

Staff Summary Report



Hearing Officer Hearing Date: July 6, 2010

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by CLEARWIRE – AZ PHX0506A located at 1403 West Baseline Road for one (1) use permit.

DOCUMENT NAME: 20100706dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by ARIZONA MILLS MALL - CLEARWIRE – AZ PHX0506A (PL090298) (Rulon Anderson/Realand Consulting, applicant; American Tower, property owner) located at 1403 West Baseline Road in the GID, General Industrial District for:

ZUP10063 Use permit to increase the height of an existing monopole from 59 feet to 69 feet to allow co-location.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

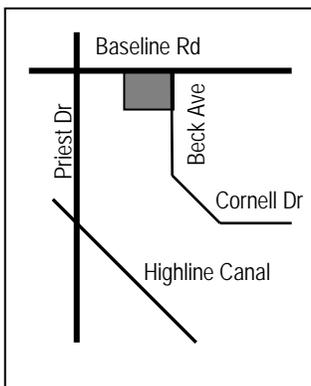
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to increase the height of an existing monopole from fifty-nine (59) feet to sixty-nine (69) feet to allow co-location. The property is located at 1403 West Baseline Road in the GID, General Industrial District. Staff is in support of the request. To date, no public input has been received regarding this request.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Intent
5. Project Information
6. Site plan
7. Enlarged Plan
8. Site Elevation
9. Typical Equipment Details
10. Photo Simulation
11. Staff Photograph

COMMENTS:

The applicant, Clearwire, is requesting a use permit to increase the height of an existing monopole from fifty-nine (59) feet to sixty-nine (69) feet to allow co-location. The property is currently a mini-warehouse/rental storage facility along with a recreational vehicle storage lot. The existing monopole is located within the southern recreational vehicle storage lot. The additional equipment associated with the expansion will be placed in a new proposed equipment cabinet near the base of the monopole. The existing monopole currently has one (1) carrier; Clearwire would be the second carrier. Staff is supportive of the proposed expansion to a height of sixty-nine (69) feet.

The applicant's proposal is to co-locate on an existing site, therefore minimizing the impact on nearby neighborhoods. To date, no public input has been received regarding this request.

Use Permit

The Zoning and Development Code requires a use permit for a wireless telecommunications antenna in all allowable zoning districts including the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - As the proposal is for a wireless antenna; there should be no nuisances.
- c. Contribution to the deterioration of the neighborhood or the downgrading of property values which, is in conflict with goals, objectives or policies for rehabilitation, redevelopment, or conservation as set forth in the city's adopted plans or General Plan.
 - There is no evidence that supports a downgrading of surrounding property values. The monopole exists today and has not been proven a detriment to the surrounding neighborhood.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding the uses.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
 - A wireless communication tower should not attract disruptive behaviors; the facility will be adequately controlled.

Conclusion

Staff recommends approval of the use permit subject to conditions.

REASONS FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITIONS
OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. The monopole shall be no greater than 69'-0" (sixty-nine feet) in height.
3. Any intensification or expansion of use will require a new use permit.
4. The wireless device shall be removed within thirty (30) days of discontinuance of use.

HISTORY & FACTS:

- August 2, 1994 BA940180 – The Hearing Officer approved the request for Arizona Storage Inns for two (2) variances:
- a. Variance to reduce the west and south side yard setbacks from 12' to 0'.
 - b. Variance to reduce the street side yard setback along Beck Avenue from 30' to 20' to allow for the encroachment of three (3) architectural projections.
- September 7, 1994 DRB94185 – The Design Review Board approved the request for building elevations, site plan and landscape plan for Arizona Storage Inns.
- February 15, 1995 DRB95034 – The Design Review Board approved the request for building additions and site plan for Becker Storage.
- February 21, 1995 BA950022 – The Hearing Officer approved the request for Becker Storage for two (2) variances:
- a. Variance to reduce the required west side yard setback from 12' to 0'.
 - b. Variance to reduce the required south rear yard setback from 12' to 10'.
- August 5, 1997 BA970191 – The Hearing Officer approved several requests for Elite Storage including:
- a. Use permit request to allow a recreational vehicle storage expansion (143) spaces on 3.40 acres as an addition to an existing mini-storage warehouse complex.
 - b. Variance to increase a masonry screen wall from 10' to 12' for an outdoor vehicle storage area along the street side yard frontage (Beck Avenue).
 - c. Variance to waive the required durable paving surface in the recreational vehicle storage yard.
- August 5, 1997 DRB97026 – The Design review Board approved the site modification – expansion of existing site for Elite Storage II.
- July 7, 1998 BA980165 – The Hearing Officer approved two (2) requests for Nextel at the Elite Storage II facility located at 1403 W Baseline Rd including the following:
- c. Use permit request to install a 56'-0" tall cellular communications tower.
 - d. Variance to waive the required parking lot landscape islands adjacent to required tower parking

August 5, 1998 DRB98283 – The Design Review Board approved the monopole installation for Elite Storage II located at 1403 W Baseline Rd.

