

Staff Report

PLANNING DIVISION COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner - 801-535-6107 - david.gellner@slcgov.com

Date: October 11, 2017

Re: PLNPCM2017-00645 – Conditional Use - Sprint Wireless Antenna Equipment Upgrade

CONDITIONAL USE

PROPERTY ADDRESS: Approximately 1250 South 1100 East – in the park strip PARCEL ID: N/A MASTER PLAN: Central Community Master Plan ZONING DISTRICT: CN - Neighborhood Commercial District

REQUEST: Jared White, representing Sprint Wireless, is requesting conditional use approval for the installation of three wireless antennas on a utility pole located in the park strip which is a part of the city right of way at approximately 1226 South 1100 East. This type of request must be processed as a Conditional Use since the diameter of the antennas would exceed a 30 inch limit per 21.40.090.E.2.g. (see Attachment E).

RECOMMENDATION: Based on the information in this staff report, planning staff recommends that the Planning Commission approve the proposed conditional use project subject to complying with all applicable regulations and the conditions of approval listed below. The following motion is provided in support of the recommendation:

Based on the findings and information listed in the staff report and the testimony and plans presented, I approve the proposed utility pole mounted antenna upgrade under PLNPCM2017-00645 subject to the conditions listed in the staff report as follows:

- 1. Any modifications to the approved plans after the issuance of a building permit must be specifically requested by the applicant and approved by the Planning Division prior to execution.
- 2. Applicant shall comply with all other department/division requirements.

ATTACHMENTS:

- A. Vicinity Map
- B. Photos
- C. <u>Site Plan & Elevations</u>
- **D.** Additional Applicant Information
- E. Existing Conditions & Zoning Requirements
- F. Analysis of Standards
- **G.** Public Process and Comments
- H. Department Comments

PROJECT DESCRIPTION:

The request is to install three new wireless antennas on a utility pole located in a City-owned park strip. Rocky Mountain Power is proposing to replace the existing wood utility pole with a new steel utility pole. The existing wooden pole is approximately 58-feet tall. The replacement pole will be approximately 73-feet tall, a 15-foot increase in height. Currently, there are three wireless antennas on the existing pole. The existing antennas are mounted flush against the pole and stretch 4 feet 4 inches in diameter. The proposed antennas will not be constructed flush against the pole. The antenna array will be approximately 10 feet 2 inches in diameter. The diameter measurement for both includes the pole itself, antennas and necessary mounting materials. The new antennas are proposed to be approximately 5 feet 1 inch in tall which is 11 inches shorter than the existing flush mounted antennas.

The new antennas will require few changes to the operation of the site. There will be two new pieces of hardware installed in the existing ground-mounted utility cabinet. It will not necessitate an expansion of that cabinet or the construction of any new structures.

Because the proposed antennas will exceed 30 inches in width, the request must be reviewed as a conditional use. All other aspects of the project meet the standards for wireless antennas mounted on a utility pole.

<u>Planning Commission Note</u>: A Conditional Use for the proposed use at the same location and scale was approved by the Planning Commission in August 2015 under Planning File PLNPCM2015-00478. The project was not constructed and the conditional use approval has since expired.

KEY ISSUES:

The key issue listed below has been identified through the analysis of the project, neighbor and community input and department review comments.

1. VISUAL IMPACTS:

The proposed antennas will be located on a replacement utility pole in a small neighborhood commercial node at the intersection of 1100 East and 1300 South. A retail store is located directly to the south, a commercial structure containing office and restaurant uses is located east across 1100 East. The property to the west contains a new mixed use commercial building and is zoned CN Neighborhood Commercial. The nearest single family residential structure is located on the opposite side of 1100 E, approximately 95 feet away.

There are currently three wireless antennas on the existing wooden pole and the proposed antennas will extend outward further but will be shorter than the existing antennas. The pole itself will be increased 15-feet in height. By utilizing antennas that extend further away from the pole, and a taller pole, the antennas can accommodate an increased amount of cellular traffic. This decreases the need to construct new antenna arrays on other poles in the community. The utility pole directly to the south of this pole also houses wireless antennas and is constructed in a manner similar to the proposed antenna array.

DISCUSSION:

The proposed antennas will be similar in design to the existing antennas. Antennas already exist in this area on the existing pole and other nearby utility poles so they are not unusual in this small neighborhood commercial area. The new antennas, though visible and on a taller pole should introduce no additional negative impacts to the neighborhood. At the same time, they will provide the public benefit of improved cellular coverage in the area.

