

Staff Summary Report



Hearing Officer Hearing Date: January 19, 2010

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by CLEARWIRE – AZ-PHX0501C (PL090432) located at 1811 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20100119sdp2

PLANNED DEVELOPMENT (0406)

COMMENTS: Request by VALLEY WEST SHOPPING PLAZA – CLEARWIRE – AZ-PHX0501C (PL090432) (Rulon Anderson/Clearwire, applicant; Pollack Investments, property owner) located at 1811 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

ZUP09165 Use permit to allow a sixty foot (60') monopole (monopalm).

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

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

LEGAL REVIEW BY: N/A

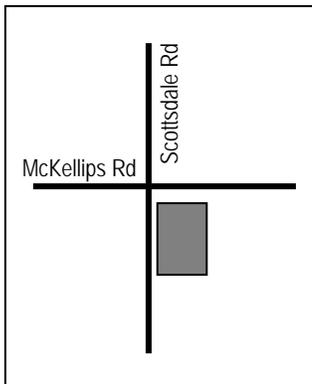
DEPARTMENT REVIEW BY: N/A

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 (monopalm). The property is located 1811 North Scottsdale Road in the CSS, Commercial Shopping and Services District. To date, no public input has been received.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
- 5-6. Co-location survey
- 7-9. Site plan
10. Elevation
- 11-12. Photo Simulations
13. 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 fronds) and associated ground equipment. The property is currently a commercial shopping center use. The monopalm is proposed in the rear service area of the shopping center, approximately 68 feet from the east property line and 199 feet from the south property line.

The character of the surrounding area is primarily commercial shopping, commercial hospitality and single family housing. There are a few trees existing on the site of varying heights and species. The applicant has provided a photo simulation from the service area and from the front of the shopping center.

The applicant's co-location survey indicates co-location is not feasible within one-half (1/2) mile. A stealth monopalm located directly to the north of this site is not suitable for co-location. The applicant has also noted that the SRP power poles located along McKellips Road are not suitable for co-location. To date, staff has received no public input regarding this request.

Use Permit

The Zoning and Development Code requires a use permit for wireless telecommunication facilities in all allowable zoning districts including the CSS, Commercial Shopping and Services 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 monopalm 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 as a light/monopole and wireless communications tower appears to be a compatible ancillary use to the existing commercial shopping center.
- 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 monopole shall be no greater than 60'-0 (sixty feet) in height.
3. The proposed equipment cabinet shall be constructed of similar material and color to match the existing building.
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.

