fact that unlawful acts of third parties occur in the City (and elsewhere), especially where, as here, CenturyLink would be required to remedy any vandalism under the proposed conditions of its application. *See* 8/8 Report at 1. In short, no actual—let alone substantial—evidence was offered to support the generic proposition that the utility cabinet will “create[] a detrimental effect to the neighborhood.” *See* 10/23 Minutes at 6.

D. Values of Property

No substantial evidence has been presented showing that the presence of a utility box will devalue the property in the subject Multifamily Residential zone. Indeed, the several opponents of the application did not offer any evidence that the presence of any utility box anywhere devalues property. Rather, the evidence on the record is that the Planning Staff has studied and determined that such boxes are a design element that characterizes the City’s streets and neighborhoods and noted that many such boxes appear throughout the City. Moreover, CenturyLink’s utility box will provide advanced high-speed services to over 400 residences; the presence of improved, competitive Internet service arguably *improves* property value in the subject setting.

E. Ability to Mitigate

As demonstrated above, virtually no evidence was offered to support denial of CenturyLink’s permit on the basis of its location, visibility, detrimental effect on the neighborhood, or negative impact on property value. Even if any of these were supported by evidence, the Commission’s conclusion that none of them could be mitigated is directly contrary

to the record. In fact, the very conditions proposed by the Planning Manager in her 10/23 memorandum demonstrate that any perceived negative impact (however unsupported) resulting from the utility box was readily capable of mitigation. She recommended:

- CenturyLink work with the adjacent property owner to determine what if any landscaping should be planted to screen the box from view;
- CenturyLink put information on the box with a number to call in the event that the box is vandalized or otherwise damaged;
- CenturyLink obtain a Certificate of Appropriateness for historic district design guideline compliance before building. *See* Planning Manager's 10/23 Memorandum at 1.

The foregoing recommendations are, almost by definition, examples of impact mitigation. Therefore, the Commission's conclusion that approval of the application would result in inmitigable impact is contrary to the record. For this reason, as well, the Commission's denial is not supported by substantial evidence and should be overturned.

II. Theories of Relief at District Court

Although CenturyLink is optimistic that its Conditional Use Application ultimately will be granted, City Ordinance 21A.16.030(A) requires for purposes of this appeal that our company document the theories of relief we would proffer in court if our appeal were to be denied. Because of the facts set forth above, including the inequity of allowing a small set of citizens to deny hundreds of their neighbors the opportunity to receive advanced high-speed services from CenturyLink, CenturyLink expects that it would challenge a continued denial of its Conditional Use Application. Thus, and although CenturyLink reserves the right to add or subtract additional

claims as more information becomes available to it, we nonetheless anticipate the following claims or theories of relief to be brought before a court, if required.

A. The Planning Commission Acted Arbitrarily and Discriminatorily

As noted above, the unsubstantiated opinions of a few citizens did not amount to substantial evidence allowing for the denial of the Conditional Use Application. Even the City's attorney conceded as much at the 10/23 meeting. *See* 10/23 Minutes at 6 ("Mr. Neilson stated public clamor was not a consideration in approving Conditional Uses."). *See Davis County*, 756 P.2d at 712 ("The real reason for the city's action, 'public clamor,' is not an adequate legal basis for the City's decision."). The testimony of CenturyLink and the findings of the Planning Staff, by contrast, did provide substantial evidence as to why the Conditional Use Application should have been granted. The Planning Commission's decision to rely on a lacking record was, in and of itself, arbitrary and capricious.

Further, CenturyLink—and its competitors—maintain similar boxes throughout the City. The decision to deny this single application, in the face of dozens of approvals City-wide for the same forms of box in similar neighborhoods, also is arbitrary and capricious. *See Wadsworth Constr., supra.*

For these reasons, CenturyLink would request a court overturn the Planning Commission's decision as arbitrary and capricious under applicable state administrative laws, including Utah Code Ann. § 10-9a-507.

B. The City Has Effectively Prohibited CenturyLink's Ability to Provide Telecommunications Service Under 47 U.S.C. § 253

Federal telecommunications law protects providers of telecommunications service from onerous and unlawful local regulation of that service. *See* 47 U.S.C. § 253; *Qwest Corp. v. Santa Fe*, 380 F.3d 1258 (10th Cir. 2004); *In the Matter of Implementation of the Local Competition*

Provisions in the Telecommunications Act of 1996, 14 FCC Rcd 18049, n. 20 (1999) (section 253 invalidates all state or local legal requirements that “prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”).

The decision by the Planning Commission has had the effect of prohibiting CenturyLink’s ability to provide advanced telecommunications services to over 400 residents in the City. *See* 47 U.S.C. § 253(a). Further, to the extent similar applications were granted to CenturyLink’s competitors in the City, CenturyLink believes the City has not acted neutrally and has discriminated against our Company. *See* 47 U.S.C. § 253(b)&(c). Thus, CenturyLink could seek a determination of a court that the City Planning Commission’s denial of the Conditional Use Application was in violation of these laws.

C. CenturyLink May Be Entitled to a Writ of Mandamus Ordering the Planning Commission to Approve the Conditional Use Application

CenturyLink views the record in this case as dictating only one result—grant of the Conditional Use Application. CenturyLink intends to investigate all avenues of appeal under state law, including a request to a court ordering grant of the Conditional Use Application via a writ of mandamus. *See Davis County, supra* (affirming writ of mandamus ordering grant of conditional use permit).

D. CenturyLink is Entitled to its Fees and Costs in Bringing an Action

To the extent permitted by law, CenturyLink would seek its fees and costs, including its reasonable attorneys’ fees, in needing to bring an action to enforce its rights and seek grant of its Conditional Use Application. In CenturyLink’s view, these are costs it would not have incurred had the Planning Commission not acted in an arbitrary, capricious, and anticompetitive manner.

CONCLUSION

For the reasons set forth above, CenturyLink requests that the Appeals Hearing Officer:

1. reverse the Planning Commission's denial of the Conditional Use Application;
2. grant without further delay the Conditional Use Application; and
3. provide CenturyLink with any other relief deemed just under the circumstances.

Respectfully submitted,

**QWEST CORPORATION D/B/A
CENTURYLINK QC**



Eric J. Schwalb
Senior Corporate Counsel
Brandon D. Porter
Corporate Counsel
CenturyLink Law Department
One Savvis Parkway
Town & Country, MO 63017
(t) 314.628.7464
eric.schwalb@centurylink.com

Georganne Weidenbach
Director, State & Local
Government Affairs
250 East 200 Street
Salt Lake City, Utah 84111
(t) 801.237.3101
georganne.weidenbach@centurylink.com

Dated: November 4, 2013

CERTIFICATE OF SERVICE

I, Eric J. Schwalb, hereby certify that on November 4, 2013 I caused to be filed by hand the foregoing "Appeal of Decision by Salt Lake City Planning Commission" at the Planning Counter, 451 South State Street, Room 215, Salt Lake City, Utah, along with all necessary fees and accompanying exhibits. I further certify that a courtesy copy of this filing, without exhibits, was sent to:

Ms. Emily Drown, Chairperson
Salt Lake City Planning Commission
451 South State Street
Salt Lake City, Utah 84111

Ms. Michaela Oktay, AICP
Planning Manager
Planning Division
451 South State Street
Room 406
Salt Lake City, Utah 84111



EXHIBITS

Exhibit A

**SALT LAKE CITY PLANNING DIVISION
ADMINISTRATIVE HEARING MINUTES**

August 8, 2013

City & County Building

451 South State Street, Room 126

Salt Lake City, Utah 84111

The regular Administrative Hearing for the Salt Lake City Planning Division was held on Thursday, August 8, 2013 at 5:00 p.m. at the City and County Building, 451 South State Street, in Room 126. Joel Paterson, Planning Manager, was present as the Administrative Hearing Officer and called the meeting to order.

5:00:42 PM

First Step House TSA Design Review - A request by Harold Woodruff for Conditional Building and Site Design Review to reuse and develop an existing office building into a 25 unit building for a housing and rehabilitation facility at approximately 440 South 500 East. The subject property is located in the TSA-UN-C (Transit Station Area, Urban Neighborhood Core) zoning district and is located in Council District 4, represented by Luke Garrott. (Staff contact: Ana Valdemoros at (801) 535-7236 or ana.valdemoros@slcgov.com.) Case Number PLNTSD2013-00357

Harold Woodruff (Architect) and Shawn McMillen (Executive Director for First Step House) were present.

Ana Valdemoros, Principal Planner, explained that the proposal is to reuse an existing office building for 25 residential units and a treatment center for patients undergoing alcohol and drug rehabilitation. Ms. Valdemoros then explained that the subject property is located in the TSA zoning district which scores uses. Development that scores 50 to 99 points is subject to conditional building and site design review. The proposed use is permitted in the TSA zoning district, but scored 52 points mostly due to façade design issues which required review through the administrative hearing process. She noted that Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. The proposed development is subject to compliance with all applicable Department comments and City regulations.
2. The Applicant shall install the appropriate number of trees according to City Forester requirements.

5:02:14 PM

The hearing was opened to public comment and review of the project.

Richard Brown, property owner of 448 and 454 South 500 East, reviewed the project and voiced concerns regarding graffiti and transient activity currently occurring on the property especially under the pine tree located in the front.

Mr. Woodruff presented site and elevation plans and explained that the existing office building is one story high with a basement. This building will be completely gutted and remodeled including a small addition to the front. The addition will serve as the lobby and bring the building closer to the street. The front door will then face 500 East. The exterior of the building and new façade will meet TSA design criteria. The entrance will be enhanced with paving, bike racks and a bench by the front door. The existing wall to the west along Denver Street will be opened for pedestrian traffic. Mr. Woodruff explained that a TRAX station is located within a couple blocks of

the property and most of the residents living in the facility will not have vehicles. The pine tree will be removed and new landscaping will be provided. Mr. Woodruff noted that the development includes a second building and possibly another building in the future. He also noted that the office will be located in the corner of the building next to the Brown property and it will be manned 24 hours a day.

Mr. Paterson added that the purpose of TSA standards is to improve existing building design and provide better pedestrian connection and interaction on street fronts. He noted that increasing activity has helped in reducing vandalism and transience problems.

5:07:57 PM

The hearing was closed to public comment and review.

5:08:30 PM

THEREFORE, the Hearing Officer granted approval of conditional building and site design review in Case PLNTSD2013-00357 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

5:08:48 PM

Meridian Subdivision Amendment Lot 1-A - A request by Corbin Bennion to amend the Meridian Commerce Subdivision by consolidating 3 existing lots into 1 lot located at approximately 4325 W Commercial Way. The subject property is located in the M-1 (Light Manufacturing) zoning district and is located in Council District 2, represented by Kyle LaMalfa. (Staff contact: John Anderson at (801) 535-7214 or john.anderson@slcgov.com.) Case Number PLNSUB2013-00438

Hank Rothwell was present to represent Gloria B. Rothwell (wife) and Meridian Commerce.

John Anderson, Principal Planner, explained that the property currently consists of three lots located in a manufacturing zoning district. The Applicant is requesting to combine the lots into a single lot to accommodate future industrial development. Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. A final subdivision plat application shall be filed with the Planning Division and the final plat shall be recorded with the Salt Lake County Recorder.
2. The Applicant shall comply with all Department/Division requirements prior to the recording of the final plat.

5:09:49 PM

Mr. Rothwell had no further comments or concerns at this time and agreed to comply with the conditions listed in the staff report.

5:10:06 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:10:14 PM

THEREFORE, the Hearing Officer granted approval for the preliminary subdivision amendment in Case PLNSUB2013-00438 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

5:10:26 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 503 E First Avenue. The subject property is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or Michaela.oktay@slcgov.com.) Case Number PLNPCM2013-00319

Ralph Vigil (Right of Way Agent) was present to represent CenturyLink.

Michaela Oktay, Principal Planner, explained that the Applicant is requesting a ground mounted utility box which must be approved as a conditional use. Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation.
2. The Applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issuance of a building permit.
5. If the Certificate of Appropriateness petition is denied, this approval becomes null and void.

Ms. Oktay noted that Staff received two phone calls and several letters from owners and residents at 503 East First Avenue opposing the installation of the utility box.

5:12:16 PM

Michael and Patricia Lawrence (Lawrco Inc and The Washboard), property owners of 503 East First Avenue, were present to speak in opposition to the proposal. Mr. Lawrence explained that they have owned the property at 503 for nearly 30 years and also own eight condo units at 511 East First Avenue. The community has been fighting graffiti in their neighborhood for years and a box four feet from the street and three feet from the sidewalk would only offer a four-sided clear canvas for more graffiti. He explained that CenturyLink offered them \$2000 to install the utility box on their property, but they did not want it on their property nor do they want it in front of their property. He said that he believed the parking lot 100 yards to the west or the other parking lot 100 yards to the east on the same street would better accommodate the box. He noted that the Governor's Mansion would also be a good location because other utility facilities already exist on that property. He asked that the request be denied based on the unsightliness of the box which would depreciate both their properties.

5:18:17 PM

Kris Bahr, 511 East First Avenue #401, explained that he too did not want the box in front of his home because of the unsightliness and decrease in property value.

5:19:29 PM

Mr. Vigil and the Property Owners discussed placement of the box. Mr. Vigil explained that the proposed location of the box is at its farthest possible location to allow optimal service. The two parking lots that Mr. Lawrence referred to would be outside the perimeters for optimal service and CenturyLink could not make a

deal to place the box on the Mansion site of which would have been the ideal site because of its proximity to an existing box across the street. Mr. Vigil then explained that CenturyLink as well as the City prefer to place utility boxes on private properties. CenturyLink sent out "saturation" letters to property owners whose properties would be an acceptable location, but no one responded. The offer of \$2000 to install a box on private property is a base point. CenturyLink is very willing to negotiate a dollar amount and reasonable fencing and landscaping for screening and protection of the box. He said that he is familiar and understands graffiti issues with utility cabinets, but no one should be held hostage based on any criminal activity especially one that is difficult to curtail. Mr. Vigil requested that the City allow him to talk to the adjacent property owners so that he would be able to go forward with the project rather than starting over if the request were denied.

After further discussion, Mr. Lawrence agreed to meet with Mr. Vigil to talk about locating the box somewhere more appropriate on either one of his properties. It was noted that the box may only need to be accessed three to four times a year.

5:26:40 PM

Mr. Paterson confirmed that the City prefers utility cabinets on private property and they do not require going through the conditional use process if they are installed on private property.

5:32:38 PM

Phil Carroll, 89 North G Street, Former President of the Greater Avenues Community Council, explained that the Community fought hard and lost the battle with the State to obtain space for the box on the Governor's Mansion site. The Community strives to preserve the historic nature of the neighborhood and utility boxes along streetscapes in this neighborhood work against their goal.

5:34:05 PM

THEREFORE, based on public input, the Hearing Officer tabled consideration of conditional use approval in order to give CenturyLink and the Property Owners an opportunity to find alternative locations not on the public right-of-way.

5:34:33 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 390 East First Avenue. The subject property is located in the CN (Neighborhood Commercial) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case Number PLNPCM2013-00318

5:35:25 PM

Maryann Pickering, Principal Planner, explained that CenturyLink is proposing to install ground mounted utility boxes in the public right-of-way at 390 East First Avenue which is next to the existing Zion's Bank parking structure. Planning Staff recommended approval with the following conditions as outlined in the staff report:

1. Option "B" is to be installed at this location which is the larger box rather than Option "A" which consists of two boxes.
2. The Applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
3. Compliance with all City Department and Division requirements outlined in the staff report.
4. The Applicant shall ensure all necessary City permits for the project are obtained.
5. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.

Ms. Pickering noted that the City Council Office contacted her regarding this project, but she did not receive any calls or comments directly from the public.

5:36:21 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:36:38 PM

Mr. Vigil explained that CenturyLink proposed two locations for the subject box; 390 East First Avenue on the Zion's property and 481 East South Temple (PLNPCM2013-00400) across the street in front of Einstein's Bagel. After further review, CenturyLink preferred the Einstein's location.

5:38:55 PM

THEREFORE, the application to locate a utility box at 390 East First Avenue in Case PLNPCM2013-00318 was withdrawn.

5:39:12 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 481 East South Temple Avenue. The subject property is located in the RMF-35 (Moderate Density Multi-Family Residential District) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case Number PLNPCM2013-00400

5:39:22 PM

Ms. Pickering explained that this proposed location referred to as the "Einstein's" location is a corner lot and the box would actually be located on E Street which is zoned CM. Planning Staff recommended approval with the following conditions as outlined in the staff report:

1. Option "B" is to be installed at this location which is the larger box rather than Option A which consists of two boxes.
2. The Applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
3. Compliance with all City Department and Division requirements outlined in the staff report for this project.
4. The Applicant shall ensure all necessary City permits for the project are obtained.
5. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.

Ms. Pickering noted that the City Council Office contacted her regarding this project as well, but she did not receive any calls or comments directly from the public.

5:39:58 PM

Mr. Vigil had no further comments at this time.

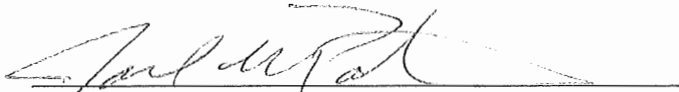
5:40:02 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:40:07 PM

THEREFORE, the Hearing Officer granted conditional use approval to install a single ground mount utility box (Option B) in Case PLNPCM2013-00400 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

There being no further business, the meeting was adjourned at 5:41 p.m.



Joel Paterson, Administrative Hearing Officer

ADMINISTRATIVE HEARING STAFF REPORT

**Century Link Conditional Use for a Utility Box in
the Public Right-of-Way
PLNPCM2013-00319
August 8, 2013
503 E. 1st Avenue**



Planning and Zoning
Division
Department of Community
and Economic Development

Applicant
Ralph Vigil representing
Century Link Corporation

Staff
Michaela.Oktay
Michaela.oktay@slcgov.com
(801)535-6003

Current Zone
RMF-35 – Moderate Density
Residential

Master Plan Designation
Avenues, Medium Density
Residential

Council District
Council District 5
Stan Penfold

Current Use
Public right-of-way

**Applicable Land Use
Regulations**
21A.54.080 – Conditional Use
21A.40.160 – Utility Boxes

Notification

- Notice mailed, & Property Posted by July 26, 2013
- Posted on City & State Websites by July 26, 2013

Attachments

- A. Site Plan
- B. Elevations & application
- C. Public Comment

REQUEST

The applicant, Century Link, represented by Ralph Vigil is requesting approval for a conditional use for a ground mounted high speed utility box structure located at approximately 503 E. 1st Avenue. The purpose of the structure is to provide internet service to residents in the immediate vicinity.

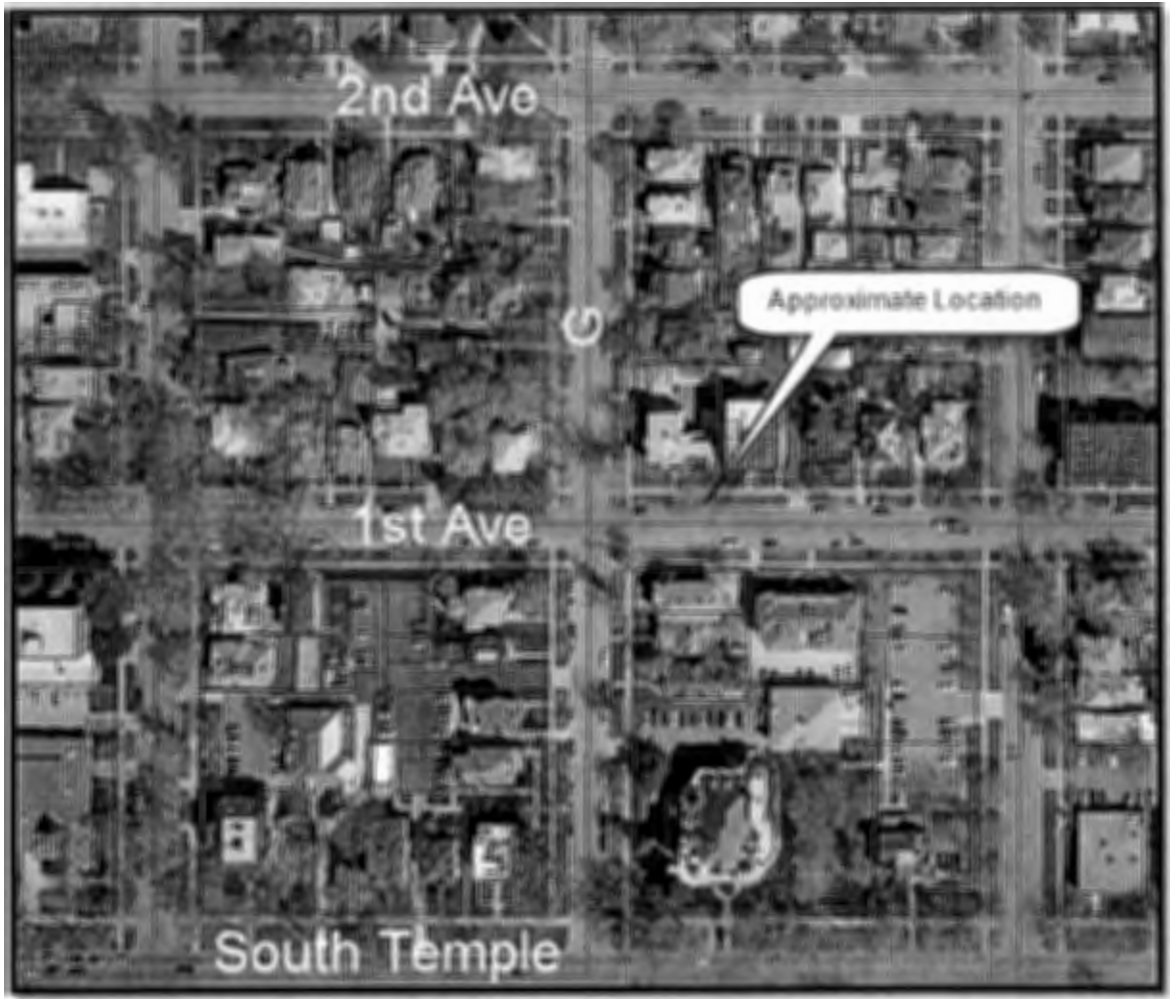
STAFF RECOMMENDATION

Staff recommends that the Administrative Hearing Officer review the proposed utility box application, conduct a public hearing and consider approving the application per the findings analysis and conditions of approval in this report.

Conditions of Approval

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.
2. The applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issue of a building permit.
5. If the certificate of appropriateness petition is denied, this approval becomes null and void.

Vicinity Map



BACKGROUND

The applicant is requesting a conditional use permit for a utility box designed to enhance the internet service for homes in the immediate neighborhood. The structure will be approximately 42 inches in height and 21 inches in width. The purpose of the box is to house the mechanical equipment necessary for the service.

The box is proposed to be located in the public right-of-way in the park strip between the street and the sidewalk. Generally, the applicant works with property owners to secure a private easement to place the box on their property. In this case, they were not able to secure an easement with any private property owners in the immediate neighborhood, so they are seeking conditional use approval for the box in the public right-of-way.

Residential properties surround the proposed box and there are no other boxes located on the block face.

CenturyLink build – Digital photo – for xbox 21 N ‘G’ Street

511 E First Av

503 E First Av



3-4" CONCRETE PAD REQUIRED

— To 'G' Street

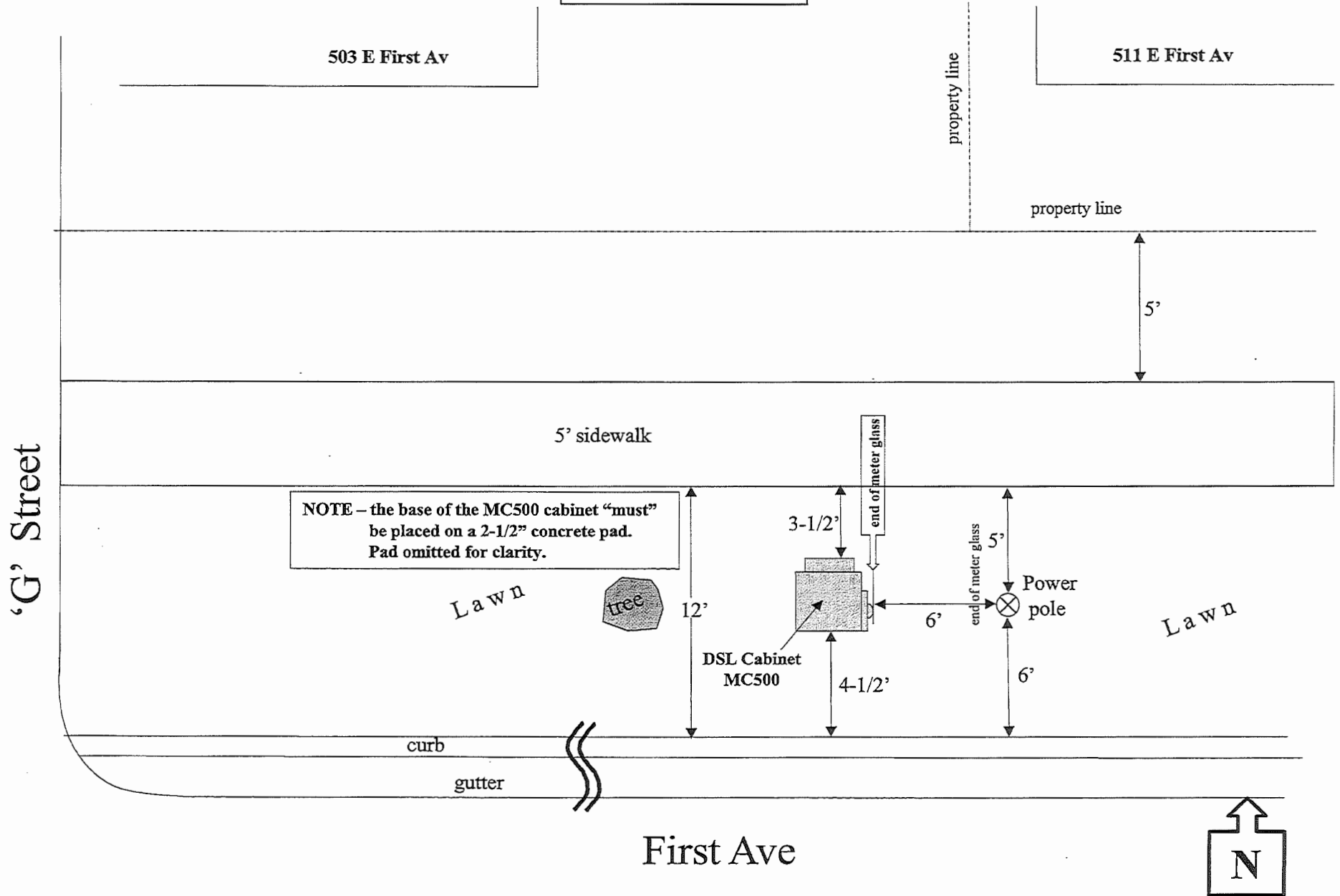
First Avenue

Looking North



CenturyLink Site Detail - DSL build for xbox – 21 N 'G' Street

Looking north



Comments

The application was reviewed at a Planning Division Open House on July 18, 2013. There has been concern and/or opposition submitted to staff (Attachment C). Staff has also received two phone calls in opposition, one from a tenant of 511 E. 1st Avenue and from an owner of a residence within the vicinity.

ANALYSIS

Criteria for Utility Box on Public Property

Conditional use review is required for all ground mounted utility boxes not specifically addressed as permitted uses in the Zoning Ordinance. Applications shall be reviewed administratively by the planning director or an assigned designee subject to the following criteria:

Standard 1: Location: Utility boxes shall be located and designed to reduce visual and environmental impacts on the surrounding properties.

Analysis: The box is proposed in a residential neighborhood and in a residential zone because it needs to be near the homes that it serves. .

Finding: Staff finds that there is no clustering of boxes in the area which would limit the visual or environmental impact on surrounding properties. The applicant has documented that the location proposed was chosen as the box responds to a service need in the area.

Standard 2: Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The planning director may limit the number of boxes allowed on a specific site to meet this standard.

Analysis: Staff finds that there are no other utility boxes on the block face.

Finding: Staff finds the proposed spacing is adequate.

Standard 3: Setbacks: The planning director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.

Analysis: The box is proposed to be placed in a 12 foot grass park strip. There is no vegetation or structures on the site to obscure or shield the box. Therefore, modifying the setback either forward or backward would have a negligible effect on the environmental or visual impact of the box.

Finding: Staff finds that no modification of the setback is necessary to reduce the visual and environmental impact of the box.

Standard 4: Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and city rights of way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.