April 18, 2002 DRB02055 – The Design Review Board approved the building repaint for Elite Storage II, Inc. located at 1403 West Baseline Rd.

June 21, 2002 DRB02055 – The City Council granted the appeal by Elite Storage II, Inc. on the Design Review Board condition of approval for a building repaint. The following condition became invalid:

1. The paint colors shall be consistent with the originally approved building colors, which includes paint colors #168, Beige Pebble; #166, Wildwood; and #140, Juniper. The building repaint shall be completed by June 17, 2002.

March 16, 2005 BA050035 – The Development Services Department Board of Adjustment staff approved the request for a use permit to replace the existing 4' panel antennas on a freestanding wireless communication tower with new 8' panel antennas located at 1403 W Baseline Rd.

May 20, 2008 ZUP08016 – The Hearing Officer approved a use permit request to allow additional antennas on an existing monopole for Sprint Nextel.

August 19, 2009 SPR09053 – The Development Plan Review staff along with interdepartmental staff processed a preliminary site plan review for additional antennas and ground equipment to an existing monopole located at 1403 W Baseline Rd.

October 27, 2009 ZUP09129 – The Hearing Officer approved the request by All American Mini Storage for a use permit to allow vehicle rentals (U-Haul trucks & trailers).

December 18, 2009 DPR09213 – The Development Plan Review staff of the Development Services Department conditionally re-approved the request for paint for All American Storage; to pass inspection prior to March 10, 2010.

March 9, 2010 DPR09213 – The Development Plan Review staff of the Development Services Department conditionally approved the request for a deadline extension to paint All American Self Storage; to pass inspection prior to March 10, 2011.

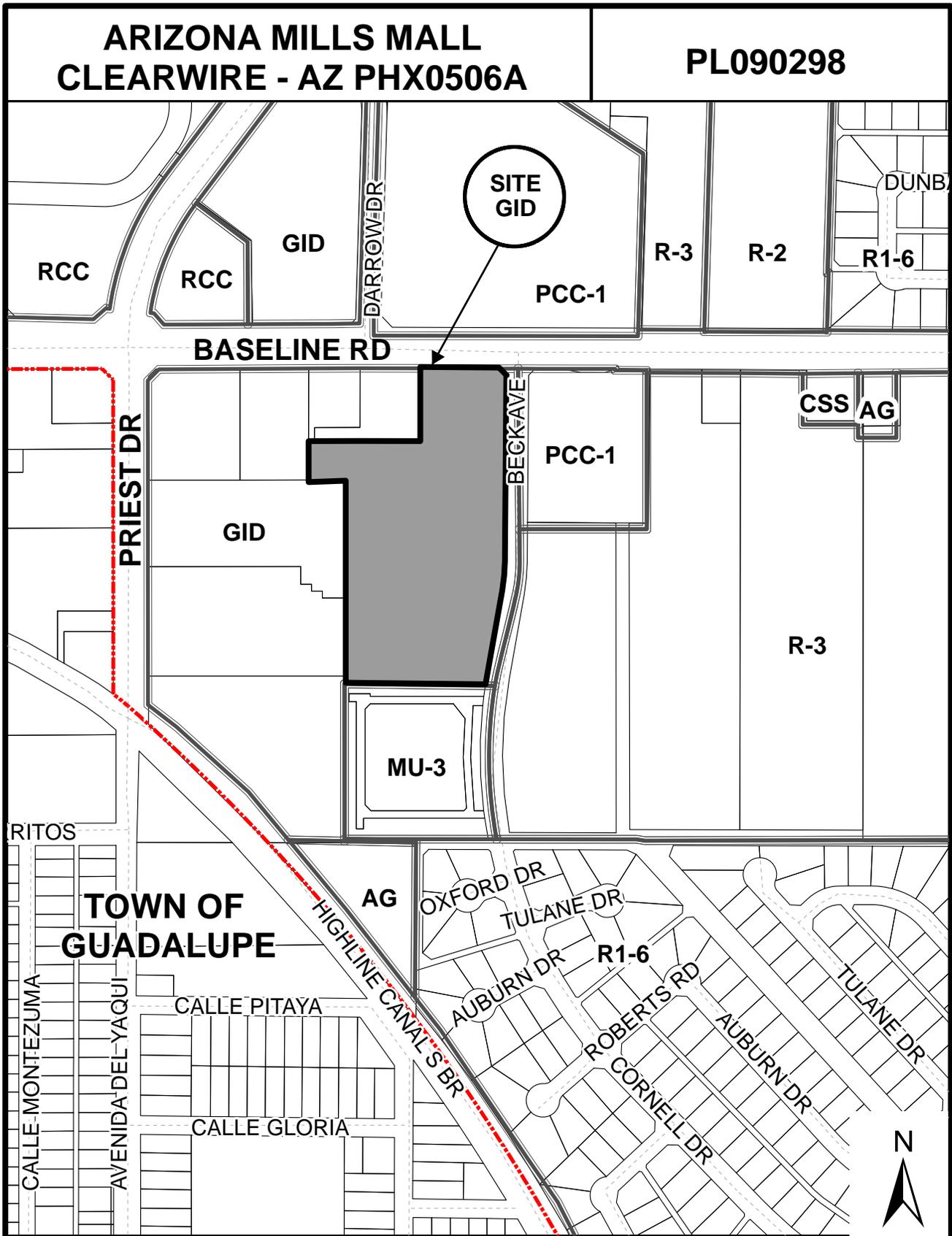
DESCRIPTION:

