

Provo City Planning Commission Administrative Hearing

Report of Action

April 2, 2014

ITEM 1 Daren Johnson, agent for Sprint, requests a Conditional use Permit for the installation of an antenna to the building at 101 West 100 North in the DT2 (Downtown Core) zone. **Central Business District Neighborhood** 14-0005CUP

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on April 2, 2014:

APPROVED

Administrative Hearing Officer: CARRIE WALLS

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:

1. That a business license be applied for and approved within 10 days of the approval of this conditional use permit.
2. That a building permit be obtained prior to beginning any work.
3. That an application and approval to modify the conditional use permit be completed prior to any other modification or change to the communications tower and equipment shelter.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

NEIGHBORHOOD AND PUBLIC COMMENT

The Neighborhood Chair was not present and did not address the Administrative Hearing Officer during the hearing. Neighbors or other interested parties were present or addressed the Administrative Hearing Officer. Key issues raised during the public hearing included the following:

1. Whether the cell tower antennas will emit harmful radiation, public was referred to the applicant for answers.



Administrative Hearing Officer

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report for further detailed information. The Staff Report is a part of the record of the decision of this item.

Administrative decisions may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Hearing Officer's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Conditional Use Permit
Administrative Hearing Date:
April 2, 2014**

ITEM 1 Daren Johnson, agent for Sprint, requests a Conditional use Permit for the installation of an antenna to the building at 101 West 100 North in the DT2 (Downtown Core) zone. **Central Business District Neighborhood** 14-0005CUP

Applicant: Sprint – Daren Johnson

Staff Coordinator: Aaron Ardmore

Property Owner: PMH Investors LLC

Parcel ID#: 04:063:0045

Current Zone: DT2

Proposed Zone: N/A

General Plan Designation: D

Acreage: N/A

Number of Properties: 1

Number of Lots: 1

Total Building Square Feet: N/A

Council Action Required: No

Alternative Actions:

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 7, 2014, 5:00 P.M.*

2. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report.*

Current Legal Use: Commercial Hotel

Relevant History: There is an existing utility cabinet structure on the roof of the Marriott Hotel that contains various antennas.

Neighborhood Issues: There have been no neighborhood issues reported to staff. The neighborhood chair has not responded to this application.

Summary of Key Issues:

- The site was approved for this use in 1999 (casefile #99-0009CUP).
- The applicant proposes the installation of new antennas and cables to an existing utility cabinet.

STAFF RECOMMENDATION:

That the Administrative Hearing Officer approve the proposed use, with the following conditions:

1. That a business license be applied for and approved within 10 days of the approval of this conditional use permit.
2. That a building permit be obtained prior to beginning any work.
3. That an application and approval to modify the conditional use permit be completed prior to any other modification or change to the communications tower and equipment shelter.

OVERVIEW

The applicant proposes to add new antennae and cables to the existing utility cabinet on the top of the Marriott Hotel. The existing antennae at this site were approved with a conditional use permit in 1999. Specifically, the applicant proposes to install three new antennae and related cables to the existing structure.

PLANNING REVIEW

1. Compliance with 14.02.040

The ordinance, in part, is as follows:

(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.

The proposal is adding on antennae to a structure that already houses similar communication equipment. The proposed antennae will not be taller than any that currently exist. Staff believes that these additions will not be detrimental to the health, safety, and 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:

(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;

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

(iii) if the proposed use will create a need for essential 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.

The proposed additions to the utility cabinet will not be detrimental to the safety of persons or property; will not interfere with the lawful use of surrounding property; will not create a need for essential municipal services; or be detrimental in any

other way 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.

This standard does not apply.

(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.

2. Project Plan Approval
Not required.
3. Design Review
Not required.
4. Landscaping
There are no changes to the existing landscaping on the property.
5. Trash Container Enclosure
Not required.
6. Fencing
No changes in existing fencing on site.
7. Parking
Not required.
8. Signage
Not required.
9. Transitional Development Standards
The existing site does not require any transitional development standards.
10. Design Corridor
The existing site is not in a design corridor.
11. Other Concerns
The proposed antennae will not extend above the existing antennae on the site.

BUILDING INSPECTION REVIEW

The proposal will require a building inspection, which will be done after a building permit is issued.

OTHER CITY DEPARTMENTS

This proposal has been reviewed and approved by all relevant City Departments.

BONDING

This proposal does not require any bonding.

CONCLUSIONS

The proposed antenna and cable additions to the existing utility cabinet will have negligible impact on the surrounding properties and will not detrimentally affect the health, safety, and welfare of the public.

RECOMMENDATION

Staff recommends approval of the proposed antennae with the following conditions.