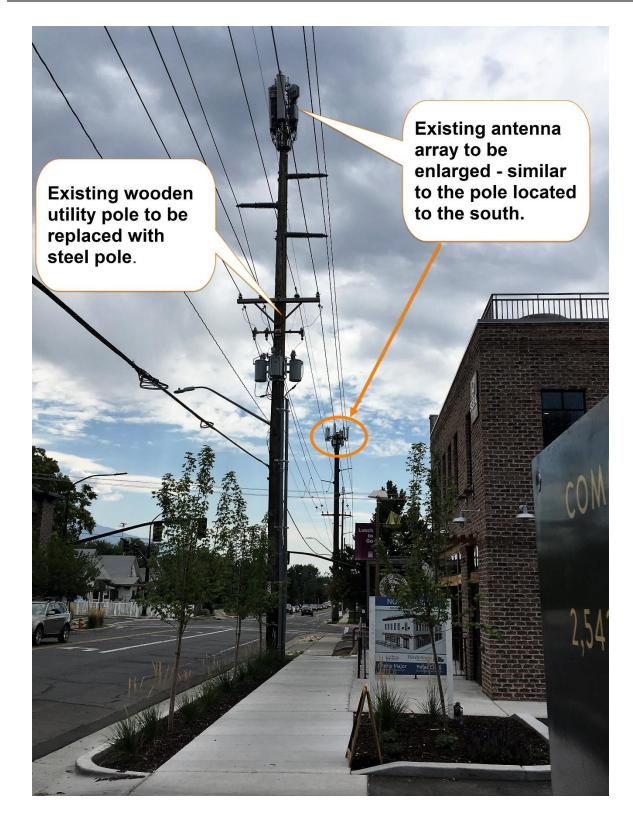
NEXT STEPS:

If the conditional use is approved, the applicant will be required to comply with all other department/division requirements and obtain all necessary building permits for the project.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOS





Existing wooden utility pole located in the right-of-way adjacent to a new mix-use commercial building. Pole to be replaced with a steel utility pole and antenna array to be expanded.

ATTACHMENT C: SITE PLAN & ELEVATIONS

SPECIAL NOTE:

DUE TO LIMITED DATA AND ACCESS TO THE EXISTING SITE, J5 INFRASTRUCTURE PARTNERS MADE CERTAIN ASSUMPTIONS REGARDING OUR EVALUATION. THE OPINION IS OFFERED BASED ON THE ACCEPTED ENGINEERING PRACTICE WITHIN APPLICABLE CODE-ALLOWABLE LOADING LIMIT. ALL EXISTING STRUCTURAL ELEMENTS OF THE STRUCTURE AND ANTENNA MOUNTS ARE PRESUMED TO BE PROPERLY FASTENED AND IN GOOD AND RELIABLE STRUCTURAL CONDITION WITHOUT STRUCTURAL DAMAGES AT THE TIME OF THE EVALUATION. CONFIRMATION OF THE TOWER STRUCTURAL INTEGRITY IS BEYOND THE SCOPE OF THIS PROJECT. SHOULD ANY EXISTING STRUCTURAL ELEMENTS BE DEEMED TO BE IN AN UNRELIABLE STRUCTURAL CONDITION JS INFRASTRUCTURE PARTNERS SHALL NOT BE HELD LIABLE FOR ANY STRUCTURAL DEFICIENCIES. AS SUCH, JS INFRASTRUCTURE PARTNERS SHALL BE NOTIFIED IN WHICH A FULL INVESTIGATION OF THE STRUCTURE AND STRUCTURAL ANALYSIS WILL BE REQUIRED.