Owner – American Tower
 Applicant – Rulon Anderson/Realand Consulting
 Existing Zoning – GID, General Industrial District
 Lot Area – 320,863 s.f. / 7.366 acres
 Existing Height – 59'-0"
 Proposed Height – 69'-0"

ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
 Part 3, Chapter 4, Section 3-421 – Wireless Telecommunications Facilities
 Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



ARIZONA MILLS MALL - CLEARWIRE - AZ PHX0506A (PL090298)

Letter of Explanation

AZ-PHX0506 ATC- Arizona Mills AZI

Here is an overview of Clearwires technology:

Clearwire is a broadband wireless internet provider that specializes in deploying WiMAX technology. Clearwire's radio's are 5 Watts compared to 20 Watts on Sprint's CMDA radios or 36 Watts on Nextel's radios. Compared to conventional wireless carriers, our radio output is a fraction of what they transmit. As the power is being transmitted out of the radio, it will incur loss through the connectors and coax as it makes its way to the antenna. The dissipated signal is then compensated by a "gain" associated with the antenna where the power is radiated through an array element that shapes the RF. The shaping of the RF is directional and narrows the scope of the field to prevent "spray". This can be equated to a sprinkler head that dispenses the water uniformly across the lawn.

The microwave aspect of our technology is the backbone of our network. These radios transmit less than 0.5 Watt. It will also incur connector and line losses before the antenna dish compensates that and radiates it in a very narrow beam. This is different than the RF antenna shaping in that this is very direct and is Point to Point to the other microwave dish. This can best be simulated as a flashlight where it is a very narrow beam that can only be seen by the end user (i.e. the MW dish at the other end).

All RF being transmitted out of our cell locations is classified as non-ionizing radiation. This falls into the same category as visible and infrared light. We follow all guidelines issued by the FCC and are in compliant with the OET65 safety requirements.

The proposed site is necessary to distribute wireless internet service to the homes and businesses in the area.

The site will require one technician on a once per month visit after construction for maintenance. The proposed project will not utilize connection to any water system, refuse collection, or sewer system.

This development will not affect any vehicular or pedestrian patterns. The communication site does not emit any odor, dust, gas, noise, vibration, smoke, heat or glare. The RF emissions from this site are well within FCC guidelines for a wireless communication site.

The proposed site will not cause any deterioration to the surrounding areas. The proposed site will not be in conflict with the goals, objectives and policies of the City. This site will also be compatible existing surrounding structures.

The proposed site is a collocation on an existing American Towers monopole. The proposed site is intended to minimize the visual impact to the neighboring residential.

The proposed site is surrounded by the following zonings.

Current zoning:	GID
Zoning to North:	GID
Zoning to East:	R-3
Zoning to South:	MU-3
Zoning to West:	GID

If you have any comments or concerns, please contact Rulon at 602-321-4903.

Sincerely,

Rulon Anderson

clearwire wireless broadband

SITE NAME: ATC ARIZONA MILLS AZI
 SITE #: AZ-PHX0506A
 CITY: TEMPE
 STATE: ARIZONA
 COUNTY: MARICOPA
 DESIGN TYPE: COLOCATION ON EXTENSION TO EXISTING MONOPOLE

PROJECT INFORMATION

ADDRESS
 1403 W. BASELINE ROAD # 5360 BECK AVE
 TEMPE, AZ 85283

COORDINATES
 LATITUDE: 33.3764984
 LONGITUDE: -113.616071

LANDLORD
 AMERICAN TOWER
 5416 E BASELINE RD. 115
 MESA, AZ 85206

PROJECT OWNER
 CLEARWIRE
 4013 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040