Analysis: Because the proposed box is in the public right-of-way, it is not appropriate that the applicant build some type of barrier or screen to shield the box from view. Construction of this type of barrier may constitute a larger visual and environmental impact on the neighborhood than simply leaving it as a standalone structure. Shielding the box from view by planting or landscaping is a possibility; however, because the petitioner does not control the water supply and is only on site occasionally, the plantings would need to be tended by adjacent property owners. Therefore, staff has included a condition of approval requiring that the Century Link work with adjacent property owners to determine whether or not landscaping is wanted.

Also, per section 21A.48.060.E all plants and shrubs in the park strip must be less than 18 inches in height to protect the visual sightlines for cars and pedestrians.

To combat the inevitable abuse of the box by vandals, staff has included a condition of approval requiring that the box be marked with a telephone number to call to have graffiti removed, or have the box repaired if it is damaged.

Finding: Staff finds that the proposed box is properly shielded as conditioned.

Standard 5: Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.

Analysis: The design of the box is similar to many boxes seen throughout the City. They are utilitarian in design. The size of the box is standard for this type of facility and needed to provide adequate service to the area. Century Link has stated that this size is the minimum size necessary to provide the service necessary. When the box is installed, individuals have a tendency to notice them, but over time, they seem to fade into the background a bit, and become part of the urban environment.

Nevertheless, this box, and the service it provides (high speed internet) is an integral part of a modern, walkable neighborhood. High speed internet service enables residents of the neighborhood to work, and shop from their homes, which in turn reduces vehicle traffic and reduces impacts on the environment.

Finding: Staff finds that the proposed utility box is a design element that characterizes Salt Lake City's streets, neighborhoods.

Standard 6: View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.

Analysis: The box is proposed approximately 7 feet from the edge of curb and 60 feet from a driveway. This application was reviewed for compliance by the Transportation Division, who found that this location raised no sight distance or angle issues.

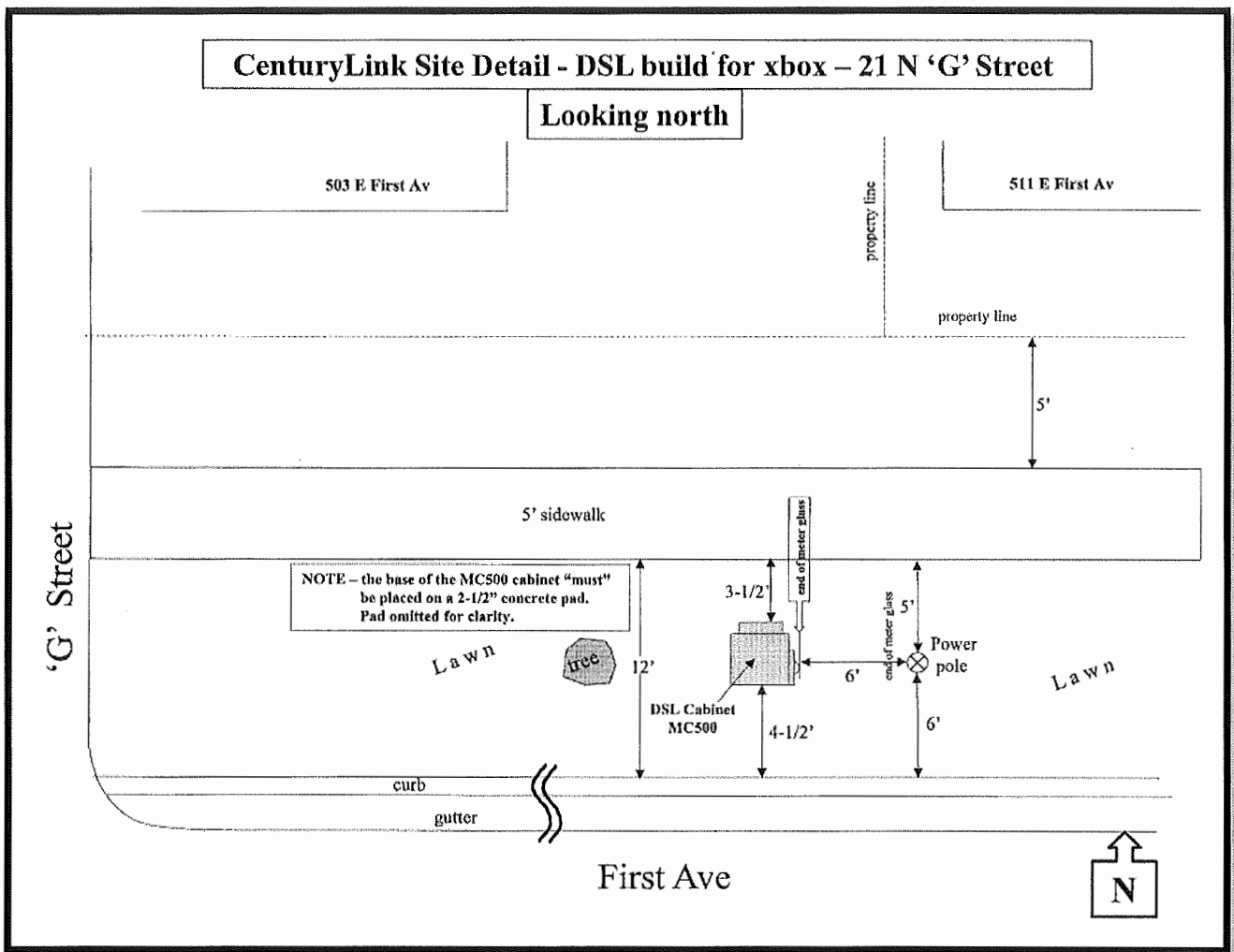
Finding: Staff finds the application meets this standard.

Standard 7: Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

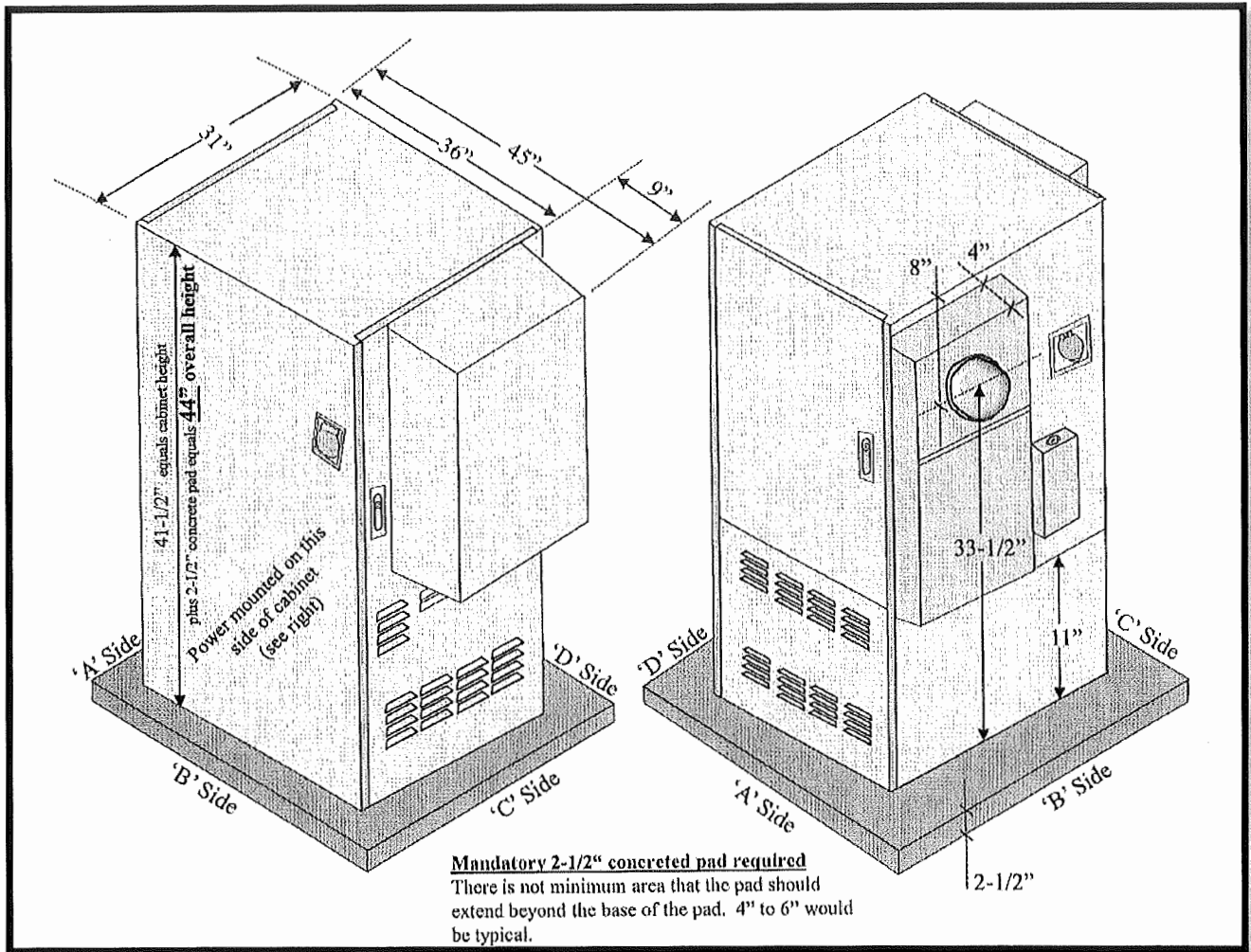
Analysis: The petitioner must submit an application for a Certificate of Appropriateness application as part of the box request. This application will be reviewed separately from this application, and may require Historic Landmark Commission review. Staff has included a condition of approval requiring approval prior to the issue of a building permit.

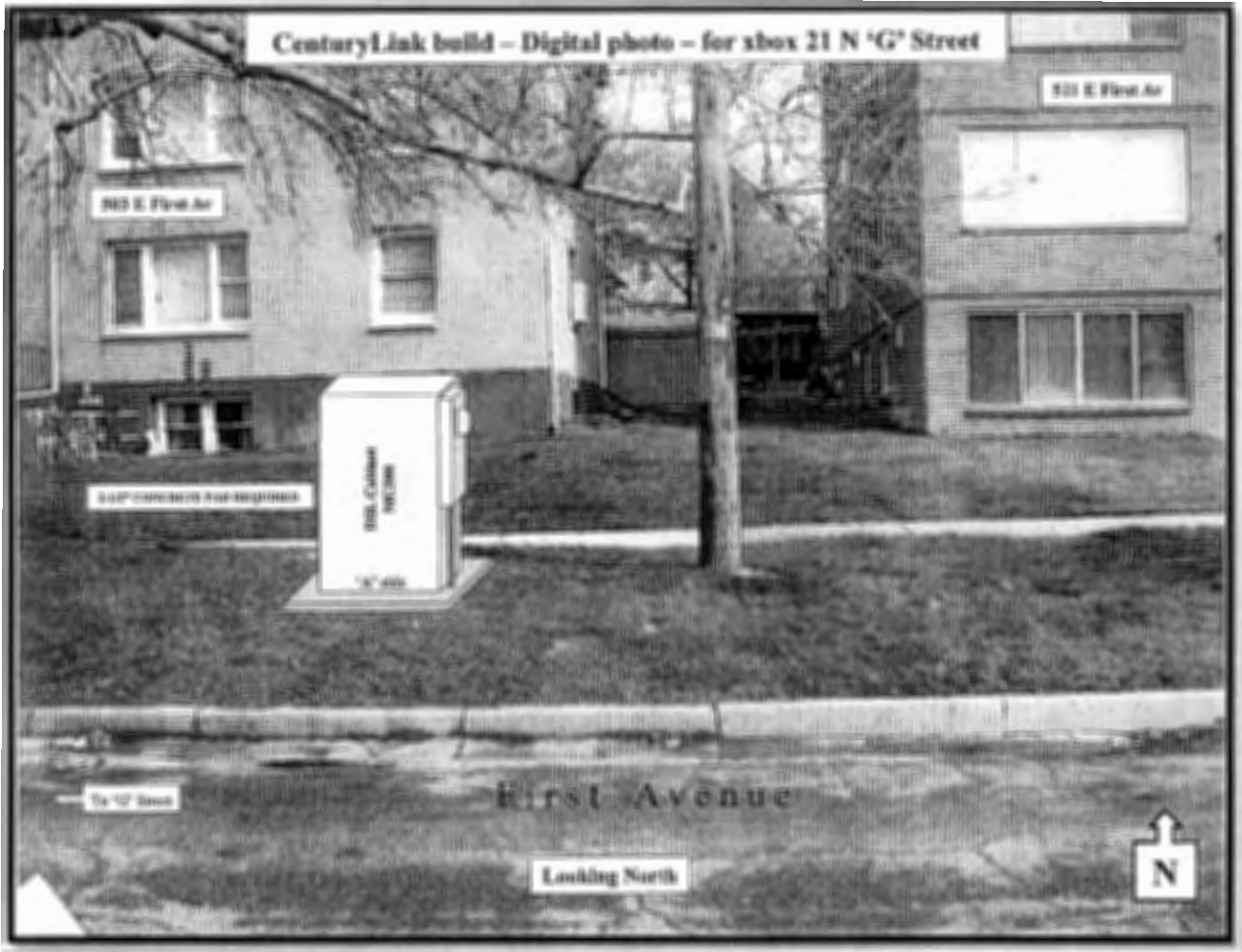
Finding: Staff finds that this standard is met.

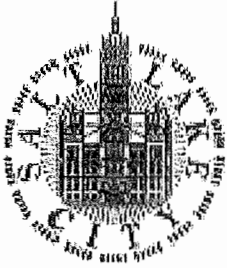
Attachment A
Site Plan



Attachment B Elevations







Conditional Use

OFFICE USE ONLY
 Petition No.: *PLN/PCM2013-00317*
 Date Received: *6-8-13*
 Reviewed By: *[Signature]*

SALT LAKE CITY PLANNING

Address of Subject Property: **503 East First Ave**

Project Name: **CenturyLink - High Speed Internet build (DSL) – for xbox 21 N 'G' Street**

Name of Applicant: CenturyLink QC	Phone: 801-237-7149
Address of Applicant: 1425 W. 3100 South, West Valley City, 84119	
E-mail Address of Applicant: Ralph.Vigil@CenturyLink.com	Cell/Fax: 801-259-9964 / 801-974-8192
Name of Property Owner: Public Right of Way	Phone: N/A
E-mail Address of Property Owner: N/A	Cell/Fax: N/A
County Tax ("Parcel") #: Public right-of-way	Adjacent to Parcel #09-31-482-017
Zoning: RMF-35 – Mod Dense Multifam Res Dist	

Type of Modification Requested:

Existing Property Use: **CC (Public right of way)**

Proposed Property Use:

Please include with the application:

1. The cost of first-class postage for each property owner and tenant within 85 feet, or within 300 feet if new construction of a principal building is due at the time of application. Please do not provide postage stamps.
2. A legal description of the subject property.
3. Ten (10) copies of a preliminary site development plan, floor plans, elevation drawings, and sign plans prepared according to the attached guidelines.
4. Answers to questions on the back of this form.
5. If applicable, a signed, notarized statement of consent authorizing applicant to act as an agent
6. Filing fee of \$664.44 plus \$110.74 per acre in excess of one acre.

Filing fee is required at the time of application.

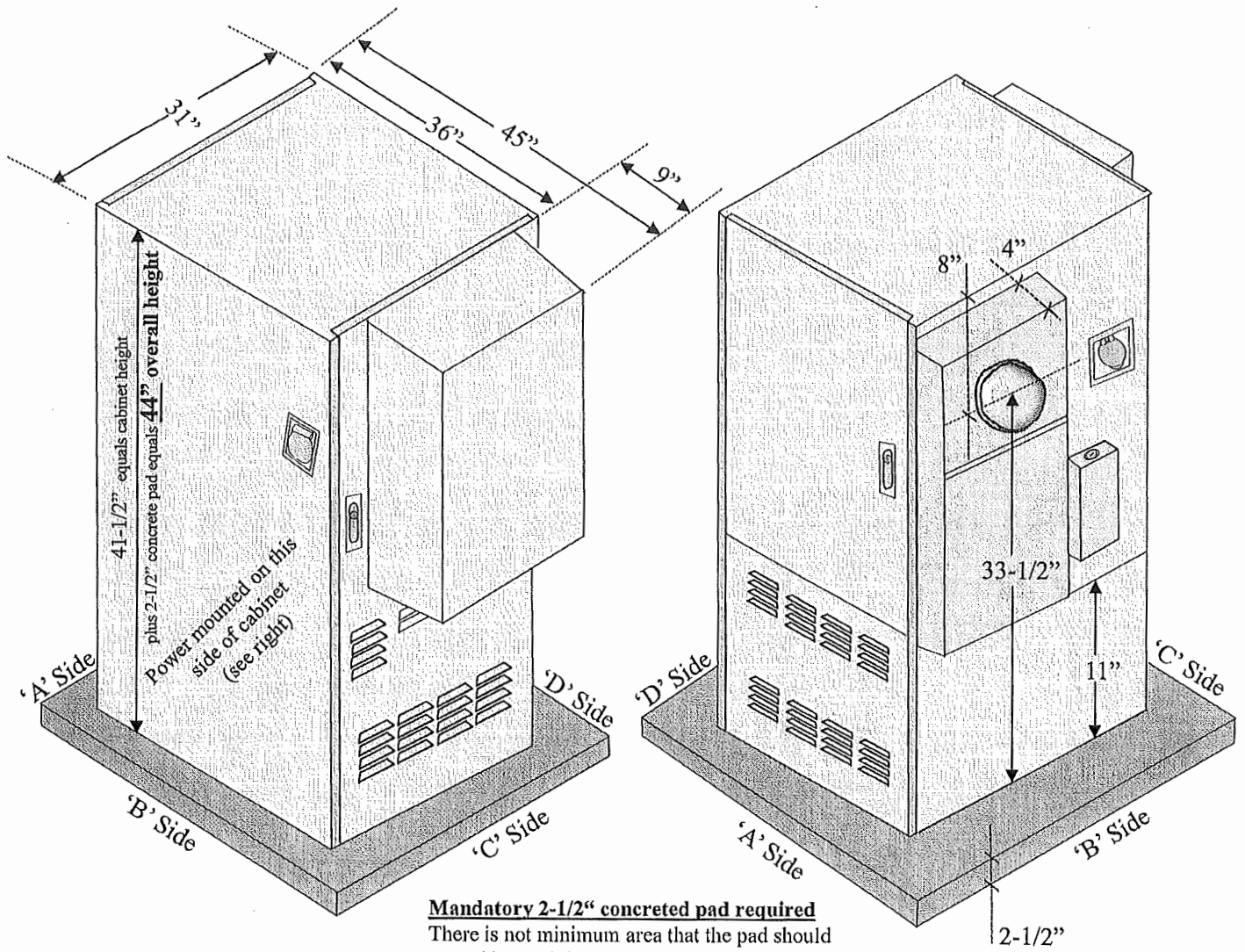
Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this application, please contact the Salt Lake City Buzz Center at 801-535-7700 prior to submittal.

File the complete application at:
 Salt Lake City Buzz Center
 PO Box 145471
 451 South State Street, Room 215
 Salt Lake City, UT 84111

Signature of Property Owner *Ralph Vigil* 05/08/13
 Or authorized agent

RECEIVED MAY 09 2013

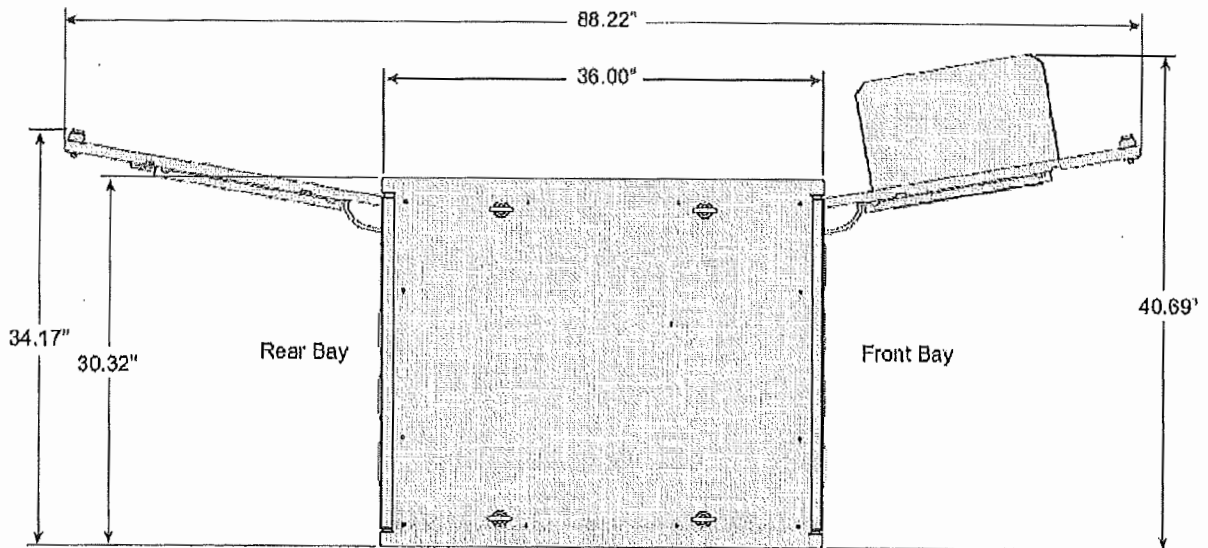


Mandatory 2-1/2" concreted pad required

There is not minimum area that the pad should extend beyond the base of the pad. 4" to 6" would be typical.

NOT

The 'A' side of the cabinet will most often be referred to as the front but can be positioned to utilize the best available area, or as requested.





May 8, 2013

Salt Lake City Planning
451 South State Street, Rm. 406
Salt Lake City, Utah 84111

Re: Conditional use request – CenturyLink DSL build – xbox 21 N 'G' Street

Dear Planner,

As you know CenturyLink has been in the process of upgrading and expanding its fiber optic based high speed internet service within Salt Lake City. These projects (our build) require additional cabinet(s) to be placed adjacent to or as close as possible to our cross connect cabinet known as a cross connect box (xbox). Our xbox for this build is 21 N 'G' Street. We have proposed utilization of an existing park strip. **Please see below.**

As an FYI, depending on our ability to place the new cabinet(s) next to our xbox the build location address may/will be different than the cross box address requiring the DSL build.

In order the following information in enclosed:

Conditional use application
Location map & Parcel Information
Zoning Information
Site digital photos
Site detail
Equipments schematic

CenturyLink build comments:

- Our build for this for this xbox proposes placing our newly approved DSL cabinet (MC500) with in public right-of-way. **This cabinet is not applicable for all CenturyLink builds.**

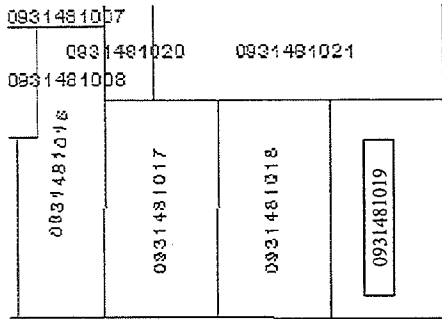
Note: The digital photo of our proposed build for this site shows a significant gap from the power pole to the proposed placement of the MC500 cabinet. Rocky Mountain Power will not allow any portion of a new cabinet requiring power to be placed any closer than 6 feet from any pole they are attached to.

If you have any questions or need additional information, please contact me.

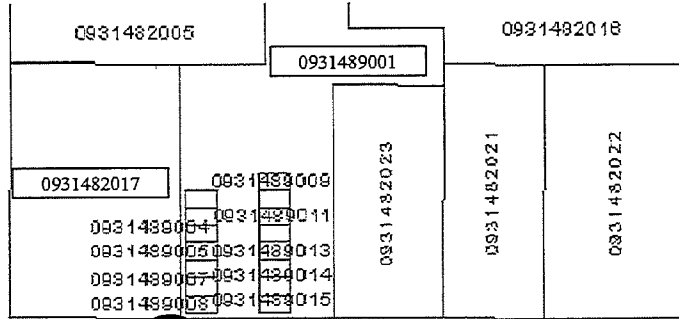
Sincerely,

Ralph Vigil
CenturyLink
Right-of-way Manager
off: 801-237-7149
mo: 801-259-9964
email: Ralph.Vigil@centurylink.com

Location map - CenturyLink Site - DSL build for xbox 21 N 'G' Street



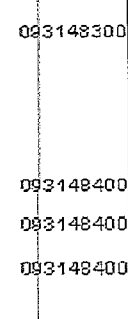
'G' Street



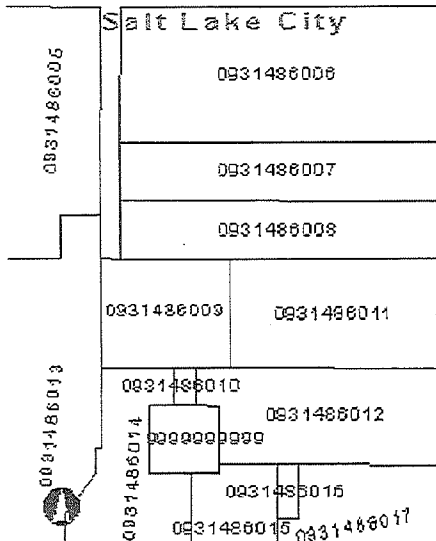
build location

FIRST_AVE

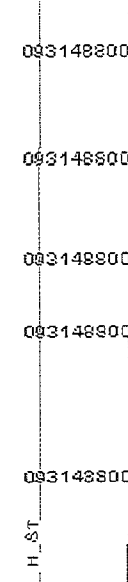
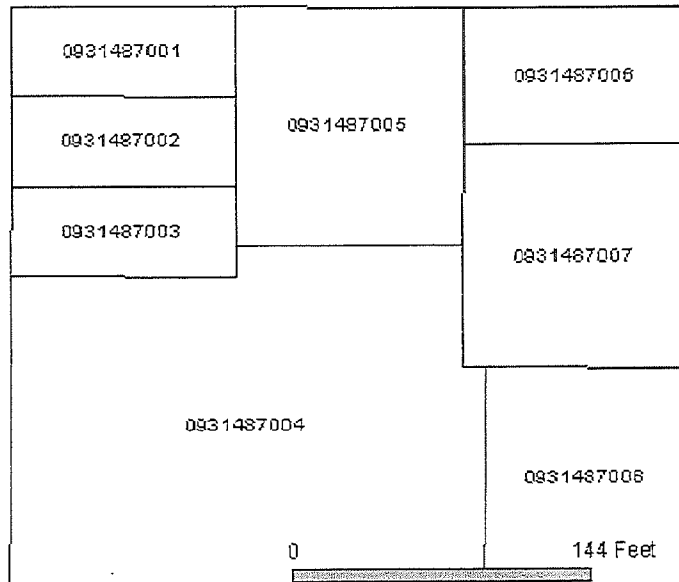
First Ave



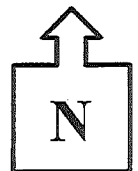
Parcel Number:
09314820170000
Owners:
LAWRENCE,
MICHAEL K & PATRICIA (JT)
Part Owners (0):
Owner Address:
PO BOX 11645
SALT LAKE CITY UT 84147
Parcel Address:
503 E FIRST AVE
Book: 5588
Page: 850
Total Acres: 0.22



G ST



Parcel Number:
09314890010000
Owners:
MON DE VILLE CONDM
COMMON AREA MASTER CARD
Part Owners (0):
Owner Address:
PO BOX 11645
SALT LAKE CITY UT 84147
Parcel Address:
511 E FIRST AVE
Book: 5197
Page: 1
Total Acres: 0.27



Please Answer the Following Questions. Use an Additional Sheet if Necessary.

Please describe your project:

CenturyLink identifies sites/builds next to or as close to our existing cross connect cabinet to place our "high speed internet" (DSL) equipment that will allow us to deliver this service. For this DSL build we have proposed utilization of the parks strip, within the public rights-of-ways.

List the primary street accesses to this property:

'G' Street

If applicable, what is the anticipated operating/delivery hours associated with the proposed use?

N/A

What are the land uses adjacent to the property (abutting and across-the-street properties)?

RMF-35 Moderate Density Multifamily Residential District

Have you discussed the project with nearby property owners? If so, what responses have you received?

Yes. Tried to secure/acquire private right of ways. No success.

If applicable, list the primary exterior construction materials you will use as part of this project.

N/A

How many parking stalls will be provided as part of the project?

N/A

How many employees do you expect to have on-site during the highest shift?

N/A

Where applicable, how many seats will be provided as part of the conditional use?

N/A

What is the gross floor area of the proposed building?

N/A

Salt Lake City
Zoning information

Search By Address Search By Parcel

Search By Parcel Number

(Enter a ten digit Parcel number, click "Submit" to Search)

0931482017

Submit

Code	Description	Parcel#	Detail
RMF-35	MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT	09-31-482-017	For detail on this Zoning Ordinance, click on this , enter MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT to search. On the search result list, looking for item with RMF-35 code.