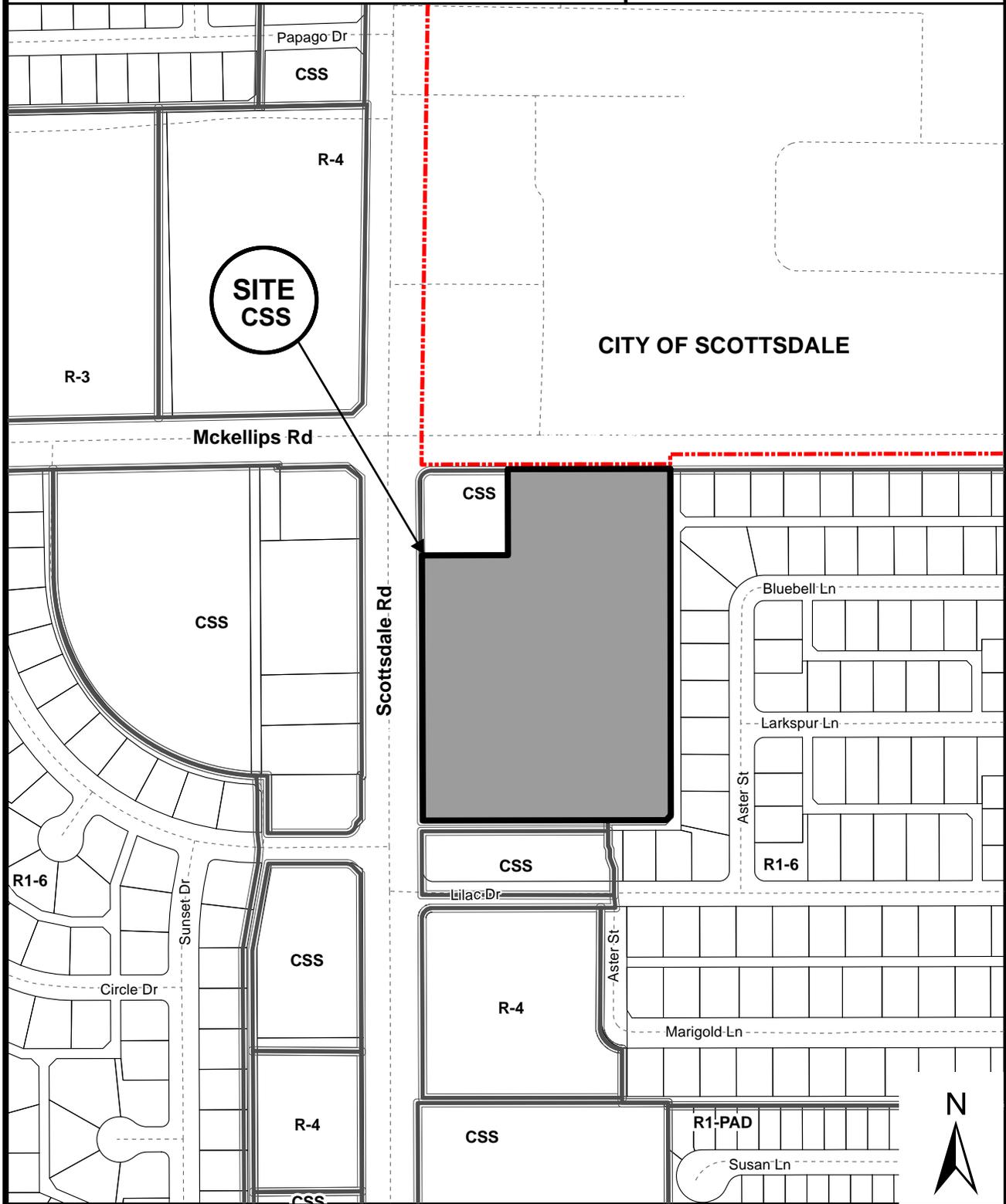
HISTORY & FACTS: None pertinent to this case

DESCRIPTION: Owner – Pollack Investments
Applicant – Rulon Anderson/Clearwire
Existing Zoning – CSS, Commercial Shopping & Services District
Proposed Height – 60'-0"

ZONING AND DEVELOPMENT CODE REFERENCE: Part 3, Chapter 1, Section 3-102 – Permitted Uses in Residential Districts
Part 3, Chapter 4, Section 3-421 – Wireless Telecommunication Facilities
Part 6, Chapter 3, Section 6-308 – Use Permit

**VALLEY WEST SHOPPING PLAZA
- CLEARWIRE - AZ-PH0501C**

PL090432



Location Map



VALLEY WEST SHOPPING PLAZA - CLEARWIRE - AZ-PHX0501C (PL090432)

Letter of Explanation

AZ-PHX0501 Pollack Plaza Monopalm

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 monopalm (faux palm tree). The proposed stealth monopalm is intended to minimize the visual impact to the neighboring residential. The amount of mature trees on the property and in the neighborhood is conducive to a stealth palm tree.

The proposed site is surrounded by the following zonings.

