



# Planning Commission Hearing Staff Report Hearing Date: August 14, 2019

---

**ITEM 1** Atlas Tower 1, LLC requests a Conditional Use Permit for a proposed telecommunications facility including an 85' monopole located at approximately 1449 W 1150 S in the A1.5 Agricultural Zone. Sunset neighborhood. Brian Maxfield (801) 852-6429 PLCUP20190126

---

<p><u>Applicant:</u> Cornelius Whitehead, representing Atlas Tower 1, LLC</p> <p><u>Staff Coordinator:</u> Brian Maxfield</p> <p><u>Property Owner:</u> Biblical Ministries Worldwide, etal.</p> <p><u>Parcel ID#:</u> 21:043:0004</p> <p><u>Acreage:</u> 2.72 acres</p> <p><u>Number of Properties:</u> 1</p> <p><u>Zoning:</u> A1.5 Agricultural</p> <p><u>General Plan Designation:</u> Residential</p> <p><u>Optional Actions:</u></p> <ol style="list-style-type: none"><li>1. <i>Continue to a future date</i> to obtain additional information or to further consider information presented. The next available meeting date is August 28, 2019 at 6:00 P.M.</li><li>2. <i>Deny</i> the proposed project plan for the following reasons: (the Planning Commission must make specific findings that the project does not meet City Code requirements).</li></ol>	<p><u>Relevant History:</u> This item was continued at the July 10, 2019 Planning Commission meeting. At that meeting, the applicant was directed to consider other sites, especially one that might be located on the south side of the Lakeview Parkway. The applicant is now proposing a new site located in the rear yard of a 2.72 acre property located at approximately 1449 W 1150 South. In addition to the new location, the newly proposed pole would have a height of 85 feet rather than the previous height of 105 feet.</p> <p><u>Neighborhood Issues:</u> Appropriateness of Location</p> <p><u>Summary of Key Issues:</u> None</p> <p><u>Related Items:</u> None</p> <p><u>Recommended Action:</u></p> <p><i>Approve</i> a Conditional Use Permit for the erection of an 85 foot monopole cell tower at approximately 1449 W 1150 South.</p>
--	---

## OVERVIEW

This item is a Conditional Use Permit for a new monopole type cell tower and is an item that was continued at the July 10, 2019 Planning Commission meeting. At that meeting, the applicant was directed to consider other sites, especially one that might be located on the south side of the Lakeview Parkway. The applicant is now proposing a new site location that is approximately 0.81 miles east of the previous site, in the rear yard of a 2.72 acre property located at approximately 1449 W 1150 South. In addition to the new location,

the newly proposed pole would have a height of 85 feet rather than the previous height of 105 feet.

As stated, the Planning Commission had encouraged the applicant at the July 10<sup>th</sup> meeting, to examine possible tower location sites on the southern side of the Lakeview Parkway. However, after working with the City's engineering department, the applicant did not feel there was a site that could be outside of protected wetland areas that would still be suitable for their service needs. Following a re-evaluation of possible sites by the service provider, the service provider believes the site at 1449 W 1150 South would actually better meet their immediate needs. They also believe the new site would not create any more impact on the community than the previous location.

New cell towers are required by Provo City Code (34.420(6)(a)(ii)) to be designed to allow at least three levels or arrays of antenna and the proposed tower has four levels of array. In a letter issued March 13, 2019, the Federal Aviation Administration (FAA) made a "Determination of No Hazard to Air Navigation" for the previous site (Aeronautical Study No. 2019-ANM-619-OE). The applicant has begun the process to obtain a new determination for the newly proposed site, and will be required to have the new "Determination of No Hazard to Air Navigation" prior to the erection of the new tower.

By Federal regulation through the Federal Communications Commission (FCC), a city must allow cellular service to be extended to all areas of the city. However, the city is allowed to review and approve the most appropriate site within an area that would still provide the determined service. A city may also require companies to co-locate on towers in meeting the location allowance. A map indicating current cell towers in the area is attached to this report. Although none of those towers currently have more than 2 antenna array, the proposed site is more than one mile from any other existing or approved cell tower site.

The review of a Conditional Use Permit is governed in the Zoning Ordinance as follows:

**14.02.040 Conditional Use Permits**

(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; or

(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.

.....

Additionally, Section 14.34.420 of the Zoning Ordinance lists requirements specifically related to Low Power Radio Communication Towers and Antennas, with Subsections (6) and (8) giving specific requirements related to monopole structures as follows:

**14.34.420 Low Power Radio Communication Towers and Antennas.**

.....