SALT LAKE CITY CORPORATION

Buzz Center

451 South State Street, Room 215 Phone: (801) 535-7700

P.O. Box 145471 Fax : (801) 535-7750

Salt Lake City, Utah 84114

Date: May 08, 2013

RALPH VIGIL

PLANNING COMMISSION

1425 W 3100 S

WEST VALLEY CITY, UT 84119

Project Name: 503 E 1ST AVE, CENTURY LINK GROUND MOUNTED UTILITY

Project Address: 503 E 1ST AVE

Detailed Description:



* P L N P C M 2 0 1 3 - 0 0 3 1 9 *

□

Description	Qty	Dept	C Ctr	Obj	Amount		
					Invoice	Paid	Due
Invoice Number: 1049942							
Postage	49	06	00600	1890	\$22.05		
Filing Fee (	1	06	00900	125118	\$664.44		
Total for invoice 1049942					\$686.49		\$686.49
Total for PLNPCM2013-00319					\$686.49		\$686.49

OFFICE USE ONLY

Intake By: LN1690

CAP ID #

PLNPCM2013-00319

Total Due: \$686.49



Treasurer's Office
 Rept# 124564
 PL PLNPCM2013-00319 Card
 \$686.49 5/8/2013



* P L N P C M 2 0 1 3 - 0 0 3 1 9 *

www.slepermits.com

Please Keep This Box Clear

2/5

1-481-018-0000
T, SHANNON K & JEFFREY R; TC
30 MAGNOLIA AVE
PASADENA, CA 91106

[09-31-482-012-0000]
BURNS, CHERIE K
1199 PACIFIC HWY #1501
SAN DIEGO, CA 92101

[09-31-487-002-0000]
PROPERTIES @ 34 G STREET, LLC
2189 S 4000 W
REXBURG, ID 83440

[09-31-487-001-0000]
PHILLIPS, RONALD C & ROXANNA; JT
PO BOX 1395
ELEPHANT BUTTE, NM 87935-1395

[09-31-489-010-0000]
SKORUT, ANNA
15 FEATHER SOUND DR
HENDERSON, NV 89052

[09-31-481-008-0000]
WEST, JASON B & JILL A; JT
217 W LEONA ST
UVALDE, TX 78801-4603

[09-31-482-009-0000]
VANYA HOLDINGS, LLC
HC64 BOX 3215
MOAB, UT 84532

[09-31-481-007-0000]
HAJ & EDJ LAUNDRY, INC
70 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-006-0000]
KENDALL, JEREMIAH J & HORNG, WAN; JT
72 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-005-0000]
LOOCK, RONALD D & DONALD A; JT
78 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-482-005-0000]
MERICOLA, AUGIE K & KAREN A; JT
68 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-020-0000]
MIROW, SUSAN
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951

~~[09-31-481-021-0000]
MIROW, SUSAN; TR
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951~~

[09-31-481-012-0000]
SENJO, SCOTT
77 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-481-011-0000]
WILKINSON, CRAIG
83 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-001-0000]
MARK, HENRY J & MARY H; JT
88 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-010-0000]
CARROLL, PHILIP & CARLISLE S (JT)
89 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-016-0000]
STRAUS, CHRISTOPHER M
67 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-015-0000]
PHILLIPS, MELISSA W
73 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-014-0000]
RUGH, THOMAS F & SUSAN S; JT
75 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-013-0000]
WARMATH, SARAH
83 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-489-008-0000]
REID, DAN & CHERYL; JT
1400 E 3010 S
SALT LAKE CITY, UT 84106-3408

[09-31-489-005-0000]
HAMMOND, RANDY G
3389 S EVERGREEN PL
SALT LAKE CITY, UT 84106

[09-31-481-017-0000]
THOMPSON, JEFFREY P
473 E FIRST AVE
SALT LAKE CITY, UT 84103-2902

[09-31-489-011-0000]
BAHR, KRISTOPHER
511 E FIRST AVE #9
SALT LAKE CITY, UT 84103-2908

[09-31-489-016-0000]
ONTKO, THOMAS S
511 E FIRST AVE #15
SALT LAKE CITY, UT 84103-2908

[09-31-489-013-0000]
HESSE, DAN
511 E FIRST AVE #403
SALT LAKE CITY, UT 84103-3178

[09-31-482-021-0000]
PFITZNER, MARK; TR (MP LV TRST)
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

~~[09-31-482-023-0000]
PFITZNER, MARK; TR
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906~~

[09-31-482-022-0000]
LEE, MARY ANN W; TR
535 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

[09-31-482-002-0000]
G STREET PINES, L.C.
1714 E FORT DOUGLAS CIR
SALT LAKE CITY, UT 84103-4450

[09-31-481-015-0000]
ANDERSON, JOHN L & MYRNA L (JT)
629 S LAKE ST
SALT LAKE CITY, UT 84102-3422

[09-31-481-019-0000]
SUN SHADOW VENTURES, LLC
3551 E MILLCREEK RD
SALT LAKE CITY, UT 84109-3879

[09-31-481-016-0000]
LESSING, DALE L
526 N PERRYS HOLLOW RD
SALT LAKE CITY, UT 84103-4244

[09-31-482-017-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-014-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-012-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

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MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-006-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-007-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-001-0000]
MON DE VILLE CONDM COMMON AREA MASTER
CARD
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-002-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-003-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-004-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-487-003-0000]
UTAH DEPARTMENT OF TRANSPORTATION, ETAL
PO BOX 148420
SALT LAKE CITY, UT 84114-8420

[09-31-482-003-0000]
HART, STEVE E
PO BOX 22523
SALT LAKE CITY, UT 84122-0523

[09-31-487-005-0000]
FIRST AVENUE MANAGEMENT COMPANY, LLC
PO BOX 520673
SALT LAKE CITY, UT 84152-0673

[09-31-489-015-0000]
MONSON, E E COMPANY
PO BOX 62
SALT LAKE CITY, UT 84110-0062

[09-31-478-006-0000]
FLANDRO, KENT O; TR
PO BOX 9827
SALT LAKE CITY, UT 84109-9827

[09-31-481-003-0000]
ROBINSON, VERNICE
468 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-481-004-0000]
BERRYMAN, LISA Y && DAVID M; JT
474 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-482-024-0000]
BARKER, CHRIS G & LYON, JULIA B; JT
514 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-010-0000]
WEIXLER, ROBERT W & SHEREE G; JT
520 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-011-0000]
GARCIA, LIENG K; TR (LKG FAM TRUST)
530 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-004-0000]
GEE STREET LLC
573 E SEVENTH AVE
SALT LAKE CITY, UT 84103-3051

[09-31-487-006-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-007-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-008-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-004-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-486-007-0000]
AIC INVESTMENT PROPERTIES, LLC
PO BOX 4902
JACKSON, WY 83001

Attachment C
Public Comment

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay
Case number PLNPCM2013-00319

The proposed Century Link High Speed Internet Xbox, to be place on our property at 503 First Avenue, Salt Lake City, Utah, is against our wishes. We do not want this utility box on our property.

We have asked Century Link in previous conversations not to locate their equipment on our property. Why do they continue to try. Why us?

This utility box, right in front of our apartment building is ugly and will detract from the value of our property and that of our neighbors at 511 First Ave. We will loose value in our property.

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We do not want this utillty eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Kris Bahr
Signature

Kris Bahr
Owner/ Tenant printed name

511 E. 1st ave. #401
Address

From: Oktay, Michaela
To: "[Julia Lyon](#)"
Subject: RE: questions regarding case PLNPCM2013-00319
Date: Monday, July 08, 2013 10:58:00 AM
Attachments: [application.pdf](#)

Julia,

Thanks for your email and concern. Attached is an electronic copy of the application, it is public record. It is a internet ground mounted utility box. The applicant has spoken to the attempt to put it on private property (our preferred scenario) but that they haven't been able to secure an easement. I am going to take another trip out there and check out your house and the utilities in the area. Please let me know if you have any other concerns or comments. Your comments will be included in my staff report.

Best,

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com
TEL 801-535-6003
FAX 801-535-6174

WWW.SLCGOV.COM

From: Julia Lyon [<mailto:julialyon@hotmail.com>]
Sent: Sunday, July 07, 2013 9:25 PM
To: Oktay, Michaela
Subject: questions regarding case PLNPCM2013-00319

Michaela,

I recently received a postcard from the city regarding a conditional use permit for Century Link to put a high speed internet xbox near my house. If possible, I would like to receive an electronic copy of the application.

I mainly want to know:

1. What is the purpose of the box?
2. What is the size -- is there a visual I can see?

We have a variety of transformers/junction boxes near our home already and I am

concerned about an additional utility device near my home. I am wondering whether these have been adequately spread out throughout the neighborhood or whether they are clustered near us.

Thank you.
Julia Lyon
514 2nd Ave.

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

MARCO'S PADILLA

Owner/ Tenant printed name

SU FIRST AVE # 402

Address

SLC- UT. 84103

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Patricia Lawrence (president)
Signature

Laurco Inc.
Owner/ Tenant printed name

P.O. Box 11645
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Patricia Lawrence (owner)
Signature

HAS & EDJ Laundry Inc.
Owner/ Tenant printed name

70 N F Street
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Patricia Lawrence (secretary)
Signature

Mon De Ville Condo Association
Owner/ Tenant printed name

511 1st Ave
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature



Michael K. Lawrence
Owner/Tenant printed name

P.O. Box 11645 SLC, UT. 84147
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

Nathan Nelson

Owner/ Tenant printed name

511 1st Ave, Apt 501 S.L.C, UT 84103

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Audrey Stewart Kubacki
Signature

Audrey Stewart Kubacki
Owner/Tenant printed name

503 1st Ave #2 SLC, Utah 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

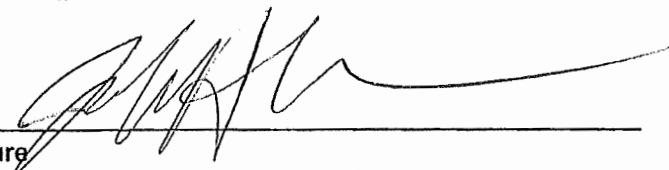
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Signature

Jakob Hofer

Owner/ Tenant printed name

56 G St.

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Julie Price
Signature
Julie Price.
Owner/ Tenant printed name
503 1st Ave #2
Address

To: Salt Lake Planning Division

451 South State Street rm. # 406

Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

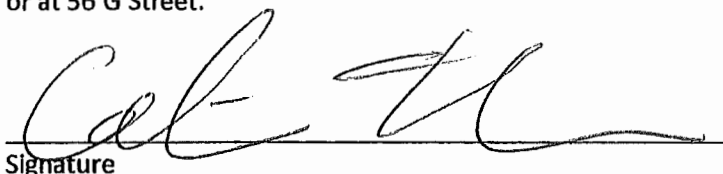
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Signature

Calvin Tucker
Owner/ Tenant printed name

505 E 1st Avenue
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street

Signature

Owner/ Tenant printed name

Address

[Handwritten Signature]
[Handwritten Signature]
511 East 1st Ave. Apt 302 SLC, UT 84103

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

JEFF S. ANDERSON
Owner/ Tenant printed name

511 1st AVE. # 103 SLC, UT. 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

COLTER VALCARCE

Owner/Tenant printed name

1ST AVE, @ STREET SALT LAKE CITY, UT 84103

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

DANIEL M. HESSE, TTEE
Owner/ Tenant printed name

P.O. Box 3 Auburn WY 83111
Address

Owner 511 E. First Ave. # 403

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Wesley Green
Signature

Wesley Green - tenant
Owner/ Tenant printed name

511 1st Ave Apt. 50-203
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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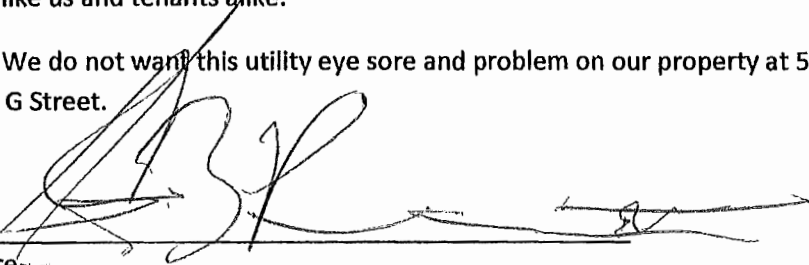
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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Signature


Core B Price

Owner/ Tenant printed name

503 First Ave 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319


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Signature

PATRICK LANDRESKE

Owner/ Tenant printed name

511 1ST AVE # 503

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

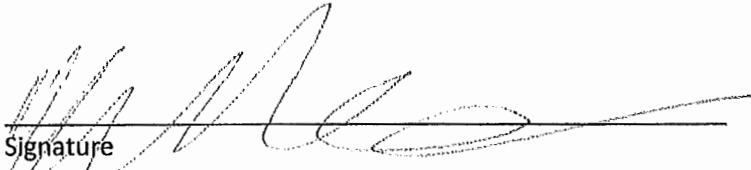
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Signature

Elle McFarlane
Owner/ Tenant printed name

511 E. 1st Ave SLC, UT 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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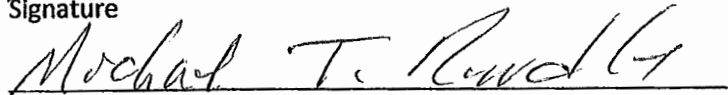
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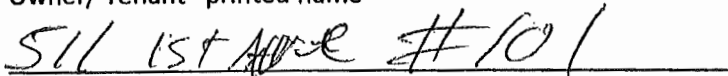
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Signature



Owner/ Tenant printed name



Address

**SALT LAKE CITY PLANNING DIVISION
ADMINISTRATIVE HEARING
September 12, 2013
City & County Building
451 South State Street, Room 126
Salt Lake City, Utah 84111**

The regular Administrative Hearing for the Salt Lake City Planning Division was held on Thursday, September 12, 2013 at 5:00 p.m. at the City and County Building, 451 South State Street, in Room 126. Joel Paterson, Planning Manager, was present as the Administrative Hearing Officer and called the meeting to order.

5:00:24 PM

Garrison Subdivision Plat Amendment – A request by Corbin Bennion on behalf of the property owners to amend and reconfigure Lot 16 & 17 of the Sorenson Technology Park Plat 1 and Lot A of the Nin Tech Easy III Subdivisions at 1510 South 3600 West. The property is located in the M-1 Light Manufacturing Zoning District in Council District 2 represented by Kyle LaMalfa. (Staff Contact: Ana Valdemoros at 801-535-7236 or ana.valdemoros@slcgov.com) Case Number PLNSUB2013-00482

The case was postponed.

5:00:39 PM

Century Link High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way. The box would be located at approximately 503 E First Avenue and is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district. The site is located in Council District 3 represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com) Case Number PLNPCM2013-00319

Ralph Vigil, Right-of-Way Agent for CenturyLink, was present.

5:00:47 PM

Ms. Oktay, Principal Planner, explained that the application was heard on August 8, 2013, and the Administrative Hearing Officer tabled the case. At the August 8 hearing, there was considerable amount of discussion and protest from neighborhood residents. The case was tabled to allow the Applicant and the Property Owners of 503 East First Avenue to discuss alternative locations that would please both parties including placing the cabinet on private property which would not require conditional use approval. Ms. Oktay then explained that Planning Staff received emails from the Applicant, Mr. Vigil, requesting that the application be brought back to the Administrative Hearing. Ms. Oktay noted that Patty Lawrence, Property Owner of 503 East First Avenue, submitted a packet at this hearing that will be filed in the case file.

5:02:42 PM

Mr. Vigil explained that he met with the Property Owners of 503 and 511 East First Avenue to negotiate alternative locations on surrounding properties, but they were unable to come to an agreement. Mr. Vigil voiced concern that so many neighbors were present at this hearing to protest when they had their say at the last hearing. He felt that any discussion beyond meeting with the Property Owners would be out of order. Mr. Vigil submitted a written chronology of the chain of events since the last hearing. He noted that the meeting between the Property Owners and him did not take place until September 6.

5:06:38 PM

Mr. Paterson noted that there are no statutes that limit citizens from coming to public hearings and providing comments. Mr. Vigil explained that he was concerned that the application would be repeatedly rescheduled just to prevent the project from moving forward. He said that CenturyLink reviewed every option before submitting the application knowing that surrounding properties would not support a cabinet for one reason or another.

5:08:48 PM

The hearing was opened for public comment.

5:08:55 PM

Phil Carroll, 89 North "G" Street, explained that the proposal goes beyond involving CenturyLink and one property owner; it involves the entire Lower Avenues. He then explained that he has been discussing with the neighborhood's City Council Representative, Stan Penfold, the process and direction that the Community could take in a larger sense to deal with issues relating to utility boxes. Mr. Penfold has committed to Mr. Carroll that he would investigate the matter. Mr. Carroll said that he is very concerned about other boxes that have been installed in the Avenues. The footings of the cabinets are deteriorating, the sites are poorly maintained and the cabinets are covered with graffiti. Mr. Carroll strongly urged the Hearing Officer to deny the application in order to give the Community the opportunity to review a process before going forward. The Community believes that they need to work with the City Council in redefining the responsibilities of applicants requesting these types of structures on public property. The current process is not working in the Avenues because of the deplorable condition of the sites and the impact they have on immediate property owners as well as the general appearance in this historic district of the City.

5:11:02 PM

Patricia Lawrence lives at 70 North "F" Street and owns the properties at 503 and 511 East First Avenue. She explained that the proposed location of the box will very much impact her property, and she has declined three times allowing the box on her properties. She noted that Mr. Vigil provided proposed sites and then informed them that none of the sites would work. She asked him to consider the parking lot with other power sources approximately 300 feet east from the proposed site. Ms. Lawrence acknowledged that Mr. Vigil and she discussed at length other locations, casing material for the cabinets, maintenance of the cabinets including footings and graffiti, and noise emitting from the cabinets. Mr. Vigil provided four other sites for her to review and she noted that most of those cabinets had graffiti, the bases of the all cabinets were in disarray, no sod or other landscaping, and none were uniformed in shape or size. She asked that the Hearing Officer deny the request because Mr. Vigil explained to her that unless the request was denied, he would not go forward on anything else.

5:14:24 PM

Mary Mark, 88 North "G" Street, also requested that the application be denied. She explained that she has actively brought the matter to the attention of City Council representatives, the Planning Commission and the Historic Landmark Commission. Her thoughts are the same as Mr. Carroll's in that the cabinets have an adverse visual impact on the historical Avenues area and she too believes better solutions are available. Ms. Mark added that there is a lot of concern amongst the Community regarding this matter and they are trying to work through the system as best to their knowledge.

5:15:40 PM

Carlisle Carroll, 89 North "G" Street, requested that the application be denied. She noted that she was also speaking on behalf of Julia Lion who lives at 514 East Second Avenue and submitted her remarks in writing. Ms. Carroll explained that the proposed location may be ideal for CenturyLink because most residents in the adjacent building are renters. However, the proposed location would be very inappropriate especially for new and long-time homeowners in the Avenues. She said that she believes there are better locations such as the parking lots both south and east of the proposed location, the Governor's Mansion parking lot, or the office building with a parking lot directly south. Ms. Carroll believes that if Mayor Becker were truly committed to a livability agenda, utility boxes would be located in areas that are utilitarian and not deface the grassy areas with century old trees as offered by the streetscapes of the Avenues. She said that she is very concerned about the precedent set in the fact that utility companies' needs seem to be trumping the desires of neighborhoods, and it would be very easy for CenturyLink to take advantage of public space rather than imposing upon neighbors.

5:17:34 PM

Steve Hart explained that he resides and owns the property at 76 North "G" Street and owns the apartment complex at 516 East Second Avenue. He said that he agrees with the Community that the application should be denied. He has diligently maintained his properties as required by historic guidelines, and yet the cabinet sites are allowed to deteriorate and become unsightly. He believes that the Property Owners of 503 and 511 are being strong-armed into allowing the cabinet in front of their properties and he would be outraged if the same demands were placed upon him. He said that several other sites in the area are available including a vacant lot next to the Governor's Mansion that has not been used in several years.

5:18:46 PM

Kim Bahr, 511 East First Avenue #401, explained that he owns a condominium unit immediately adjacent to the proposed site, and that the proposed location would make the space unsightly. Mr. Bahr explained that utility easements which are intended for utilities are also available in the neighborhood. He added that the proposed box is not necessary for providing internet services, and it would be a misuse of the process to place a giant box where it is not necessary.

5:19:50 PM

The hearing was closed to public comment.

5:19:51 PM

Mr. Vigil responded to the neighbors' comments by explaining that locations of cabinets are truly driven by perimeters. He explained that CenturyLink is comfortable that they have exhausted all their options on private property and are now pursuing their last option by applying for conditional use approval to

place the cabinet on public property. Mr. Vigil acknowledged that graffiti is a problem, but it is not solely a CenturyLink problem and they should not be held hostage to this kind of criminal activity.

5:21:49 PM

Mr. Vigil added that he carefully scrutinized potential locations on the Lawrence's properties and determined that there was no space that would support the cabinet. One location would not allow the cabinet door to open, another would have been on top of a gas line, and the other locations presented problems including too close to residential windows, too close to the dumpster, and in a snow pile area. Mr. Vigil explained that cabinet sites also need access and require three- to five-foot easements on private properties. In addition, there was no power source on the Lawrence's properties and that would have required another easement for the power company. Mr. Vigil noted that the street serves as access for cabinets placed on public property next to streets. He acknowledged that locating cabinets on private property is encumbering and most property owners will not go for it.

5:25:15 PM

Mr. Paterson explained that the authority of the Administrative Hearing Officer is to grant approval, grant approval with conditions, deny, table or forward an application to the Planning Commission. He explained that if a project is approved or denied, aggrieved persons have ten days to appeal and it costs about \$230 for an application fee for an appeal to an administrative decision. He also explained that generally uncontested matters are brought to administrative hearings; however, in this case through the course of the hearings and in writing, he recognized a considerable amount of public concern.

THEREFORE, the Administrative Hearing Officer forwarded the application to the Planning Commission for their consideration.

Mr. Paterson noted that the Planning Commission meets every second and fourth Wednesday of each month, and property owners and residents within 300 feet of the proposed location will be noticed two weeks prior to the meeting.

There being no further business, the hearing was adjourned at 5:27 p.m.


Joel Paterson, Administrative Hearing Officer



MEMORANDUM

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Michaela Oktay, Planning Manager 801/535-6003

Date: October 23, 2013

Re: PLNPCM2013-00319 Century Link Conditional use--Ground Mounted Utility Box- 503 E. 1st Ave

ACTION REQUIRED: The Administrative Hearing Officer has forwarded the petition to the Planning Commission for consideration due to a considerable amount of public concern expressed during the Administrative Hearings.

The Commission shall conduct a public hearing and consider approving the application as per the findings and analysis and conditions of approval in the staff reports as well as information submitted at the first two public hearings.

RECOMMENDATION: Staff recommends that the Planning Commission review the application and consider approving the application as per the findings, analysis and conditions of approval in the staff report:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.
2. The applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issue of a building permit.
5. If the certificate of appropriateness petition is denied, this approval becomes null and void.

BACKGROUND/DISCUSSION:

The applicant, Century Link, represented by Ralph Vigil is requesting approval for a conditional use for a ground mounted high speed utility box structure located at approximately 503 E. 1st Avenue. The purpose of the structure is to provide internet service to residents in the immediate vicinity.

On August 8, 2013 a public hearing was held and the matter was tabled to allow the applicant and the neighboring property owner's time to explore alternative options on their site. There were several complaints voiced either in writing or in person at the hearing. The main concerns raised were about the effect of utility boxes in the Avenues historic district and site specific concerns such as maintenance, graffiti and crime. There were also concerns about how the utility boxes would affect property values of adjacent properties. After the item was tabled, the parties were not able to reach an agreement for an alternative location on site. The applicant requested that the petition be put on the September 12, 2013 agenda.

On September 12, 2013 a second public hearing was held. There were several complaints raised at the hearing similar to those from the first. The Administrative Hearing officer forwarded the petition to the Planning Commission due to the considerable amount of public concern.

The minutes from both Administrative Hearings are attached to this memorandum.

Attachments:

1. September 12, 2013 Administrative Hearing Minutes
2. August 8, 2013 Administrative Hearing Minutes
3. September Public comments submitted
4. September 12, 2013 Administrative Hearing Memo with August 8, 2013 Staff Report

**SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 23, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:29:54 PM. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Vice Chair Clark Ruttinger; Commissioners Lisa Adams, Angela Dean, Michael Fife, Bernardo Flores-Sahagun, Marie Taylor, and Mary Woodhead. Chairperson Emily Drown, Commissioners Michael Gallegos and Matthew Wirthlin were excused.

Planning Staff members present at the meeting were: Wilford, Sommerkorn, Planning Director; Joel Paterson, Planning Programs Coordinator, Nick Norris, Planning Manager; Michaela Oktay, Planning Manager; Janice Lew, Senior Planner; John Anderson, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Use Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the meeting. The following places were visited:

- **465 E. Third Avenue-** The Commission and Staff discussed if the garage had been rented. Staff confirmed that it had been rented for approximately 10 years. The Staff and Commission discussed the utilities in the structure.
- **503 E First Avenue-** The Commission asked questions regarding future placement of boxes. Staff explained a box could be put in the rear of the property and they would ask the Applicant about future placement plans.

APPROVAL OF THE MINUTES FROM THE OCTOBER 9, 2013 MEETINGS 5:30:39 PM

MOTION 5:30:45 PM

Commissioner Fife made a motion to approve the October 9, 2013, meeting minutes. Commissioner Flores-Sahagun seconded the motion. The motion passed unanimously.

REPORT OF THE DIRECTOR 5:30:55 PM

Mr. Wilford Sommerkorn, Planning Director, stated introduced and welcomed Michaela Oktay as a new Planning Manager. He reviewed the Brew Ha Ha case that was heard by the Appeals Hearing Officer and asked Mr. Paul Nielson to review the activities of the case.

Mr. Paul Nielson, City Attorney, reviewed the workings of the case and the direction he was taking for the Planning Commission.

The Commission and Mr. Neilson discussed what would happen if the case was returned to the Planning Commission. They discussed what evidence the Hearing Officer reviewed in making his decision. The Commission and Mr. Neilson discussed past business in the area that was evidence of issues with parking in the subject area.

Mr. Nick Norris, Planning Manager, reviewed the draft copy of the West Salt Lake Master Plan (available online at SLCGOV.com). He gave an overview of the public outreach for the Master Plan and the results of the outreach. Mr. Norris discussed the next steps for the Master Plan and the Planning Commission's role. He asked the Commissioners to read through the draft document and send comments and questions to Staff.

The Commission and Staff discussed streetcars and connections to downtown from surrounding areas and how it had been implemented into the plan. They discussed the proposed City-wide transportation plan that will be reviewed in the future. The Commission and Staff discussed when and where a meeting with the public could be held.

REPORT OF THE CHAIR AND VICE CHAIR 5:48:22 PM

Vice Chairperson Ruttinger stated he had nothing to report.

PUBLIC HEARINGS 5:48:49 PM

Vice Chairperson Ruttinger stated the following petitions had been withdrawn or postponed:

WITHDRAWN

Alder remodel a special exception petition for an In-Line Addition at 1506 Harvard Avenue - PLNPCM2013-00726

POSTPONED

Gordon Unit Legalization at 2316 S. 1800 East - PLNPCM2013-00698
Howell Unit Legalization at 24 N. Wolcott - PLNPCM2013-00652

5:49:17 PM

Wittmeyer Unit Legalization at approximately 465 E. Third Avenue - Jacqueline Wittmeyer is requesting approval from the City to legalize a second dwelling unit at the above listed address. Currently the property is recognized by Salt Lake City as a single-family residence that is zoned SR-1A Special Development Pattern Residential District. This type of project must be reviewed as a Special Exception. The property is within Council District 3, represented by Stan Penfold. (Staff contact Janice Lew at (801)535-7625 or janice.lew@slcgov.com Case number PLNPCM2013-00682).

Ms. Janice Lew, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission approve the petition as presented.

The Commission and Staff discussed the size and location of the subject apartment, the Board of Adjustment decision, the standards of approval and why it was possibly denied by the Board of Adjustment in 1980. It was stated that there were no records of the improvements to the structure.

Ms. Jacqueline Wittmeyer, Applicant, reviewed the history of the unit, the updates that were made to the structure, the rental history of the property and the non-issue of parking. She stated there had been no complaints from the neighbors, business licenses were not an issue and she was willing to comply with the standards listed in the Staff Report.

PUBLIC HEARING 5:59:21 PM

Vice Chairperson Ruttinger opened the Public Hearing.

The following people spoke in favor of the petition: Mr. Brent McOmber

The following comments were made:

- Fits in with the neighborhood
- Parking was not an issue
- Has existed for a number of years

Vice Chairperson Ruttinger closed the Public Hearing

DISCUSSION 6:00:19 PM

The Commission and Staff discussed the occupancy of the unit and if it not being rented for eight years was an issue. They discussed the standards required for approval of the unit and if zoning violations existed on the property. Staff stated there was no record of zoning violations and there were no complaints prior to this unit applying for legalization. The Commission and Staff discussed the unit legalization process and if the use of the property was an issue.

