

Minutes
HEARING OFFICER
JULY 20, 2010

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

David Williams, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Graves, Nick, Planning Intern

Number of Interested Citizens Present: 2

Meeting convened at 1:30 PM and was called to order by Mr. Williams. He noted that anyone wishing to appeal a decision made today by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days by August 3, 2010 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for July 6, 2010.

2. Mr. Williams noted that the following case(s) had been removed from this agenda:

- Request by the **PAPPAS RESIDENCE (PL100157)** (Tessa Jones/the Phactory, applicant; Michael Pappas, property owner) located at 55 West 13th Street in the R-2, Multi-Family Residential District for:

VAR10007 Variance to reduce the required parking setback and on site driveway length from 20 feet to 0 feet to provide for three (3) existing parking spaces to be located in the front yard setback along the 13th Street frontage. (The parking spaces are located approximately 8 feet behind the sidewalk.)

CONTINUED TO THE OCTOBER 5, 2010 HEARING OFFICER

3. Request by **CLEARWIRE – AZ PHX0873A (PL100129)** (Rulon Anderson/Realand Consulting, applicant; Copperstate Investment Corporation, property owner) located at 4640 South Ash Avenue in the GID, General Industrial District for:

ZUP10069 Use permit to increase the height of an existing monopole from 40 ft to 55 ft to allow co-location of wireless antenna.

Mr. Rulon Anderson of Realand Consulting was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Mr. Ron Coon, spoke in support of this case, stating that he is the property owner. He asked that the address be checked to ascertain that it is not 4646 instead of 4640 as noted on the agenda.

Mr. Anderson stated that the original tower was built in 1992 by American Tower and it is 40 ft tall. Apparently a Building Permit was applied for but never completed. It was noted that Condition of Approval No. 2 addresses this issue. He explained that the address of the tower can be different than the building address and this is determined by the City. The address of 4640 South Ash Avenue is the correct address for the tower and was assigned when the tower was first built in 1992.

DECISION:

Mr. Williams approved PL100129/ZUP10069 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Applicant shall ensure that previous permits for the existing monopole receive clearances from the Building Safety Division. This must be accomplished prior to the Use Permit becoming effective.
3. The monopole shall be no greater than 55'-0" (fifty-five feet) in height.
4. Any intensification or expansion of use will require a new use permit.
5. The wireless device shall be removed within thirty (30) days of discontinuance of use.

3. Request by **CLEARWIRE – AZ PHX0915 (PL100155)** (Rulon Anderson/Realand Consulting, applicant; Priest Properties LLC, property owner) located at 7450 South Priest Drive in the PCC-1, Planned Commercial Center Neighborhood District and SWOD, Southwest Overlay District for:

ZUP10070 Use permit to allow co-location of wireless antennas on an existing 65 ft monopole.

Mr. Rulon Anderson of Realand Consulting was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued.

DECISION:

Mr. Williams approved PL100155/ZUP10070 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Any intensification or expansion of use will require a new use permit.
3. The wireless device shall be removed within thirty (30) days of discontinuance of use.

The next Hearing Officer public hearing will be held on **Tuesday, August 3, 2010.**

There being no further business the public hearing adjourned at 1:43 PM.

Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for David Williams, Hearing Officer

SA:dm

APPROVED