Current zoning: CSS

Zoning to North: R-5

Zoning to East: R1-6

Zoning to South: CSS

Zoning to West: CSS

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

Sincerely,

Rulon Anderson

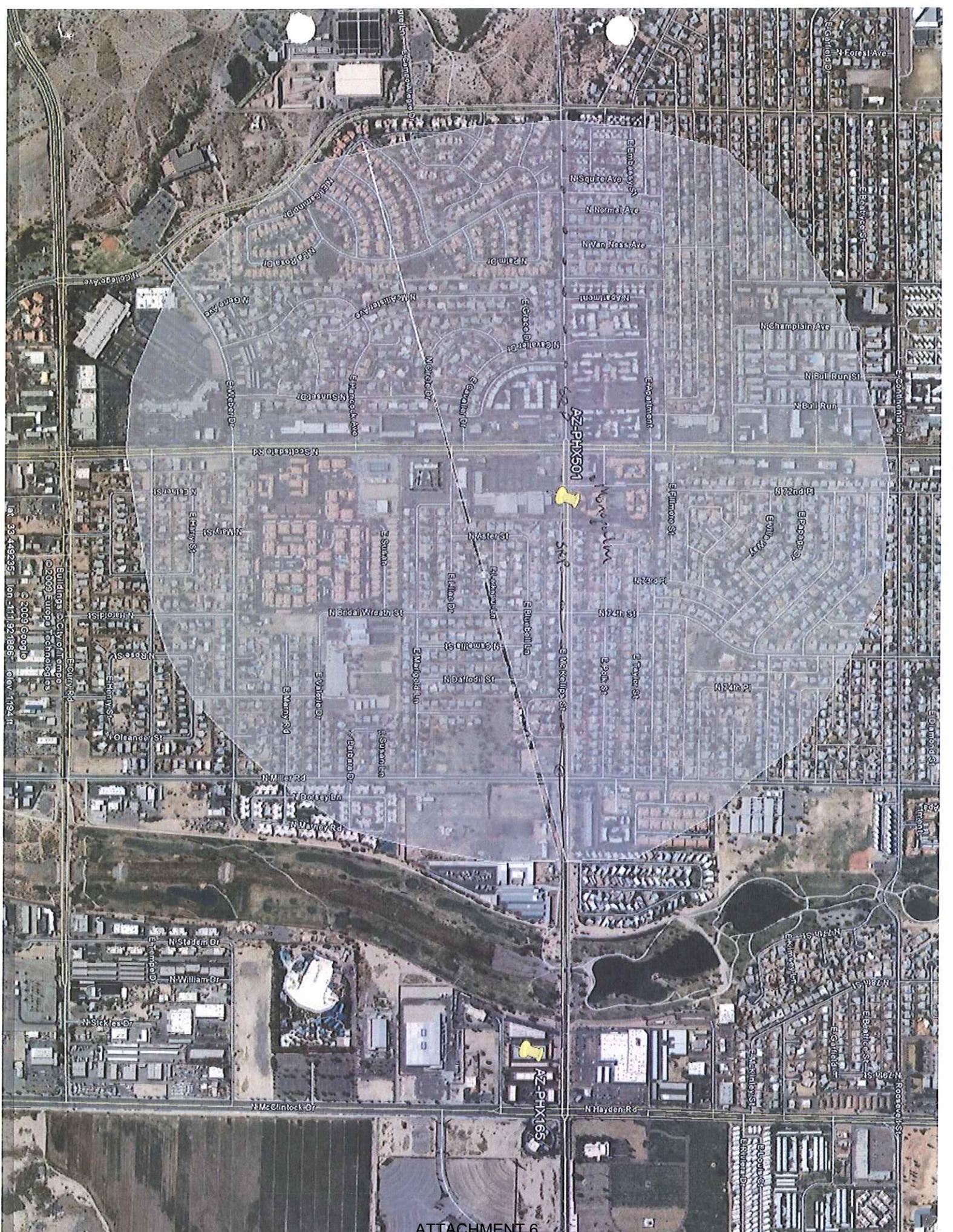
Co-Location Survey

AZ-PHX0501 Pollack Plaza Monopalm

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

- There is a monopalm to the North which is not colocatable.
- There are SRP utility poles lining McKellips Rd. Most of which are not colocatable.

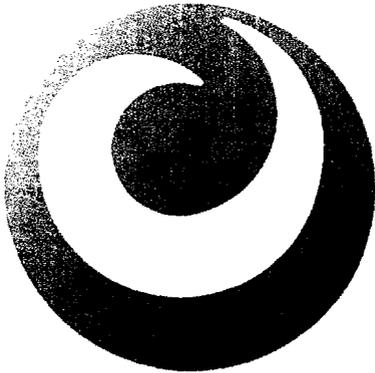
Clearwire's site is a faux palm tree that will be a stealth structure and blend in with the other mature palm trees in the area.