APPLICANT / CONTACT
 REALAND CONSULTING
 3913 E. PRESIDIO CIRCLE
 MESA, AZ 85219
 PHONE: (602) 331-4903

PROPERTY OWNER
 TEMPE WEST INVESTORS LLC
 5005 TEXAS ST, SUITE 105
 SAN DIEGO, CA 92108

LAND DESCRIPTION OF SUBJECT PARCEL
 ZONING: G1D
 AFR: 301-071-371A & 371C (PORTIONS OF TRACT A, WOOD PARK VILLAGE PER BOOK: 98-74)

SPECIAL INSPECTIONS

TBD.
<u>BUILDING CODES</u>
2006 IBC
2006 IMC
2005 NEC

CONSULTING TEAM

ARCHITECT
 YOUNG DESIGN CORP.
 10745 E. VIA LINDA 711
 SCOTTSDALE, AZ 85258
 CONTACT: JOHN SULLTEBACH
 PHONE: (480) 451-9603

PROJECT MANAGER
 CHRISTINE TUCKER
 4013 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040
 PHONE: (480) 533-0931

CONSTRUCTION MANAGER
 BIFF BLAVIN
 4013 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040
 PHONE: (602) 451-7433

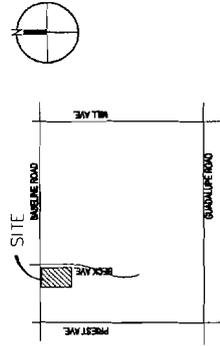
SITE ACQUISITION
 TAYLOR CANDLELAND
 REALAND CONSULTING
 PHONE: (480) 735-5140

ZONING
 ROLON ANDERSON
 REALAND CONSULTING
 PHONE: (602) 331-4903

RF ENGINEER
 BALAJI NAGARAJAN
 4013 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040
 PHONE: (303) 532-0700

INDEX OF DRAWINGS

NUMBER	NAME OF SHEET	TITLE PAGE	REV.
T-1			0
C-1		SITE PLAN	0
C-1		COMPOND DRAWING	0
C-3		ELEVATIONS	0
C-4		DETAILS	0



DIRECTIONS TO SITE
 TAKE I-10 EAST TO BASELINE ROAD AND TURN LEFT PROCEED EAST TO BECK ROAD AND TURN RIGHT TURN RIGHT INTO STORAGE FACILITY SITE IS LOCATED AT THE SOUTH END OF FACILITY

clearwire
wireless broadband

PLANS PREPARED BY
young design corp
 architecture / project management
 10245 E. Via Linda, Scottsdale, AZ 85259
 ph: 480 451 9609 fax: 480 451 9808
 e mail: corp@ydesign.com

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NO.	DATE	DESCRIPTION
0	7/27/09	REVISED
1	08/19/09	SUBMITTAL
2	12/02/09	CITY COMMENTS

PROJECT INFORMATION
 YDC-1473
AZ-PHX0506A
 (3005440)
 ATC ARIZONA MILLS AZI
 1403 W. BASELINE ROAD & 5360 BECK AVE
 TEMPE, AZ, 85283

SHEET TITLE
PROJECT INFORMATION

JURISDICTION APPROVAL

SHEET NUMBER
T1

clearwire
wireless broadband

young design corp
PLANS PREPARED BY
ARCHITECTS / PROJECT MANAGERS
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This drawing is prepared and the property of Young Design Corp. It is to be used only for the project and site identified herein. It is not to be used for any other project, site, or purpose without the written approval of Young Design Corporation.



THE ARCHITECT HAS BEEN LICENSED BY THE BOARD OF ARCHITECTS OF THE STATE OF ARIZONA. THE ARCHITECT'S LICENSE NO. IS 12345. THE ARCHITECT'S EXPIRES ON 12/31/2010.

