

Staff Summary Report



Hearing Officer Hearing Date: April 20, 2010

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by CLEARWIRE – AZ-PHX0538E located at 1805 East Elliot Road for one (1) use permit.

DOCUMENT NAME: 20100420dssd02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by ROYAL PALMS PLAZA - CLEARWIRE – AZ-PHX0538E (PL100008) (Rulon Anderson/Realand Consulting; Pollack Enterprises Inc., property owner) located at 1805 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10025 Use permit to allow a sixty foot (60 ft) monopole (monopine).

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

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

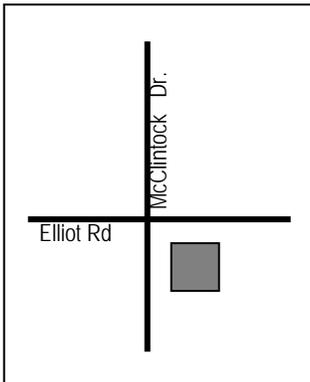
LEGAL REVIEW BY: N/A

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 allow a sixty (60') foot wireless antenna (monopine). The property is located at 1805 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports the request. To date, two (2) phone calls of inquiry have been received.

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Co-Location Study
6. Site plan
7. Enlarged Site Plan
8. Elevation
- 9-10. Photo simulation(s)
11. Staff Photograph(s)

COMMENTS:

The applicant, Rulon Anderson, with Clearwire, is requesting a use permit to allow a sixty (60') foot monopalm (to top of tree) and associated ground equipment for Clearwire. The property is located at 1805 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood District. The property is a neighborhood shopping center with uses ranging from automotive repair, restaurants, retail and commercial uses. The proposed monopine will be located near the south east corner of the property adjacent to an existing refuse enclosure. The proposed monopine is also adjacent to the Villas Las Palmas townhomes open space/green belt and not immediately adjacent to single family homes.

The character of the surrounding area is primarily single family (R1-4) townhomes to the south east of the shopping center. The proposed monopine location is adjacent to Villas Las Palmas open space which consists of a tennis court and green belt. The rear of the shopping center has abundance of eucalyptus, pines, and african sumac trees with heights varying from 25' to 50'. Due to the location and context of the area in terms of landscape and land use, staff is supportive of the proposed height of sixty (60') feet.

The applicant's co-location survey indicates co-location is not feasible within one-half (1/2) mile. The closest existing wireless site is located at the north west corner of Elliot Road and McClintock Drive, which has an existing fifty-five (70') foot AT&T monopalm, which is not suitable for co-location. The survey also indicates that no buildings within the one-half (1/2) mile area were tall enough to meet the needs of a wireless site. Staff has received two (2) phone calls of inquiry on this case.

Use Permit

The Zoning and Development Code requires a use permit for a wireless telecommunications antenna in all allowable zoning districts including the PCC-1, Planned Commercial Center Neighborhood 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 monopine is a stealth design 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 fully screened and adequately controlled.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval.

REASON(S) 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.

CONDITION(S) OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. The monopalm shall be no greater than 60'-0 (sixty feet) in height (to the top of the tree)
3. Any intensification or expansion of use will require a new use permit.
4. The proposed enclosure shall be constructed of similar material and color to match the existing refuse enclosure for the property.
5. The monopine shall be designed to blend in with the "Aleppo Pine" species. Details can be worked out with staff prior to Building Permits being issued.
6. The enclosure gate shall require lighting to meet five (5) foot candles at the gate.
7. Light fixture to be full cut off design and matches the existing light fixtures (HPS, High Pressure Sodium) mounted on rear of the shopping center.
8. The wireless device shall be removed within thirty (30) days of discontinuance of use.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

Owner – Pollack Enterprises Inc.
Applicant – Rulon Anderson/Realand Consulting
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Clearwire Lease Area – 600 s.f.
Proposed Height – 60'-0" top of tree (total height)

ZONING AND DEVELOPMENT

CODE REFERENCE:

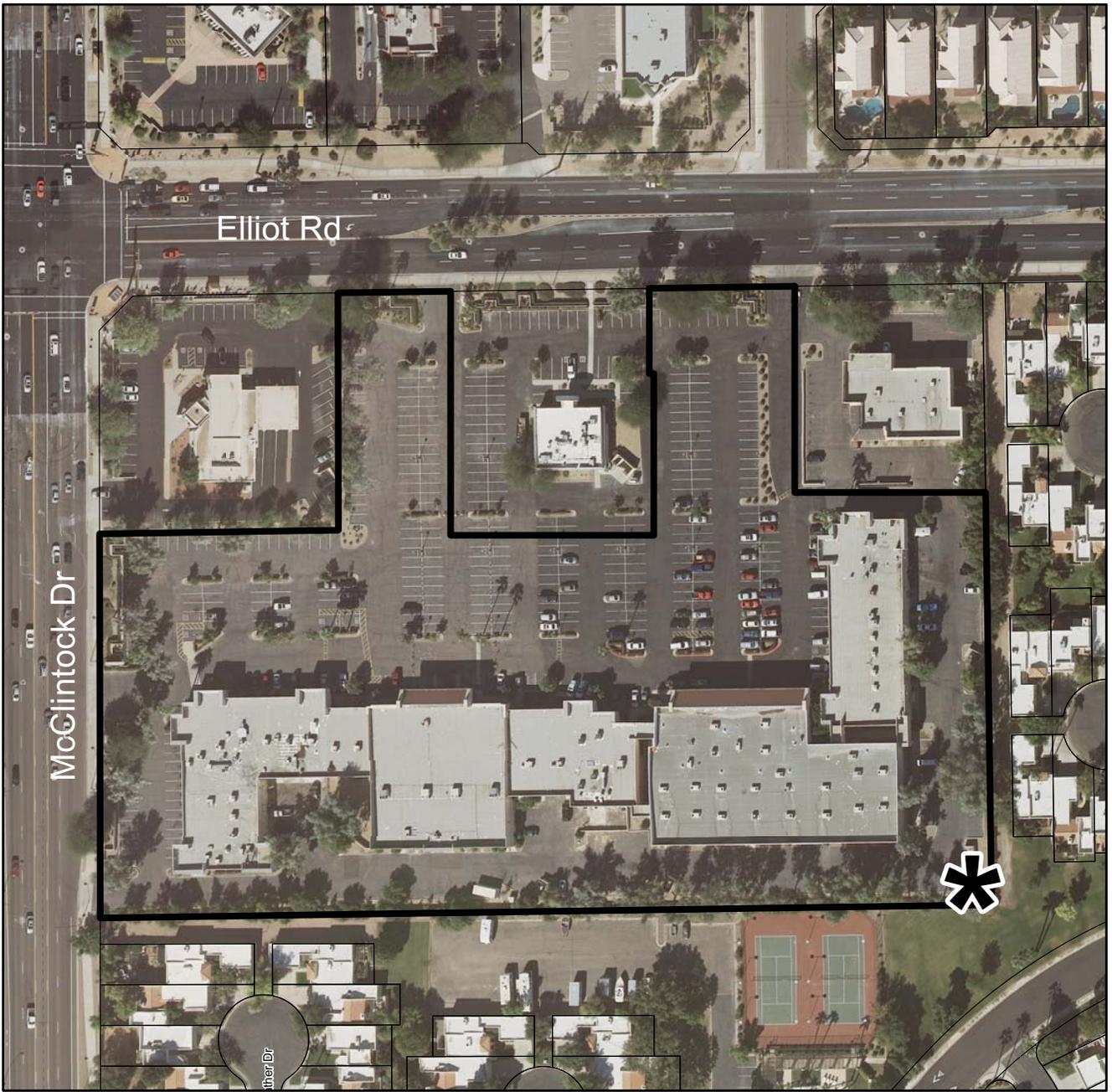
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 3, Chapter 4, Section 3-421 – Wireless Telecommunications Facilities
Part 6, Chapter 3, Section 6-308 – Use Permit

**ROYAL PALMS PLAZA -
CLEARWIRE - AZ-PHX0538E**

PL100008



Location Map



ROYAL PALMS PLAZA - CLEARWIRE - AZ-PHX0538E (PL100008)

Letter of Explanation

AZ-PHX0538 Pollack McClintock Monopine

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 faux pine tree. The proposed site is intended to minimize the visual impact to the neighboring residential. This site is in the presence of real pine trees. The proposed site is surrounded by the following zonings.