MOTION 6:05:46 PM

Commissioner Woodhead stated regarding PLNPCM2013-00682 - the Whittmeyer Special Exception Unit Legalization, based on the findings listed in the Staff Report, the evidence provided, and the testimony heard, She moved that the Planning Commission approve the Special Exception for Unit Legalization at 465 East Third

Avenue subject to the conditions listed in the Staff Report. Commissioner Taylor seconded the motion. The motion passed unanimously.

6:07:27 PM

Century Link High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way. The box would be located at approximately 503 E First Avenue and is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district. The site is located in Council District 3, represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com Case number PLNPCM2013-00319).

Ms. Michaela Oktay, Planning Manager, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission approve the petition as presented.

Mr. Ralph Vigil, CenturyLink, reviewed the use of the utility boxes and the placement of them. He stated it was CenturyLink's goal to place the boxes at the rear of properties and have been quite successful in doing so. Mr. Vigil stated this was the only site of twelve that has had an issue since utility boxes have been approved through the Administrative Hearing process.

The Commission and Applicant discussed why the box was not located on private property and if other sites would attract less graffiti. They discussed if a graffiti resistant material was available or if the boxes could be buried. The Applicant stated that the water table was an issue, putting power and electronics in the ground would be an issue.

The Commission and Applicant discussed different locations for the cabinets such as burying them or mounting them on a pole and the reduction in service if the box was not located in the area. The Applicant stated high speed internet would not be available in the area and about 400 households could not get the increased internet speed if the box was not allowed in the area. The Commission asked how other companies provide service to these areas. The Applicant stated other delivery systems are a little different but cabinets were still used.

PUBLIC HEARING

Vice Chairperson Ruttinger opened the Public Hearing.

The following people spoke in opposition of the petition: Ms. Pat Lawrence, Mr. Mike Lawrence, Mr. Steve Hart, Ms. Mary Mark, Ms. Carlisle Carroll and Mr. Phil Carroll.

The following comments were made:

- Do not want the box on their property
- Came to the hearings to voice opinion
- Graffiti is an issue in the area and City has a hard time taking care of it now
- Detrimental to the property
- Other sites on the property are available and would be a better fit
- Not something that belongs in a front yard
- Internet was not a problem in the area
- Better places with less traffic and less access for graffiti
- Technology will change but the box will always be there
- This is a local historic district and the proposed box is not appropriate on streetscape
- Should be made to fit with the neighborhood
- Parking lot east of the Governor's Mansion would be a better location
- Should be reviewed by the Historic Landmark Commission because it is in a historic district

The Commission and Mr. and Mrs. Lawrence discussed if there were other locations on their property that would work and if they were willing to work with CenturyLink. Mr. and Mrs. Lawrence stated they did not want the box on their property after the way they were treated by the Applicant. Mr. Lawrence stated there are sites in the Avenues that would fit better with the neighborhood and not be such an intrusion.

Vice Chairperson Ruttinger closed the Public Hearing.

Mr. Vigil stated he had tried to work with the neighbors on the location for the box. He reviewed the letters and discussions with Mr. Lawrence and neighbors in the area.

The Commission and Applicant discussed locating the box in a parking lot. Mr. Vigil explained how the boxes interacted with each other and the impact to service when the boxes are placed further apart. They discussed how the product worked and placement of the boxes was essential to the quality of the product.

DISCUSSION

The Commission and Staff discussed the approval process and if the Historic Landmark Commission would further review the petition.

The Commission and Applicant discussed the location of the box in relation to the power pole and possible screening. Mr. Vigil discussed the various reasons the box could not be in other locations because of required power and signal strength.

The Commission and Staff discussed if the neighborhood's opinion mattered in the decision and the findings needed to deny the petition.

Mr. Neilson stated public clamor was not a consideration in approving Conditional Uses.

Mr. Sommerkorn stated the standards for a Conditional Use state the only way a Conditional Use can be denied was if the negative impacts could not be reasonably mitigated. He stated if the impacts could be mitigated then the Planning Commission was obligated to approve the petition.

The Commissioners discussed the following issues and if they could be mitigated:

- History of the boxes not being maintained
- Graffiti removal
- Visibility
- Look of the boxes
- Located in a historic district
- Look of the box did not fit the area
- Public safety

Staff stated the petition could not be denied because of maintenance history or the lack thereof. The Commission and Staff discussed if the visibility of the proposed box would be grounds for denial. Staff stated the petition could not be denied just because the way it looked, the Commission would have to make findings as to why the subject location was different from other locations. The Commission and Staff discussed if safety issues were a problem, screening, moving the location, and that they could not deny the petition based on the fact that the Applicant had not exhausted all options. The Commissioners and Staff discussed how the visual impacts could be mitigated such as putting the box along a fence line, screening, putting it in a less prominent location or moving it closer to the existing pole.

MOTION 7:01:57 PM

Commissioner Dean stated regarding the CenturyLink Conditional Use petition PLNPCM2013-00319 at 503 First Avenue, based on the findings listed in the Staff Report, discussion, public hearing and plans presented, she moved that the Planning Commission deny the Conditional Use petition as there were impacts the Planning Commission could not mitigate, being the location and device was prominently visible in the area and created a detrimental effect to the neighborhood and values of the property. Commissioner Adams seconded the motion. Commissioners Dean, Fife, Adams, Flores-Sahagun and Taylor voted "aye". Commissioner Woodhead voted "nay". The motion passed 5-1.

Commissioner Woodhead stated her reason for voting nay was not because she liked the utility box but, that the City passed an ordinance allowing utility boxes in park strips and park strips do not have a lot of landscaping or elements to hide the boxes. She stated she thought the Applicant was entitled to the protection of the law as it was written.

Commissioner Flores-Sahagun asked then why was it a conditional use. He stated it was a conditional use because there were parameters that need to be fulfilled.

Commissioner Taylor stated she would rather not have the box there at all but if it was going to be there she would like to have control as to where it sat such as closer to the light pole.

Vice Chairperson Ruttinger asked what right the Applicant had to establish their highest capacity network in an area if the neighbors didn't want it there.

Mr. Neilson stated that was not a consideration of a conditional use.

Mr. Sommerkorn clarified that the motion was based on the fact that the box was in a visually prominent location and asked if Commissioner Dean felt there were other less prominent locations that would work.

Commissioner Dean stated she felt the neighbors had a good sense of where it would fit best and perhaps the Applicant could work more closely with the neighbors on placement.

Commissioner Fife stated the PowerPoint presentation supported the placement at other locations.

Mr. Neilson reviewed the appeal process.

The meeting adjourned at 7:07:15 PM

WILFORD H. SOMMERKORN
PLANNING DIRECTOR
CHERI COFFEY
ASSISTANT PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

RALPH BECKER
MAYOR
ERIC D. SHAW
COMMUNITY AND ECONOMIC
DEVELOPMENT DIRECTOR

October 24, 2013

Ralph Vigil
Century Link
1425 West 3100 South
West Valley City, Utah 84119

RE: RECORD OF DECISION FOR PETITION PLNPCM2013-00319: CONDITIONAL
USE FOR A GROUND MOUNTED UTILITY BOX IN THE PUBLIC RIGHT OF
WAY AT APPROXIMATELY 503 EAST FIRST AVENUE

Mr. Vigil:

This letter is the Record of Decision relative to Case No. PLNPCM2013-00319 regarding a conditional use application for a ground mounted utility box in the public right of way located at approximately 503 East First Avenue. At the Planning Commission public hearing, held on October 23, 2013, the request to build a ground mounted utility box in the public right of way was **denied**.


The Notice of Decision is provided to you indicating the date, the action taken (e.g., approve the request, approve the request with conditions, deny the request), the 10 day appeal period; and, to what body an appeal can be made.

There is a 10-day appeal period in which any affected party can appeal the Planning Commission's decision. This appeal period is required in the City's Zoning Ordinance and allows time for any affected party to protest the decision, if they so choose. The appeal would be heard by the Appeals Hearing Officer. Any appeal, including the filing fee, must be filed by the close of business on **Monday, November 4, 2013**.

Copies of the adopted minutes for the meeting will be posted to the Planning Division's website at www.slcclassic.com/ced/planning the day after they are ratified by the Planning commission.

If you have questions, please contact me at (801) 535-6003 or michaela.oktay@slcgov.com.

Sincerely,


Michaela Oktay, AICP
Planning Manager

cc: Case File (PLNPCM2013-00319)

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
P.O. BOX 145480, SALT LAKE CITY, UTAH 84114-5480
TELEPHONE: 801-535-7757 FAX: 801-535-6174 TDD: 801-535-6021
WWW.SLCOGO.ORG

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 23, 2013

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FIELD TRIP NOTES:

A field trip was held prior to the meeting. The following places were visited:

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MOTION [5:30:45 PM](#)

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REPORT OF THE CHAIR AND VICE CHAIR [5:48:22 PM](#)

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The Commission and Staff discussed the size and location of the subject apartment, the Board of Adjustment decision, the standards of approval and why it was possibly denied by the Board of Adjustment in 1980. It was stated that there were no records of the improvements to the structure.

Ms. Jacqueline Wittmeyer, Applicant, reviewed the history of the unit, the updates that were made to the structure, the rental history of the property and the non-issue of parking. She stated there had been no complaints from the neighbors, business licenses were not an issue and she was willing to comply with the standards listed in the Staff Report.

PUBLIC HEARING [5:59:21 PM](#)

Vice Chairperson Ruttinger opened the Public Hearing.

The following people spoke in favor of the petition: Mr. Brent McOmber

The following comments were made:

- Fits in with the neighborhood
- Parking was not an issue
- Has existed for a number of years

Vice Chairperson Ruttinger closed the Public Hearing

DISCUSSION [6:00:19 PM](#)

The Commission and Staff discussed the occupancy of the unit and if it not being rented for eight years was an issue. They discussed the standards required for approval of the unit and if zoning violations existed on the property. Staff stated there was no record of zoning violations and there were no complaints prior to this unit applying for legalization. The Commission and Staff discussed the unit legalization process and if the use of the property was an issue.

MOTION [6:05:46 PM](#)

Commissioner Woodhead stated regarding PLNPCM2013-00682 - the Whittmeyer Special Exception Unit Legalization, based on the findings listed in the Staff Report, the evidence provided, and the testimony heard, She moved that the Planning Commission approve the Special Exception for Unit Legalization at 465 East Third

Avenue subject to the conditions listed in the Staff Report. Commissioner Taylor seconded the motion. The motion passed unanimously.

[6:07:27 PM](#)

[Century Link High Speed Internet Xbox](#) - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way. The box would be located at approximately 503 E First Avenue and is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district. The site is located in Council District 3, represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com Case number PLNPCM2013-00319).

Ms. Michaela Oktay, Planning Manager, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission approve the petition as presented.

Mr. Ralph Vigil, CenturyLink, reviewed the use of the utility boxes and the placement of them. He stated it was CenturyLink's goal to place the boxes at the rear of properties and have been quite successful in doing so. Mr. Vigil stated this was the only site of twelve that has had an issue since utility boxes have been approved through the Administrative Hearing process.

The Commission and Applicant discussed why the box was not located on private property and if other sites would attract less graffiti. They discussed if a graffiti resistant material was available or if the boxes could be buried. The Applicant stated that the water table was an issue, putting power and electronics in the ground would be an issue.

The Commission and Applicant discussed different locations for the cabinets such as burying them or mounting them on a pole and the reduction in service if the box was not located in the area. The Applicant stated high speed internet would not be available in the area and about 400 households could not get the increased internet speed if the box was not allowed in the area. The Commission asked how other companies provide service to these areas. The Applicant stated other delivery systems are a little different but cabinets were still used.

PUBLIC HEARING

Vice Chairperson Ruttinger opened the Public Hearing.

The following people spoke in opposition of the petition: Ms. Pat Lawrence, Mr. Mike Lawrence, Mr. Steve Hart, Ms. Mary Mark, Ms. Carlisle Carroll and Mr. Phil Carroll.

The following comments were made:

- Do not want the box on their property
- Came to the hearings to voice opinion
- Graffiti is an issue in the area and City has a hard time taking care of it now
- Detrimental to the property
- Other sites on the property are available and would be a better fit
- Not something that belongs in a front yard
- Internet was not a problem in the area
- Better places with less traffic and less access for graffiti
- Technology will change but the box will always be there
- This is a local historic district and the proposed box is not appropriate on streetscape
- Should be made to fit with the neighborhood
- Parking lot east of the Governor's Mansion would be a better location
- Should be reviewed by the Historic Landmark Commission because it is in a historic district

The Commission and Mr. and Mrs. Lawrence discussed if there were other locations on their property that would work and if they were willing to work with CenturyLink. Mr. and Mrs. Lawrence stated they did not want the box on their property after the way they were treated by the Applicant. Mr. Lawrence stated there are sites in the Avenues that would fit better with the neighborhood and not be such an intrusion.

Vice Chairperson Ruttinger closed the Public Hearing.

Mr. Vigil stated he had tried to work with the neighbors on the location for the box. He reviewed the letters and discussions with Mr. Lawrence and neighbors in the area.

The Commission and Applicant discussed locating the box in a parking lot. Mr. Vigil explained how the boxes interacted with each other and the impact to service when the boxes are placed further apart. They discussed how the product worked and placement of the boxes was essential to the quality of the product.

DISCUSSION

The Commission and Staff discussed the approval process and if the Historic Landmark Commission would further review the petition.

The Commission and Applicant discussed the location of the box in relation to the power pole and possible screening. Mr. Vigil discussed the various reasons the box could not be in other locations because of required power and signal strength.

The Commission and Staff discussed if the neighborhood's opinion mattered in the decision and the findings needed to deny the petition.

Mr. Neilson stated public clamor was not a consideration in approving Conditional Uses.

Mr. Sommerkorn stated the standards for a Conditional Use state the only way a Conditional Use can be denied was if the negative impacts could not be reasonably mitigated. He stated if the impacts could be mitigated then the Planning Commission was obligated to approve the petition.

The Commissioners discussed the following issues and if they could be mitigated:

- History of the boxes not being maintained
- Graffiti removal
- Visibility
- Look of the boxes
- Located in a historic district
- Look of the box did not fit the area
- Public safety

Staff stated the petition could not be denied because of maintenance history or the lack thereof. The Commission and Staff discussed if the visibility of the proposed box would be grounds for denial. Staff stated the petition could not be denied just because the way it looked, the Commission would have to make findings as to why the subject location was different from other locations. The Commission and Staff discussed if safety issues were a problem, screening, moving the location, and that they could not deny the petition based on the fact that the Applicant had not exhausted all options. The Commissioners and Staff discussed how the visual impacts could be mitigated such as putting the box along a fence line, screening, putting it in a less prominent location or moving it closer to the existing pole.

MOTION [7:01:57 PM](#)

Commissioner Dean stated regarding the CenturyLink Conditional Use petition PLNPCM2013-00319 at 503 First Avenue, based on the findings listed in the Staff Report, discussion, public hearing and plans presented, she moved that the Planning Commission deny the Conditional Use petition as there were impacts the Planning Commission could not mitigate, being the location and device was prominently visible in the area and created a detrimental effect to the neighborhood and values of the property. Commissioner Adams seconded the motion. Commissioners Dean, Fife, Adams, Flores-Sahagun and Taylor voted "aye". Commissioner Woodhead voted "nay". The motion passed 5-1.

Commissioner Woodhead stated her reason for voting nay was not because she liked the utility box but, that the City passed an ordinance allowing utility boxes in park strips and park strips do not have a lot of landscaping or elements to hide the boxes. She stated she thought the Applicant was entitled to the protection of the law as it was written.

Commissioner Flores-Sahagun asked then why was it a conditional use. He stated it was a conditional use because there were parameters that need to be fulfilled.

Commissioner Taylor stated she would rather not have the box there at all but if it was going to be there she would like to have control as to where it sat such as closer to the light pole.

Vice Chairperson Ruttinger asked what right the Applicant had to establish their highest capacity network in an area if the neighbors didn't want it there.

Mr. Neilson stated that was not a consideration of a conditional use.

Mr. Sommerkorn clarified that the motion was based on the fact that the box was in a visually prominent location and asked if Commissioner Dean felt there were other less prominent locations that would work.

Commissioner Dean stated she felt the neighbors had a good sense of where it would fit best and perhaps the Applicant could work more closely with the neighbors on placement.

Commissioner Fife stated the PowerPoint presentation supported the placement at other locations.

Mr. Neilson reviewed the appeal process.

The meeting adjourned at [7:07:15 PM](#)



MEMORANDUM

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Michaela Oktay, Planning Manager 801/535-6003
Date: October 23, 2013
Re: PLNPCM2013-00319 Century Link Conditional use—Ground Mounted Utility Box- 503 E. 1st Ave

ACTION REQUIRED: The Administrative Hearing Officer has forwarded the petition to the Planning Commission for consideration due to a considerable amount of public concern expressed during the Administrative Hearings.

The Commission shall conduct a public hearing and consider approving the application as per the findings and analysis and conditions of approval in the staff reports as well as information submitted at the first two public hearings.

RECOMMENDATION: Staff recommends that the Planning Commission review the application and consider approving the application as per the findings, analysis and conditions of approval in the staff report:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.
2. The applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issue of a building permit.
5. If the certificate of appropriateness petition is denied, this approval becomes null and void.

BACKGROUND/DISCUSSION:

The applicant, Century Link, represented by Ralph Vigil is requesting approval for a conditional use for a ground mounted high speed utility box structure located at approximately 503 E. 1st Avenue. The purpose of the structure is to provide internet service to residents in the immediate vicinity.

On August 8, 2013 a public hearing was held and the matter was tabled to allow the applicant and the neighboring property owner's time to explore alternative options on their site. There were several complaints voiced either in writing or in person at the hearing. The main concerns raised were about the effect of utility boxes in the Avenues historic district and site specific concerns such as maintenance, graffiti and crime. There were also concerns about how the utility boxes would affect property values of adjacent properties. After the item was tabled, the parties were not able to reach an agreement for an alternative location on site. The applicant requested that the petition be put on the September 12, 2013 agenda.

On September 12, 2013 a second public hearing was held. There were several complaints raised at the hearing similar to those from the first. The Administrative Hearing officer forwarded the petition to the Planning Commission due to the considerable amount of public concern.

The minutes from both Administrative Hearings are attached to this memorandum.

Attachments:

1. September 12, 2013 Administrative Hearing Minutes
2. August 8, 2013 Administrative Hearing Minutes
3. September Public comments submitted
4. September 12, 2013 Administrative Hearing Memo with August 8, 2013 Staff Report

**SALT LAKE CITY PLANNING DIVISION
ADMINISTRATIVE HEARING
September 12, 2013
City & County Building
451 South State Street, Room 126
Salt Lake City, Utah 84111**

The regular Administrative Hearing for the Salt Lake City Planning Division was held on Thursday, September 12, 2013 at 5:00 p.m. at the City and County Building, 451 South State Street, in Room 126. Joel Paterson, Planning Manager, was present as the Administrative Hearing Officer and called the meeting to order.

5:00:24 PM

Garrison Subdivision Plat Amendment – A request by Corbin Bennion on behalf of the property owners to amend and reconfigure Lot 16 & 17 of the Sorenson Technology Park Plat 1 and Lot A of the Nin Tech Easy III Subdivisions at 1510 South 3600 West. The property is located in the M-1 Light Manufacturing Zoning District in Council District 2 represented by Kyle LaMalfa. (Staff Contact: Ana Valdemoros at 801-535-7236 or ana.valdemoros@slcgov.com) Case Number PLNSUB2013-00482

The case was postponed.

5:00:39 PM

Century Link High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way. The box would be located at approximately 503 E First Avenue and is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district. The site is located in Council District 3 represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com) Case Number PLNPCM2013-00319

Ralph Vigil, Right-of-Way Agent for CenturyLink, was present.

5:00:47 PM

Ms. Oktay, Principal Planner, explained that the application was heard on August 8, 2013, and the Administrative Hearing Officer tabled the case. At the August 8 hearing, there was considerable amount of discussion and protest from neighborhood residents. The case was tabled to allow the Applicant and the Property Owners of 503 East First Avenue to discuss alternative locations that would please both parties including placing the cabinet on private property which would not require conditional use approval. Ms. Oktay then explained that Planning Staff received emails from the Applicant, Mr. Vigil, requesting that the application be brought back to the Administrative Hearing. Ms. Oktay noted that Patty Lawrence, Property Owner of 503 East First Avenue, submitted a packet at this hearing that will be filed in the case file.

5:02:42 PM

Mr. Vigil explained that he met with the Property Owners of 503 and 511 East First Avenue to negotiate alternative locations on surrounding properties, but they were unable to come to an agreement. Mr. Vigil voiced concern that so many neighbors were present at this hearing to protest when they had their say at the last hearing. He felt that any discussion beyond meeting with the Property Owners would be out of order. Mr. Vigil submitted a written chronology of the chain of events since the last hearing. He noted that the meeting between the Property Owners and him did not take place until September 6.

5:06:38 PM

Mr. Paterson noted that there are no statutes that limit citizens from coming to public hearings and providing comments. Mr. Vigil explained that he was concerned that the application would be repeatedly rescheduled just to prevent the project from moving forward. He said that CenturyLink reviewed every option before submitting the application knowing that surrounding properties would not support a cabinet for one reason or another.

5:08:48 PM

The hearing was opened for public comment.

5:08:55 PM

Phil Carroll, 89 North "G" Street, explained that the proposal goes beyond involving CenturyLink and one property owner; it involves the entire Lower Avenues. He then explained that he has been discussing with the neighborhood's City Council Representative, Stan Penfold, the process and direction that the Community could take in a larger sense to deal with issues relating to utility boxes. Mr. Penfold has committed to Mr. Carroll that he would investigate the matter. Mr. Carroll said that he is very concerned about other boxes that have been installed in the Avenues. The footings of the cabinets are deteriorating, the sites are poorly maintained and the cabinets are covered with graffiti. Mr. Carroll strongly urged the Hearing Officer to deny the application in order to give the Community the opportunity to review a process before going forward. The Community believes that they need to work with the City Council in redefining the responsibilities of applicants requesting these types of structures on public property. The current process is not working in the Avenues because of the deplorable condition of the sites and the impact they have on immediate property owners as well as the general appearance in this historic district of the City.

5:11:02 PM

Patricia Lawrence lives at 70 North "F" Street and owns the properties at 503 and 511 East First Avenue. She explained that the proposed location of the box will very much impact her property, and she has declined three times allowing the box on her properties. She noted that Mr. Vigil provided proposed sites and then informed them that none of the sites would work. She asked him to consider the parking lot with other power sources approximately 300 feet east from the proposed site. Ms. Lawrence acknowledged that Mr. Vigil and she discussed at length other locations, casing material for the cabinets, maintenance of the cabinets including footings and graffiti, and noise emitting from the cabinets. Mr. Vigil provided four other sites for her to review and she noted that most of those cabinets had graffiti, the bases of the all cabinets were in disarray, no sod or other landscaping, and none were uniformed in shape or size. She asked that the Hearing Officer deny the request because Mr. Vigil explained to her that unless the request was denied, he would not go forward on anything else.

5:14:24 PM

Mary Mark, 88 North "G" Street, also requested that the application be denied. She explained that she has actively brought the matter to the attention of City Council representatives, the Planning Commission and the Historic Landmark Commission. Her thoughts are the same as Mr. Carroll's in that the cabinets have an adverse visual impact on the historical Avenues area and she too believes better solutions are available. Ms. Mark added that there is a lot of concern amongst the Community regarding this matter and they are trying to work through the system as best to their knowledge.

5:15:40 PM

Carlisle Carroll, 89 North "G" Street, requested that the application be denied. She noted that she was also speaking on behalf of Julia Lion who lives at 514 East Second Avenue and submitted her remarks in writing. Ms. Carroll explained that the proposed location may be ideal for CenturyLink because most residents in the adjacent building are renters. However, the proposed location would be very inappropriate especially for new and long-time homeowners in the Avenues. She said that she believes there are better locations such as the parking lots both south and east of the proposed location, the Governor's Mansion parking lot, or the office building with a parking lot directly south. Ms. Carroll believes that if Mayor Becker were truly committed to a livability agenda, utility boxes would be located in areas that are utilitarian and not deface the grassy areas with century old trees as offered by the streetscapes of the Avenues. She said that she is very concerned about the precedent set in the fact that utility companies' needs seem to be trumping the desires of neighborhoods, and it would be very easy for CenturyLink to take advantage of public space rather than imposing upon neighbors.

5:17:34 PM

Steve Hart explained that he resides and owns the property at 76 North "G" Street and owns the apartment complex at 516 East Second Avenue. He said that he agrees with the Community that the application should be denied. He has diligently maintained his properties as required by historic guidelines, and yet the cabinet sites are allowed to deteriorate and become unsightly. He believes that the Property Owners of 503 and 511 are being strong-armed into allowing the cabinet in front of their properties and he would be outraged if the same demands were placed upon him. He said that several other sites in the area are available including a vacant lot next to the Governor's Mansion that has not been used in several years.

5:18:46 PM

Kim Bahr, 511 East First Avenue #401, explained that he owns a condominium unit immediately adjacent to the proposed site, and that the proposed location would make the space unsightly. Mr. Bahr explained that utility easements which are intended for utilities are also available in the neighborhood. He added that the proposed box is not necessary for providing internet services, and it would be a misuse of the process to place a giant box where it is not necessary.

5:19:50 PM

The hearing was closed to public comment.

5:19:51 PM

Mr. Vigil responded to the neighbors' comments by explaining that locations of cabinets are truly driven by perimeters. He explained that CenturyLink is comfortable that they have exhausted all their options on private property and are now pursuing their last option by applying for conditional use approval to

place the cabinet on public property. Mr. Vigil acknowledged that graffiti is a problem, but it is not solely a CenturyLink problem and they should not be held hostage to this kind of criminal activity.

5:21:49 PM

Mr. Vigil added that he carefully scrutinized potential locations on the Lawrence's properties and determined that there was no space that would support the cabinet. One location would not allow the cabinet door to open, another would have been on top of a gas line, and the other locations presented problems including too close to residential windows, too close to the dumpster, and in a snow pile area. Mr. Vigil explained that cabinet sites also need access and require three- to five-foot easements on private properties. In addition, there was no power source on the Lawrence's properties and that would have required another easement for the power company. Mr. Vigil noted that the street serves as access for cabinets placed on public property next to streets. He acknowledged that locating cabinets on private property is encumbering and most property owners will not go for it.

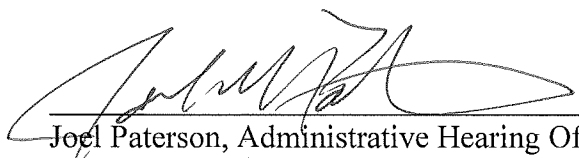
5:25:15 PM

Mr. Paterson explained that the authority of the Administrative Hearing Officer is to grant approval, grant approval with conditions, deny, table or forward an application to the Planning Commission. He explained that if a project is approved or denied, aggrieved persons have ten days to appeal and it costs about \$230 for an application fee for an appeal to an administrative decision. He also explained that generally uncontested matters are brought to administrative hearings; however, in this case through the course of the hearings and in writing, he recognized a considerable amount of public concern.

THEREFORE, the Administrative Hearing Officer forwarded the application to the Planning Commission for their consideration.

Mr. Paterson noted that the Planning Commission meets every second and fourth Wednesday of each month, and property owners and residents within 300 feet of the proposed location will be noticed two weeks prior to the meeting.

There being no further business, the hearing was adjourned at 5:27 p.m.



Joel Paterson, Administrative Hearing Officer

**SALT LAKE CITY PLANNING DIVISION
ADMINISTRATIVE HEARING MINUTES**

August 8, 2013

City & County Building

451 South State Street, Room 126

Salt Lake City, Utah 84111

The regular Administrative Hearing for the Salt Lake City Planning Division was held on Thursday, August 8, 2013 at 5:00 p.m. at the City and County Building, 451 South State Street, in Room 126. Joel Paterson, Planning Manager, was present as the Administrative Hearing Officer and called the meeting to order.

5:00:42 PM

First Step House TSA Design Review - A request by Harold Woodruff for Conditional Building and Site Design Review to reuse and develop an existing office building into a 25 unit building for a housing and rehabilitation facility at approximately 440 South 500 East. The subject property is located in the TSA-UN-C (Transit Station Area, Urban Neighborhood Core) zoning district and is located in Council District 4, represented by Luke Garrott. (Staff contact: Ana Valdemoros at (801) 535-7236 or ana.valdemoros@slcgov.com.) Case Number PLNTSD2013-00357

Harold Woodruff (Architect) and Shawn McMillen (Executive Director for First Step House) were present.