(6) 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.

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

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

(ii) 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.

(iii) No monopole structure shall be located:

(A) closer to a residential zone boundary than two (2) times the height of the monopole and

(B) 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.

(iv) 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.

.....

(8) Additional Requirements.

(a) Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

(b) In addition to the conditional use standards set forth in Section 14.02.040, Provo City Code, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:

(i) that the proposed structure is compatible with the height and mass of existing buildings and utility structures;

(ii) that co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles etc. are possible without significantly impacting antenna transmission or reception;

(iii) that the antenna location blends with existing vegetation, topography and buildings;

(iv) that location approval of monopoles will not create a detrimental impact to adjoining properties; and

(v) that location of cellular facility will not interfere with existing transmission signals.

**FINDINGS OF FACT**

- The subject property is located in the A1.5 Agricultural Zone.
- Cell Towers are a Conditional Use (SLU #4700) in the A1.5 Zone.

**CONCLUSIONS**

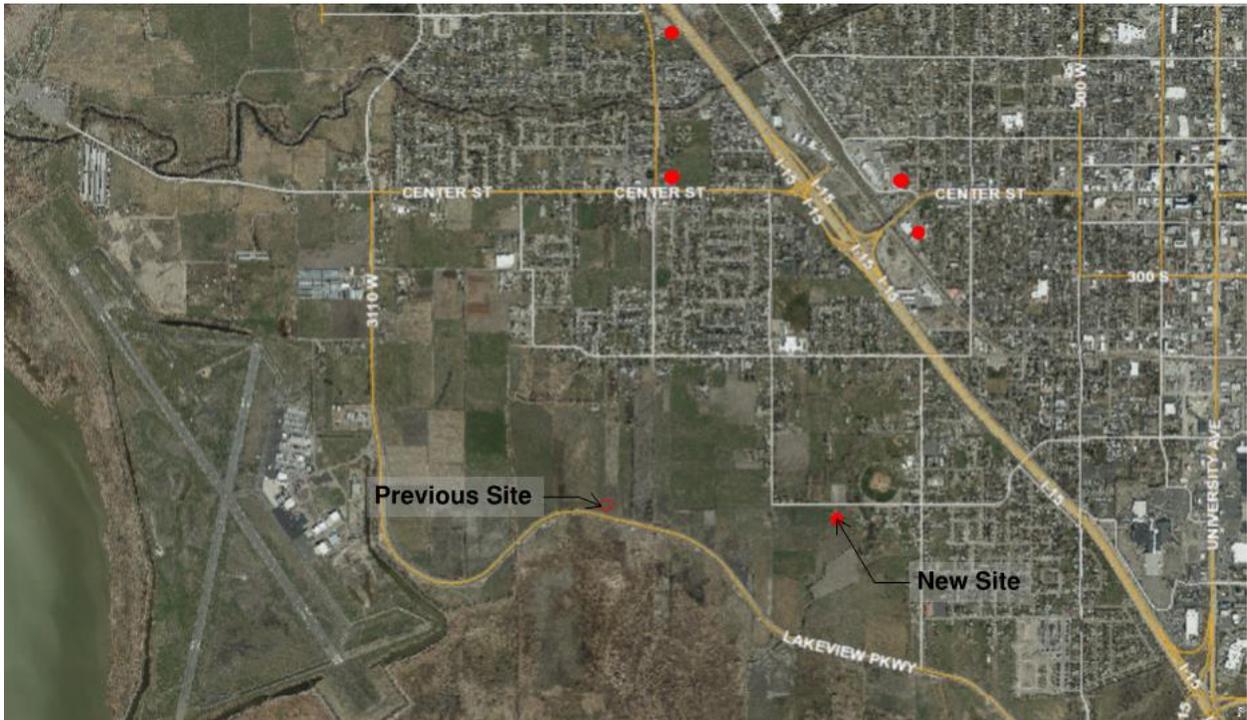
Staff believes the proposed cell tower meets all findings and requirements as listed in Section 14.02.040 and Section 14.34.420(8) of the Zoning Ordinance regarding the approval of a Conditional Use Permit for a new cell tower.

**RECOMMENDATION**

*Approve a Conditional Use Permit for the erection of an 85 foot monopole cell tower at approximately 1449 W 1150 South.*



**Proposed Atlas Cell Tower Site**



**Existing Cell Tower Sites in the Southwest Area**