Current zoning: **PCC-1**

 Zoning to North: PCC-1

 Zoning to East: R1-4

 Zoning to South: R1-4

 Zoning to West: PCC-1

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

Sincerely,

Rulon Anderson

Co-Location Survey

AZ-PHX0538 Pollack McClintock Monopine

Existing verticality was considered before the proposed site was chosen. The list of verticality is as follows.

- ATT Monopalm located on the North West corner of McClintock and Elliot.
 - Such Co-Location is not possible on this structure.

Clear Wire site is a faux pine tree that will be a stealth structure and blend in with the other mature trees in the area. There are several different types of trees located on the proposed property. These trees will hide the proposed site because they are similar heights and the proposed site will blend well with the existing surrounding trees.

clearwire
wireless broadband

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Michael E. Young
Professional Engineer
State of Arizona
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NO.	DATE	DESCRIPTION
0	1/8/10	REVISE
1	1/7/10	SUBMITTAL
2	3/7/10	CITY COMMENTS

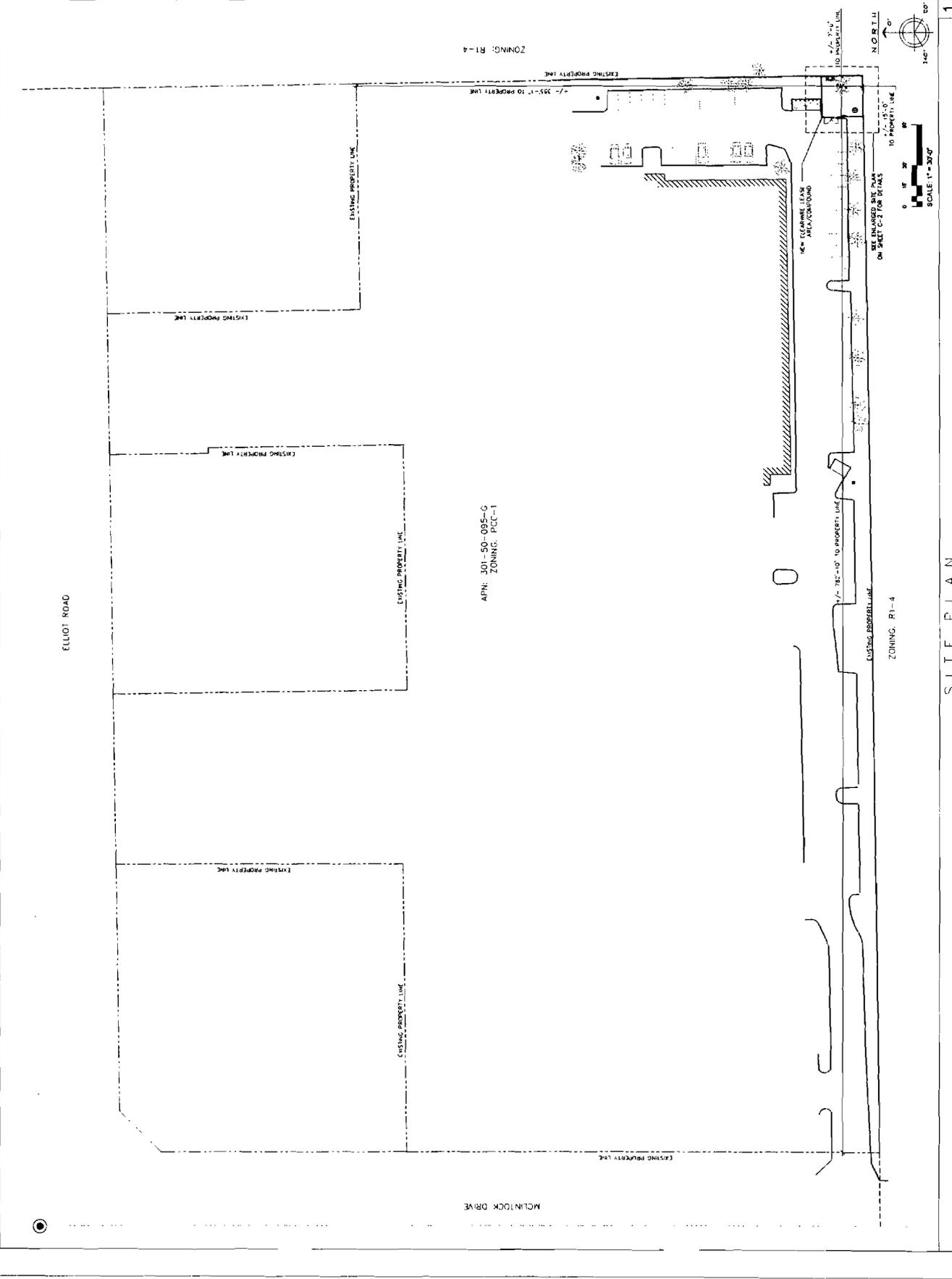
ARCHITECTS JOB NO. 17882

AZ-PHX0538E
POLLACK MCCLINTOCK MONOPINE
1805 E ELLIOT ROAD
TEMPE, AZ 85284

SITE PLAN

PROJECT TITLE
APPROXIMATE APPROVAL

SHEET NUMBER
C1



SITE PLAN

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 9838
e. mail: core@youngdesign.com

THIS PLAN IS TO BE INSTALLED AND MAINTAINED BY THE
OWNER OR HIS CONTRACTOR. THE CONTRACTOR SHALL
BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
PERMITS AND APPROVALS FROM THE APPLICABLE
AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE
FOR OBTAINING ALL NECESSARY PERMITS AND
APPROVALS FROM THE APPLICABLE AGENCIES.