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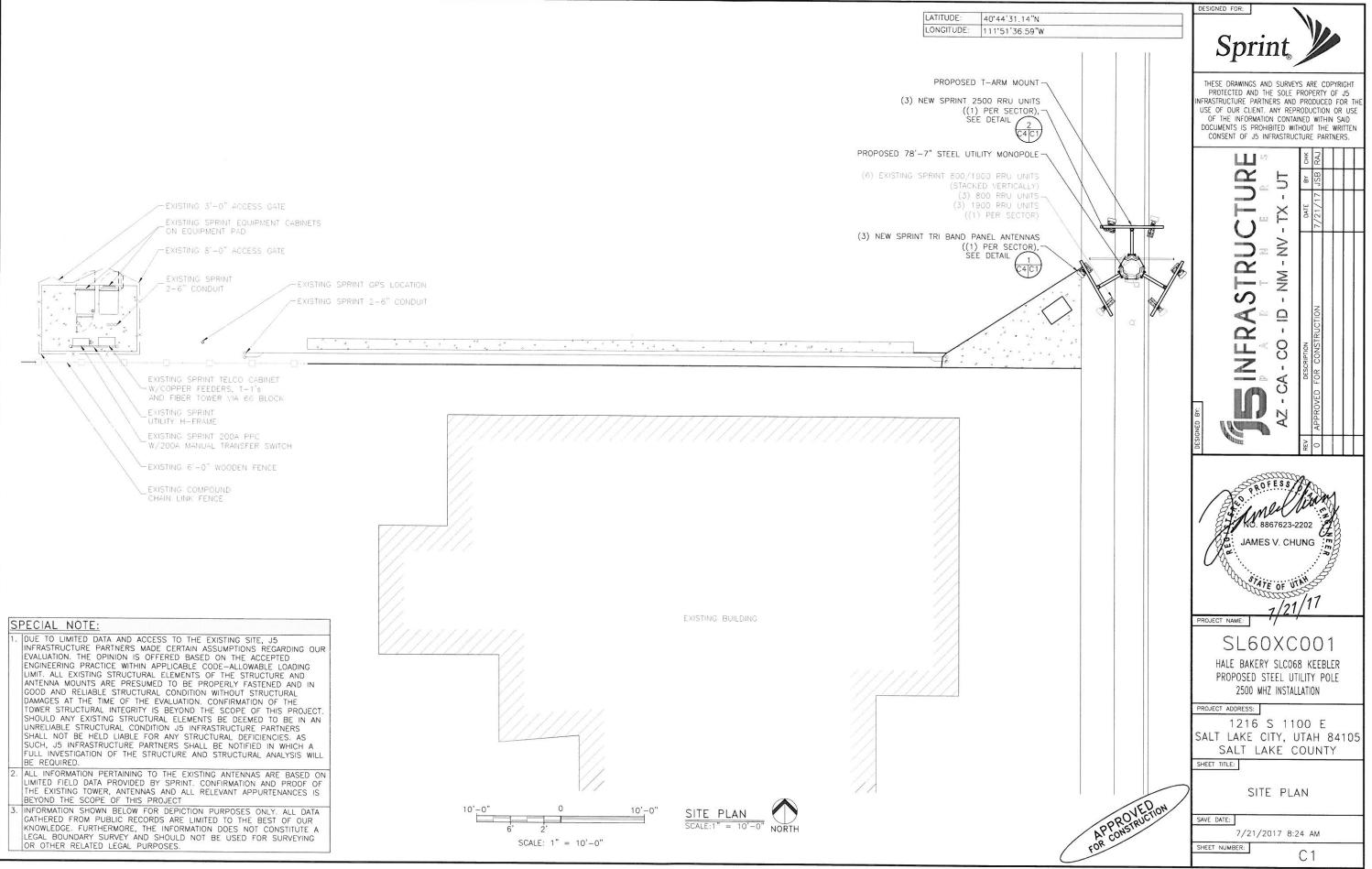
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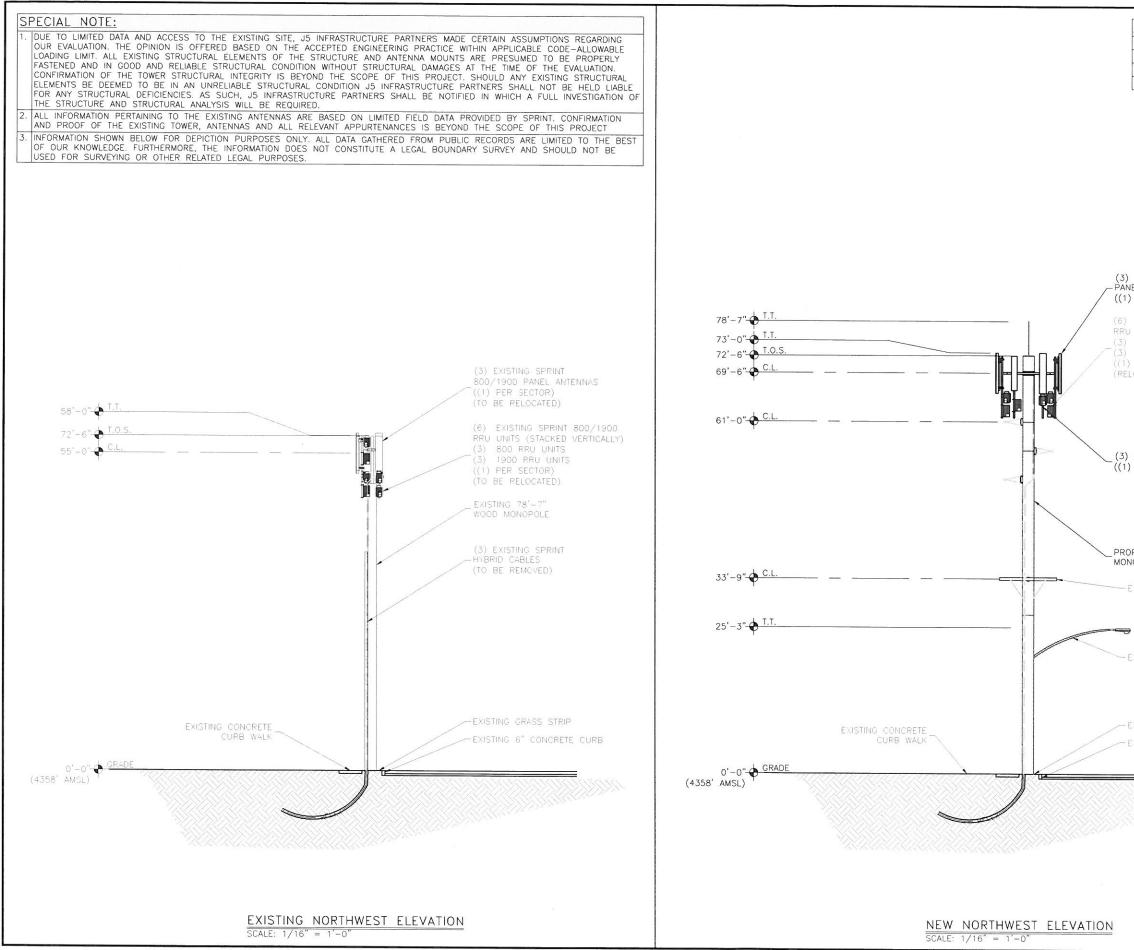
1216 S 1100 E SALT LAKE CITY, UTAH 84105 SALT LAKE COUNTY