NO.	DATE	DESCRIPTION
0	7/31/09	REVISED
1	08/10/09	SUBMITTAL
3	12/02/09	CITY COMMENTS

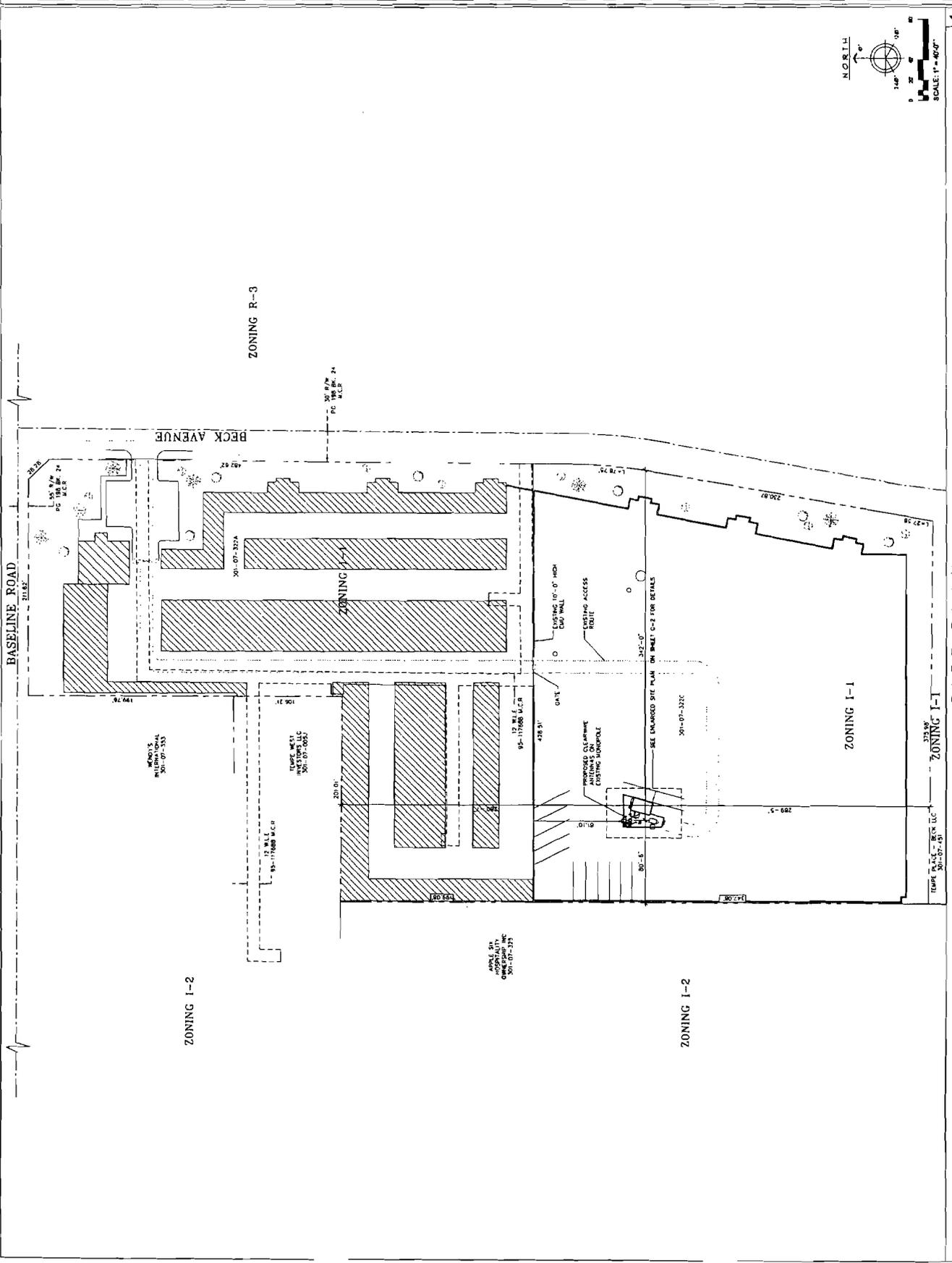
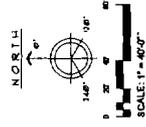
ARCHITECTS JOB NO. YDC-1473

PROJECT INFORMATION
AZ-PHX0506A
(300540)
ATC ARIZONA MILLS AZ1
1403 W. BASELINE ROAD & 5390 BECK AVE
TEMPE, AZ, 85283

SHEET TITLE
SITE PLAN

JURISDICTION APPROVAL

SHEET NUMBER
C1



SITE PLAN 1

clearwire
wireless broadband

PLANS PREPARED BY
young design corp
architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
PH: 480 451 9809 FAX: 480 451 9808
E MAIL: corp@ydcoffice.com

SEALED AND APPROVED FOR THE STATE OF ARIZONA
Drop Schedule (DCS) & number of poles to 100' and
150' height. The design shall be in accordance with
the Arizona Department of Transportation's (ADOT) design and
written determination by Transportation Construction
Division.



07/18/09
I, **YOUNG DESIGN CORP**,
DO hereby certify that the above
described work was prepared by
me or under my direct supervision
and that I am a duly Licensed
Professional Engineer in the State
of Arizona.