DATE: 1/18/10
DRAWN BY: [Signature]
CHECKED BY: [Signature]
PROJECT NO.: 17792

NO.	DATE	DESCRIPTION
1	1/18/10	REVISION
2	1/27/10	SUBMITTA
3	3/19/10	CITY COMMENTS

ARCHITECTS JOB NO. 17792

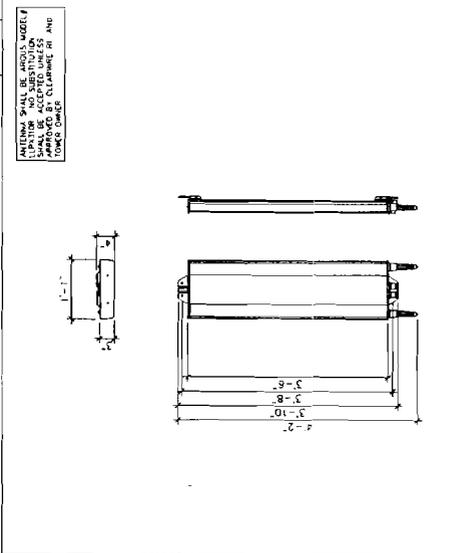
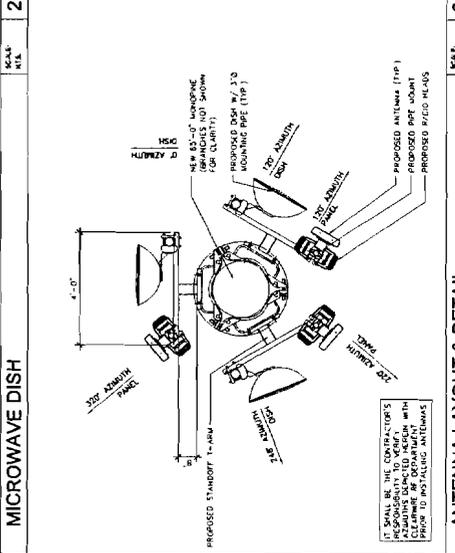
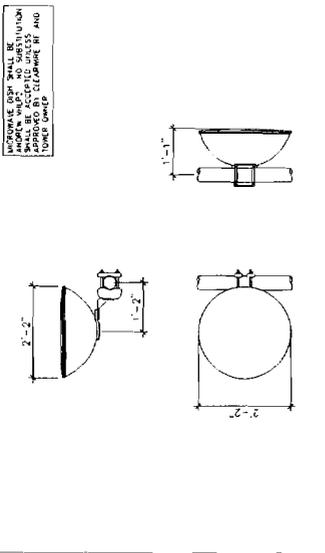
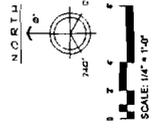
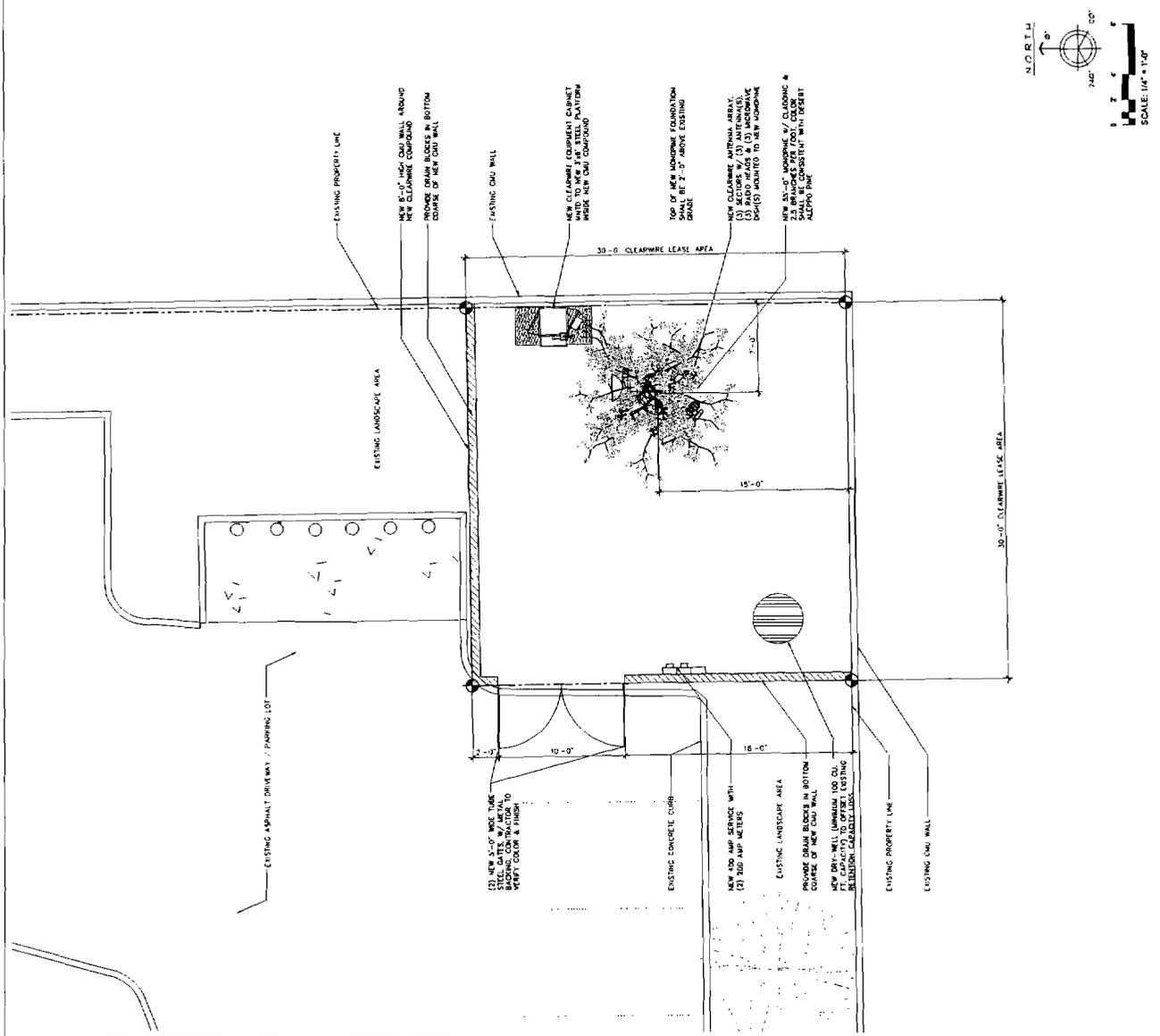
PROJECT INFORMATION

AZ-PHX0538E
POLLACK WILMINGTON MONOPINE
1806 E. ELLIOT ROAD
TEMPE, AZ 85284

SHEET TITLE
ENLARGED PLAN

JURISDICTION APPROVAL

SHEET NUMBER
C2



1 ENLARGED SITE PLAN
2 MICROWAVE DISH
3 ANTENNA LAYOUT & DETAIL
4 ANTENNA

clearwire
wireless broadband

PLANS PREPARED BY
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THE SEAL, SIGNATURE AND THE ADDRESS OF THE ARCHITECT OR ARCHITECTS SHALL BE AFFIXED TO THESE PLANS IN THE MANNER REQUIRED BY THE BOARD OF ARCHITECTS OF THE STATE OF ARIZONA. THIS INFORMATION IS REQUIRED FOR THE ARCHITECTS TO BE ELIGIBLE FOR THE PROFESSIONAL REGISTER OF ARCHITECTS OF THE STATE OF ARIZONA. THE ARCHITECTS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.