Ana Valdemoros, Principal Planner, explained that the proposal is to reuse an existing office building for 25 residential units and a treatment center for patients undergoing alcohol and drug rehabilitation. Ms. Valdemoros then explained that the subject property is located in the TSA zoning district which scores uses. Development that scores 50 to 99 points is subject to conditional building and site design review. The proposed use is permitted in the TSA zoning district, but scored 52 points mostly due to façade design issues which required review through the administrative hearing process. She noted that Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. The proposed development is subject to compliance with all applicable Department comments and City regulations.
2. The Applicant shall install the appropriate number of trees according to City Forester requirements.

5:02:14 PM

The hearing was opened to public comment and review of the project.

Richard Brown, property owner of 448 and 454 South 500 East, reviewed the project and voiced concerns regarding graffiti and transient activity currently occurring on the property especially under the pine tree located in the front.

Mr. Woodruff presented site and elevation plans and explained that the existing office building is one story high with a basement. This building will be completely gutted and remodeled including a small addition to the front. The addition will serve as the lobby and bring the building closer to the street. The front door will then face 500 East. The exterior of the building and new façade will meet TSA design criteria. The entrance will be enhanced with paving, bike racks and a bench by the front door. The existing wall to the west along Denver Street will be opened for pedestrian traffic. Mr. Woodruff explained that a TRAX station is located within a couple blocks of

the property and most of the residents living in the facility will not have vehicles. The pine tree will be removed and new landscaping will be provided. Mr. Woodruff noted that the development includes a second building and possibly another building in the future. He also noted that the office will be located in the corner of the building next to the Brown property and it will be manned 24 hours a day.

Mr. Paterson added that the purpose of TSA standards is to improve existing building design and provide better pedestrian connection and interaction on street fronts. He noted that increasing activity has helped in reducing vandalism and transience problems.

5:07:57 PM

The hearing was closed to public comment and review.

5:08:30 PM

THEREFORE, the Hearing Officer granted approval of conditional building and site design review in Case PLNTSD2013-00357 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

5:08:48 PM

Meridian Subdivision Amendment Lot 1-A - A request by Corbin Bennion to amend the Meridian Commerce Subdivision by consolidating 3 existing lots into 1 lot located at approximately 4325 W Commercial Way. The subject property is located in the M-1 (Light Manufacturing) zoning district and is located in Council District 2, represented by Kyle LaMalfa. (Staff contact: John Anderson at (801) 535-7214 or john.anderson@slcgov.com.) Case Number PLNSUB2013-00438

Hank Rothwell was present to represent Gloria B. Rothwell (wife) and Meridian Commerce.

John Anderson, Principal Planner, explained that the property currently consists of three lots located in a manufacturing zoning district. The Applicant is requesting to combine the lots into a single lot to accommodate future industrial development. Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. A final subdivision plat application shall be filed with the Planning Division and the final plat shall be recorded with the Salt Lake County Recorder.
2. The Applicant shall comply with all Department/Division requirements prior to the recording of the final plat.

5:09:49 PM

Mr. Rothwell had no further comments or concerns at this time and agreed to comply with the conditions listed in the staff report.

5:10:06 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:10:14 PM

THEREFORE, the Hearing Officer granted approval for the preliminary subdivision amendment in Case PLNSUB2013-00438 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

5:10:26 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 503 E First Avenue. The subject property is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or Michaela.oktay@slcgov.com.) Case Number PLNPCM2013-00319

Ralph Vigil (Right of Way Agent) was present to represent CenturyLink.

Michaela Oktay, Principal Planner, explained that the Applicant is requesting a ground mounted utility box which must be approved as a conditional use. Planning Staff recommended approval subject to the following conditions as outlined in the staff report:

1. All necessary building permits for these structures shall be obtained from the building department prior to installation.
2. The Applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issuance of a building permit.
5. If the Certificate of Appropriateness petition is denied, this approval becomes null and void.

Ms. Oktay noted that Staff received two phone calls and several letters from owners and residents at 503 East First Avenue opposing the installation of the utility box.

5:12:16 PM

Michael and Patricia Lawrence (Lawrco Inc and The Washboard), property owners of 503 East First Avenue, were present to speak in opposition to the proposal. Mr. Lawrence explained that they have owned the property at 503 for nearly 30 years and also own eight condo units at 511 East First Avenue. The community has been fighting graffiti in their neighborhood for years and a box four feet from the street and three feet from the sidewalk would only offer a four-sided clear canvas for more graffiti. He explained that CenturyLink offered them \$2000 to install the utility box on their property, but they did not want it on their property nor do they want it in front of their property. He said that he believed the parking lot 100 yards to the west or the other parking lot 100 yards to the east on the same street would better accommodate the box. He noted that the Governor's Mansion would also be a good location because other utility facilities already exist on that property. He asked that the request be denied based on the unsightliness of the box which would depreciate both their properties.

5:18:17 PM

Kris Bahr, 511 East First Avenue #401, explained that he too did not want the box in front of his home because of the unsightliness and decrease in property value.

5:19:29 PM

Mr. Vigil and the Property Owners discussed placement of the box. Mr. Vigil explained that the proposed location of the box is at its farthest possible location to allow optimal service. The two parking lots that Mr. Lawrence referred to would be outside the perimeters for optimal service and CenturyLink could not make a

deal to place the box on the Mansion site of which would have been the ideal site because of its proximity to an existing box across the street. Mr. Vigil then explained that CenturyLink as well as the City prefer to place utility boxes on private properties. CenturyLink sent out "saturation" letters to property owners whose properties would be an acceptable location, but no one responded. The offer of \$2000 to install a box on private property is a base point. CenturyLink is very willing to negotiate a dollar amount and reasonable fencing and landscaping for screening and protection of the box. He said that he is familiar and understands graffiti issues with utility cabinets, but no one should be held hostage based on any criminal activity especially one that is difficult to curtail. Mr. Vigil requested that the City allow him to talk to the adjacent property owners so that he would be able to go forward with the project rather than starting over if the request were denied.

After further discussion, Mr. Lawrence agreed to meet with Mr. Vigil to talk about locating the box somewhere more appropriate on either one of his properties. It was noted that the box may only need to be accessed three to four times a year.

5:26:40 PM

Mr. Paterson confirmed that the City prefers utility cabinets on private property and they do not require going through the conditional use process if they are installed on private property.

5:32:38 PM

Phil Carroll, 89 North G Street, Former President of the Greater Avenues Community Council, explained that the Community fought hard and lost the battle with the State to obtain space for the box on the Governor's Mansion site. The Community strives to preserve the historic nature of the neighborhood and utility boxes along streetscapes in this neighborhood work against their goal.

5:34:05 PM

THEREFORE, based on public input, the Hearing Officer tabled consideration of conditional use approval in order to give CenturyLink and the Property Owners an opportunity to find alternative locations not on the public right-of-way.

5:34:33 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 390 East First Avenue. The subject property is located in the CN (Neighborhood Commercial) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slc.gov.com.) Case Number PLNPCM2013-00318

5:35:25 PM

Maryann Pickering, Principal Planner, explained that CenturyLink is proposing to install ground mounted utility boxes in the public right-of-way at 390 East First Avenue which is next to the existing Zion's Bank parking structure. Planning Staff recommended approval with the following conditions as outlined in the staff report:

1. Option "B" is to be installed at this location which is the larger box rather than Option "A" which consists of two boxes.
2. The Applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
3. Compliance with all City Department and Division requirements outlined in the staff report.
4. The Applicant shall ensure all necessary City permits for the project are obtained.
5. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.

Ms. Pickering noted that the City Council Office contacted her regarding this project, but she did not receive any calls or comments directly from the public.

5:36:21 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:36:38 PM

Mr. Vigil explained that CenturyLink proposed two locations for the subject box; 390 East First Avenue on the Zion's property and 481 East South Temple (PLNPCM2013-00400) across the street in front of Einstein's Bagel. After further review, CenturyLink preferred the Einstein's location.

5:38:55 PM

THEREFORE, the application to locate a utility box at 390 East First Avenue in Case PLNPCM2013-00318 was withdrawn.

5:39:12 PM

CenturyLink High Speed Internet Xbox - A request by Ralph Vigil of CenturyLink for conditional use approval to place a ground mounted utility box in the public right-of-way located at approximately 481 East South Temple Avenue. The subject property is located in the RMF-35 (Moderate Density Multi-Family Residential District) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case Number PLNPCM2013-00400

5:39:22 PM

Ms. Pickering explained that this proposed location referred to as the "Einstein's" location is a corner lot and the box would actually be located on E Street which is zoned CM. Planning Staff recommended approval with the following conditions as outlined in the staff report:

1. Option "B" is to be installed at this location which is the larger box rather than Option A which consists of two boxes.
2. The Applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
3. Compliance with all City Department and Division requirements outlined in the staff report for this project.
4. The Applicant shall ensure all necessary City permits for the project are obtained.
5. The Applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.

Ms. Pickering noted that the City Council Office contacted her regarding this project as well, but she did not receive any calls or comments directly from the public.

5:39:58 PM

Mr. Vigil had no further comments at this time.

5:40:02 PM

The hearing was opened for public comment, no one was present to speak to the matter, and the hearing was closed to public comment.

5:40:07 PM

THEREFORE, the Hearing Officer granted conditional use approval to install a single ground mount utility box (Option B) in Case PLNPCM2013-00400 based on the findings of fact and subject to the conditions of approval outlined in the staff report.

There being no further business, the meeting was adjourned at 5:41 p.m.



Joel Paterson, Administrative Hearing Officer

On July 1, 2013 Mr. Vigil came to our business and asked us if we wanted \$2000.00 for a utility right of way on our property, and we told him no.

Open house was held July 18, 2013

August 8, 2013: Administrative Hearing

- Proposal was tabled because of complaints and protests
- Other locations were suggested
- Stated we were willing to meet with Mr. Vigil, we exchanged cards, phone numbers, and email addresses. We believed he would call us.

Mr. Vigil only sent an email, and because of personal complications we were unable to respond immediately.

Received a new notice for Administrative Hearing on September 12, 2013,

- Checked our email.
- We spoke to Michaela, who said he had sent an email, but hadn't received a response.
- Opened and responded to email explaining personal complications
- Asked Mr. Vigil to please call us
- Mr. Vigil called and left a message
- Called back with some questions we had
 - What were some of his ideas?
 - Other locations?
 - Stainless steel, footage, noise, etc.?
 - Who takes care of the graffiti
 - It is taken care of through their own company graffiti hotline. He said his company wants to please its customers.

We met with Mr. Vigil at 11:00AM on September 6, 2013 on site.

- Mr. Vigil told us none of the proposed alternate sites would work as well as the parking strip
- He told us he was not going to waste his time or money drawing it out until this current proposal is denied
- We spoke with him for about an hour, and walked the site
- He gave us a list of the other existing locations
 - 473 I Street
 - 20 Q Street
 - 30 K Street
 - 53 W 300 North – Garner
- We asked him again why he would not consider parking lot owned by State of Utah about 130 feet east? A parking lot with large covered side yards and power resources. The same spot Mr.

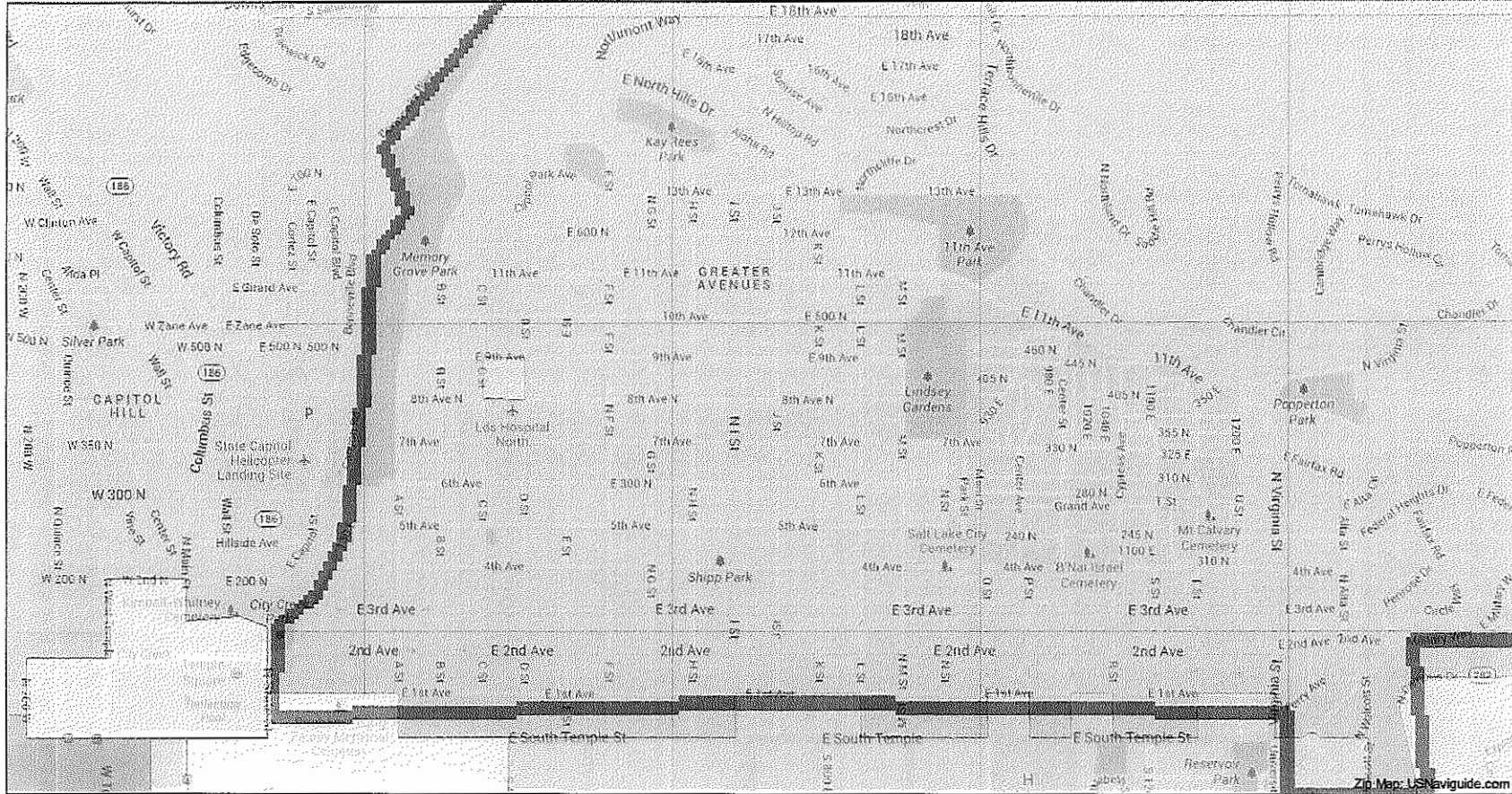
Carroll proposed at the August 8 hearing. He again said the best site is the proposed one at 503 1st Ave.

These internet boxes installed and maintained by Century link are unsightly, not uniform in size, shape, or color. All over the Avenues, there is graffiti on these boxes. They seem to be in open sight and graffiti "magnets."

We do not want to deal with Mr. Vigil and we have told him twice no. Please do not approve this ugly box to be installed right in front of our property.

Key Zip or Address Find Zipcode or click on the map.

C 84116
Salt Lake City, UT
Area Code: 385/801
B 84103
Salt Lake City, UT
Area Code: 385/801
A 84108
Salt Lake City, UT
Area Code: 385/435/8



Demographi

www.PolicyMap.com
10,000+ Demogra
Indicators w/Custor
Day Free Tr

This page shows a Google Map with an overlay of Zip Codes for Greater Avenues, Salt Lake City, Utah. Users can easily view the boundaries of each Zip Code for free.

[Index](#) [Instructions](#) [Zip Codes by Radius](#) [Read our Blog](#) [Neighborhoods by Zillow.com](#)

Greater Avenues, Salt Lake City, Utah Neighborhood Zip Code Map Boundary Version 1.0 Copyright © 1996-2009 John Corvst - USNaviguide. All rights reserved.

NOTE:

GRAFFITI

SOD AROUND ALL UNITS NEVER GREW BACK OR WAS NOT REPLACED

UNITS NOT UNIFORM

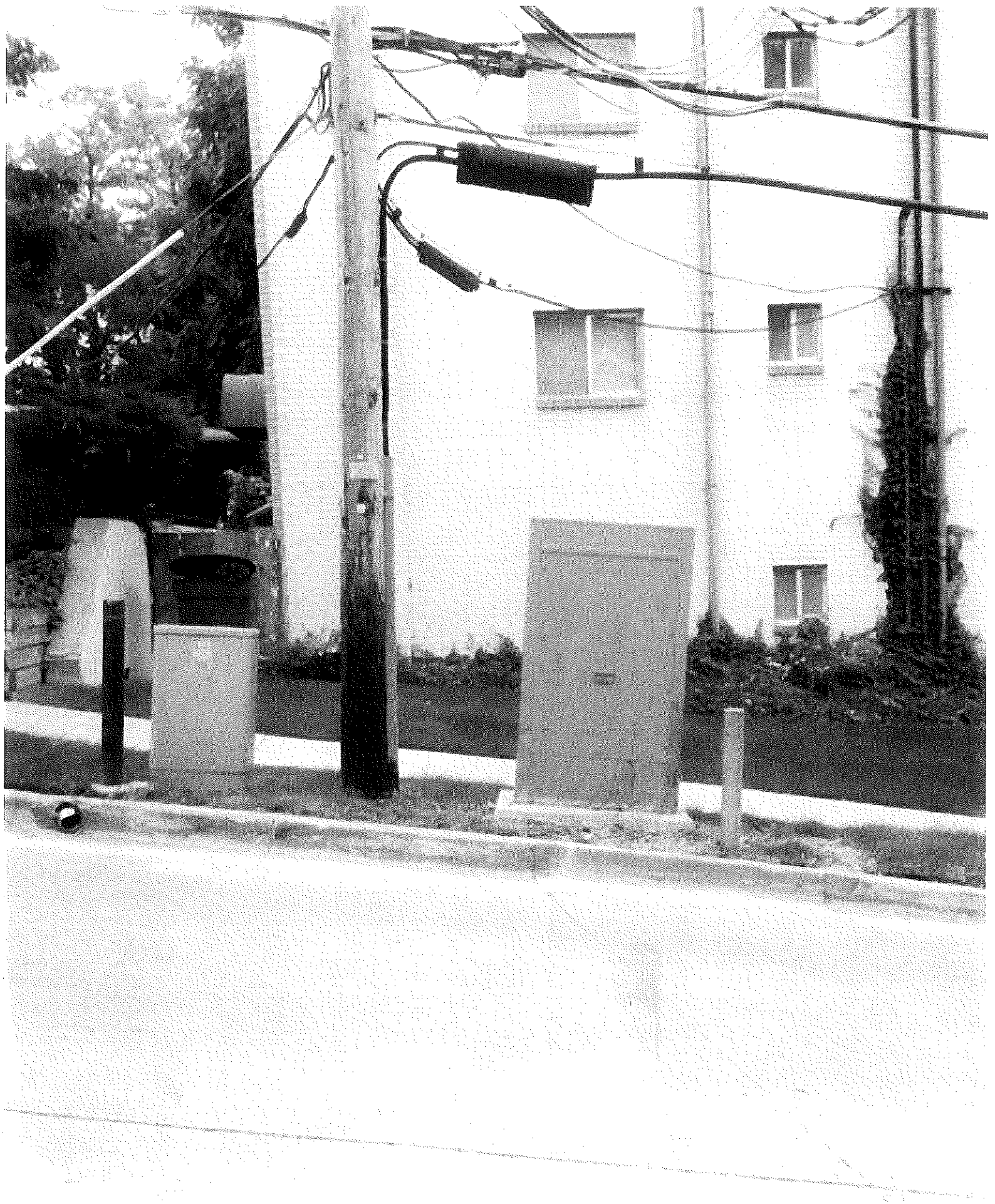
ALL BUT ONE LOOKS AS IF IT HAS BEEN PAINTED A NUMBER OF TIMES

UGLY

UNSIGHTLY

53 WEST 300 NORTH-GARNER





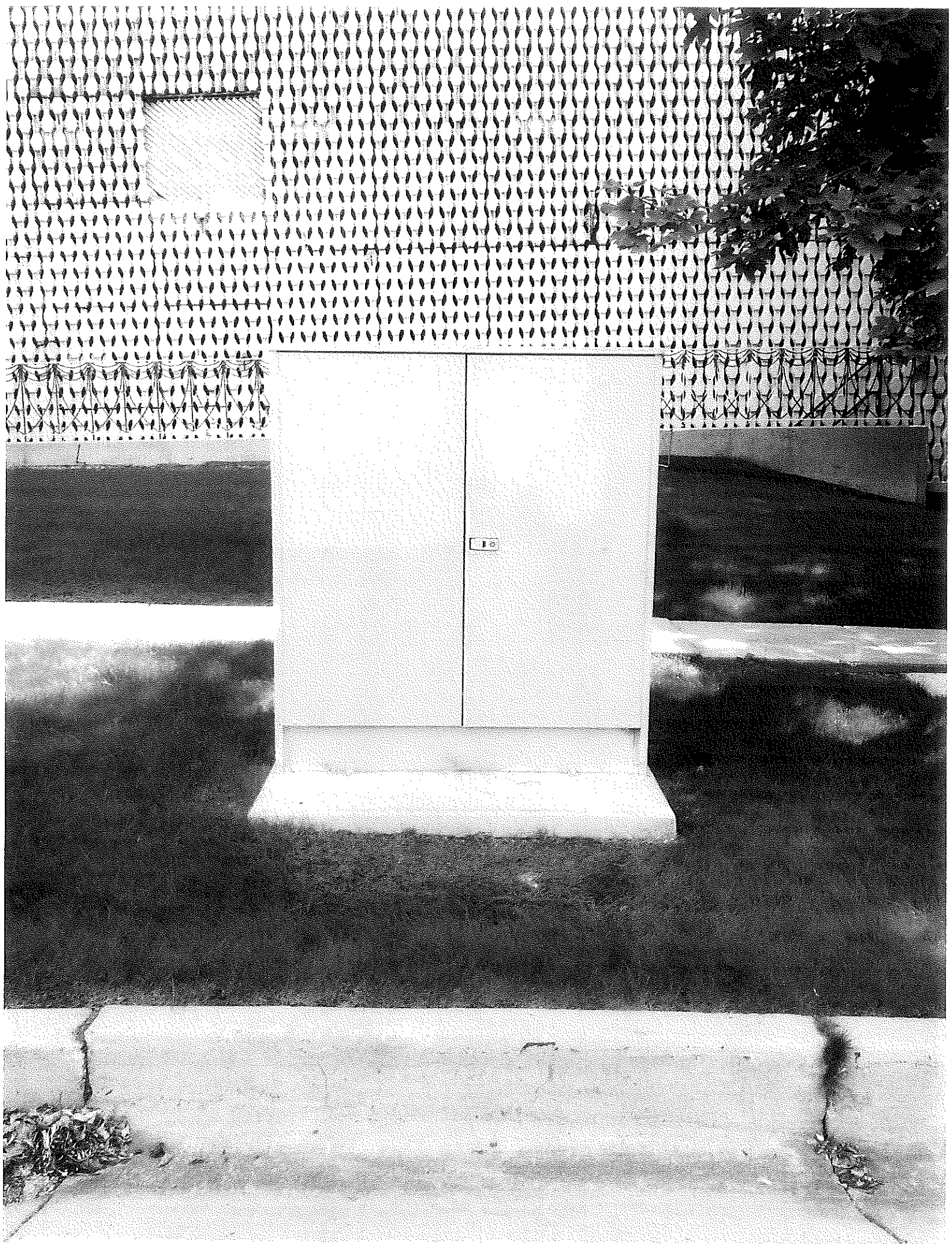


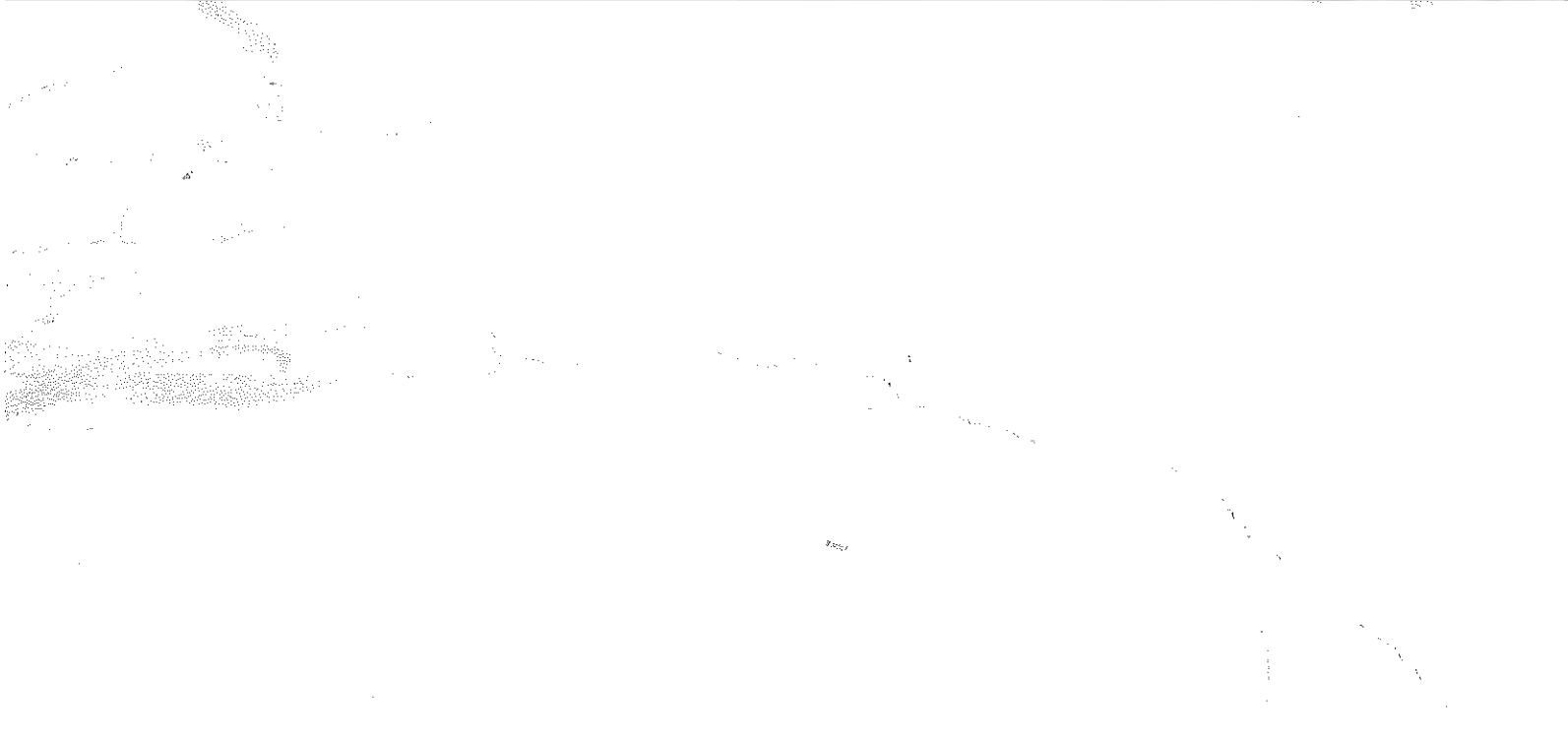
473 I STREET





30 K STREET





20 Q STREET





4 car carport

Location 'A'

Location 'B'

asphalt

dumpster

gas meters

Location 'C'

curb

0+82

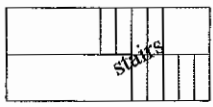
Location 'D'

Location 'D'

Mon de Ville Condominium

511 E First Ave

0+62



0+53

lawn

Mon de Ville Condominium

511 E First Ave

20'

0+28

0+26

property line

lawn

lawn

0+00

sidewalk



To First Ave



lawn

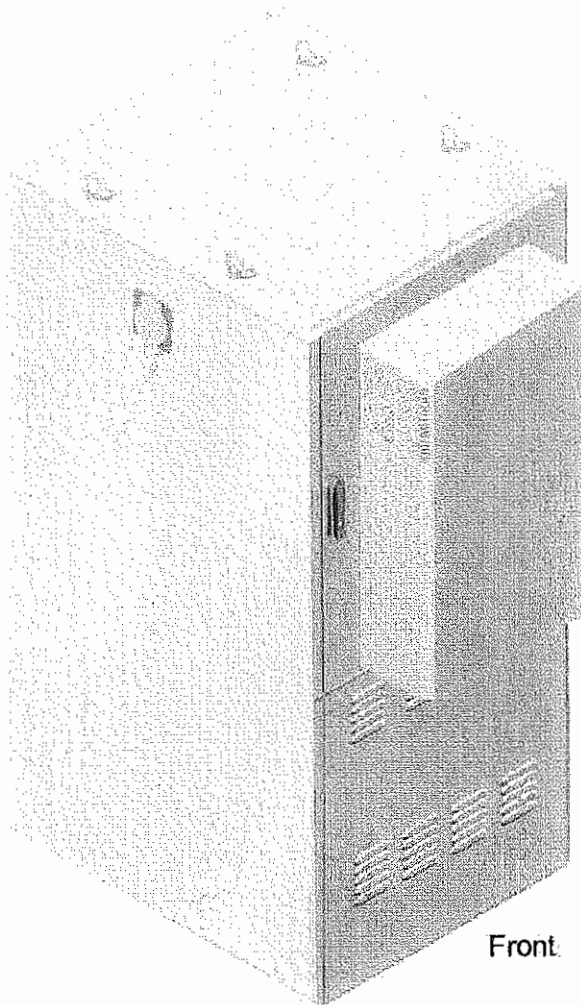
park strip

'G' Street

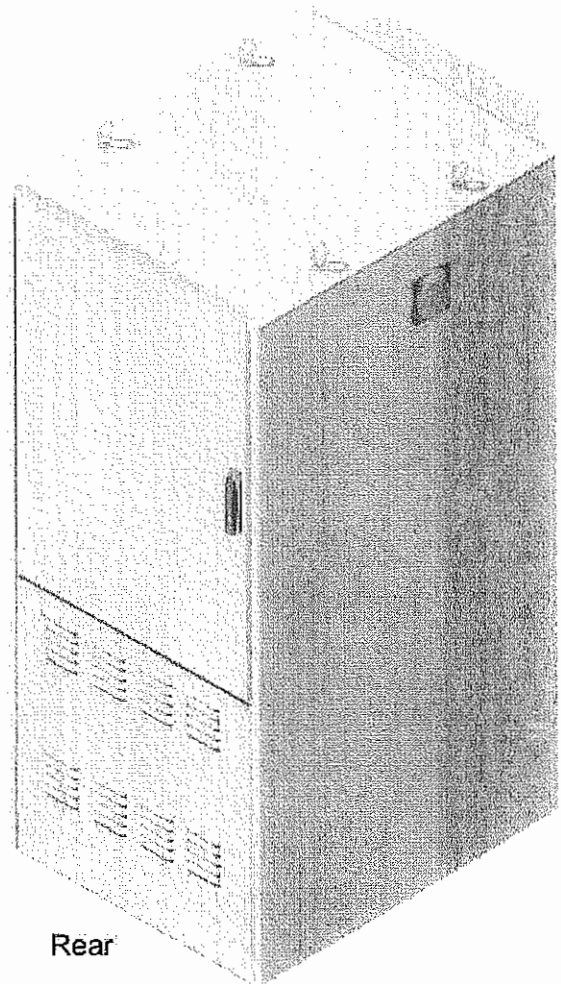
Fiber Panels (MC500 cabinet):

The MC500 cabinets ship with a 24 and a 96 fiber panel that hold 12-port (SC_APC) Clearfield cassettes. A 12-port and a group of four 12-port cassettes are factory installed in the 24 and 96 fiber panel, respectively. Each cassette has a 150' fiber tail to be extended into a nearby handhole.

