

## ***Payson City Planning Commission Staff Report, April 26, 2017***

### ***Request for Recommendation of Approval for a Conditional Use Permit to Allow a Cellular Tower in the S-1, Special Highway Service Zone***

#### **Project Information**

*Project Name:* PRO Walmart Payson (Roof Mounted Antenna for Verizon Wireless)

*Location:* 1052 S Turf Farm Road

*Request:* Conditional Use Permit

*Applicant:* Dakota Hawks with Technology Associates

*Designer/  
Engineer:* TowerCom Technologies

#### **Background**

The applicant is seeking a recommendation of approval from the Planning Commission and approval from the City Council to install and maintain a roof mounted antenna (small cellular tower) on Utah County Parcel 49-483-0001 located at 1052 S Turf Farm Road. The parcel is owned by Wal-Mart Real Estate Business Trust and consists of a commercial building (Wal-Mart) and associated improvements. The project will consist of a single rooftop antenna and a single ground-mounted equipment cabinet adjacent to the building in a corner created by the lube/tire station.

In accordance with Section 19.17.5 of the Payson City Zoning Ordinance, a roof mounted facility is a conditional use in the commercial zones; therefore, approval of a Conditional Use Permit must be granted by the City Council to install and operate the communication facility. As with any proposed conditional use, it is the applicant's responsibility to demonstrate to the City Council that any potential negative impacts of the proposed use will be mitigated. To that end, the City Council may impose reasonable conditions to ensure that reasonably anticipated impacts will be eliminated or mitigated to the extent possible.

In order to obtain a Conditional Use Permit, the applicant will need to appear before both the Planning Commission and the City Council to discuss the proposed conditional use. Although the Planning Commission is not required to hold a public hearing, a recommendation from the Planning Commission is required before the City Council makes a final decision on the request. A public hearing will be conducted prior to the final decision of the City Council. Proper notice of the hearing will be provided before the public hearing, including courtesy notice mailings to the surrounding property owners.

#### **Analysis**

Uses designated as conditional uses require special consideration from the Planning Commission and City Council. These uses may or may not be appropriate in particular locations or without the applicant mitigating reasonably anticipated impacts. The Planning Commission and the City Council must evaluate the appropriateness of designated conditional uses on a case by case basis. The validity of the permit will be conditioned upon strict compliance with applicable City ordinances, the approved project plan, and any additional conditions or requirements imposed by the City Council. The City Council shall be the final authority for all applications for Conditional Use Permits.

The Planning Commission and City Council will need to review the proposed conditional use criteria and factors set forth in Section 19.17.5 and Chapter 19.13, Conditional Use Permits of the Zoning Ordinance. The following factors shall be weighed and considered when determining whether a Conditional Use Permit should be approved, or conditionally approved:

1. The proposed facility is compatible with the height and mass of existing buildings and utility structures.
2. That co-location of antennas or other structures is possible without significantly altering the existing facility.
3. That the facility blends with existing vegetation, topography and buildings including color and screening.

4. That location of a facility will not create a detrimental impact to adjoining property owners.
5. That sufficient guarantees for removal of a vacated facility are in place.
6. The criteria set forth in Chapter 19.13, Conditional Use Permits of the Payson City Zoning Ordinance.

The applicant has provided a Narrative/Impact Statement and project drawings for review by the staff, Planning Commission and City Council. The information is intended to address the requirements of the development ordinances, and specifically the criteria listed above and those found in Chapter 19.13, Conditional Use Permits. The Planning Commission and City Council will need to determine if the information provided is sufficient to address any potential negative impacts on surrounding properties or the community.

Following review of the application for consistency with the development ordinances of Payson City and in consideration of the criteria and factors set forth in Chapter 19.13.6 and the requirements of Chapter 19.17, staff would suggest that the following conditions of approval be considered by the Planning Commission and City Council.

1. The ground equipment should be enclosed by a sight obscuring fence. The plans indicate the installation of a chain link fence, but the fence is not sight obscuring. At a minimum, the applicant will need to install vinyl slats in the chain link fencing. The Planning Commission and City Council may require upgraded fencing materials to improve the aesthetics of the area and the view of the ground facilities from adjacent properties. It should be noted that there are specific design guidelines for the S-1 Zone and enhanced screening materials would be appropriate.
2. Following approval of a Conditional Use Permit and satisfaction of any conditions of approval, the applicant will need to apply for and obtain a building permit from the Development Services Department. The building plans will be reviewed by the Building Inspector and the Fire Chief for compliance with the adopted building and fire codes. The applicant will need to coordinate with the appropriate officials to complete the proper inspections and submit payment for any required review fees.
3. A business license will need to be obtained for the operation of the cell tower. A business license application will need to be prepared and submitted to the Business License Specialist for review for compliance with the regulations of Title 4, Business License Ordinance.

These items represent the issues staff has identified following a review of the applicable ordinances and resolutions of Payson City and the criteria established in City ordinance. The City Council may require additional conditions to ensure the proposed facility is properly secured, has adequate access, serves the intended purpose both geographically and technologically, and will not be detrimental to surrounding property owners. If the items above are satisfied, staff would suggest that the site will be improved in a manner consistent with the regulations of Payson City.

### **Recommendation**

The Planning Commission will need to determine if the proposed conditional use is an appropriate use in this location and consistent with the land use and development goals of Payson City. Following a review of the site plan, application materials, and the contents of this staff report, the Planning Commission may:

1. Remand the request back to staff for further review. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant in order for the Planning Commission to make a well-informed decision.
2. Recommend approval of the request as proposed. If the Planning Commission chooses to recommend approval of the conditional use as proposed staff would suggest that an opportunity to require the applicant to satisfy the requirements of the development ordinances of Payson City and mitigate any potential adverse impacts will be missed.
3. Recommend approval of a Conditional Use Permit with conditions to address any reasonably anticipated impacts. Staff would suggest that with satisfaction of appropriate conditions, the requirements of the land use ordinances of Payson City can be satisfied and proper development of the property will occur.

Any recommendation of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation to the City Council.