NO.	DATE	DESCRIPTION
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1	1/27/10	SUBMITTAL
2	3/27/10	CITY COMMENTS

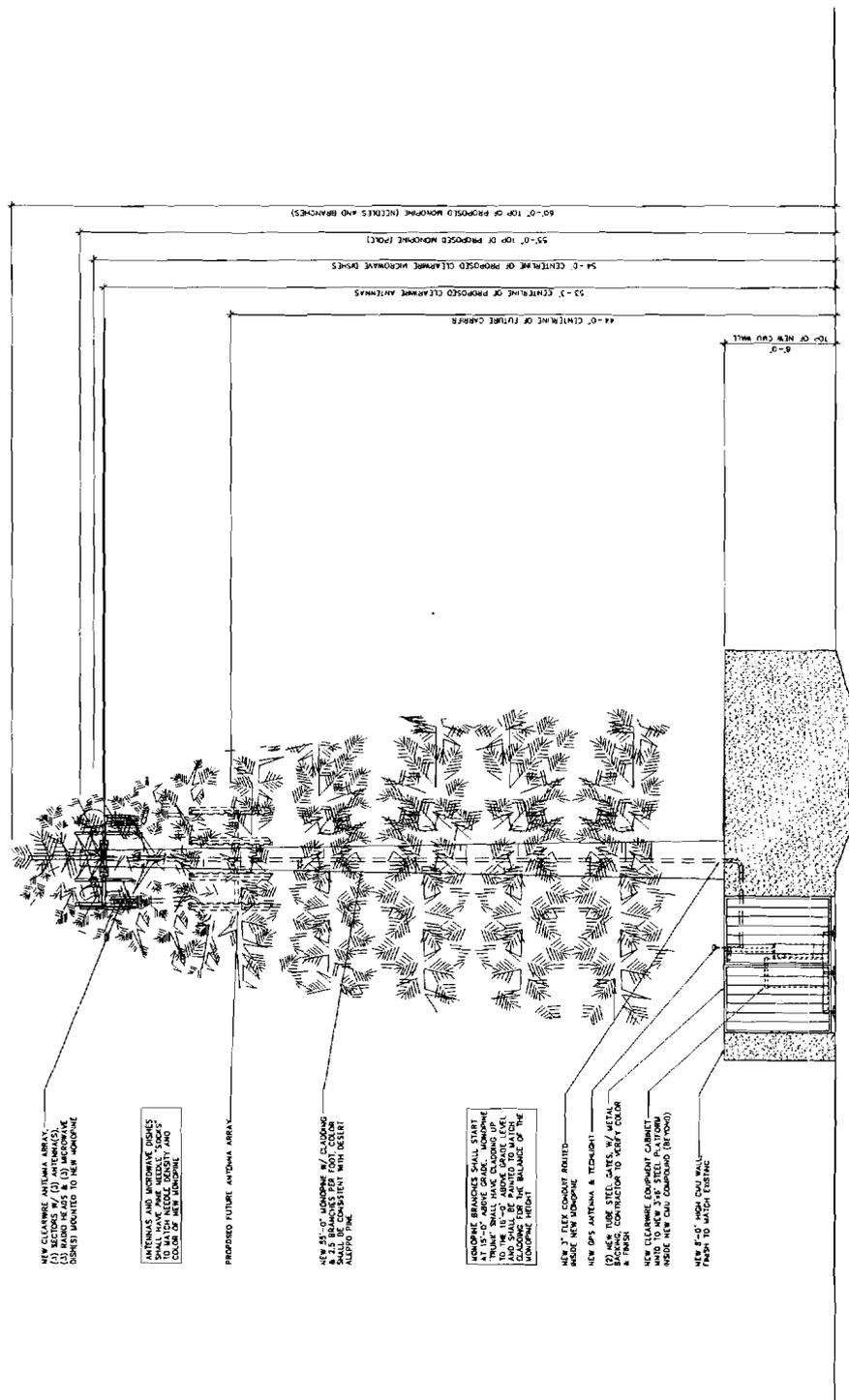
ARCHITECTS JOB NO. 1762
PROJECT INFORMATION