NO.	DATE	DESCRIPTION
0	7/31/09	REVIEW
1	08/10/09	SUBMITTAL
2	12/02/09	CITY COMMENTS

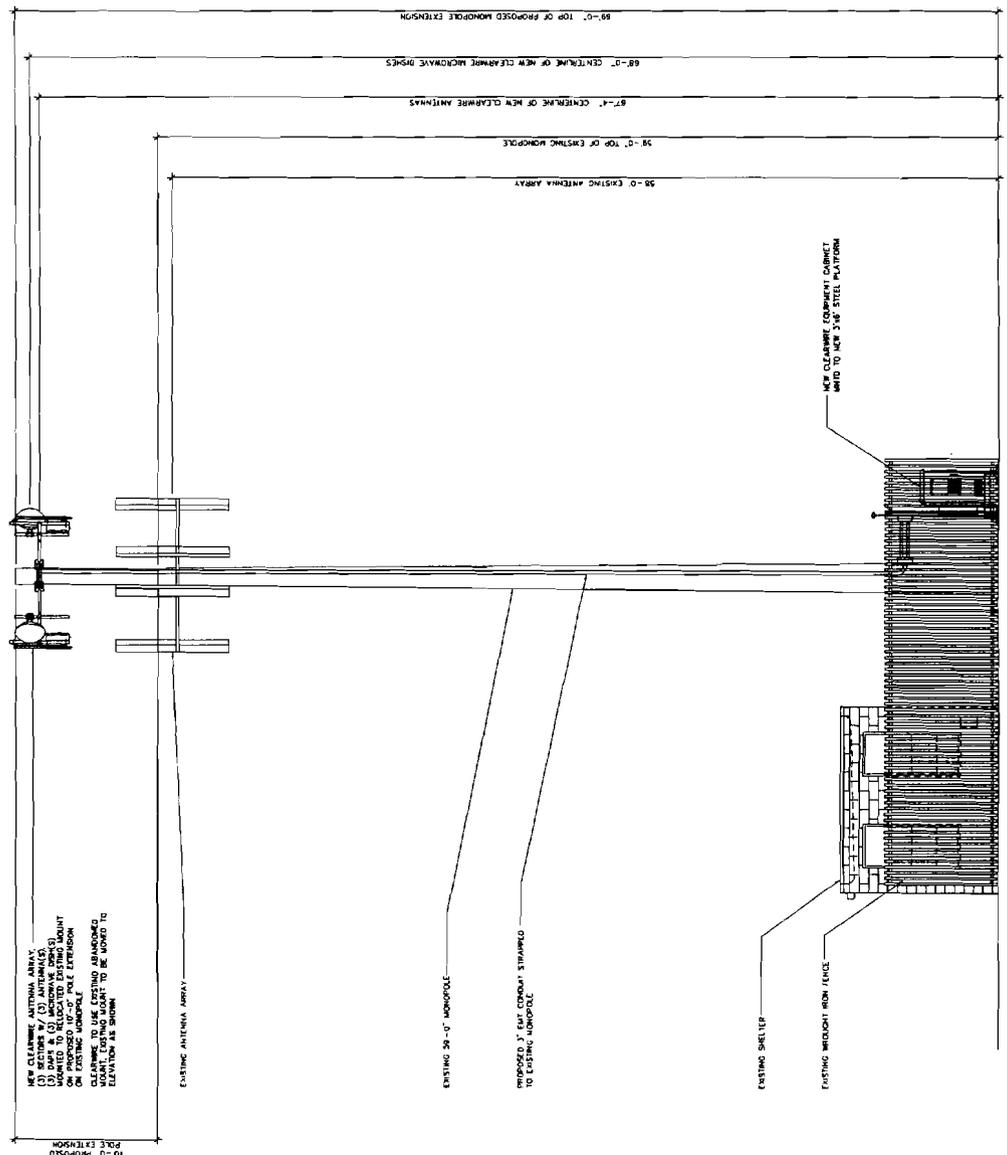
ARCHITECTS JOB NO. YDC-1473
PROJECT INFORMATION

AZ-PHX0506A
(300640)
ATC ARIZONA MILLS AZ1
1403 W. BURELINE ROAD & 5300 BECKVAE
TEMPE, AZ, 85283

SHEET TITLE
SITE ELEVATION

APPROXIMATION APPROVAL

SHEET NUMBER
C3



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

SITE ELEVATION

clearwire
wireless broadband

DESIGN PREPARED BY:
youngj design corp
architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
ph: 480 451 9609 fax: 480 451 9608
e mail: corporate@youngj.com

SEAL: THE CONTRACTOR HAS THE DUTY OF OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (ADOT) PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (ADOT) PRIOR TO THE START OF CONSTRUCTION.