PROPOSED STEEL UTILITY POLE 2500 MHZ INSTALLATION

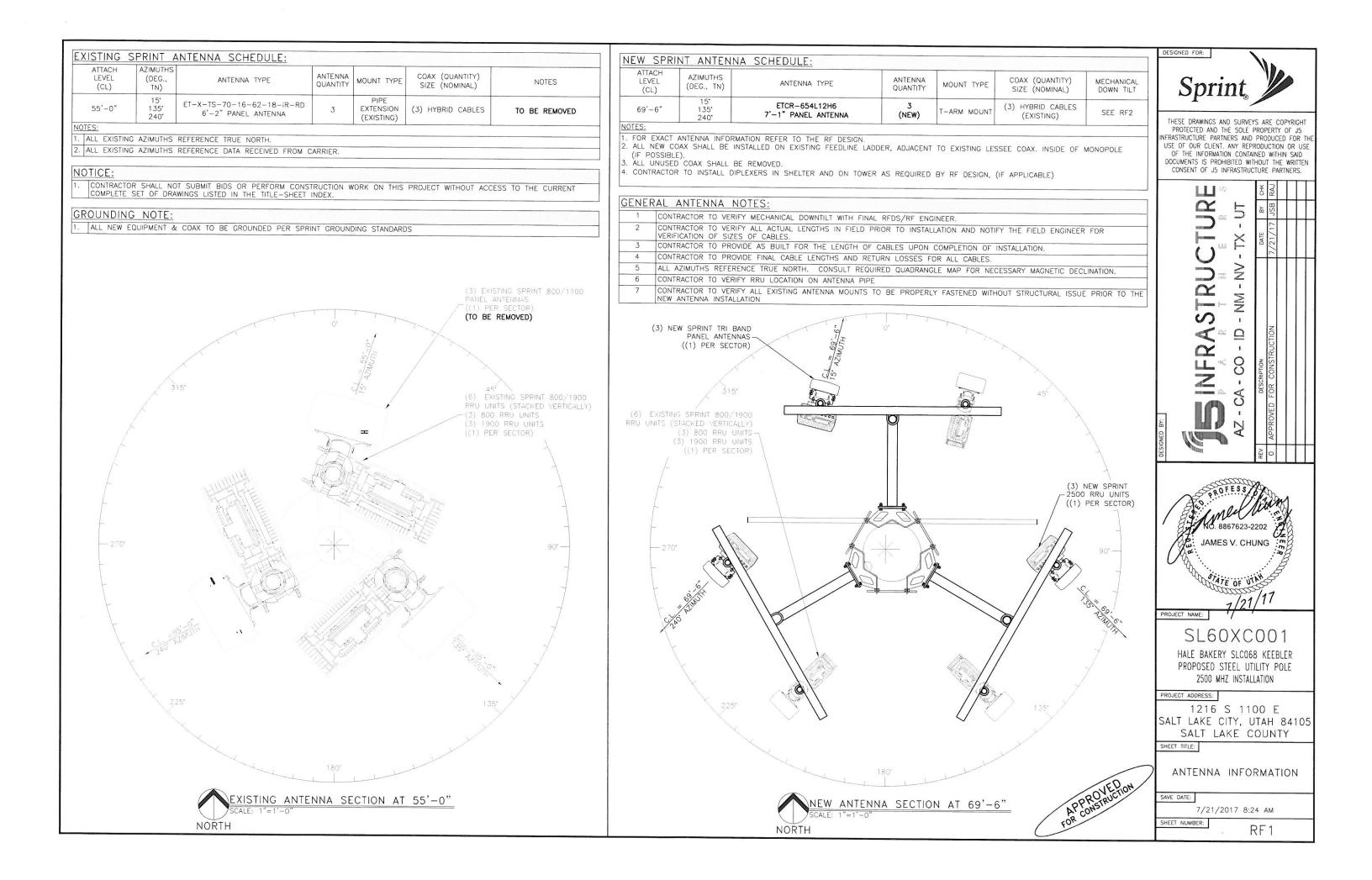
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C3	EQUIPMENT MAPPING AND CABLE CHART	0	ENGINEERS/DESIGNERS: J5 INFRASTRUCTURE PARTNERS		ANY WORK.			COMMERCIAL	THREE (3) NEW