AZ-PHX0538E
POLLACK MCINTOCK MONOPINE
1806 E. ELLIOTT ROAD
TEMPE, AZ 85284

SHEET TITLE
SITE ELEVATION

DESCRIPTION, APPROVAL

SHEET NUMBER
C3



NEW CLEARWIRE ANTENNA ARRAYS:
(2) SECTIONS W/ (1) ANTENNA
(2) SECTIONS W/ (1) ANTENNA
DIMENSIONS INDICATED TO NEW MONOPINE

ANTENNAS AND MONOPINE DISKES
TO BE COLORED TO MATCH THE
COLOR OF NEW MONOPINE

PROPOSED FUTURE ANTENNA ARRAY

NEW 45'-0" MONOPINE W/ CLADDING
& 2.5 BRANCHES PER FOOT. COLOR
CONSISTENT WITH EXISTING
ALUMINUM FINISH

MONOPINE BRANCHES SHALL START
AT 15'-0" ABOVE GRADE. MONOPINE
TO THE 15'-0" ABOVE GRADE. EXISTING
CLADDING FOR THE BALANCE OF THE
MONOPINE HEIGHT

NEW 3" FLEX CONDUIT RAN TO
BASE NEW MONOPINE

NEW 6" ANTENNA & TECHNIQUE
(2) NEW TUBE STEEL LATHES W/ METAL
CONNECTION TO EXISTING COLUMN
& TRUSS

NEW CLEARWIRE EQUIPMENT CABINET
W/ 10 NEW 3x6" STEEL PLATE
BASE NEW NEW CONDUIT (BEHIND)

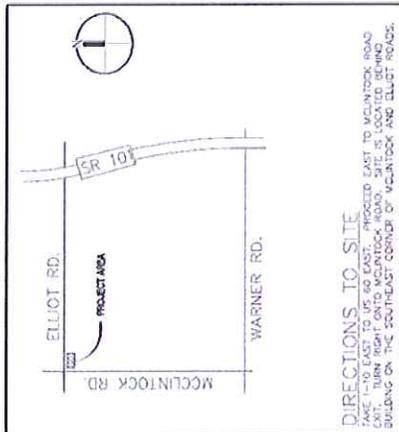
NEW 6" FLEX CONDUIT RAN
FROM EXISTING TRUSS
TO NEW CONDUIT

WEST ELEVATION
SCALE: 1/8" = 1'-0"