MC500 cabinet:



Front

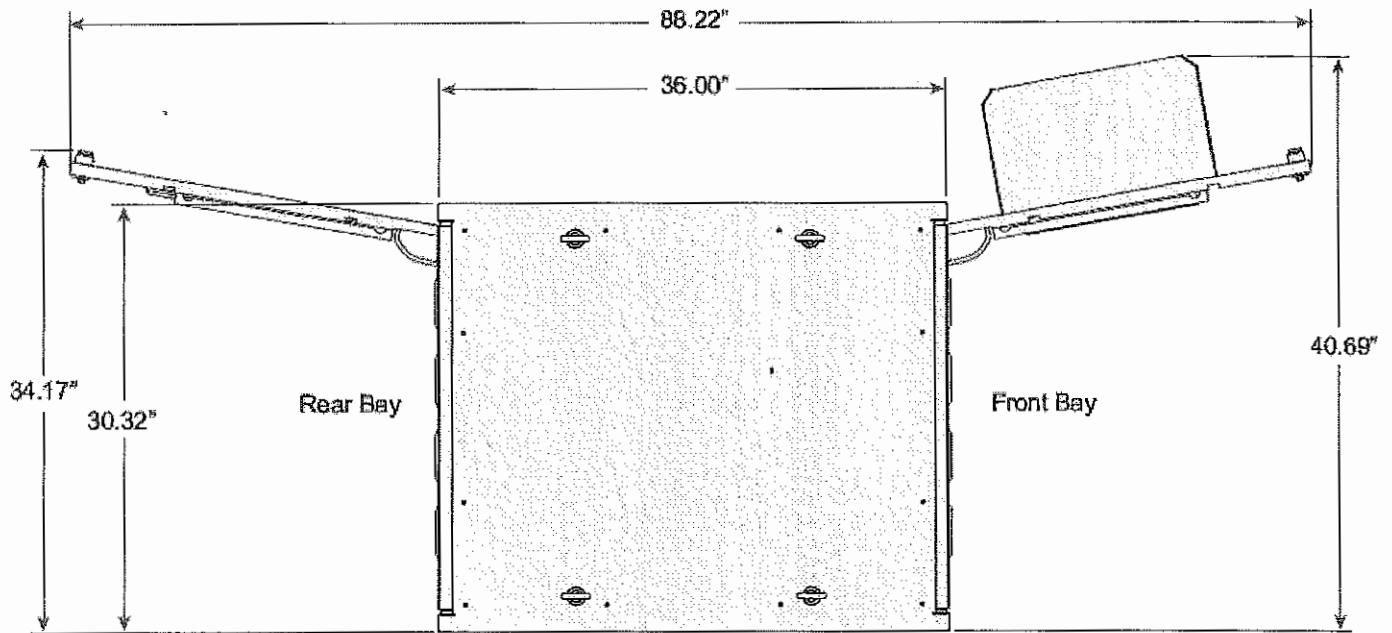


Rear

CONFIDENTIAL

DISCLOSE AND DISTRIBUTE SOLELY TO EMPLOYEES OF CENTURYLINK AND ITS AFFILIATED HAVING A NEED TO KNOW

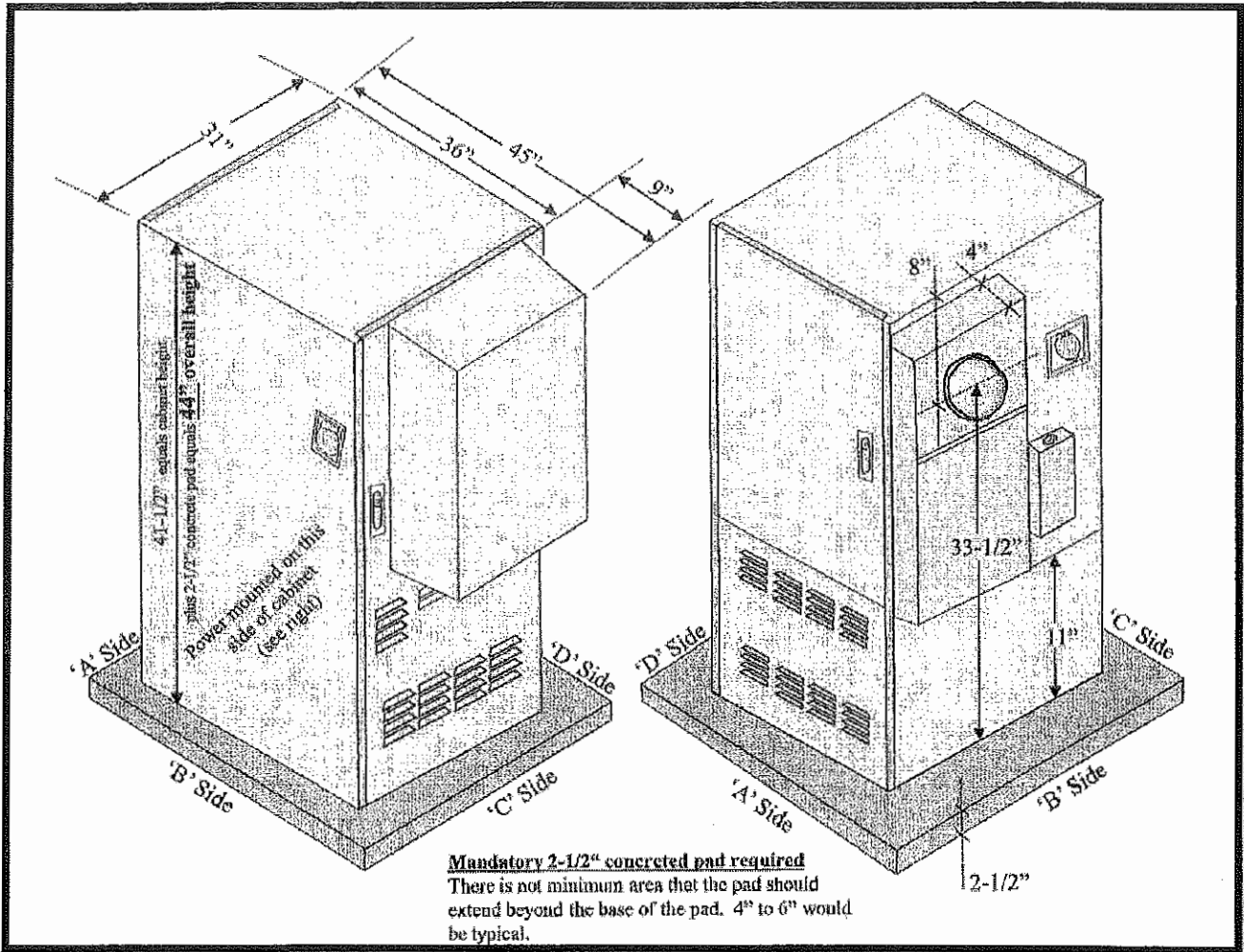
Adtran MC500 Cabinet Clearances required:



CONFIDENTIAL

DISCLOSE AND DISTRIBUTE SOLELY TO EMPLOYEES OF CENTURYLINK AND ITS AFFILIATED HAVING A NEED TO KNOW

Attachment B Elevations



Rec'd 9.12.13

SLC Planning conditional use application PLNPCM2013-00319

- Aug 8, 2013 – Attended administrative hearing – SLC Planning tabled request pending further negotiation with property owners concerning private right-of-way locations.
 - Met property owners in hallway and handed out business cards. Property owners agreed to contact.

- Aug 19, 2013 – Property owner(s) have not made contact:
 - Sent email to SLC Planner requesting property owner contact info.
 - Received email from SLC Planner with property owner phone numbers and email address.
 - Received sign in sheet from administrative hearing from SLC Planner.
 - Called and left voice message with property owners to contact me.
 - Followed up voice message with email containing PowerPoint attachment of potential cabinet locations for them to consider. (See Note)
Note: email contained the following statements:
 - Showing locations that **“could allow”** for the placement of our cabinet.
 - I strongly believe there is **“no area”** on your properties that will support our build.

- Aug 26, 2013 – Have received no contact from property owners.
 - Due to lack of response from property owners sent email to SLC Planning requesting to be placed on next administrative hearing. Property owners cc'd on email.
 - Aug 28, 2013 – Received email from SLC Planner – placed on administrative hearing for Sept 12, 2013. Property owners cc.'d on email.

- **Sept 4, 2013 – Received phone call from property owners. Set up on site meeting for Friday, Sept 6, 2013 at 11:00 am.**

- Met property owners on site and discussed the following:
 - Cabinet location on PowerPoint drawing.
 - Issues and concerns with extending CenturyLink and Rocky Mtn Power buried facilities to the cabinet site.
 - Easement requirements for Rocky Mtn Power & CenturyLink, from street to site.
 - Build of site requiring multiple “grantor” signatures.
 - Why cabinet here and not other locations.
 - CenturyLink would not spend cost for professional survey and right-of-way agreements to be prepared that appeared to be less than promising with no guarantees.
 - Explained to property owners that due to time lost in contacting CenturyLink any reasonable reaction time had been lost. Would proceed to scheduled Sept 12, 2013 administrative hearing and requesting conditional use approval.

Vigil, Ralph

From: Oktay, Michaela [Michaela.Oktay@slcgov.com]
Sent: Monday, August 19, 2013 2:49 PM
To: Vigil, Ralph
Subject: contact information

Mike Lawrco [lawrcoinc@gmail.com]

Mike and Pat Lawrence

801-363-0075
801-842-6493

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com
TEL 801-535-6003
FAX 801-535-6174

www.SLCGOV.COM

Vigil, Ralph

From: Oktay, Michaela [Michaela.Oktay@slcgov.com]
Sent: Monday, August 19, 2013 3:10 PM
To: Vigil, Ralph
Subject: Sign in sheet from Administrative Hearing, August 8, 2013
Attachments: 20130819144724765.pdf

-----Original Message-----

From: Severson, Deborah
Sent: Monday, August 19, 2013 3:03 PM
To: Oktay, Michaela
Subject: FW:

Attached is the sign in sheet for the August 8 meeting.

-----Original Message-----

From: docsend@slcgov.com [<mailto:docsend@slcgov.com>]
Sent: Monday, August 19, 2013 12:47 PM
To: Severson, Deborah
Subject:

This E-mail was sent from "Plan40605" (Aficio MP C6000).

Scan Date: 08.19.2013 14:47:24 (-0400)
Queries to: docsend@slcgov.com

Vigil, Ralph

From: Vigil, Ralph
Sent: Monday, August 19, 2013 4:13 PM
To: 'lawrcoinc@gmail.com'
Cc: 'Michaela.Oktay@slcgov.com'; Bartleson, Daniel; Donaldson, Jerry; Bradbury, Amber
Subject: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build
Attachments: E.431437 -21 N 'G' St - Apt Property Detail.pdf

Mr. Lawrence,

Very disappointed that I haven't heard back from you or Patricia as the owner of properties located at 503 E & 511 E. First Ave. I left you my business card at SLC's administrative hearing on Aug 8, 2013. The understanding was that you would contact me to discuss a location for our CenturyLink DSL cabinet currently proposed for the park strip. I have been to your properties twice in hopes of identifying potential cabinet sites. Please see the attached PowerPoint drawing showing locations that "could" allow for the placement of the new cabinet. Keep in mind, there are likely items of concern that will hinder or prohibit the cabinet placement. With that said, I strongly believe there is "no area" on your properties that will support our build. That still remains to be determined. I have cc'd Ms. Oktay with SLC Planning for the record. Please attach or cc Ms. Oktay to all correspondence. Not contacting me as agreed, will not default our proposed site into a "no build".

Thanks,

Ralph Vigil
Right-of-way Manager
1425 W 3100 South
West Valley, UT 84119
off: 801-237-7149
cell: 801-259-9964
email: ralph.vigil@centurylink.com



4 car carport

Location 'A'

Location 'B'

asphalt

dumpster

1+00

gas meters

Location 'C'

curb

0+82

Location 'D'

Location 'D'

Mon de Ville
Condominium

511 E First Ave

0+62

stairs

0+53

lawn

Mon de Ville
Condominium

511 E First Ave

20'

0+28

0+26

property line

lawn

lawn

0+00

sidewalk



To
First Ave ←←←

lawn

park strip

'G' Street

SALT LAKE CITY PLANNING ADMINISTRATIVE HEARING

Date: August 8, 2013

PLEASE INDICATE AND PROVIDE YOUR EMAIL ADDRESS IF YOU WOULD LIKE TO RECEIVE FUTURE
PLANNING DIVISION NOTICES

PLEASE PRINT

<p>NAME: <u>Ralph Vigil</u></p> <p>MAILING ADDRESS: <u>1425 W 3100 So</u> <u>WVL, UT 84119</u></p> <p>PETITION or PROJECT: <u>DSL CABINET Public Plan</u></p> <p><input checked="" type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: <u>ralph.vigil@centurylink.com</u></p>	<p>NAME: <u>HAROLD P. WOODRUFF</u></p> <p>MAILING ADDRESS: <u>223 EAST 800 SOUTH</u> <u>SALT LC, UTAH 84111</u></p> <p>PETITION or PROJECT: _____</p> <p><input type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: _____</p>
<p>NAME: <u>Kris Bahr</u></p> <p>MAILING ADDRESS: <u>511 E. 1st ave #401</u></p> <p>PETITION or PROJECT: <u>DSL Box (opposed to)</u></p> <p><input type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: <u>krisbahr@gmail.com</u></p>	<p>NAME: <u>Shawn Driller</u></p> <p>MAILING ADDRESS: <u>411 N. Grant St</u> <u>SLC, UT 84116</u></p> <p>PETITION or PROJECT: <u>First Step House</u></p> <p><input type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: _____</p>
<p>NAME: <u> Hank Rothwell</u></p> <p>MAILING ADDRESS: <u>2600 Walker Ln</u> <u>Holladay UT 84117</u></p> <p>PETITION or PROJECT: <u>Meridian Commerce</u></p> <p><input type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: _____</p>	<p>NAME: <u>Phil Carroll</u></p> <p>MAILING ADDRESS: <u>89 B St</u> <u>SLC UT 84105</u></p> <p>PETITION or PROJECT: <u>Century Link 347 E Ave</u></p> <p><input checked="" type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: <u>philcarroll@aol.com</u></p>
<p>NAME: <u>Lawrence Fae + The Washboard</u> <u>Michael + Patricia Lawrence</u></p> <p>MAILING ADDRESS: <u>P.O. Box 11645</u> <u>Salt Lake City, Utah 84147</u></p> <p>PETITION or PROJECT: <u>DSL Century Link box</u></p> <p><input type="checkbox"/> Email all future Planning Division Notices <u>opposed</u></p> <p>E/M Address: <u>lawrcoinc@gmail.com</u></p>	<p>NAME: _____</p> <p>MAILING ADDRESS: _____</p> <p>PETITION or PROJECT: _____</p> <p><input type="checkbox"/> Email all future Planning Division Notices</p> <p>E/M Address: _____</p>

Vigil, Ralph

From: Oktay, Michaela [Michaela.Oktay@slcgov.com]
Sent: Monday, August 26, 2013 4:05 PM
To: Vigil, Ralph
Cc: 'lawrcoinc@gmail.com'
Subject: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Ralph,

I have written to my manager. I will let you know as soon as possible. Thanks for your email.

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY and ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com
TEL 801-535-6003
FAX 801-535-6174

www.SLCGOV.COM

From: Vigil, Ralph [mailto:Ralph.Vigil@CenturyLink.com]
Sent: Monday, August 26, 2013 4:04 PM
To: Oktay, Michaela
Cc: 'lawrcoinc@gmail.com'
Subject: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Michaela,

Made corrections to previous email. I really need a response at your earliest convenience.

Ralph

From: Vigil, Ralph
Sent: Monday, August 26, 2013 1:34 PM
To: 'Michaela.Oktay@slcgov.com'
Cc: 'lawrcoinc@gmail.com'
Subject: FW: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Michaela,

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I think it's time to move forward with CenturyLink receiving the "conditional use" approval that we deserve. To be sure we followed the letter of SLC's "conditional use" process. It's on record that we contacted the property owners and that they denied our request for easement. It was only after exhausting our potential private proeprty locations that we

submitted our "conditional use" app. It has been since August 8, and still "no" response from the property owners. It is time to move on. Please let me know what our next step is in securing our "conditional use" approval.

Thanks,

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From: Vigil, Ralph
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Right-of-way Manager
1425 W 3100 South
West Valley, UT 84119
off: 801-237-7149
cell: 801-259-9964
email: ralph.vigil@centurylink.com



Vigil, Ralph

From: Oktay, Michaela [Michaela.Oktay@slcgov.com]
Sent: Wednesday, August 28, 2013 3:57 PM
To: Vigil, Ralph
Subject: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Ralph,

I have put the item on the first Administrative Hearing scheduled for September 12th.
I haven't heard anything from the property owners.

Michaela

From: Vigil, Ralph [mailto:Ralph.Vigil@CenturyLink.com]
Sent: Wednesday, August 28, 2013 3:47 PM
To: Oktay, Michaela
Subject: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Michaela,

We are very anxious to move forward with the our build. Any word?

Ralph

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Sent: Monday, August 26, 2013 4:05 PM
To: Vigil, Ralph
Cc: 'lawrcoinc@gmail.com'
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Principal Planner

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off: 801-237-7149
cell: 801-259-9964
email: ralph.vigil@centurylink.com



Julia Lyon

Rec'd 9.12.13 Admin
Hearing

September 12, 2013

As the mother of two active boys, I often walk past the corner where Century Link has proposed placing its box when we are exploring the neighborhood. It is not surprising to me that Century Link would choose that location. Many of the people who live in the building are renters -- people who may not remain in the neighborhood in the longterm and may not care what happens outside their window. But as someone who just bought a home in the Avenues, I feel extremely differently.

Here's what doesn't make sense to me: why isn't Century Link attempting to place their box in or next to the one of many, many parking lots that are both south and east of the proposed location? The Masons have a massive parking lot. The Governor's mansion has a parking lot. Directly south of the mansion is an office building with another parking lot. And east of the proposed location there are several other parking lots.

If Mayor Becker is truly committed to a livability agenda, I believe utility boxes should be located in areas that are also utilitarian. Why deface a grassy area with century-old trees when this huge metal box could be located in a parking lot?

My concern is both the precedent this box would set and the fact that a utility company's needs seem to be trumping the desires of the neighborhood. The easiest thing for Century Link is to take advantage of public space.

Aren't people more important? Thank you.

Julia Lyon julialyon@hotmail.com



MEMORANDUM

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Administrative Hearing Officer

From: Michaela Oktay

Date: September 11, 2013

Re: PLNPCM2013-00319 Century Link Conditional use–Ground Mounted Utility Box- 503 E. 1st Avenue

The applicant, Century Link, represented by Ralph Vigil is requesting approval for a conditional use for a ground mounted high speed utility box structure located at approximately 503 E. 1st Avenue. The purpose of the structure is to provide internet service to residents in the immediate vicinity.

On August 8, 2013 a public hearing to consider the proposal was held and tabled to allow the applicant and the neighboring property owner's time to explore alternative options on their site. An agreement was not reached between parties and the applicant requested that the petition be put on the September 12, 2013 agenda.

Public comment including correspondence between the applicant, staff and the owners of 503 E. 1st Avenue is attached along with the August 8, 2013 Staff Report.

Okta, Michaela

From: Vigil, Ralph [Ralph.Vigil@CenturyLink.com]
Sent: Monday, August 26, 2013 4:04 PM
To: Okta, Michaela
Cc: 'lawrcoinc@gmail.com'
Subject: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

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Sent: Monday, August 19, 2013 4:13 PM
To: 'lawrcoinc@gmail.com'
Cc: 'Michaela.Okta@slcgov.com'; Bartleson, Daniel; Donaldson, Jerry; Bradbury, Amber
Subject: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Mr. Lawrence,

Very disappointed that I haven't heard back from you or Patricia as the owner of properties located at 503 E & 511 E. First Ave. I left you my business card at SLC's administrative hearing on Aug 8, 2013. The understanding was that you would contact me to discuss a location for our CenturyLink DSL cabinet currently proposed for the park strip. I have been to your properties twice in hopes of identifying potential cabinet sites. Please see the attached PowerPoint drawing showing locations that "could" allow for the placement of the new cabinet. Keep in mind, there are likely items of concern that will hinder or prohibit the cabinet placement. With that said, I strongly believe there is "no area" on your properties that will support our build. That still remains to be determined. I have cc'd Ms. Okta with SLC Planning for the record. Please attach or cc Ms. Okta to all correspondence. Not contacting me as agreed, will not default our proposed site into a "no build".

Thanks,

Ralph Vigil

Right-of-way Manager

1425 W 3100 South

West Valley, UT 84119

off: 801-237-7149

cell: 801-259-9964

email: ralph.vigil@centurylink.com



CenturyLink™

Channel Alliance

Okta, Michaela

From: Vigil, Ralph [Ralph.Vigil@CenturyLink.com]
Sent: Wednesday, September 04, 2013 7:50 AM
To: 'Mike Lawrco'
Cc: Okta, Michaela
Subject: RE: CENTURY LINK AT 503
Attachments: RE: PROPERTY OWNER CONTACT - 503 E & 511 E First Ave - CenturyLink DSL build

Categories: Red Category

Mike and Pat,

I hope things are getting better for your family. Attached is an email from SLC Planning where they've place our conditional use request back on the administrative hearing agenda for Sept 12, 2013. As stated previously, an easement for the cabinet along with an easement for buried faculties from the street to the cabinet site are required. I strongly believe there are no sites on either of your properties that you would consider granting the necessary easements to support our build. With that said, I will gladly meet at your convenience prior to the Sept 12th meeting to see what options are available. I will call the number you provided and leave this same message.

Ralph Vigil

Right-of-way Manager
1425 W 3100 South
West Valley, UT 84119
off: 801-237-7149
cell: 801-259-9964
email: ralph.vigil@centurylink.com



From: Mike Lawrco [mailto:lawrcoinc@gmail.com]
Sent: Tuesday, September 03, 2013 10:08 PM
To: Vigil, Ralph
Cc: Okta, Michaela
Subject: CENTURY LINK AT 503

Ralph,

Sorry I have not checked my emails these last few weeks. It is easier for us to use the phone. Please call at [801-363-0075](tel:801-363-0075) leave a message we will get back to you asap. Mike has had surgery and I am just getting over the shingles.

Mike and Pat

Okta, Michaela

From: Julia Lyon [julialyon@hotmail.com]
Sent: Monday, August 26, 2013 9:37 PM
To: Okta, Michaela
Subject: RE: questions regarding case PLNPCM2013-00319

Michaela,

Hello! I never heard back from you regarding my concerns below -- specifically the utility lines. Could you let me know who to follow up with?

And if you are not the right person, please let me know. Thanks!

Julia Lyon

From: julialyon@hotmail.com
To: michaela.okta@slcgov.com
Subject: RE: questions regarding case PLNPCM2013-00319
Date: Thu, 1 Aug 2013 12:53:21 -0400

Michaela,

I had a few more follow-up comments regarding the proposed box.

1. I hope that city officials have asked Century Link to provide evidence of their unsuccessful effort to find private land to locate the box. As you may know, there are multiple parking lots south and west of this proposed corner. All of these are surrounded by parking strips. I am very surprised Century Link did not first propose locating its box in such an area instead of on a residential corner. It seems the city would want to encourage such a step from the perspective of livability and practicality.

2. One of the reasons we are concerned about the location of the box is because of the high number of utility lines already present near our home. I have attached pictures from our yard. I question whether some residents may have a disproportionate amount -- an unfair burden -- of utility lines/poles in their yards. More lines have recently been added by Comcast, etc. Who can I talk to about such concerns?

Thanks in advance.

Julia Lyon

From: julialyon@hotmail.com
To: michaela.okta@slcgov.com
Subject: RE: questions regarding case PLNPCM2013-00319
Date: Thu, 11 Jul 2013 13:37:30 -0400

Thank you! I guess I'm surprised the proximity of the Governor's mansion and the historic district doesn't make this more of an issue. Thanks for passing my comments along.

From: Michaela.Okta@slcgov.com
To: julialyon@hotmail.com

Date: Mon, 8 Jul 2013 10:58:52 -0600

Subject: RE: questions regarding case PLNPCM2013-00319

Julia,

Thanks for your email and concern. Attached is an electronic copy of the application, it is public record. It is a internet ground mounted utility box. The applicant has spoken to the attempt to put it on private property (our preferred scenario) but that they haven't been able to secure an easement.

I am going to take another trip out there and check out your house and the utilities in the area. Please let me know if you have any other concerns or comments. Your comments will be included in my staff report.

Best,

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com

TEL 801-535-6003

FAX 801-535-6174

www.SLCGOV.COM

From: Julia Lyon [mailto:julialyon@hotmail.com]
Sent: Sunday, July 07, 2013 9:25 PM
To: Oktay, Michaela
Subject: questions regarding case PLNPCM2013-00319

Michaela,

I recently received a postcard from the city regarding a conditional use permit for Century Link to put a high speed internet xbox near my house. If possible, I would like to receive an electronic copy of the application.

I mainly want to know:

1. What is the purpose of the box?
2. What is the size -- is there a visual I can see?

We have a variety of transformers/junction boxes near our home already and I am concerned about an additional utility device near my home. I am wondering whether these have been adequately spread out throughout the neighborhood or whether they are clustered near us.

Thank you.
Julia Lyon
514 2nd Ave.

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2. What is the size -- is there a visual I can see?

We have a variety of transformers/junction boxes near our home already and I am concerned about an additional utility device near my home. I am wondering whether these have been adequately spread out throughout the neighborhood or whether they are clustered near us.

Thank you.
Julia Lyon
514 2nd Ave.

