

ITEM # 1 Richard Dannen requests a Conditional Use Permit for communications facilities (SLU 4700) in the A1.20 (Agricultural) Zone, located approximately at 2495 West Lakeview Parkway. Provo Bay Neighborhood. Jessica Dahneke (801) 852-6413
jdahneke@provo.org PLCUP20240156

<p>Applicant: Richard Dannen</p> <p>Staff Coordinator: Jessica Dahneke</p> <p>Property Owner: Provo City</p> <p>Parcel ID#: 21:039:0022</p> <p>Acreage:22.91</p> <p>Number of Properties: 1</p> <p>Number of Lots: 1</p> <p><u>ALTERNATIVE ACTIONS</u></p> <ol style="list-style-type: none"> Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is August 7th, 2024 at 5:00 P.M.</i> Deny the requested conditional use permit. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Administrative Hearing Officer should <u>state new findings</u>.</i> 	<p>Current Legal Use: The property is currently zoned A1.20 and houses the city’s sewer lift station which is located on the Northeast corner of the parcel.</p> <p>Relevant History: The city has owned the land since the installation of Lakeview Parkway and was vacant until 2018 when work began on the sewer lift station. The applicant has been working with Development Services in the last year to negotiate space for this satellite facility.</p> <p>Neighborhood Issues: The neighborhood has not raised any concerns regarding this application</p> <p>Summary of Key Issues: The A1.20 zone allows for communication structures as conditional use and is regulated by Provo City Code 14.34.250 (11). All items in this code must be met prior to pole installation.</p> <p>Staff Recommendation: Staff recommends that the Planning Commission’s Administrative Officer approve the conditional use permit for a monopole at 2495 N Lakeview Parkway with the following conditions:</p> <ul style="list-style-type: none"> The standard conditions in 13.34.250(11)(f), Provo City Code, are met
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OVERVIEW

YouTube TV is requesting approval to build a monopole satellite on the parcel 21:039:0022, which is zoned A1.20

The A1.20 zone allows for communications monopole as a conditional use. The surrounding zones include A1.20, Open Space and Recreation, Regional Shopping Center, and Airport.

YouTube TV provided site plans showing two concrete pads on the southeast corner of the lot, one for the YouTube Satellite which will be 8,800 square feet and one for a possible future AT&T satellite which will be 2,500 square feet.

ANALYSIS

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the Chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.

(2) The following standards shall apply to any request for a Conditional Use Permit:

(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

*(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity: **(Staff responses in bold)***

(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
Staff response: There will only be occasional traffic to the site for maintenance of the satellite.

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;
Staff response: The location of the satellite is remote and will not interfere with any lawful use of the surrounding property.

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; or
Staff response: The addition of a satellite on the property will not create a need for municipal services which cannot be reasonably met.

(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

Staff response: The use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

(d) If a part of a proposed conditional use is found to be contrary to the standards described in this Section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this Section.

FINDINGS OF FACT

1. The Property is Zoned A1.20
2. The proposed additional use to the property is a monopole
3. A monopole structure is a conditional use in the A1 zone

APPLICABLE ZONING CODES

Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

(i) A monopole structure shall comply with the following development standards:

(A) All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.

(B) All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.

(C) No monopole structure shall be located:

(I) Closer to a residential zone boundary than two (2) times the height of the monopole; and

(II) Within a one-half (1/2) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.

(III) The Planning Commission may approve a location closer to a residential zone boundary than allowed in Subsection (11)(f)(i)(C)(I) of this Section if the location is at least one and one-quarter (1 1/4) times the height of the monopole from any residential boundary and one (1) or more of the following conditions are met:

1. The alternate location will reduce visual impacts on the adjacent residential property;
2. The height of the monopole is more consistent with buildings or structures in the alternate location; or
3. The alternate location provides easier or more convenient access for maintenance due to property slopes or other natural barriers.

(D) A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.

(ii) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection (11)(f)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) An application for a monopole structure shall include the following:

(A) A letter from the applicant stating that the applicant will permit antenna co-location, will conform to the requirements of Subsection (11)(f)(ii) of this Section, and that the monopole structure is capable of supporting co-located antennas; and

(B) Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) Notwithstanding Subsection (11)(b) of this Section, co-location on an existing monopole structure that meets the requirements of this Subsection (11)(f) shall be a permitted use and shall be handled with a building permit.

(v) The exact location of the monopole on the site must be approved by the Planning Commission. If at any point during deliberation of the Planning Commission or following the decision of the Planning Commission there is a need to alter the location of the monopole, a new site plan and elevation drawings showing the proposed location must be brought back to the Planning Commission for review and approval. Prior to a rehearing by the Planning Commission, neighboring property owners within five hundred (500) feet will be given notice of the Planning Commission meeting.

CONCLUSIONS

Staff have reviewed the proposal against the requirements outlined in the city code and have found that the proposed use will not damage the health, safety, or general welfare of persons or properties in the vicinity.

APPLICANT AGREEMENT TO CONDITIONS

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) _____ Date _____

ATTACHMENTS

1. Site Plan
2. Concrete Pad Dimensions
3. Antenna Dimensions