© 2009 Europa Technology
© 2009 Google
Int. 33-4492357 lon -111-921866 elev 1194 ft

AZ-PHX501

AZ-PHX165



CLEAR

SITE NAME: POLLACK PLAZA MONOPALM
 SITE #: AZ-PHX0501C
 CITY: TEMPE
 STATE: ARIZONA
 COUNTY: MARICOPA
 DESIGN TYPE: NEW MONOPALM

PROJECT INFORMATION

ADDRESS
 911 N. SCOTTSDALE ROAD
 TEMPE, AZ 85281

COORDINATES
 LATITUDE: 33.448203°
 LONGITUDE: -112.4661°

LANDLORD

VALLEY WEST SHOPPING CENTER
 1936 W. BASELINE ROAD
 MESA, AZ 85210

LAND DESCRIPTION OF SUBJECT PARCEL

ZONING: C55
 APN: 193-025-101A

PROJECT OWNER
 CLEARURE
 5808 LAKE WASHINGTON BLVD. NE SUITE 300
 KIRKLAND, WASHINGTON 98033

APPLICANT / CONTACT
 REAL LAND CONSULTING
 3623 E. PRESIDIO CIRCLE
 MESA, AZ 85213
 PHONE: (602) 311-4903

PROJECT INFORMATION
 CONSTRUCTION TYPE: II-B
 OCCUPANCY: U

PROJECT DESCRIPTION
 PROPOSED NEW CLEARURE EQUIPMENT CABINET MOUNTED TO NEW EQUIPMENT PLATFORM. ADDITION OF PROPOSED NEW ANTENNAS MOUNTED TO PROPOSED 95'-0" MONOPALM

SPECIAL INSPECTIONS

TBD

BUILDING CODES

2006 IBC
 2006 IRC
 2005 NEC

INDEX OF DRAWINGS

NUMBER	NAME OF SHEET	REV.
T-1	TITLE PAGE	0
L-1	SURVEY	0
C-1	SITE PLAN	0
C-2	COMPOND DRAWING	0
C-3	ELEVATIONS	0
C-4	DETAILS	0

CONSULTING TEAM

ARCHITECT

YOUNG DESIGN CORP.
 10745 E. VIA LINDA #11
 SCOTTSDALE, AZ 85259
 CONTACT: JOHN SULTZBACH
 PHONE: (480) 451-9609

PROJECT MANAGER

CHRISTINE TUCKER
 4093 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040
 PHONE: (480) 953-0911

CONSTRUCTION MANAGER

BILF SLAVIN
 4013 E. BROADWAY ROAD, SUITE A-1
 PHOENIX, AZ 85040
 PHONE: (602) 451-2433

SITE ACQUISITION

BRYAN RUDOLPH
 REAL LAND CONSULTING
 PHONE: (480) 603-6364

ZONING

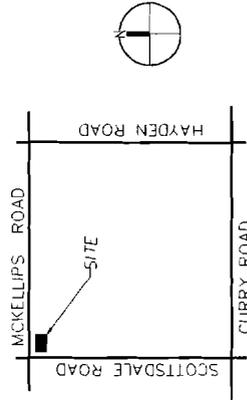
RILAN ANDERSON
 REAL LAND CONSULTING
 PHONE: (602) 311-4903

RF ENGINEER

BALAJI NAGARAJAN
 8040 S. 48TH STREET, SUITE 200
 PHOENIX, AZ 85044
 PHONE: (602) 522-0200

SURVEYOR

WESTERN GEOMATIC SERVICES
 161 E. PONT LANE
 GILBERT, AZ 85295
 CONTACT: JEFF COOK
 PHONE: (480) 656-1510



DIRECTIONS TO SITE
 TAKE SR 520 TO SCOTTSDALE ROAD GO NORTH ON SCOTTSDALE ROAD 1.2 MILES TO MCKELLIPS ROAD. SITE IS AT THE SOUTHEAST CORNER OF SCOTTSDALE ROAD AND MCKELLIPS ROAD, BEHIND SHOPPING CENTER



PLANS PREPARED BY
young design corp
 architecture / project management
 10745 E. VIA LINDA, SCOTTSDALE, AZ 85259
 PH: 480 451 9609 FAX: 480 451 9605
 e-mail: corp@ydesigncorp.com

SEAL
 I, JOHN SULTZBACH, LICENSED PROFESSIONAL ARCHITECT, STATE OF ARIZONA, LICENSE NO. 10000, DO HEREBY CERTIFY THAT I AM THE ARCHITECT OF RECORD FOR THE PROJECT DESCRIBED HEREIN AND THAT I AM A MEMBER IN GOOD STANDING OF THE ARCHITECTS BOARD OF ARIZONA.
 DATE: 08/12/09
 SIGNATURE: [Signature]