Okta, Michaela

From: Okta, Michaela
Sent: Tuesday, August 27, 2013 7:46 AM
To: Okta, Michaela; 'Julia Lyon'
Subject: RE: questions regarding case PLNPCM2013-00319

Julia,

This was my initial response to your email.

Michaela

From: Okta, Michaela
Sent: Monday, July 08, 2013 10:59 AM
To: Julia Lyon
Subject: RE: questions regarding case PLNPCM2013-00319

Julia,

Thanks for your email and concern. Attached is an electronic copy of the application, it is public record. It is a internet ground mounted utility box. The applicant has spoken to the attempt to put it on private property (our preferred scenario) but that they haven't been able to secure an easement.

I am going to take another trip out there and check out your house and the utilities in the area. Please let me know if you have any other concerns or comments. Your comments will be included in my staff report.

Best,

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com
TEL 801-535-6003
FAX 801-535-6174

WWW.SLCGOV.COM

From: Julia Lyon [<mailto:julialyon@hotmail.com>]
Sent: Sunday, July 07, 2013 9:25 PM
To: Okta, Michaela
Subject: questions regarding case PLNPCM2013-00319

Michaela,

I recently received a postcard from the city regarding a conditional use permit for Century Link to put a high speed internet xbox near my house. If possible, I would like to receive an electronic copy of the application.

I mainly want to know:

ADMINISTRATIVE HEARING STAFF REPORT



Planning and Zoning
Division
Department of Community
and Economic Development

Century Link Conditional Use for a Utility Box in the Public Right-of-Way

PLNPCM2013-00319

August 8, 2013
503 E. 1st Avenue

Applicant

Ralph Vigil representing
Century Link Corporation

Staff

Michaela.Oktay
Michaela.oktay@slcgov.com
(801)535-6003

Current Zone

RMF-35 – Moderate Density
Residential

Master Plan Designation

Avenues, Medium Density
Residential

Council District

Council District 5
Stan Penfold

Current Use

Public right-of-way

Applicable Land Use Regulations

21A.54.080 – Conditional Use
21A.40.160 – Utility Boxes

Notification

- Notice mailed, & Property Posted by July 26, 2013
- Posted on City & State Websites by July 26, 2013

Attachments

- A. Site Plan
- B. Elevations & application
- C. Public Comment

REQUEST

The applicant, Century Link, represented by Ralph Vigil is requesting approval for a conditional use for a ground mounted high speed utility box structure located at approximately 503 E. 1st Avenue. The purpose of the structure is to provide internet service to residents in the immediate vicinity.

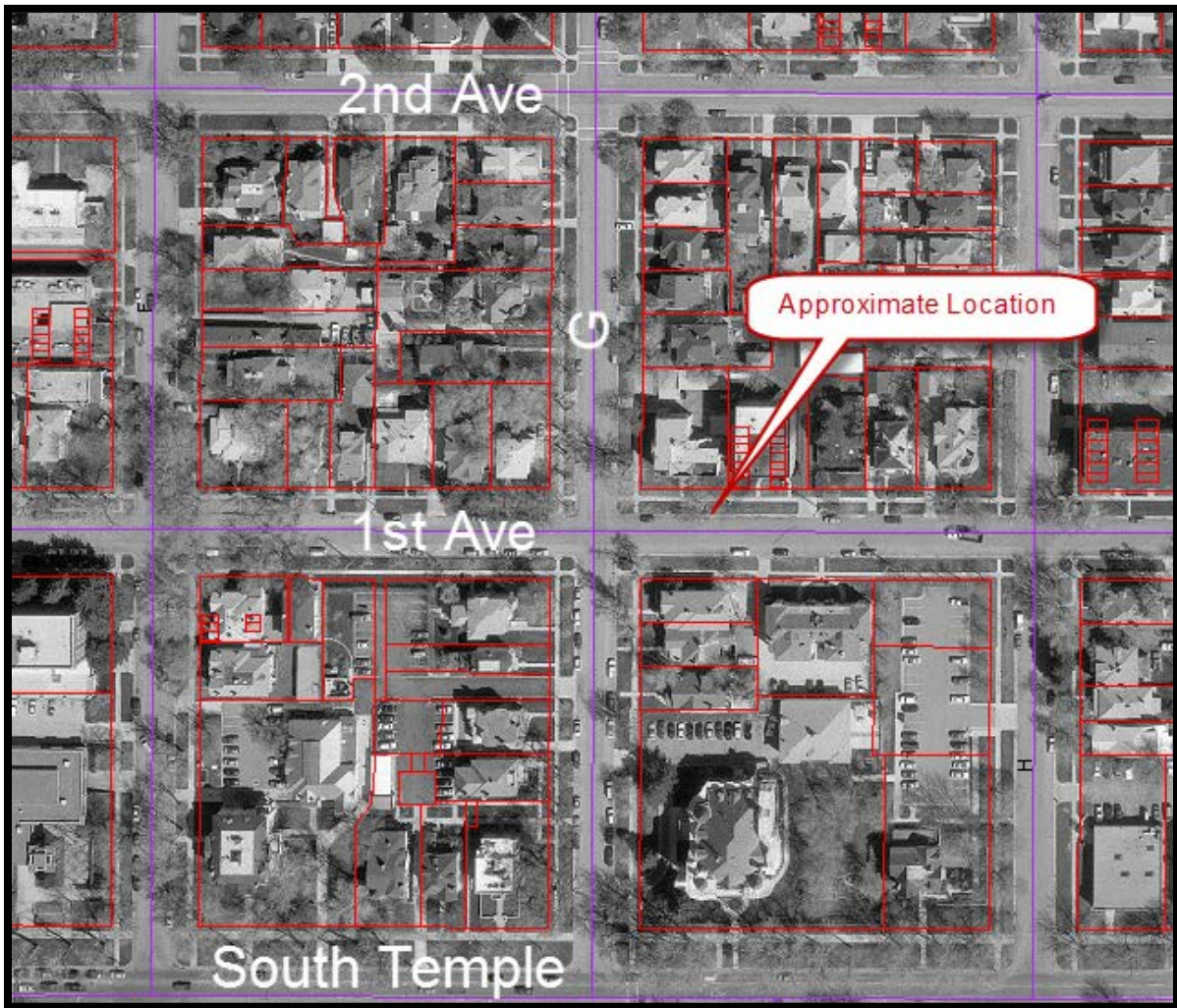
STAFF RECOMMENDATION

Staff recommends that the Administrative Hearing Officer review the proposed utility box application, conduct a public hearing and consider approving the application per the findings analysis and conditions of approval in this report.

Conditions of Approval

1. All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.
2. The applicant shall work with the adjacent property owner to determine what if any landscaping shall be planted to screen the box from view.
3. The applicant shall put information on the box with a number to call in the event that the box is vandalized or otherwise damaged.
4. Approval of a Certificate of Appropriateness for historic district design guideline compliance shall be completed prior to the issue of a building permit.
5. If the certificate of appropriateness petition is denied, this approval becomes null and void.

Vicinity Map



BACKGROUND

The applicant is requesting a conditional use permit for a utility box designed to enhance the internet service for homes in the immediate neighborhood. The structure will be approximately 42 inches in height and 21 inches in width. The purpose of the box is to house the mechanical equipment necessary for the service.

The box is proposed to be located in the public right-of-way in the park strip between the street and the sidewalk. Generally, the applicant works with property owners to secure a private easement to place the box on their property. In this case, they were not able to secure an easement with any private property owners in the immediate neighborhood, so they are seeking conditional use approval for the box in the public right-of-way.

Residential properties surround the proposed box and there are no other boxes located on the block face.

Comments

The application was reviewed at a Planning Division Open House on July 18, 2013. There has been concern and/or opposition submitted to staff (Attachment C). Staff has also received two phone calls in opposition, one from a tenant of 511 E. 1st Avenue and from an owner of a residence within the vicinity.

ANALYSIS

Criteria for Utility Box on Public Property

Conditional use review is required for all ground mounted utility boxes not specifically addressed as permitted uses in the Zoning Ordinance. Applications shall be reviewed administratively by the planning director or an assigned designee subject to the following criteria:

Standard 1: Location: Utility boxes shall be located and designed to reduce visual and environmental impacts on the surrounding properties.

Analysis: The box is proposed in a residential neighborhood and in a residential zone because it needs to be near the homes that it serves. .

Finding: Staff finds that there is no clustering of boxes in the area which would limit the visual or environmental impact on surrounding properties. The applicant has documented that the location proposed was chosen as the box responds to a service need in the area.

Standard 2: Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The planning director may limit the number of boxes allowed on a specific site to meet this standard.

Analysis: Staff finds that there are no other utility boxes on the block face.

Finding: Staff finds the proposed spacing is adequate.

Standard 3: Setbacks: The planning director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.

Analysis: The box is proposed to be placed in a 12 foot grass park strip. There is no vegetation or structures on the site to obscure or shield the box. Therefore, modifying the setback either forward or backward would have a negligible effect on the environmental or visual impact of the box.

Finding: Staff finds that no modification of the setback is necessary to reduce the visual and environmental impact of the box.

Standard 4: Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and city rights of way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.

Analysis: Because the proposed box is in the public right-of-way, it is not appropriate that the applicant build some type of barrier or screen to shield the box from view. Construction of this type of barrier may constitute a larger visual and environmental impact on the neighborhood than simply leaving it as a standalone structure. Shielding the box from view by planting or landscaping is a possibility; however, because the petitioner does not control the water supply and is only on site occasionally, the plantings would need to be tended by adjacent property owners. Therefore, staff has included a condition of approval requiring that the Century Link work with adjacent property owners to determine whether or not landscaping is wanted.

Also, per section 21A.48.060.E all plants and shrubs in the park strip must be less than 18 inches in height to protect the visual sightlines for cars and pedestrians.

To combat the inevitable abuse of the box by vandals, staff has included a condition of approval requiring that the box be marked with a telephone number to call to have graffiti removed, or have the box repaired if it is damaged.

Finding: Staff finds that the proposed box is properly shielded as conditioned.

Standard 5: Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.

Analysis: The design of the box is similar to many boxes seen throughout the City. They are utilitarian in design. The size of the box is standard for this type of facility and needed to provide adequate service to the area. Century Link has stated that this size is the minimum size necessary to provide the service necessary. When the box is installed, individuals have a tendency to notice them, but over time, they seem to fade into the background a bit, and become part of the urban environment.

Nevertheless, this box, and the service it provides (high speed internet) is an integral part of a modern, walkable neighborhood. High speed internet service enables residents of the neighborhood to work, and shop from their homes, which in turn reduces vehicle traffic and reduces impacts on the environment.

Finding: Staff finds that the proposed utility box is a design element that characterizes Salt Lake City's streets, neighborhoods.

Standard 6: View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.

Analysis: The box is proposed approximately 7 feet from the edge of curb and 60 feet from a driveway. This application was reviewed for compliance by the Transportation Division, who found that this location raised no sight distance or angle issues.

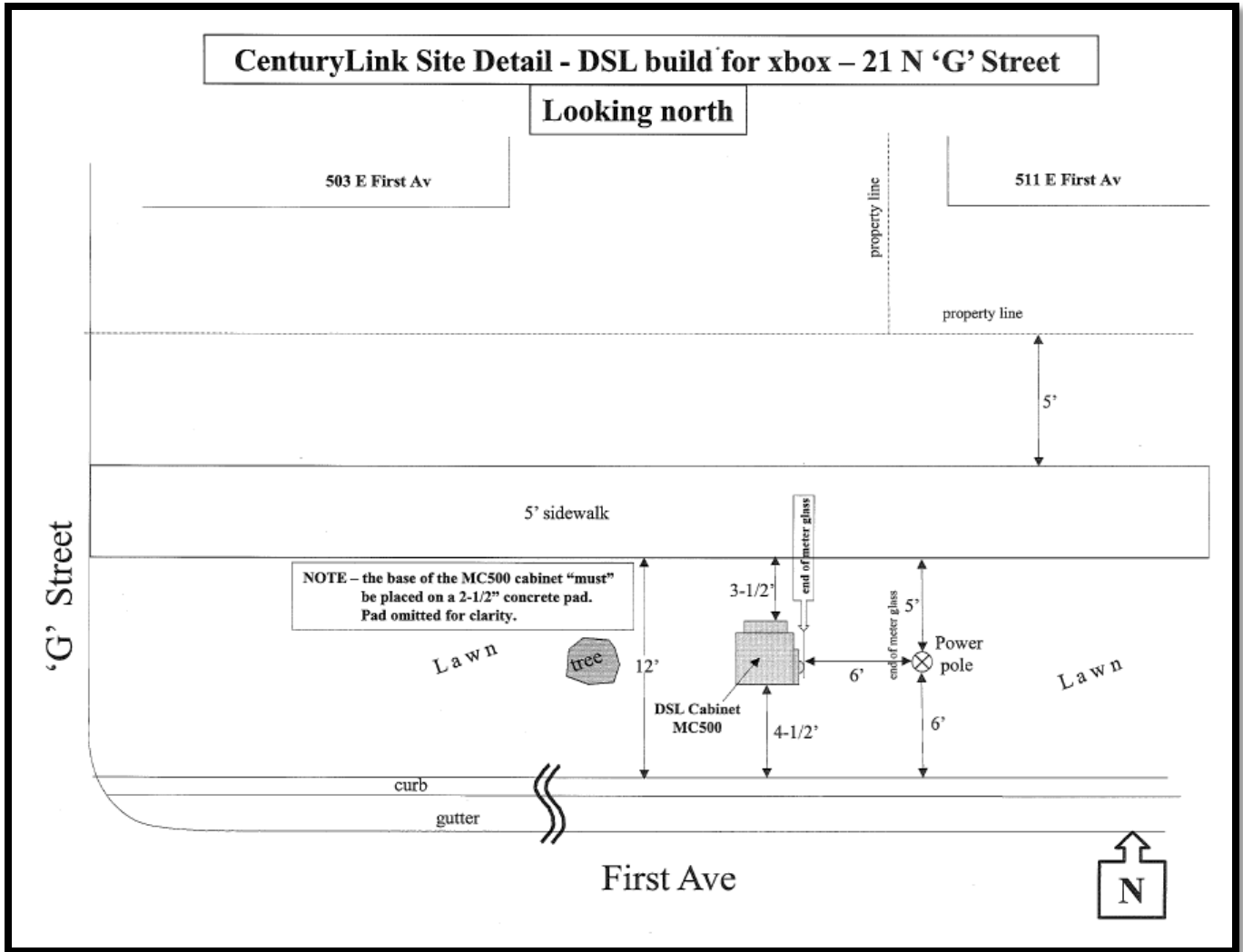
Finding: Staff finds the application meets this standard.

Standard 7: Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section [21A.34.020](#), "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

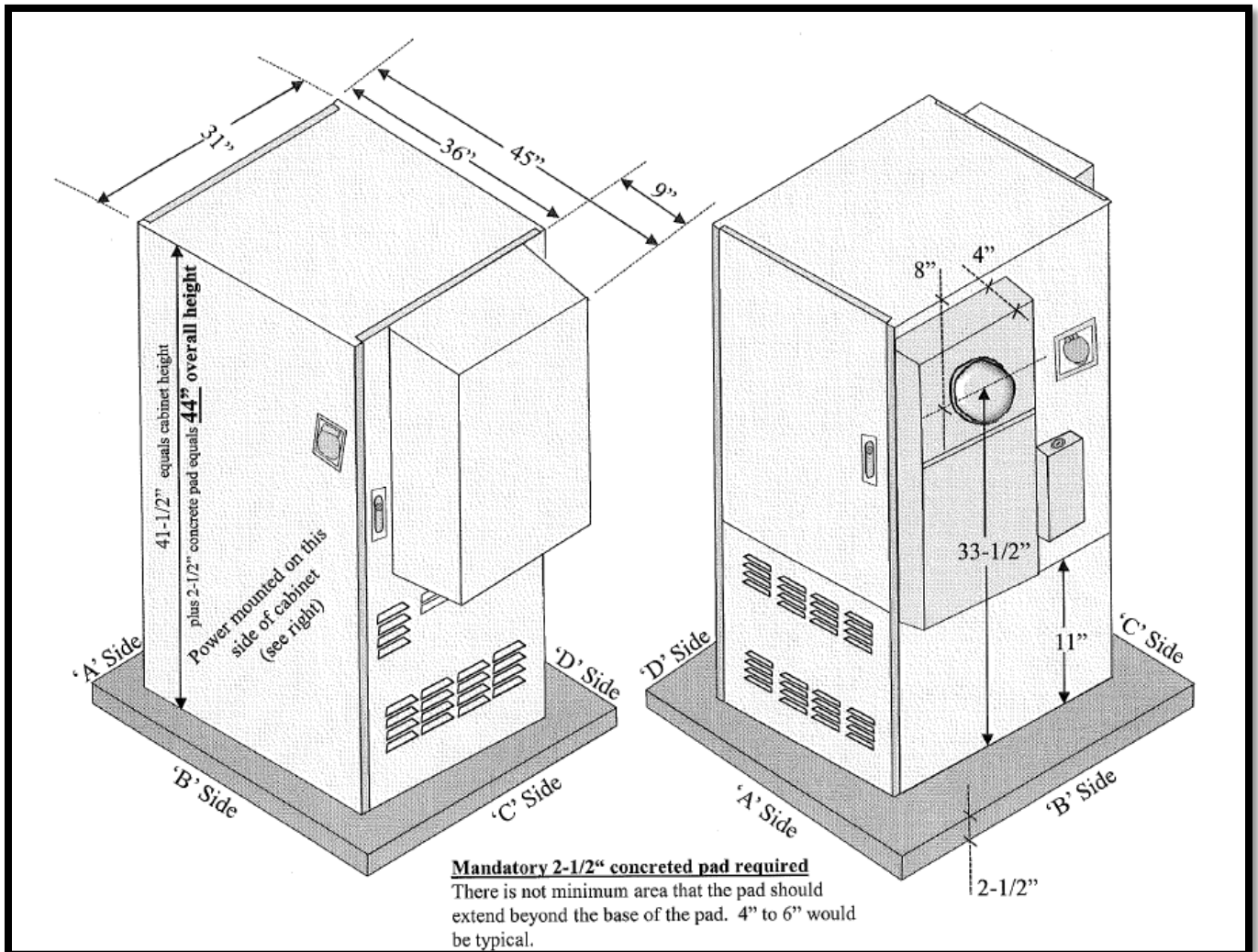
Analysis: The petitioner must submit an application for a Certificate of Appropriateness application as part of the box request. This application will be reviewed separately from this application, and may require Historic Landmark Commission review. Staff has included a condition of approval requiring approval prior to the issue of a building permit.

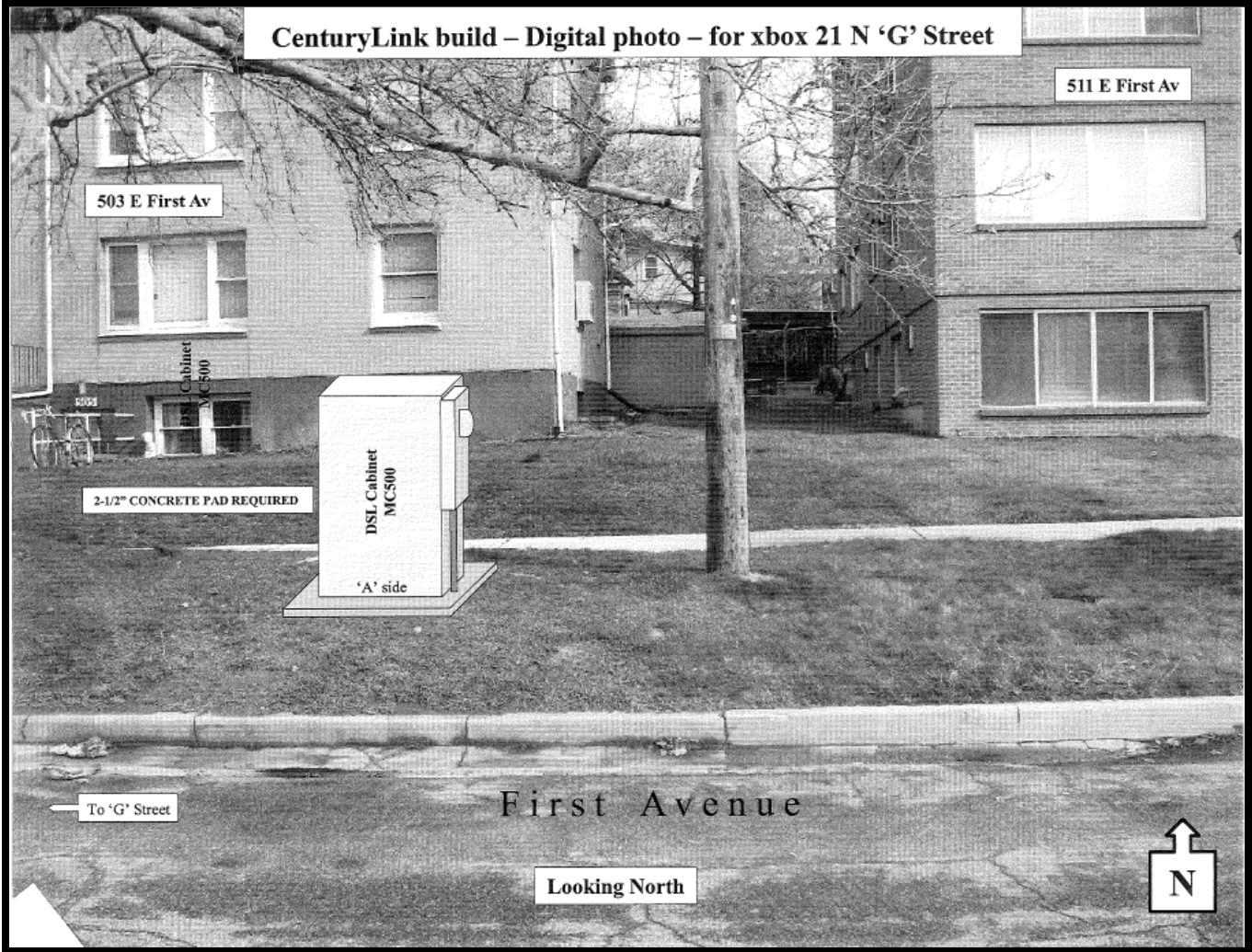
Finding: Staff finds that this standard is met.

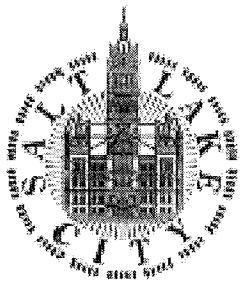
Attachment A
Site Plan



Attachment B Elevations







Conditional Use

OFFICE USE ONLY
 Petition No.: *PLNPCM203-003*
 Date Received: *6-8-13*
 Reviewed By: *[Signature]*

SALT LAKE CITY PLANNING

Address of Subject Property:		503 East First Ave	
Project Name: CenturyLink - High Speed Internet build (DSL) – for xbox 21 N 'G' Street			
Name of Applicant: CenturyLink QC		Phone: 801-237-7149	
Address of Applicant: 1425 W. 3100 South, West Valley City, 84119			
E-mail Address of Applicant: <u>Ralph.Vigil@CenturyLink.com</u>		Cell/Fax: 801-259-9964 / 801-974-8192	
Name of Property Owner: Public Right of Way		Phone: N/A	
E-mail Address of Property Owner: N/A		Cell/Fax: N/A	
County Tax ("Parcel") #: Public right-of-way		Adjacent to Parcel #09-31-482-017	
Type of Modification Requested:		Zoning: RMF-35 – Mod Dense Multifam Res Dist	
Existing Property Use:		Proposed Property Use:	
CC (Public right of way)			

Please include with the application:

1. The cost of first-class postage for each property owner and tenant within 85 feet, or within 300 feet if new construction of a principal building is due at the time of application. Please do not provide postage stamps.
2. A legal description of the subject property.
3. Ten (10) copies of a preliminary site development plan, floor plans, elevation drawings, and sign plans prepared according to the attached guidelines.
4. Answers to questions on the back of this form.
5. If applicable, a signed, notarized statement of consent authorizing applicant to act as an agent
6. Filing fee of \$664.44 plus \$110.74 per acre in excess of one acre.

Filing fee is required at the time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this application, please contact the Salt Lake City Buzz Center at 801-535-7700 prior to submittal.

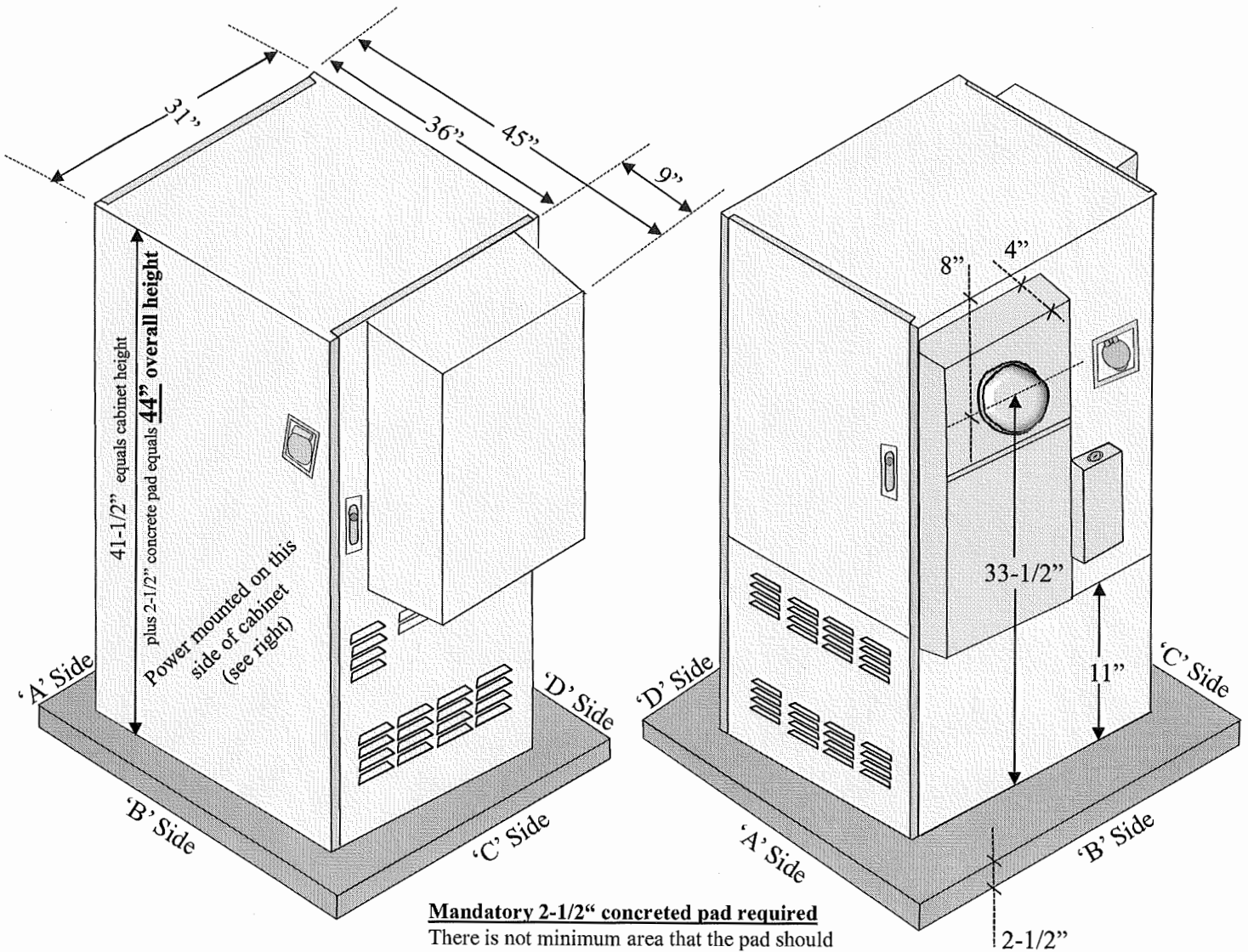
File the complete application at:
 Salt Lake City Buzz Center
 PO Box 145471
 451 South State Street, Room 215
 Salt Lake City, UT 84111

Signature of Property Owner
 Or authorized agent

Ralph Vigil

05/08/13

RECEIVED MAY 09 2013

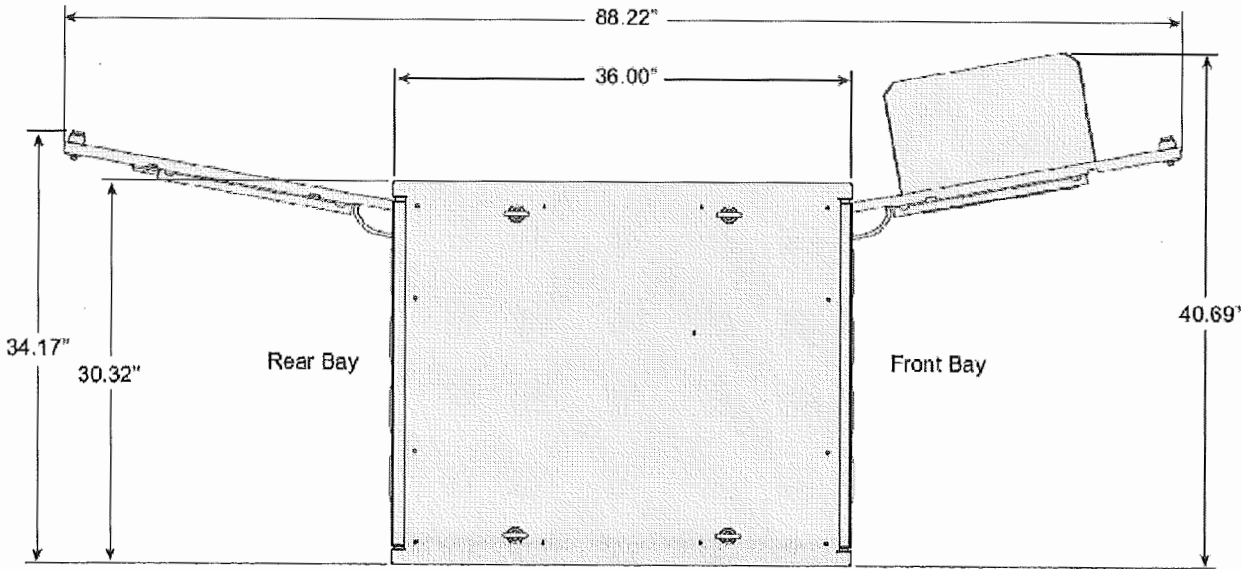


Mandatory 2-1/2" concreted pad required

There is not minimum area that the pad should extend beyond the base of the pad. 4" to 6" would be typical.

