

Planning Commission
Staff Report
February 17, 2022



Case No:	22-WAIVER-0006
Project Name:	DISH Wireless Co-location
Location:	8905 US Highway 42
Owner(s):	Harrods Creek Fire Protection
Applicant:	Kristen Swenson – SMJ International
Jurisdiction:	City of Prospect
Council District:	16 – Scott Reed
Case Manager:	Zach Schwager, Planner I

REQUESTS

Waiver from City of Prospect Development Code section 4.4.2.B to allow an addition to an existing cell tower to exceed 110 ft. in height.

CASE SUMMARY/BACKGROUND

The subject site is located along the western side of US Highway 42 in between Timber Ridge Drive and Del Haven Avenue in the City of Prospect. The site is comprised of a fire station and a 110 ft. cell tower and associated lease area. The applicant is proposing an addition in order to co-locate that would make the tower a total of 130 ft. The existing cell tower was approved with a waiver to allow the height to exceed 100 ft. with a total of 110 ft. Planning Commission recommended approval of this waiver for a 150 ft. cell tower to the City of Prospect; however, the City of Prospect only approved up to 110 ft.

STAFF FINDING

Staff finds that the requested waiver is adequately justified and meets the standard of review.

RELATED CASES

04-02-05 – Cell Tower application for a 110-foot monopole cellular tower with a ground equipment compound, including waiver requests of the lot size, of the 50-foot setback from residential property lines, to reduce the landscape buffer area, to allow equipment structures to encroach into the lease lot's required yards, and to exceed the maximum height for a cellular tower.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff received a phone call requesting general information about the request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 4.4.2.B

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the conditions are generally existing.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends co-location with existing cell towers.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the City of Prospect Development Code requires reasonable attempts to co-locate and the applicant is proposing to co-locate on an existing tower.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as they are proposing to co-locate with an existing cell tower.

REQUIRED ACTIONS

- **Recommendation to the City of Prospect to APPROVE or DENY the Waiver**

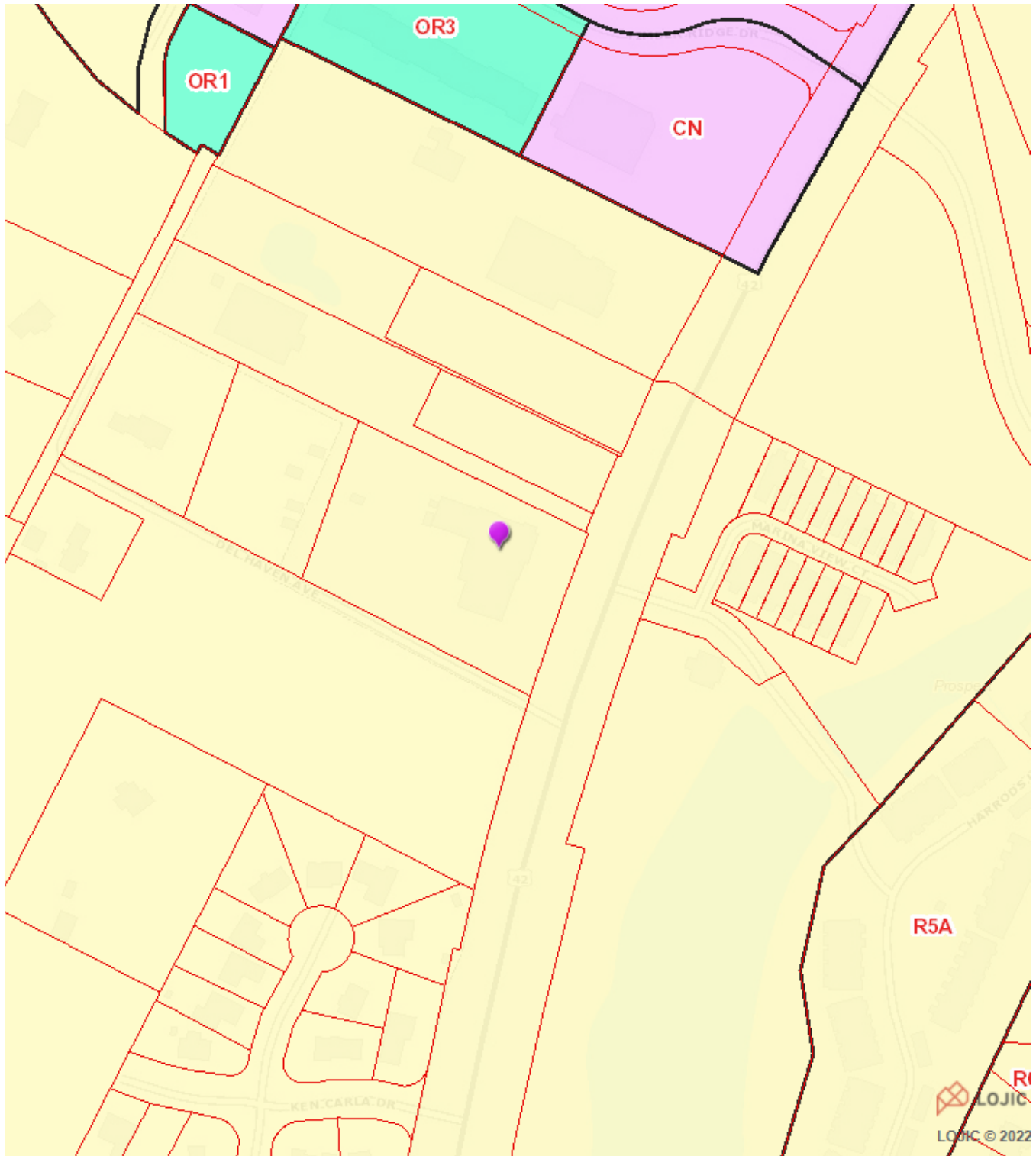
NOTIFICATION

Date	Purpose of Notice	Recipients
1/27/2022	Hearing before LD&T	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 16

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