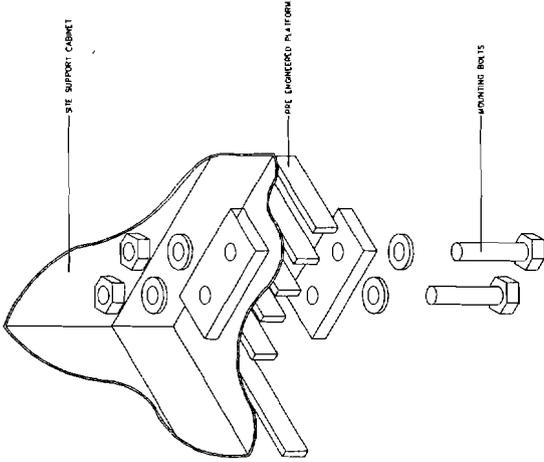
NO. DATE DESCRIPTION
0 1/21/09 REVIEW
1 08/10/09 SUBMITTAL
2 12/02/09 CITY COMMENTS

ARCHITECTS JOB NO. YDC-1473
PROJECT INFORMATION
AZ-PHX0506A
(300540)
ATC ARIZONA MILLS AZ1
1402 W. BASKETT ROAD & 63RD BUCK AVE
TUMACACI, AZ 85283

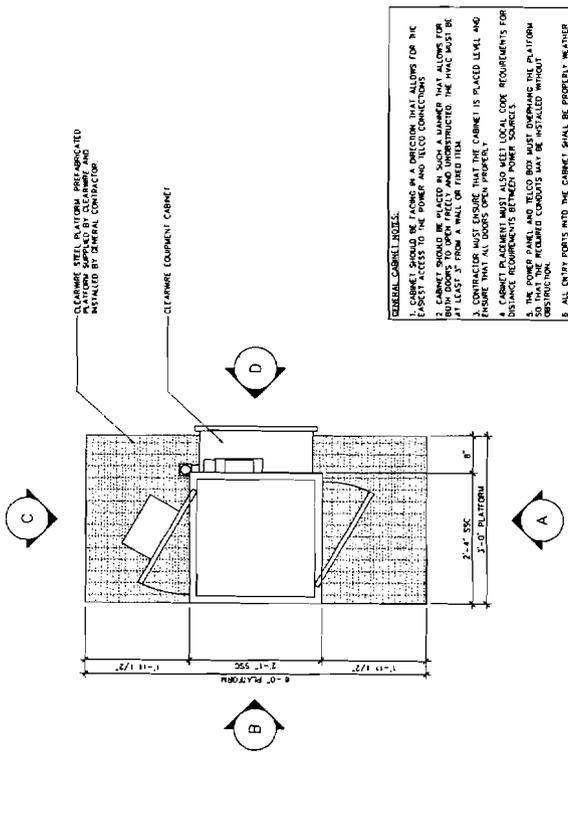
TYPICAL EQUIPMENT DETAILS

JURISDICTION APPROVAL

SHEET NUMBER
C4

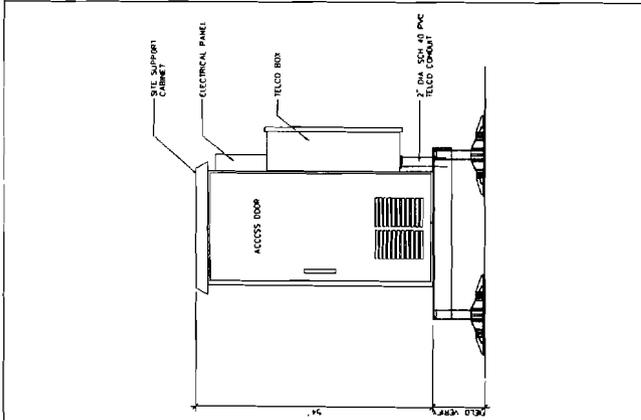
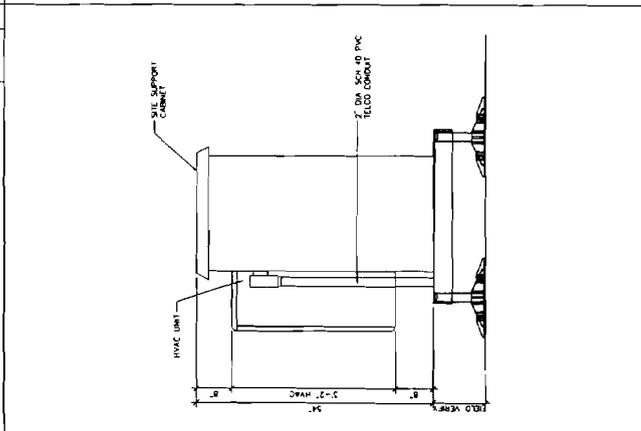
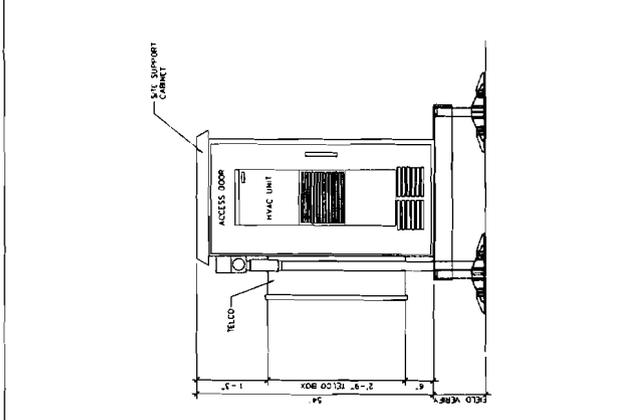
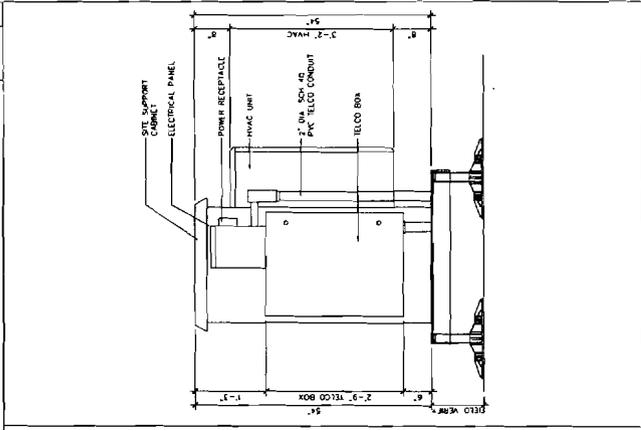