SITE ELEVATION



PROPOSED SITE CANDIDATE

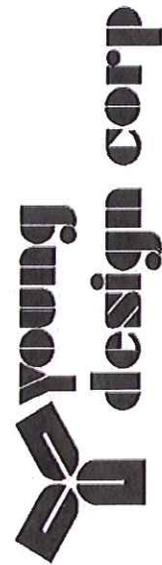


SITE CANDIDATE MODIFICATION

AZ-PHX0538E

POLLACK MCLINTOCK MONOPINE

1805 E. ELLIOT ROAD
TEMPE, AZ 85284

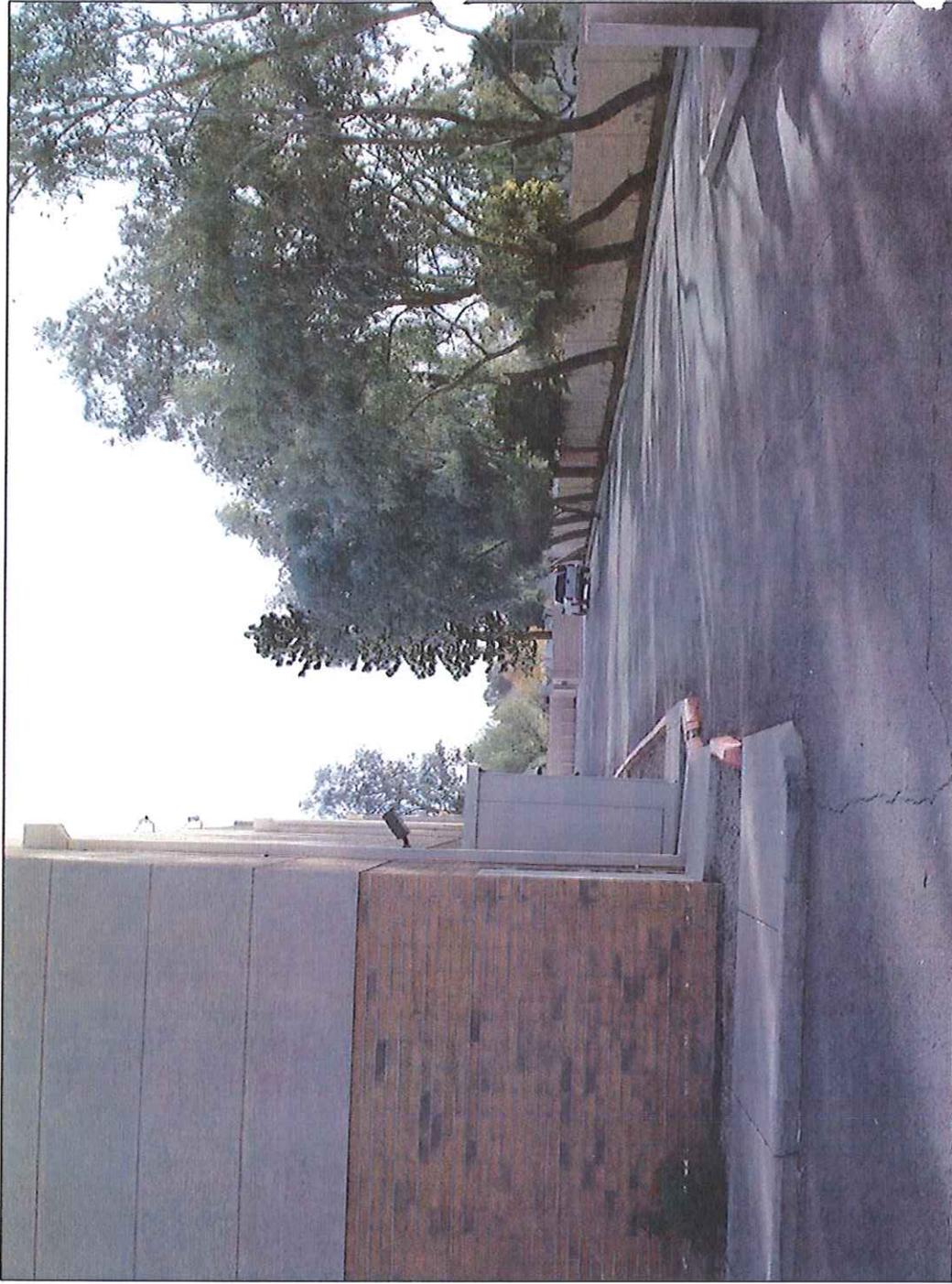
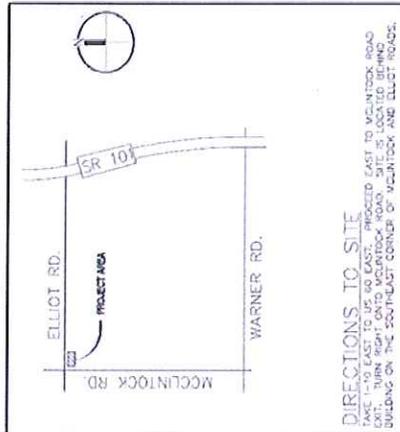


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PHOTOLOGÉ
SIMULATIONS



PROPOSED SITE CANDIDATE

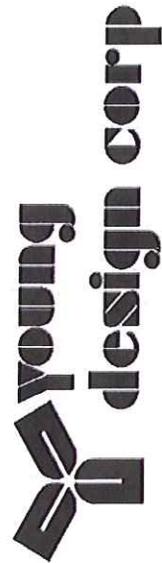


SITE CANDIDATE MODIFICATION

AZ-PHX0538E

POLLACK MCCLINTOCK MONOPINE

1805 E. ELLIOT ROAD
TEMPE, AZ 85284



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PHOTOLOGÉ
SIMULATIONS



CLEARWIRE

1805 E ELLIOT RD

PL100008

PROPOSED LOCATION