NO.	DATE	DESCRIPTION
0	07/12/09	ISSUE FOR PERMITS
1	08/12/09	SUBMITTAL

PROJECT INFORMATION
 ARCHITECT'S JOB NO. YDC-1484

AZ-PHX0501C
 POLLACK PLAZA MONOPALM
 1811 N. SCOTTSDALE ROAD
 TEMPE, AZ 85281

SHEET TITLE
PROJECT INFORMATION

APPROBATION APPROVAL

SHEET NUMBER
T1



PLANS PREPARED BY
young design corp
 architecture / project management
 10245 E Via Linda, Scottsdale, AZ 85258
 ph: 480 451 9609 fax: 480 451 9608
 e: mof, corp@ydc.com

SCALE: 1/8" = 1'-0"
 THIS DRAWING IS THE PROPERTY OF YOUNG DESIGN CORP. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF YOUNG DESIGN CORP.
 STATE OF ARIZONA
 BOARD OF ARCHITECTURE
 REG. NO. 10011
 YOUNG DESIGN CORP.
 ARCHITECTS AND ENGINEERS
 10245 E VIA LINDA, SCOTTSDALE, AZ 85258
 PH: 480 451 9609 FAX: 480 451 9608
 WWW.YOUNGDESIGNCORP.COM

NO.	DATE	DESCRIPTION
0	8/13/09	REVIEW
1	08/20/09	Submittals

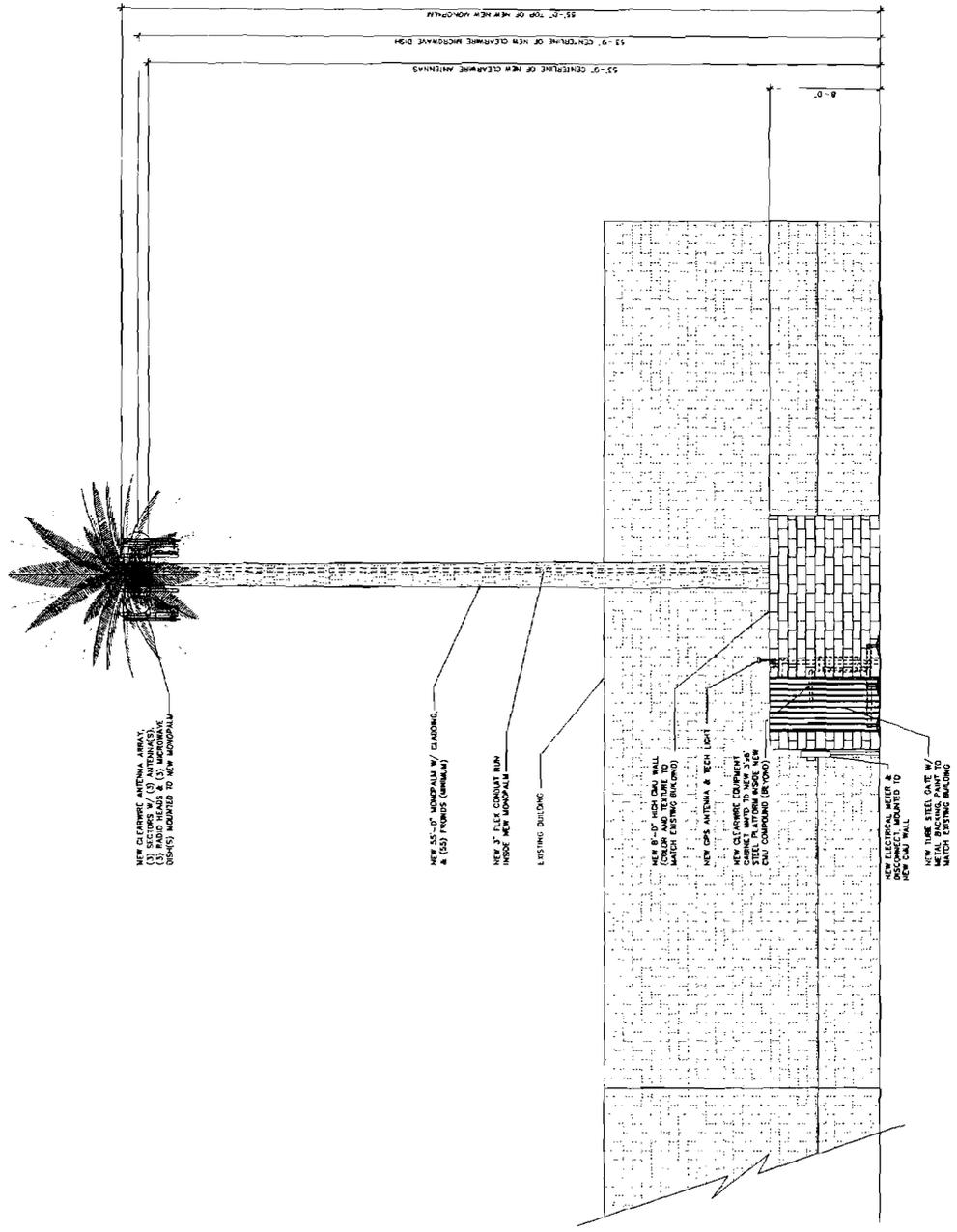
ARCHITECTS: YDC, LLC
 YDC-1484

PROJECT INFORMATION
AZ-PHX0501C
POLLACK PLAZA MONOPALM
 1911 N. SCOTTSDALE ROAD
 TEMPE, AZ 85281

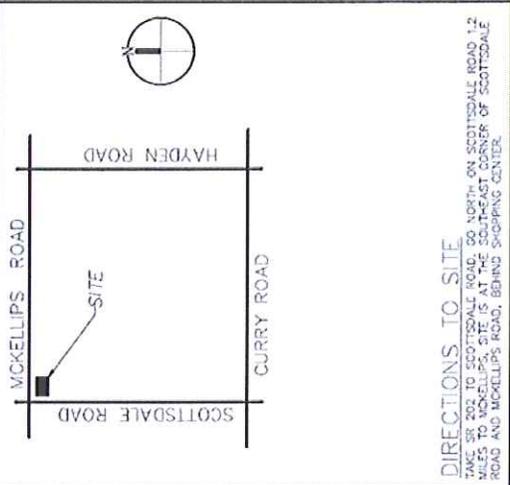
SHEET TITLE
SITE ELEVATION

APPROVAL: THIS APPROVAL

SHEET NUMBER
C3



SOUTH ELEVATION
SITE ELEVATION



CLEAR

AZ-PHX0501C

POLLACK PLAZA MONOPALM

1811 N. SCOTTSDALE ROAD
 TEMPE, AZ 85281

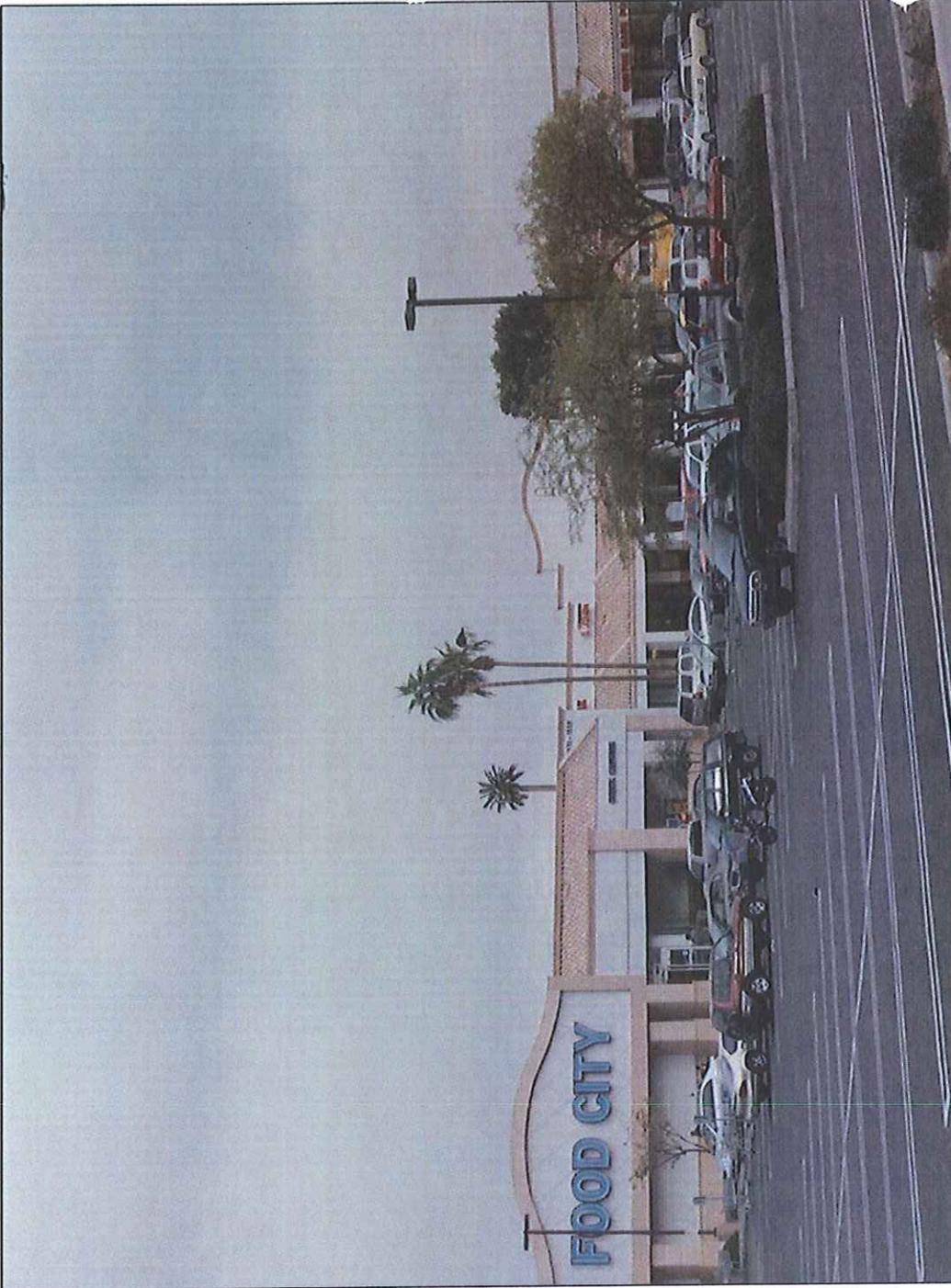
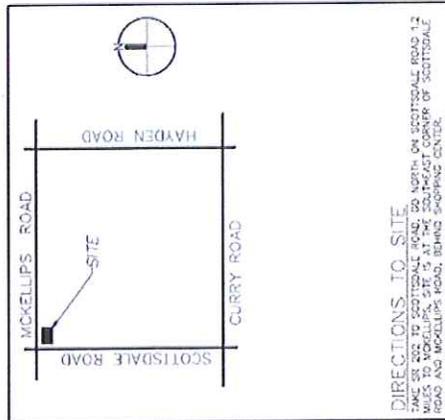


architecture / project management
 10245 E. Via Linda, Scottsdale, AZ 85258