NOT

The 'A' side of the cabinet will most often be referred to as the front but can be positioned to utilize the best available area, or as requested.





May 8, 2013

Salt Lake City Planning
451 South State Street, Rm. 406
Salt Lake City, Utah 84111

Re: Conditional use request – CenturyLink DSL build – xbox 21 N 'G' Street

Dear Planner,

As you know CenturyLink has been in the process of upgrading and expanding its fiber optic based high speed internet service within Salt Lake City. These projects (our build) require additional cabinet(s) to be placed adjacent to or as close as possible to our cross connect cabinet known as a cross connect box (xbox). Our xbox for this build is 21 N 'G' Street. We have proposed utilization of an existing park strip. **Please see below.**

As an FYI, depending on our ability to place the new cabinet(s) next to our xbox the build location address may/will be different than the cross box address requiring the DSL build.

In order the following information in enclosed:

Conditional use application
Location map & Parcel Information
Zoning Information
Site digital photos
Site detail
Equipments schematic

CenturyLink build comments:

- Our build for this for this xbox proposes placing our newly approved DSL cabinet (MC500) with in public right-of-way. **This cabinet is not applicable for all CenturyLink builds.**

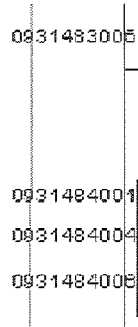
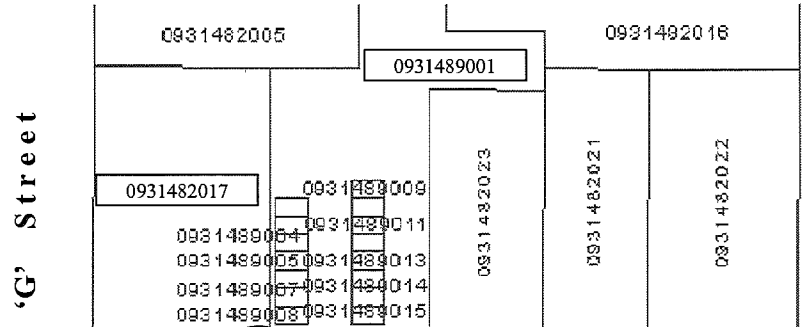
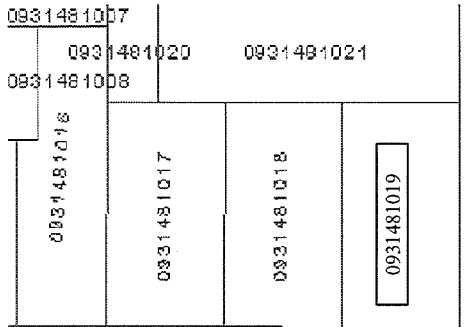
Note: The digital photo of our proposed build for this site shows a significant gap from the power pole to the proposed placement of the MC500 cabinet. Rocky Mountain Power will not allow any portion of a new cabinet requiring power to be placed any closer than 6 feet from any pole they are attached to.

If you have any questions or need additional information, please contact me.

Sincerely,

Ralph Vigil
CenturyLink
Right-of-way Manager
off: 801-237-7149
mo: 801-259-9964
email: ***Ralph.Vigil@centurylink.com***

Location map - CenturyLink Site - DSL build for xbox 21 N 'G' Street



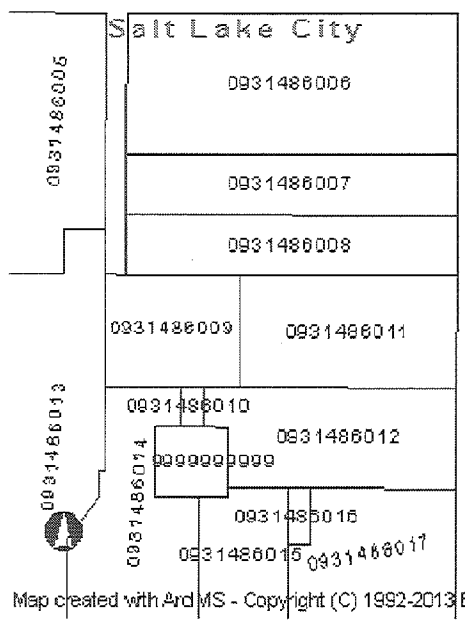
Parcel Number:
09314820170000
Owners:
LAWRENCE,
MICHAEL K & PATRICIA (JT)
Part Owners (0):
Owner Address:
PO BOX 11645
SALT LAKE CITY UT 84147
Parcel Address:
503 E FIRST AVE
Book: 5588
Page: 850
Total Acres: 0.22

'G' Street

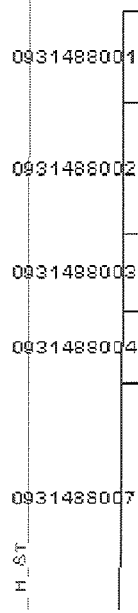
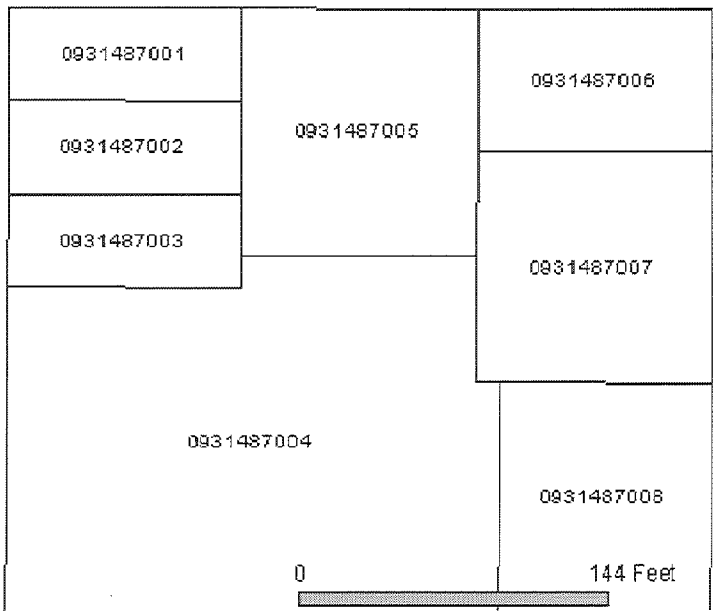
build location

FIRST_AVE

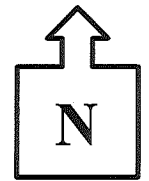
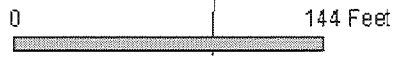
First Ave



G ST



Parcel Number:
09314890010000
Owners:
MON DE VILLE CONDM
COMMON AREA MASTER CARD
Part Owners (0):
Owner Address:
PO BOX 11645
SALT LAKE CITY UT 84147
Parcel Address:
511 E FIRST AVE
Book: 5197
Page: 1
Total Acres: 0.27



CenturyLink build – Digital photo – for xbox 21 N 'G' Street

511 E First Av

503 E First Av

Cabinet
MC500

3-6" CONCRETE PAD REQUIRED

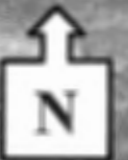
DSL Cabinet
MC500

'A' side

To 'G' Street

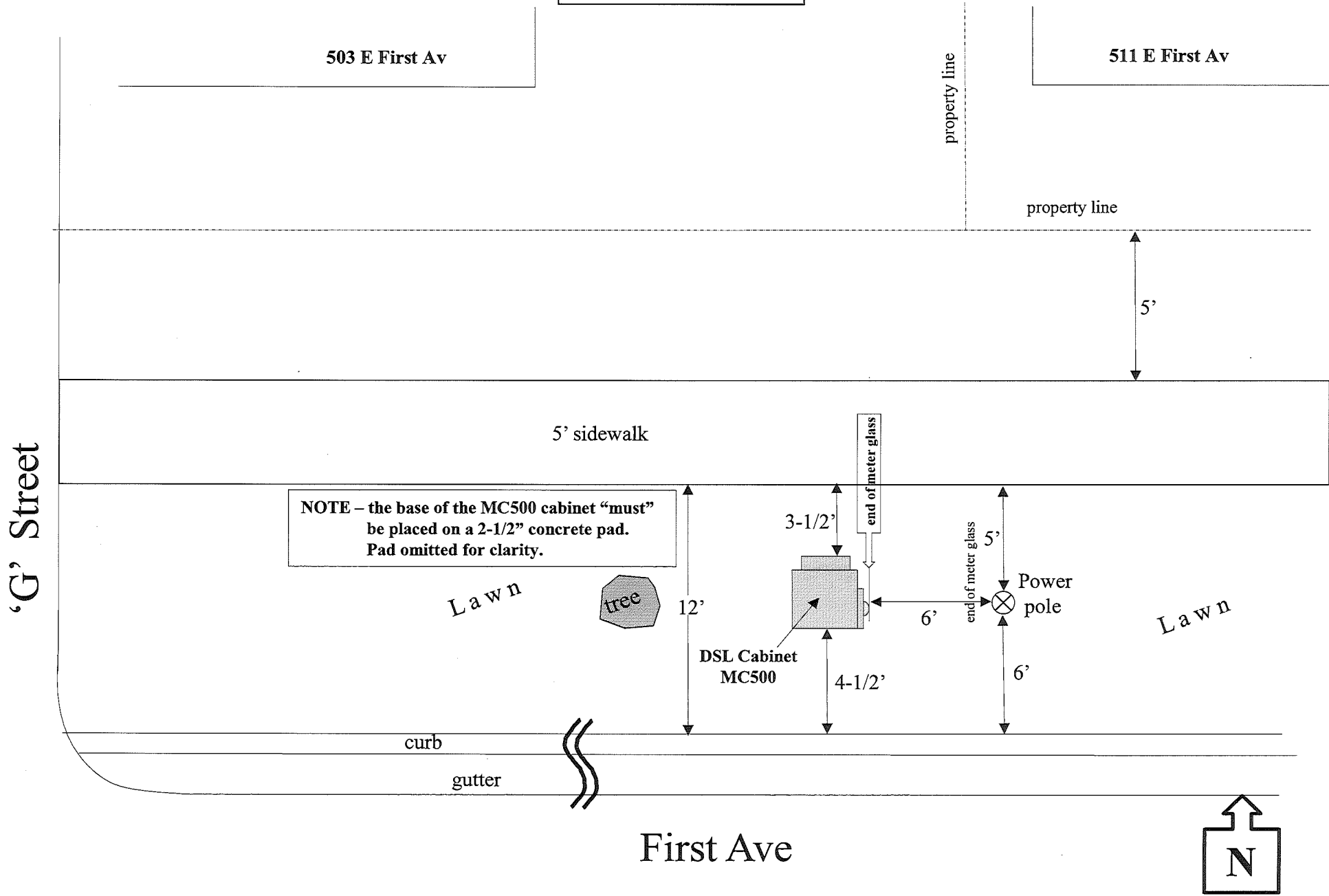
First Avenue

Looking North



CenturyLink Site Detail - DSL build for xbox – 21 N 'G' Street

Looking north



Please Answer the Following Questions. Use an Additional Sheet if Necessary.

Please describe your project:

CenturyLink identifies sites/builds next to or as close to our existing cross connect cabinet to place our "high speed internet" (DSL) equipment that will allow us to deliver this service. For this DSL build we have proposed utilization of the parks strip, within the public rights-of-ways.

List the primary street accesses to this property:

'G' Street

If applicable, what is the anticipated operating/delivery hours associated with the proposed use?

N/A

What are the land uses adjacent to the property (abutting and across-the-street properties)?

RMF-35 Moderate Density Multifamily Residential District

Have you discussed the project with nearby property owners? If so, what responses have you received?

Yes. Tried to secure/acquire private right of ways. No success.

If applicable, list the primary exterior construction materials you will use as part of this project.

N/A

How many parking stalls will be provided as part of the project?

N/A

How many employees do you expect to have on-site during the highest shift?

N/A

Where applicable, how many seats will be provided as part of the conditional use?

N/A

What is the gross floor area of the proposed building?

N/A

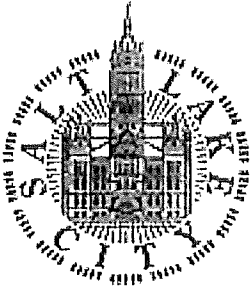
Salt Lake City
Zoning information

Search By Parcel Number

(Enter a ten digit Parcel number, click "Submit" to Search)

0931482017

Code	Description	Parcel#	Detail
RMF-35	MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT	09-31-482-017	For detail on this Zoning Ordinance, click on this , enter MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT to search. On the search result list, looking for item with RMF-35 code.



SALT LAKE CITY CORPORATION

Buzz Center

451 South State Street, Room 215 Phone: (801) 535-7700
P.O. Box 145471 Fax : (801) 535-7750
Salt Lake City, Utah 84114

Date: May 08, 2013

RALPH VIGIL

PLANNING COMMISSION

1425 W 3100 S
WEST VALLEY CITY, UT 84119

Project Name: 503 E 1ST AVE, CENTURY LINK GROUND MOUNTED UTILITY

Project Address: 503 E 1ST AVE

Detailed Description:



* P L N P C M 2 0 1 3 - 0 0 3 1 9 *

□

Description	Qty	Dept	C Ctr	Obj	Amount		
					Invoice	Paid	Due
Invoice Number: 1049942							
Postage	49	06	00600	1890	\$22.05		
Filing Fee (	1	06	00900	125118	\$664.44		
Total for invoice 1049942					\$686.49		\$686.49
Total for PLNPCM2013-00319					\$686.49		\$686.49

OFFICE USE ONLY
Intake By: LN1690

CAP ID #
PLNPCM2013-00319
Total Due: \$686.49



Treasurer's Office
Rcpt# 124564
PL NPCM2013-00319 CARD
\$686.49 5/8/2013

Please Keep
This Box Clear



* P L N P C M 2 0 1 3 - 0 0 3 1 9 *

www.slcpermits.com



1-481-018-0000]
T, SHANNON K & JEFFREY R; TC
750 MAGNOLIA AVE
PASADENA, CA 91106

[09-31-482-012-0000]
BURNS, CHERIE K
1199 PACIFIC HWY #1501
SAN DIEGO, CA 92101

[09-31-487-002-0000]
PROPERTIES @ 34 G STREET, LLC
2189 S 4000 W
REXBURG, ID 83440

[09-31-487-001-0000]
PHILLIPS, RONALD C & ROXANNA; JT
PO BOX 1395
ELEPHANT BUTTE, NM 87935-1395

[09-31-489-010-0000]
SKORUT, ANNA
15 FEATHER SOUND DR
HENDERSON, NV 89052

[09-31-481-008-0000]
WEST, JASON B & JILL A; JT
217 W LEONA ST
UVALDE, TX 78801-4603

[09-31-482-009-0000]
VANYA HOLDINGS, LLC
HC64 BOX 3215
MOAB, UT 84532

[09-31-481-007-0000]
HAJ & EDJ LAUNDRY, INC
70 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-006-0000]
KENDALL, JEREMIAH J & HORNG, WAN; JT
72 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-481-005-0000]
LOOCK, RONALD D & DONALD A; JT
78 N 'F' ST
SALT LAKE CITY, UT 84103-2942

[09-31-482-005-0000]
MERICOLA, AUGIE K & KAREN A; JT
68 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-020-0000]
MIROW, SUSAN
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951

~~[09-31-481-021-0000]
MIROW, SUSAN; TR
73 N 'G' ST
SALT LAKE CITY, UT 84103-2951~~

[09-31-481-012-0000]
SENJO, SCOTT
77 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-481-011-0000]
WILKINSON, CRAIG
83 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-001-0000]
MARK, HENRY J & MARY H; JT
88 N 'G' ST
SALT LAKE CITY, UT 84103-2952

[09-31-481-010-0000]
CARROLL, PHILIP & CARLISLE S (JT)
89 N 'G' ST
SALT LAKE CITY, UT 84103-2951

[09-31-482-016-0000]
STRAUS, CHRISTOPHER M
67 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-015-0000]
PHILLIPS, MELISSA W
73 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-014-0000]
RUGH, THOMAS F & SUSAN S; JT
75 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-482-013-0000]
WARMATH, SARAH
83 N 'H' ST
SALT LAKE CITY, UT 84103-2961

[09-31-489-008-0000]
REID, DAN & CHERYL; JT
1400 E 3010 S
SALT LAKE CITY, UT 84106-3408

[09-31-489-005-0000]
HAMMOND, RANDY G
3389 S EVERGREEN PL
SALT LAKE CITY, UT 84106

[09-31-481-017-0000]
THOMPSON, JEFFREY P
473 E FIRST AVE
SALT LAKE CITY, UT 84103-2902

[09-31-489-011-0000]
BAHR, KRISTOPHER
511 E FIRST AVE #9
SALT LAKE CITY, UT 84103-2908

[09-31-489-016-0000]
ONTKO, THOMAS S
511 E FIRST AVE #15
SALT LAKE CITY, UT 84103-2908

[09-31-489-013-0000]
HESSE, DAN
511 E FIRST AVE #403
SALT LAKE CITY, UT 84103-3178

[09-31-482-021-0000]
PFITZNER, MARK; TR (MP LV TRST)
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

~~[09-31-482-023-0000]
PFITZNER, MARK; TR
531 E FIRST AVE
SALT LAKE CITY, UT 84103-2906~~

[09-31-482-022-0000]
LEE, MARY ANN W; TR
535 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

[09-31-482-002-0000]
G STREET PINES, L.C.
1714 E FORT DOUGLAS CIR
SALT LAKE CITY, UT 84103-4450

[09-31-481-015-0000]
ANDERSON, JOHN L & MYRNA L (JT)
629 S LAKE ST
SALT LAKE CITY, UT 84102-3422

[09-31-481-019-0000]
SUN SHADOW VENTURES, LLC
3551 E MILLCREEK RD
SALT LAKE CITY, UT 84109-3879

[09-31-481-016-0000]
LESSING, DALE L
526 N PERRYS HOLLOW RD
SALT LAKE CITY, UT 84103-4244

[09-31-482-017-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-014-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-012-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-009-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-006-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-007-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-001-0000]
MON DE VILLE CONDM COMMON AREA MASTER
CARD
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-002-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-003-0000]
LAWRENCE, MICHAEL K & PATRICIA (JT)
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-489-004-0000]
MONSON, E E COMPANY
PO BOX 11645
SALT LAKE CITY, UT 84147-0645

[09-31-487-003-0000]
UTAH DEPARTMENT OF TRANSPORTATION, ETAL
PO BOX 148420
SALT LAKE CITY, UT 84114-8420

[09-31-482-003-0000]
HART, STEVE E
PO BOX 22523
SALT LAKE CITY, UT 84122-0523

[09-31-487-005-0000]
FIRST AVENUE MANAGEMENT COMPANY, LLC
PO BOX 520673
SALT LAKE CITY, UT 84152-0673

[09-31-489-015-0000]
MONSON, E E COMPANY
PO BOX 62
SALT LAKE CITY, UT 84110-0062

[09-31-478-006-0000]
FLANDRO, KENT O; TR
PO BOX 9827
SALT LAKE CITY, UT 84109-9827

[09-31-481-003-0000]
ROBINSON, VERNICE
468 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-481-004-0000]
BERRYMAN, LISA Y && DAVID M; JT
474 E SECOND AVE
SALT LAKE CITY, UT 84103-2922

[09-31-482-024-0000]
BARKER, CHRIS G & LYON, JULIA B; JT
514 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-010-0000]
WEIXLER, ROBERT W & SHEREE G; JT
520 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-011-0000]
GARCIA, LIENG K; TR (LKG FAM TRUST)
530 E SECOND AVE
SALT LAKE CITY, UT 84103-2924

[09-31-482-004-0000]
GEE STREET LLC
573 E SEVENTH AVE
SALT LAKE CITY, UT 84103-3051

[09-31-487-006-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-007-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-008-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-487-004-0000]
STATE OF UTAH
450 N STATE OFFICE BLDG
SALT LAKE CITY, UT 84114

[09-31-486-007-0000]
AIC INVESTMENT PROPERTIES, LLC
PO BOX 4902
JACKSON, WY 83001

Attachment C
Public Comment

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Kris Bahr

Signature

Kris Bahr

Owner/ Tenant printed name

511 E. 1st ave. #401

Address

From: Oktay, Michaela
To: ["Julia Lyon"](#)
Subject: RE: questions regarding case PLNPCM2013-00319
Date: Monday, July 08, 2013 10:58:00 AM
Attachments: [application.pdf](#)

Julia,

Thanks for your email and concern. Attached is an electronic copy of the application, it is public record. It is a internet ground mounted utility box. The applicant has spoken to the attempt to put it on private property (our preferred scenario) but that they haven't been able to secure an easement. I am going to take another trip out there and check out your house and the utilities in the area. Please let me know if you have any other concerns or comments. Your comments will be included in my staff report.

Best,

MICHAELA OKTAY, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

michaela.oktay@slcgov.com
TEL 801-535-6003
FAX 801-535-6174

WWW.SLCGOV.COM

From: Julia Lyon [mailto:julialyon@hotmail.com]
Sent: Sunday, July 07, 2013 9:25 PM
To: Oktay, Michaela
Subject: questions regarding case PLNPCM2013-00319

Michaela,

I recently received a postcard from the city regarding a conditional use permit for Century Link to put a high speed internet xbox near my house. If possible, I would like to receive an electronic copy of the application.

I mainly want to know:

1. What is the purpose of the box?
2. What is the size -- is there a visual I can see?

We have a variety of transformers/junction boxes near our home already and I am

concerned about an additional utility device near my home. I am wondering whether these have been adequately spread out throughout the neighborhood or whether they are clustered near us.

Thank you.
Julia Lyon
514 2nd Ave.

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

MARCOS Padilla

Owner/ Tenant printed name

511 FIRST AVE # 402

Address

SLC UT. 84103

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Patricia Lawrence (president)
Signature

Laurco Inc.
Owner/ Tenant printed name

P.O. Box 11645
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Patricia Lawrence (owner)
Signature

HAS & EDJ Laundry Inc.
Owner/ Tenant printed name

70 N F Street
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Patricia Lawrence (secretary)
Signature

Mon De Ville Condo Association
Owner/ Tenant printed name

511 1st Ave
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature



Michael R. Lawrence
Owner/Tenant printed name

P.O. Box 11645 SLC, UT. 84147

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

Nathan Nelson

Owner/ Tenant printed name

511 1st Ave, Apt 501 S.L.C, UT 84103

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Audrey Stewington Ruben Gonzalez
Signature

Audrey Stewington Ruben Gonzalez
Owner/Tenant printed name

503 1st Ave #2 SLC, Utah 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

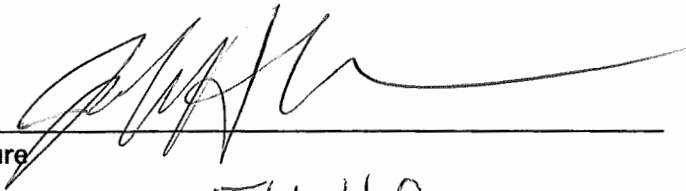
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Signature

Jakob Hofer

Owner/ Tenant printed name

56 G St.

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Julie Price
Signature
Julie PRICE.
Owner/ Tenant printed name
503 1st Ave #2
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319


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Signature

Calvin Tucker
Owner/ Tenant printed name

505 E 1st Avenue
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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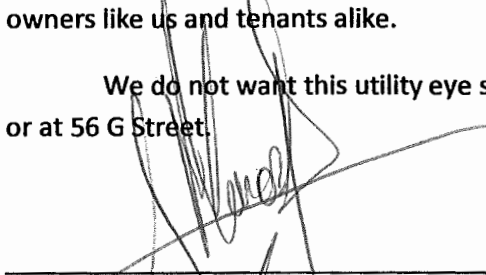
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Signature

Owner/ Tenant printed name

Address


Luz Coronado
511 East 1st Ave. Apt 302 SLC, UT 84103

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319


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Signature

JEFF S. ANDERSON
Owner/ Tenant printed name

511 1st AVE. # 103 SLC, UT. 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

COLTER VALCARCE

Owner/ Tenant printed name

1ST AVE, @ STREET SALT LAKE CITY, UT 84103

Address

To: Salt Lake Planning Division

451 South State Street rm. # 406

Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature

DANIEL M. HESSE, TTEE
Owner/ Tenant printed name

P.O. Box 3 Auburn WY 83111
Address

Owner 511 E. First Ave. # 403

To: Salt Lake Planning Division

451 South State Street rm. # 406

Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

The proposed Century Link High Speed Internet Xbox, to be place on our property at 503 First Avenue, Salt Lake City, Utah, is against our wishes. We do not want this utility box on our property.

We have asked Century Link in previous conversations not to locate their equipment on our property. Why do they continue to try. Why us?

This utility box, right in front of our apartment building is ugly and will detract from the value of our property and that of our neighbors at 511 First Ave. We will loose value in our property.

We already have a major gang writing graffiti problem on our properties' and on the lower avenues. Police give us no help at all in patrolling this problem. This box will be just on more attraction to accommodate more graffiti, which in turn causes our property to begin to look less attractive to owners like us and tenants alike.

We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.

Wesley Green
Signature

Wesley Green - tenant
Owner/ Tenant printed name

511 1st Ave Apt. 50-203
Address

To: Salt Lake Planning Division

451 South State Street rm. # 406

Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

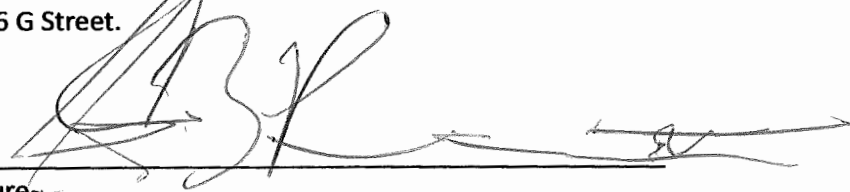
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We do not want this utility eye sore and problem on our property at 503 1st Ave. or 511 1st Ave. or at 56 G Street.


Signature

Cora B Price
Owner/ Tenant printed name

503 First Ave 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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Signature



PATRICK LAWRENCE

Owner/ Tenant printed name

511 1ST AVE # 503

Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480

Atten: Michaela Oktay

Case number PLNPCM2013-00319

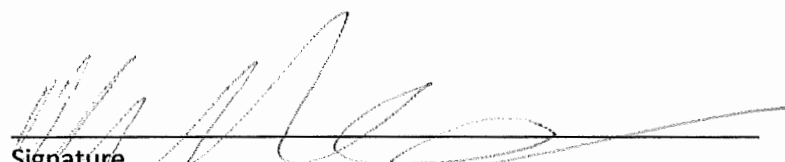
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Signature
Eile McFarlane
Owner/ Tenant printed name
511 E. 1st Ave SLC, UT 84103
Address

To: Salt Lake Planning Division
451 South State Street rm. # 406
Salt Lake City, Utah 84111

Atten: Michaela Oktay

Case number PLNPCM2013-00319

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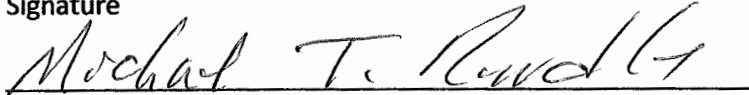
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Signature



Owner/ Tenant printed name



Address