ITEM 1  Michael Zander, representing Key Radio, requests a Conditional Use Permit for a new 25-foot tall radio transmission tower, located at approximately 1000 East 5100 North, in the A1.5 Agricultural Zone. Sherwood Hills Neighborhood. 16-0003CUP, Dustin Wright, 801-852-6414

Applicant: Michael Zander

Staff Coordinator: Dustin Wright

Property Owner: Eagle Ridge Ranch LC
Parcelf ID#: 200280047
Current Zone: A15
General Plan Designation: Agricultural
Acreage: 52.7
Number of Properties: 1
Number of Lots: 1
Total Building Square Feet: N/A

Development Agreement Proffered: No

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 June 1, 2016, 5:00 P.M.

2. Deny the requested Conditional Use Permit. This action would not be consistent with the recommendations of the Staff Report. The applicant's agreement to these conditions does not, however, change Staff's recommendation for Denial of the CUP. The Planning Commission should state new findings.

Current Legal Use: Agricultural land

Relevant History:
This property has existing structures and a communication tower within approximately fifty feet of the proposed tower.

Neighborhood Issues:
No issues have been made known to staff.

Summary of Key Issues:
- Existing Coordinator Review Committee CRC comments.
- Requirements from 14.34.420 - Low Power Radio Communication Towers and Antennas.

Staff Recommendation:
Move to approve the requested Conditional Use Permit, with the following conditions:

1. Reaming CRC items are completed and final approval is obtained.
2. No lattice constructed towers are allowed
3. Grid documentation supplied by an independent consultant stating that antenna co-location is not technically feasible at this site.
4. Public trail access needs to remain open during construction if possible. The trail users shall be notified of the proposed construction prior to it starting via signage, etc.
OVERVIEW

The applicant would like to locate a radio antenna tower on a large agricultural plot of land. The use is listed as a conditional use in the zone. The parcel consists of approximately 53 acres with several access roads winding throughout. Within approximately fifty feet of the proposed site, there is an existing structure and another antenna tower.

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.
• The proposed use is not anticipated to generate dangerous amounts of vehicular traffic or parking or cause large gatherings of people.
• The proposed use will not interfere with the lawful use of surrounding property as it will not generate any impacts readily evident to surrounding properties.
• The proposed use will not create any additional need for essential municipal services. The applicant would be responsible for providing any needed power to the site.
• There are no other anticipated detriments to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

2. Project Plan Approval
If the applicant receives the CUP they would need to apply for a Building Permit.

3. Design Review
Not applicable.

4. Landscaping
Not applicable.

5. Trash Container Enclosure
Not applicable.

6. Fencing
Not applicable.

7. Parking
Not applicable.

8. Signage
Not applicable.

9. Transitional Development Standards
Not applicable.

10. Design Corridor
Not applicable.

11. Other Concerns
   a. The code restricts the type of construction for monopoles and prohibits lattice towers. 14.34.420(6)(a)(i)
   b. The code also requires that monopoles are not allowed within 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. Provo City Code 14.34.420(6)(a)(iii)(B)

BUILDING INSPECTION REVIEW
Site is located in the "Sensitive Lands Area" as defined by Provo City Ordinances. A current geotechnical report with supporting engineering calculations based on this report must be submitted with other minimum required documents in order to obtain a building permit.

OTHER CITY DEPARTMENTS

Energy:

1- If service is needed our nearest power available is approx. 750’ to the west.

Engineering:

1- Provide a slope analysis showing where there is a 30% or greater slope.
2- Provide grading plan showing existing and proposed contours indicating the amount of excavation and fill proposed on the site. Include existing and proposed.

Parks:

1- Public trail access needs to remain open during construction if possible. The trail users shall be notified of the proposed construction prior to it starting via signage, etc.

CONCLUSIONS

Staff finds that this property can have conditions placed on it to mitigate any detrimental impacts to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

CONDITIONS OF APPROVAL

Move to approve the requested Conditional Use Permit, with the following conditions:

1. Reaming CRC items are completed and final approval is obtained.
2. No lattice constructed towers are allowed.
3. Grid documentation supplied by an independent consultant stating that antenna co-location is not technically feasible at this site.
4. Public trail access needs to remain open during construction if possible. The trail users shall be notified of the proposed construction prior to it starting via signage, etc.