C4	SECTIONS & DETAILS		5225 WILEY POST WAY, SUITE 410	3.	ALL FIELD MODIFICATIONS BEFORE, DURING, OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A	TYPE OF COM	ISTRUCTION:	NA	THREE (3) NEW ONE (1) NEW S
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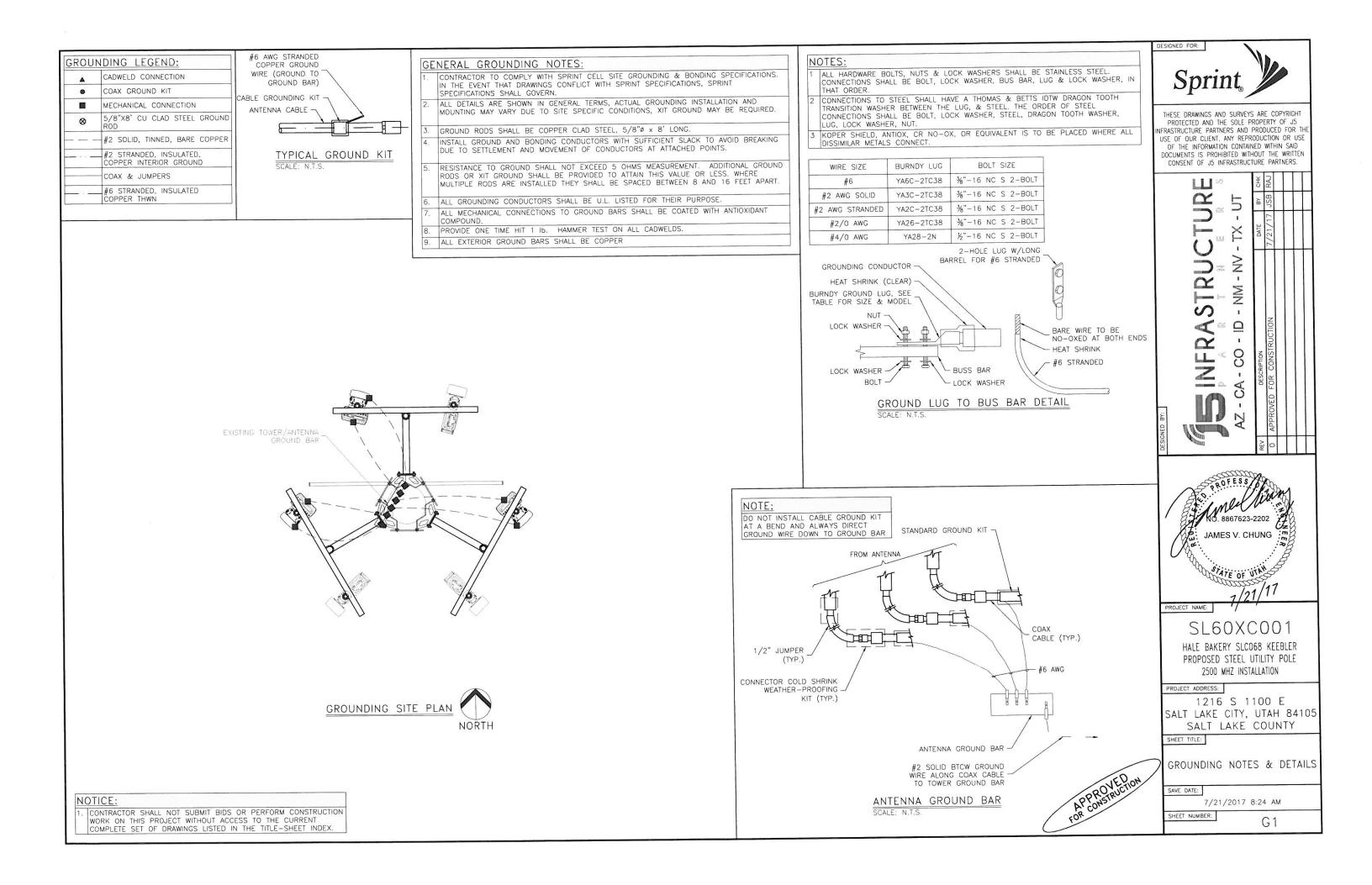






