



Item: Resolution 9772 for Conditional Use Permit to Allow Antennae on Water Tank at Dudley Anderson Park

From: Bill Walters, Senior Planner

Initiated By: Verizon Wireless

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9772 on first reading and set a public hearing for September 16, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9772 on first reading and set a public hearing for September 16, 2008.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held June 24, 2008, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow concealed antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, subject to fulfillment of specified conditions.

Background: Verizon Wireless, through its agent, RealCom Associates, has applied for a conditional use to permit concealed antennas to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park containing water pumping equipment operated by the City.

Dudley Anderson Park is zoned POS Parks and open space district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application.

The accompanying site plans, elevation view and photo simulation show the proposed antennae and ground equipment building. The antennae will be concealed behind stealth panels to blend into the water tank and painted to match. The equipment building will be located next to an on-site utility building along the west side of the Park and designed to match the architecture.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes. Following each is staff's response to the criteria.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.

Response: The City's Growth Policy notes there is no overall strategic plan for upgrading telecommunications technologies and access. No neighborhood plans have been adopted for this area that addresses telecommunication uses.

2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

Response: The proposed facility is an unoccupied, passive use, which will not generate significant off-site nuisances with the only traffic generated being routine maintenance visits, typically once a month.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.

Response: The proposed wireless communication facility will be an unoccupied, passive use, which will not be injurious to the use and enjoyment of property in the immediate vicinity. The proposed facility will utilize stealth panels, color, architecture, existing structures and distance to minimize its visual impact from surrounding properties and roads. As the site is designed to blend in with the existing water tank and onsite utility building, the economic impact on the community property values will be negligible. Benefits of improved wireless service could provide a positive impact on property values throughout the area.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Response: The proposed facility is a passive use which will not impede the normal and ordinary development and improvement of the surrounding property. The improved service provided by the proposed communication facility will help stimulate balanced development of surrounding properties by providing them with improved access to wireless communication services.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Response: Adequate telephone and electric infrastructure exists to operate the proposed telecommunication facility.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: The proposed wireless communications facility will be unstaffed and operated remotely with the only traffic generated by the facility being a monthly maintenance visit.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Response: The proposed facility will conform to the applicable regulations of the POS zoning district.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

The only citizen who spoke during the Public Hearing before the Zoning Commission on June 24 was Paul Slotemaker of Portland, Oregon, representing Verizon Wireless. No proponents or opponents spoke during the Hearing.

An Agreement containing terms and conditions associated with the conditional use permit has been prepared and executed by the applicant. The Agreement will be submitted to the City Commission in conjunction with final consideration of Resolution 9772 and prior to the public hearing on September 16, 2008.

Concurrences: Other City Departments including Public Works, Community Development and Park and Recreation as well as the Water Plant Supervisor have been consulted regarding the conditional use permit. Neighborhood Council 9 has considered the proposed telecommunication antennae and reacted favorably to the application.

Fiscal Impact: Approval of the conditional use permit as well as the lease and/or permit processed through the City Park and Recreation and Water Departments allowing private telecommunication facilities on City property will be a revenue source for the City.

Alternatives: The City Commission could deny acceptance of Resolution 9772 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

Resolution 9772

Site Plan (C-2)

South Elevation (C-4)

Vicinity/Zoning Map

Enlarged Site Plan (C-3)

Photo Simulation

Cc: Jim Rearden, Public Works Director
Marty Basta, Park and Recreation Director
Dave Dobbs, City Engineer
Kim McCleary, Parking/Zoning Supervisor
Mike Jacobson, Water Plant Supervisor
PaulSlotemaker, pslotemaker@realcomassoc.com