1 CABINET MOUNTING DETAIL ON GRATING SCALE: 1/4" = 1'-0"



2 EQUIPMENT PLAN SCALE: 1/4" = 1'-0"

GENERAL CABINET NOTES:
1. CABINET SHOULD BE PLACED IN A DIRECTION THAT ALLOWS FOR THE EASIEST ACCESS TO THE POWER AND TELCO CONNECTIONS.
2. THE POWER PANEL AND TELCO BOX SHOULD BE INSTALLED ON THE 8" HIGH DOOR SIDE OF THE CABINET. THE POWER PANEL AND TELCO BOX SHOULD BE AT LEAST 3" FROM A WALL OR FIXED ITEM.
3. CONTRACTOR MUST ENSURE THAT THE CABINET IS PLACED LEVEL AND SQUARE THAT ALL DOORS OPEN PROPERLY.
4. THE POWER PANEL AND TELCO BOX SHOULD MEET ALL CODE REQUIREMENTS FOR THE LOCAL JURISDICTION.
5. THE POWER PANEL AND TELCO BOX MUST OVERLAP THE PLATFORM SO THAT THE REQUIRED CONDUITS MAY BE INSTALLED WITHOUT OBSTRUCTION.
6. ALL ENTRY POINTS INTO THE CABINET SHALL BE PROPERLY WEATHER SEALED.



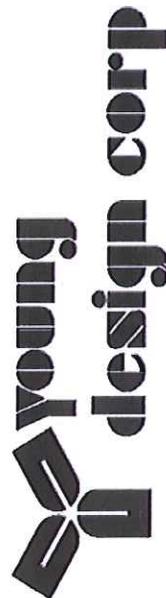
A CABINET ELEVATION (FRONT) SCALE: 1/4" = 1'-0"
B CABINET ELEVATION (LEFT) SCALE: 1/4" = 1'-0"
C CABINET ELEVATION (BACK) SCALE: 1/4" = 1'-0"
D CABINET ELEVATION (RIGHT) SCALE: 1/4" = 1'-0"

SITE NAME: ATC ARIZONA MILLS AZI
 SITE #: AZ-PHX0506A
 CITY: TEMPE
 STATE: ARIZONA
 COUNTY: MARICOPA

DESIGN TYPE: COLOCATION ON EXTENSION TO EXISTING MONOPOLE



CLEAR

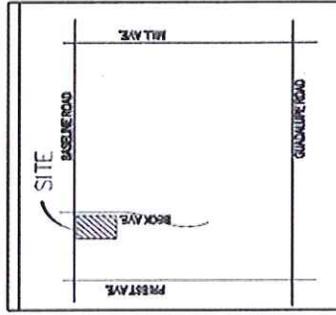


architecture / project management
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EXISTING SITE



VICINITY MAP



PROPOSED MODIFIED EXISTING SITE



PHOTO SIMULATIONS
 PHOTOGE CORP
 265 E 1st Ave Suite 4
 Salt Lake City, UT 84103
 801.534.0898
 www.photoge.com



**ARIZONA MILLS MALL – CLEARWIRE –
AZ PHX0506A**

1403 WEST BASELINE ROAD

PL090298

EXISTING MONOPOLE – VIEW TO WEST

