ITEM 1

Michael Lingwall, representing Prestige Broadband LLC, requests a Conditional Use Permit for a new cell tower with antenna array, located at approximately 1700 East 1200 North, in the A1.40 Agricultural Zone. Oak Hills Neighborhood. 16-0002CUP, Josh Yost, 801-852-6408

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 July 5, 2017:

APPROVE

Administrative Hearing Officer: Bill Peperone

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:
None

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
Neighbors or other interested parties were not present.

APPLICANT RESPONSE
Key points addressed in the applicant’s presentation to the Administrative Hearing Officer included the following:
1. The applicant concurred with the staff presentation and recommendation.

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 of the 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
ITEM 1  Michael Lingwall, representing Prestige Broadband LLC, requests a Conditional Use Permit for a new cell tower with antenna array, located at approximately 1700 East 1200 North, in the A1.40 Agricultural Zone. Oak Hills Neighborhood. 16-0002CUP, Josh Yost, 801-852-6408

Applicant: Prestige Broadband LLC

Staff Coordinator: Josh Yost

Property Owner: Terra Growth Factors LTD
Parcel ID#: 200800005
Current Zone: A 1-40
Proposed Zone:
General Plan Designation: A
Acreage: 4.8
Number of Properties: 1
Number of Lots: 1
Total Building Square Feet: 160

Alternative Actions:
1. **Approve** the requested Conditional Use Permit. *This action would be consistent with the recommendations of the Staff Report.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is July 19, 2017, 5:00 P.M.*

3. **Deny** the requested Conditional Use Permit. *This action would be consistent with the recommendations of the Staff Report.*

Current Legal Use: Vacant land

Relevant History: None

Neighborhood Issues: None

Summary of Key Issues: The proposed cell tower with antenna array has received project plan approval. No outstanding issues remain.

Staff Recommendation: Approve the Conditional Use Permit for a new cell tower with antenna array, located at approximately 1700 East 1200 North, in the A1.40 Agricultural Zone.
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.
   (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.
   (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.

   Staff has determined that the proposed conditional 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.

   The proposed conditional use will not result in increased traffic or large gatherings as it is an unoccupied remote communications facility.

   The proposed use will not interfere with the use of surrounding property as it is within a large parcel and surrounded by vacant land beyond the parcel boundaries.
The proposed use will not create demands on municipal services that cannot be met. Only electricity is provided to the site.

2. Project Plan Approval
3. Design Review
   a. The project not subject to design review approval.
4. Landscaping
   a. The project is not subject to landscape requirements.
5. Trash Container Enclosure
   a. No trash container is planned.
6. Fencing
   a. Fencing is approved as proposed.
7. Parking
   a. No parking is required.
8. Signage
   a. No signage is proposed.
9. Transitional Development Standards
   a. Not applicable
10. Design Corridor
    a. Not applicable
11. Other Concerns
    a. None

RECOMMENDATION

Approve the conditional use permit for a new cell tower with antenna array, located at approximately 1700 East 1200 North, in the A1.40 Agricultural Zone.

ATTACHMENTS

Approved Project Plans
PARKING PLAN
SCALE: 1" = 40'

PROPOSED COMMUNICATION FACILITY

PROPOSED TEMPORARY PARKING
SEE NOTE 1

PARCEL: 20-080-0005

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PROPOSED COMMUNICATION FACILITY
20'x8' SHIPPING CONTAINER

500 GALLON PROpane TANK
120"x37"DIA

PROPOSED GENERATOR
6'x4' CONCRETE PAD

1. DURING BUILDING CONSTRUCTION MINIMIZE DAMAGE TO NATURAL LANDSCAPE.
2. RESTORE DISTURBED AREAS TO MATCH NATURAL LANDSCAPE TO MINIMIZE EROSION.
4" CONCRETE PAD (SEE NOTE)

WEST VIEW

20' SLAB

SOUTH VIEW

4" CONCRETE PAD (SEE NOTE)

EAST VIEW

3'x7' WALK DOOR

3'x3' LANDING

20' SLAB

PLAN VIEW

7'9" INSIDE

7'9" INSIDE

8' SLAB

2053 N HILLCREST RD. SARATOGA SPRINGS, UT  84005  (801) 972-6222

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