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	Corint
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A.G.L. = ABOVE GRADE LEVEL	
NEW SPRINT TRI BAND	THESE DRAWINGS AND SURVEYS ARE COPYRIGHT PROTECTED AND THE SOLE PROPERTY OF J5 INFRASTRUCTURE PARTNERS AND PRODUCED FOR THE USE OF OUR CLIENT. ANY REPRODUCTION OR USE OF THE INFORMATION CONTAINED WITHIN SAID DOCUMENTS IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF J5 INFRASTRUCTURE PARTNERS.
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EXISTING GRASS STRIP EXISTING 6" CONCRETE CURB	SL6OXC001 HALE BAKERY SLC068 KEEBLER PROPOSED STEEL UTILITY POLE 2500 MHZ INSTALLATION PROJECT ADDRESS: 1216 S 1100 E
APPROVED FOR CONSTRUCTION	SALT LAKE CITY, UTAH 84105 SALT LAKE COUNTY SHEET TITLE: ELEVATIONS SAVE DATE: 7/21/2017 8:24 AM SHEET NUMBER: C2





ATTACHMENT D: APPLICANT INFORMATION

Re: Sprint CUP Application Approx. 1216 South 1100 East

To: Salt Lake City Planning Department

Sprint currently operates a cellular facility on a RMP power pole at the above address. In order to improve cellular coverage in the area and plan for future growth Sprint needs to update antenna equipment and raise the existing pole. This will require Sprint to remove and replace the existing RMP Power Pole. Once replaced Sprint will add the new antennas to the pole. Sprint was issued a CUP for this same project in 2015 under petition PLNPCM2015-00478 but due to budget restrictions placed the site on hold. Since the work did not start the application has expired and we are re-applying

Sprint is not proposing to make any changes to ground equipment, expand the existing lease/fenced area or bring any additional power into the site.

Conditional Use Information:

- Delivery hours are NA
- Surrounding uses are residential and commercial
- Site is unmanned with no employees but operates 24/7
- Seats provided is NA
- Project has not been discussed with surrounding owners

Thank you for your consideration

Sincerely, Jared White

ATTACHMENT E: EXISTING CONDITIONS & ZONING ORDINANCE REQUIREMENTS

ADJACENT LAND USES and ZONING

The land use and zoning surrounding the site include the following:

- North: CN small scale commercial
- South: CN small scale commercial including the Liberty Fresh Market
- **East:** CN and R-1/5000 small commercial and then some single-family residential development on the other side of 1100 East
- West: CN small scale mixed use commercial building

The Central Community Master Plan is silent on matters related to wireless telecommunication equipment. The proposed antennas are located on an existing utility pole in a small neighborhood commercial node at the intersection of 1100 East and 1300 South. The existing land uses are consistent with the Central Community Master Plan.