 ph: 480 451 9609 fax: 480 451 9608

PHOTO SIMULATIONS
 PHOTOE CORP.
 265 E. ANTONIO ROAD
 SALT LAKE CITY, UT 84103
 801.534.6996
 www.photoe.com



SITE CANDIDATE

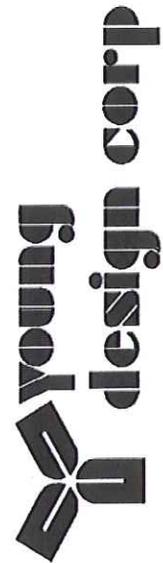


PROPOSED SITE

AZ-PHX0501C

POLLACK PLAZA MONOPALM

1811 N. SCOTTSDALE ROAD
TEMPE, AZ 85281



architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
ph: 480 451 9609 fax: 480 451 9608



PHOTO SIMULATIONS
 PHOTOGE CORP.
 564 N. Central Expressway, Suite 100
 Salt Lake City, UT 84102
 801.834.6896
 www.photoge.com



**VALLEY WEST SHOPPING PLAZA –
CLEARWIRE – AZ-PHX0501C**

1811 NORTH SCOTTSDALE ROAD

PL090432

**PROPOSED LOCATION OF MONOPALM –
VIEW TO NORTHWEST**

