



Conditional Use Permit Planning and Zoning Commission Staff Report

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CASE NUMBER: OV815-003
MEETING DATE: June 2, 2015
AGENDA ITEM: 7
STAFF CONTACT: Patty Hayes, Senior Planning Technician
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Applicant: Cox Communications, Kristi Springer
Request: Conditional Use Permit to install an overhead fiber cable line
Location: North side of Ina Road between Paseo Del Norte and Oracle Road
Recommendation: Recommend approval to Town Council

SUMMARY:

The applicant requests a Conditional Use Permit (CUP) to install 1,600 feet of fiber cable line on existing utility poles on the north side of Ina Road between Paseo Del Norte and Oracle Road as shown in the applicants submittal Attachment 1. The proposed fiber cable line is intended to provide phone and internet services to a health care facility located on Ina Road east of Oracle Road.

The proposed fiber cable line is .65" (dime size) in thickness and will stretch 1,600 linear feet between seven existing utility poles that are located in the northern portion of the Ina Road right-of-way as shown in Attachment 2. The proposed fiber cable line will be the lowest hanging line on the poles at 25' from grade as shown in Attachment 1.

The Zoning Code requires applicants to obtain a CUP prior to installation of new utility wires over 600 feet in length. A CUP requires recommendation by the Planning and Zoning Commission and a final decision by the Town Council.

BACKGROUND/DETAILED INFORMATION:

The subject property is in the established right-of-way of Ina Road. The existing land use and zoning for the property and surrounding area is depicted in Attachment 3.

Approvals to Date

2013: Annexation into the Town of Oro Valley.

Existing Site Details

The Ina Road right-of-way contains a multi-lane roadway with the following:

- Seven utility poles parallel to Ina Road.
- Multiple above ground utility lines attached to existing utility poles.

DISCUSSION/ANALYSIS:

Conditional Use Permit Analysis

The Conditional Use Permit Review Criteria contained in Section 22.5 provide the primary guidance for evaluating conditional uses. CUP's may be granted based on consideration of the following criteria shown in *italics*, followed by staff commentary:

That the granting of such conditional use permit will not be materially detrimental to public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:

Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;

The proposed fiber cable line does not create noise, smoke, odor, dust, vibration or illumination.

Hazard to persons and property from possible explosion, contamination, fire or flood;

The proposed fiber cable line does not produce explosions or cause fire or flood.

Hazard occasioned by unusual volume or character of traffic.

The proposed fiber cable line does not increase or affect the volume of traffic in the area.

That the characteristics of the use proposed in such use permit are reasonably compatible with types of uses permitted in the surrounding area.

The fiber cable line will be installed on existing utility poles among other existing utility lines as shown in the applicants submittal Attachment 1. The proposed additional line is compatible with the use of the existing utility poles and lines.

In summary, the applicants proposal is consistent with the Conditional Use Permit evaluation criteria.

Zoning Code Analysis

A detailed Zoning Code analysis with standards specific to the CUP requirements for utility wires is included in Attachment 3.

General Plan Compliance

Policy 11.3.2. The Town shall continue to require all new development and improvements to existing development, both public and private, to maintain and/or enhance the character and quality of views from and along scenic corridors and public parks. The following measures will contribute to achieving this objective:

- *preserve areas of natural open space (especially habitat areas) to provide visual relief;*
- *provide large natural or naturally landscaped areas in rights-of-way along scenic corridors;*
- *work with utility providers to place utilities underground; and,*
- *discourage visually intrusive structures.*

This proposal is to install one additional fiber cable line, as the lowest hanging line, on seven existing poles. The addition of this one line should not create a discernable impact to the view of surrounding areas.

Engineering

The Engineering Division does not have concerns with the proposal.

PUBLIC PARTICIPATION:

Summary of Public Notice

Notice to the public was provided consistent with Town-adopted noticing procedures, which includes the following:

- Letter to all property owners within 600 feet
- Posting at Town Hall
- All registered HOAs

Neighborhood Meetings

A neighborhood meeting was held on April 9, 2015 with no residents in attendance. No comments or concerns have been received by Staff.

RECOMMENDATION:

Based on the following findings:

- The proposed cable line will not be materially detrimental to the public health, safety or welfare

- The proposed cable line is consistent with the Conditional Use Permit Review Criteria and Zoning Code requirements for utility lines.
- The proposed cable line will not be visually impactful as it will utilize existing utility poles which contain a number of similar lines.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend approval to the Town Council of the requested Conditional Use Permit OV815-003.

SUGGESTED MOTIONS:

I move to recommend approval of the Conditional Use Permit for Cox Communications, based on the finding that the proposal is consistent with the Conditional Use Permit Review Criteria.

OR

I move to recommend denial of the Conditional Use Permit for Cox Communications finding that _____.

ATTACHMENTS:

1. Applicant's Proposal
2. Location Map
3. Report Details and Analysis



Bayer Wella, Planning Manager