SALT LAKE CITY ZONING ORDINANCE PROVISIONS

Antenna Regulations - 21A.40.090.E.2.g.1

(C) The antennas, including the mounting structure, shall not exceed thirty inches (30") in diameter to be considered a permitted use. Antennas with an outside diameter greater than thirty inches (30") shall be a conditional use.

Relevant provision of the Telecommunications Act, Local Zoning Authority Limitations:

47 U.S.C. 332(c)(7)(B)(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

ATTACHMENT F: ANALYSIS OF STANDARDS

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The antennas are proposed to be constructed on property located in a park strip which is part of the city's street right-of-way. They will be located in the CN Neighborhood Commercial zoning district. Per 21A.40.090.E.2.g of the Zoning Ordinance all utility pole mounted antennas in the zoning district are permitted but in this case it requires conditional use approval because the antennas exceed 30 inches in diameter.

The Zoning Ordinance requires that antennas must be located on an existing utility pole, and the antennas must not extend more than 10 feet above the top of the pole. As proposed the new antennas will meet these standards as the pole is the replacement of an existing pole and the antennas are not proposed to extend taller than the pole itself.

Finding: The proposal complies with the applicable provisions of the Salt Lake City Zoning Ordinance, provided that the request meets the conditions recommended as part of this staff report.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The proposed antennas will be located on a replacement steel utility pole in a small neighborhood commercial node at the intersection of 1100 East and 1300 South. A retail store is located directly to the south, a commercial structure containing office and restaurant uses is located east across 1100 East. The property to the west contains a new mixed use commercial building and is zoned CN - Neighborhood Commercial. The nearest single family residential structure is located on the opposite side of 1100 East and is approximately 95 feet away from the location of the existing utility pole.

There are currently three wireless antennas on the existing pole and the proposed antennas will extend outward further but will be shorter than the existing antennas. By utilizing antennas that extend further away from the pole, the antennas can accommodate an increased amount of cellular traffic. This decreases the need to construct new antenna arrays on other poles in the community. The utility pole directly to the south of this pole also houses wireless antennas. These antennas are similar in size and design as the proposed additional antennas.

Finding: Staff finds that wireless antennas are common in residential neighborhoods where they are needed to provide connectivity to residents of the area. Though the antennas will be visible from surrounding properties, the additional antennas will not create a substantial change in comparison to those that already exist on the current pole and in the general area. The proposal is generally compatible with the nature of the area.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The Central Community Master Plan does not address matters related to wireless telecommunication equipment but utility mounted wireless antennas are permitted uses in all zoning districts. Because this specific proposal must be reviewed as a Conditional Use, if the proposal meets all of the conditions and standards listed, it should be considered as meeting this standard.

Finding: The proposal does not present a conflict with the Central Community Master Plan.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Impacts Chart below for details).

21a.54.080B Detrimental Effects Determination In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it	Complies	The utility mounted wireless antennas are a
is located		permitted use if they are less than 30 inches in
		diameter and a conditional use if larger. If the
		conditional use is approved according to the Zoning
		Ordinance process and all required standards, the
		proposal will not create a detrimental effect.
2. The use is consistent with applicable policies set	Complies	The use is located in an area zoned and designed by
forth in adopted citywide, community, and small		the associated master plan as neighborhood
area master plans and future land use maps		commercial (see analysis from standard 3 above).
3. The use is well-suited to the character of the	Complies	Surrounding the proposed antenna is a new mixed-
site, and adjacent uses as shown by an analysis of		use commercial building and other commercial
the intensity, size, and scale of the use compared		uses although low density residential uses are
to existing uses in the surrounding area		located nearby. Wireless antennas are common in
		residential neighborhoods where they are needed to
		provide service connectivity to residents of the area.
		Collocating these antennas on an existing wireless array decreases the number of additional poles that
		need to be utilized to accommodate cellular traffic.
		Though the antennas will be visible from
		surrounding properties the additional antennas will
		not be a substantial change from the existing
		conditions.
4. The mass, scale, style, design, and architectural	Complies	The antennas will be located on a replacement
detailing of the surrounding structures as they	compiles	utility pole with existing antennas. The new
relate to the proposed have been considered		proposed antennas will extend wider but are
		shorter than the existing antennas but the pole will
		be taller.
5. Access points and driveways are designed to	Complies	The proposal will have no traffic impact.
minimize grading of natural topography, direct		
vehicular traffic onto major streets, and not		
impede traffic flows		
6. The internal circulation system is designed to	Complies	The proposal will have no traffic impact.
mitigate adverse impacts on adjacent property		
from motorized, non-motorized, and pedestrian		
traffic	~	
7. The site is designed to enable access and	Complies	The proposal will have no traffic impact.
circulation for pedestrian and bicycles		
8. Access to the site does not unreasonably impact	Complies	The proposal will have no traffic impact.
the service level of any abutting or adjacent street	Compli	
9. The location and design of off-street parking	Complies	The proposal will not require additional off-street
complies with applicable standards of this code	Complian	parking.
10. Utility capacity is sufficient to support the use	Complies	The proposal will not require additional utility
at normal service levels	Complias	Service.
11. The use is appropriately screened, buffered, or	Complies	The proposal will not change the land use.
separated from adjoining dissimilar uses to mitigate potential use conflicts		
12. The use meets City sustainability plans, does	Complies	The proposal will not significantly impact the
not significantly impact the quality of surrounding	Complies	environment or introduce any hazard.
air and water, encroach into a river or stream, or		environment of introduce any nazaru.
introduce any hazard or environmental damage to		
any adjacent property, including cigarette smoke		
13. The hours of operation and delivery of the use	Complies	The existing electrical equipment will be serviced by
are compatible with surrounding uses	complies	a technician approximately once a month.
		a commentari approximately once a month.
14. Signs and lighting are compatible with, and do	Complies	The proposal will not require signs and lighting.
not negatively impact surrounding uses	Complies	ine proposa chi not require signs and lighting.
not negatively impact surrounding uses		