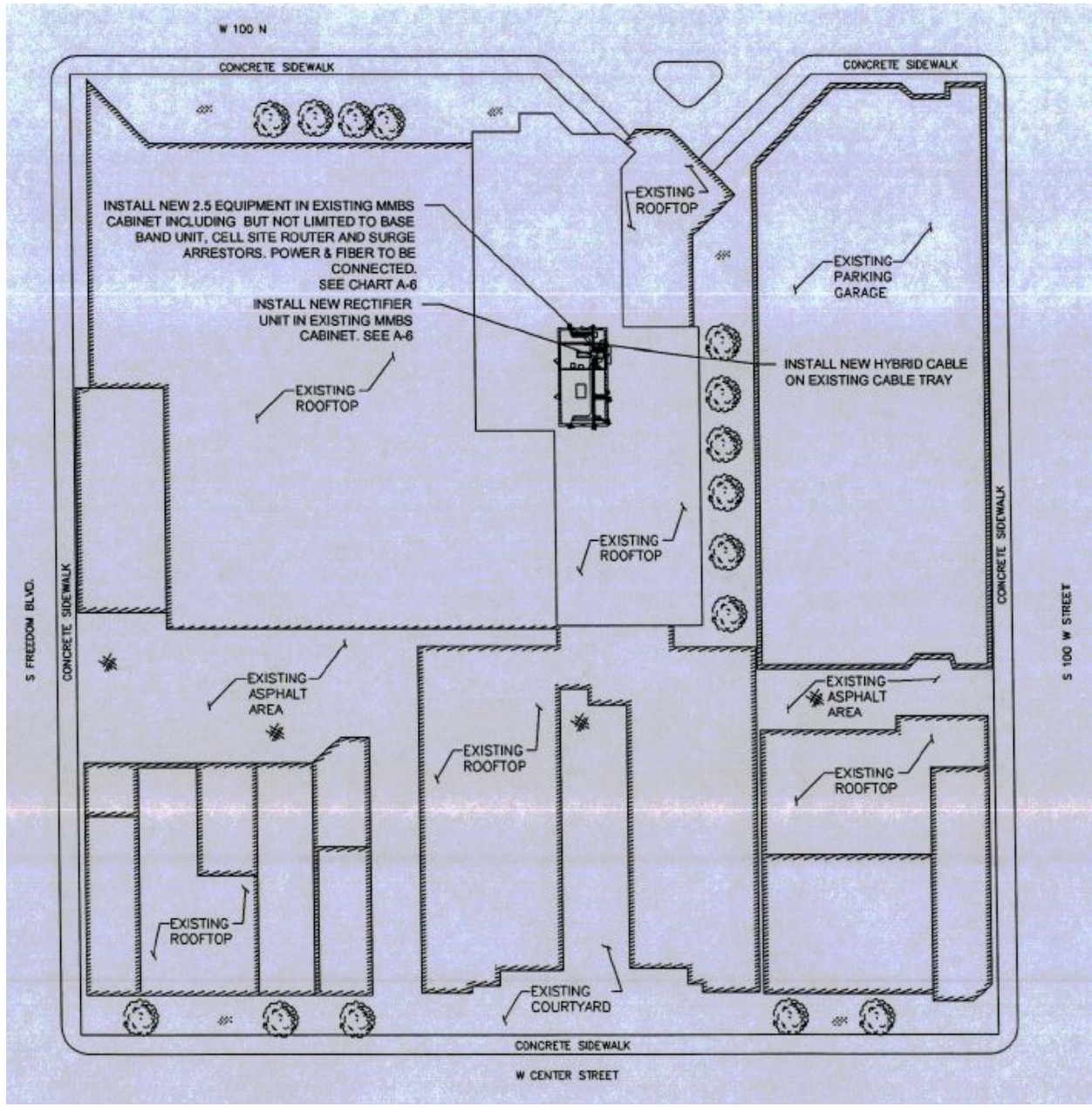
CONDITIONS OF APPROVAL

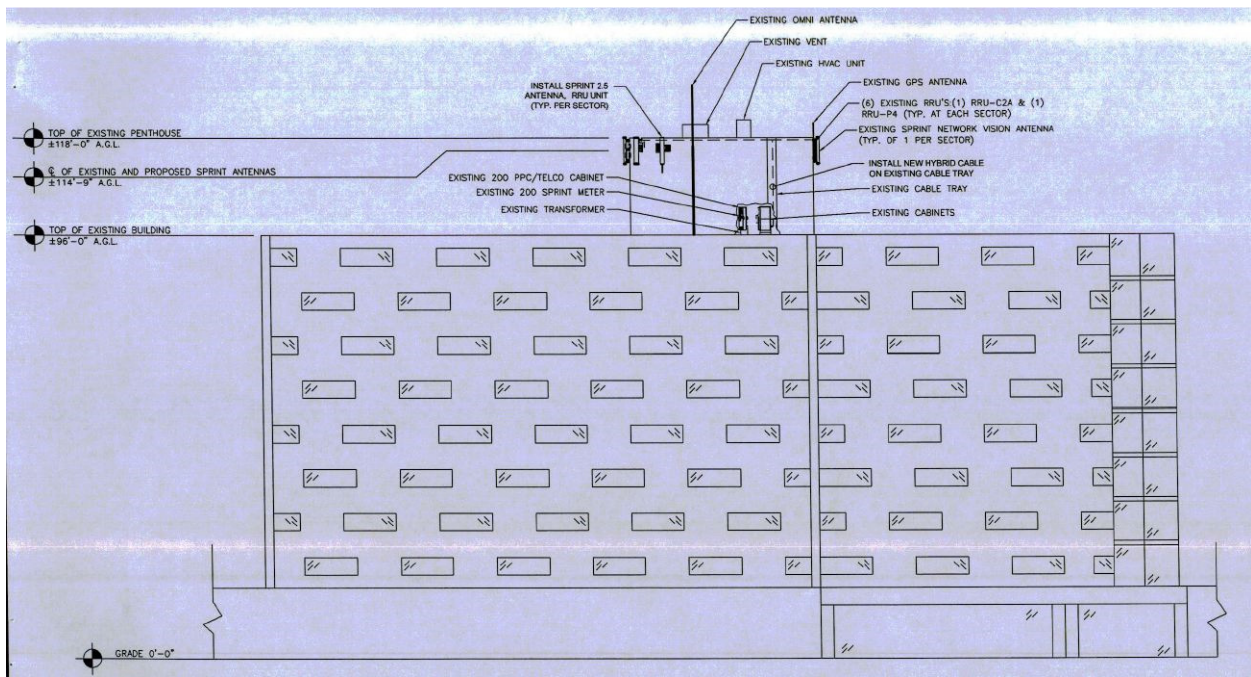
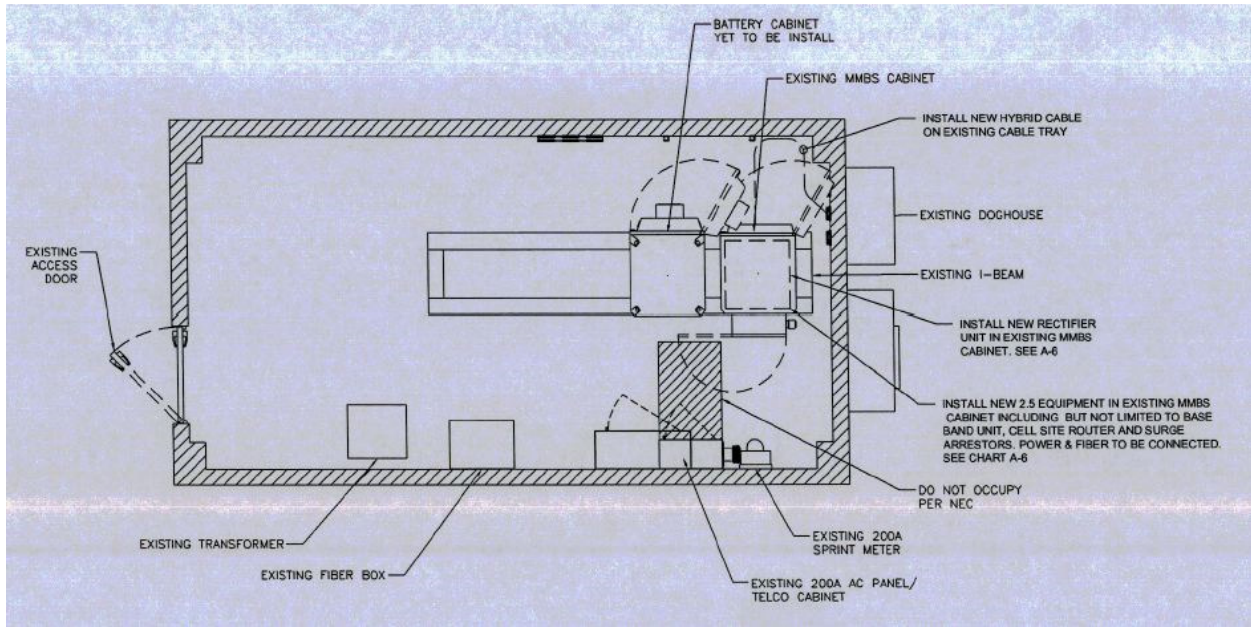
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ATTACHMENTS

1. Sprint Plans
2. Aerial Photograph

ATTACHMENT 1 – SPRINT PLANS





ATTACHMENT 2 – AERIAL PHOTOGRAPH