15. The proposed use does not undermine	Complies	The proposal is not associated with any historic
preservation of historic resources and structures		resources or structures.

Finding: In analyzing the anticipated detrimental effects of the proposed use, Planning Staff finds that the request complies with the criteria listed above.

Section 21A.40.090.E.9 Additional Conditional Use Requirements (for antennas)

In addition to conditional use standards outlined in Section 21A.54 (above) of the zoning ordinance; the following shall be considered by the Planning Commission:

- a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures;
- b. Whether collocation of the antenna on the other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;
- c. The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening;
- d. Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties.

Analysis: Surrounding the proposed antennas are a vacant lot and commercial uses though low density residential uses are located nearby. Wireless antennas are common in residential neighborhoods where they are needed to provide services to residents of the area. In the CN Neighborhood Commercial District, the Zoning Ordinance only allows a few methods of providing wireless services and they include wall mounted antennas or utility poles. Because of the relatively low buildings in the area, utilizing existing utility poles can provide wireless service to more customers which will decrease the need for more wireless antennas in the community. Though the antennas will be visible from surrounding properties the additional antennas will not be a substantial change from the existing conditions.

These new antennas collocated on a replacement utility pole will add capacity to the existing antennas on the utility pole. Because these wireless antennas are being collocated this decreases the chance that other utility poles will have wireless antennas in the community.

Because the antennas are being located on a replacement utility pole that is located in the park strip of 1100 East, it would be difficult to attempt to screen the antenna with existing vegetation, topography or buildings.

These wireless antennas are not being proposed to be constructed on a monopole or lattice towers. There is another utility pole with antennas that is located south of this pole but as was discussed earlier in this report. Staff does not believe that this spacing creates detrimental impacts to adjoining properties.

Finding: This project satisfies the additional requirements of Section 21A.40.090.E.7.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- The application was assigned to David Gellner, Principal Planner on August 10, 2017
- Notice of the project and request for comments sent to the Co-Chairs of the East Liberty Park Community Organization (ELPCO) on August 17, 2017 in order to solicit comments.
- ELPCO chose to not have the applicant or staff attend a regular meeting to explain the proposal.
- To date, no comments were submitted by ELPCO related to this proposal.
- Staff held a public open house at the City and County Building on September 21, 2017 to solicit comments on the proposal.
- The 45-day recognized organization comment period expired on October 2, 2017.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on: September 27, 2017
- Public hearing notice sign posted on the property: September 28, 2017
- Public notice posted on City and State websites & Planning Division list serve: September 27, 2017

Public Input:

As of the date of this staff report, no public comments have been received in relation to the proposal.

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

The following comments from other reviewing departments are applicable to the proposed use:

ZONING REVIEW – On the previous Conditional Use application for this use and site, there was a concern about whether or not a replacement pole qualified as an "existing utility pole" because the pole was being replaced. The Zoning Administrator found that this did qualify as an "existing utility pole". That determination has also been applied to the current proposal since it is identical to the previous proposal for this use.