

Staff Summary Report



Hearing Officer Hearing Date: April 17, 2007

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by CLEARWIRE US LLC (PL070133) located at 3236 South Fair Lane for one (1) use permit.

DOCUMENT NAME: 20070417dssd03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by CLEARWIRE US LLC (PL070133) (Sherri Wilson/Clearwire, applicant; 7575 East Redfield LLC, property owner) located at 3236 South Fair Lane in the GID, General Industrial District for:

ZUP07041 Use Permit to allow a wireless antenna co-location on an existing monopole.

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

REVIEWED BY: Steve Abrahamson, Senior Planner (480-350-8359)

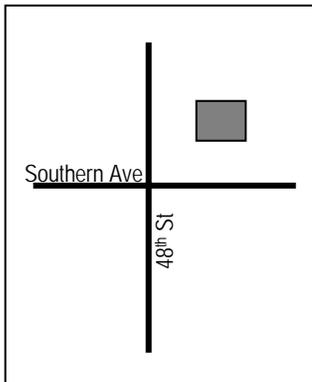
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-4

ADDITIONAL INFO: The applicant, Clearwire Wireless is seeking a use permit to allow the co-location of new antennas on an existing fifty-eight foot (58') monopole. The project is located 3236 South Fair Lane in the GID, General Industrial District. The proposed antennas will be mounted at forty-three feet (43') which is below the existing antennas. The associated equipment will be located within the existing, adjacent building. To date, no public input has been received. Staff recommends approval of the proposal as submitted, with conditions.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason for Approval;
 3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site plan
 - E. Floor Plan
 - F. Elevations
 - G. Staff Photograph(s)

COMMENTS:

The applicant, Clearwire Wireless is seeking a use permit to allow the co-location of new broadband internet antennas on an existing fifty-eight foot (58') monopole. The project is located 3236 South Fair Lane in the GID, General Industrial District. The proposed antennas will be mounted at forty-three feet (43'), below the existing antennas. The proposal consists of three (3), four (4) foot sectors with one (1) or two (2) antennae per sector. The associated ground equipment will be placed within a 7' x 7' lease area within the existing, adjacent building.

To date, staff has received no public input 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 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. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding the uses.

Conclusion

Staff recommends approval of the use permit, subject to 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. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The wireless device shall be removed within 30 days of discontinuance of use.
4. The antennas shall be painted to match the existing monopole.

HISTORY & FACTS:

January 27, 1994: BA930234: Use Permit approved for a 58' monopole with cellular antennas for Bell Atlantic Wireless.

April 21, 1998 BA980066: Use Permit approved to co-locate antenna array for AT&T Wireless.

September 7, 2004 BA040161: Use Permit approved to co-locate 2 additional 12" diameter microwave dish antennas for AT&T Wireless.

DESCRIPTION:

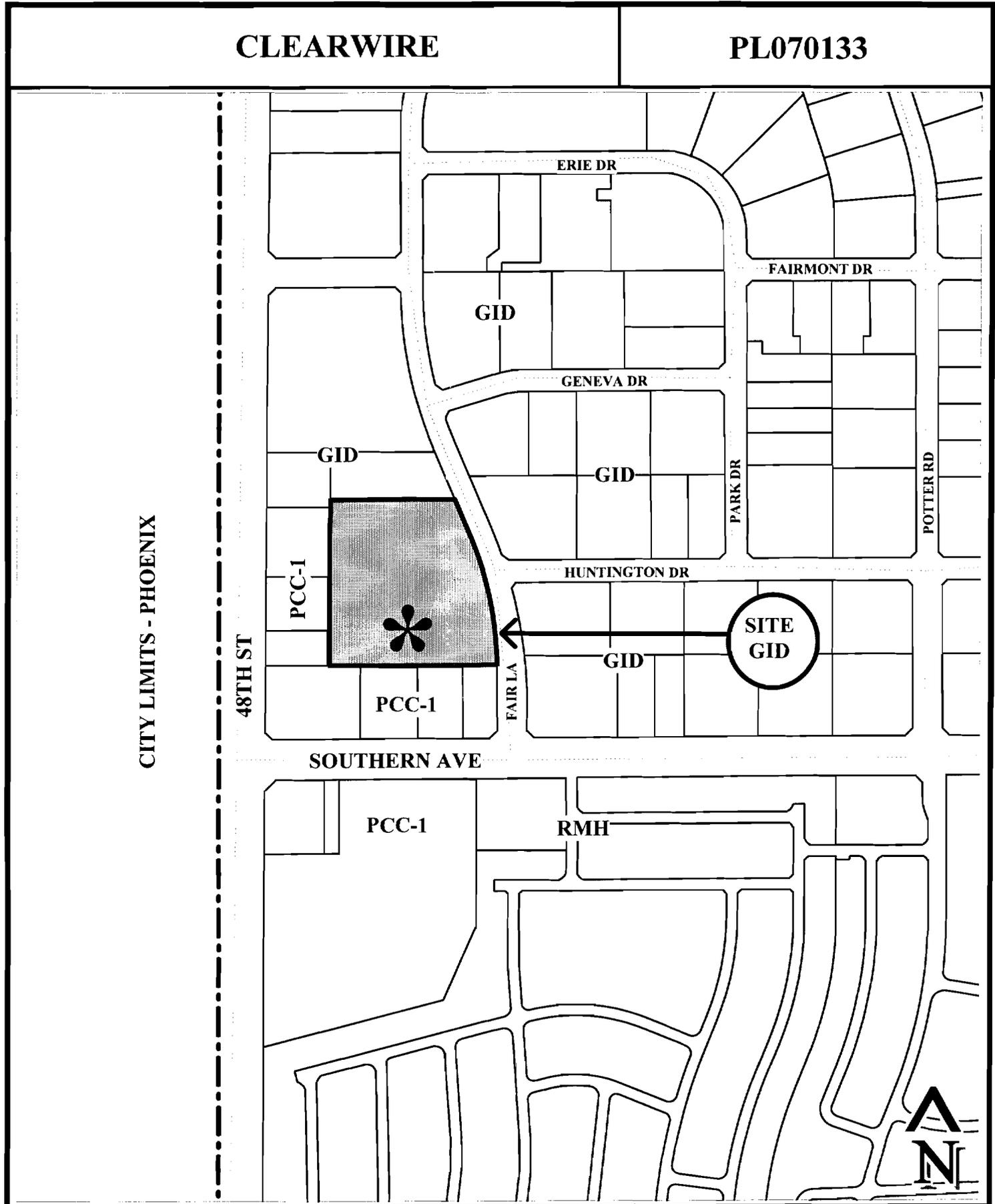
Owner – 7575 East Redfield LLC
Applicant – Sherri Wilson/Clearwire
Existing zoning – GID, General Industrial District
Existing Monopole Height– 58'
Proposed Antenna Height–43'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

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

CLEARWIRE

PL070133





CLEARWIRE US LLC (PL070133)

CLEARWIRE AZ-PHX168 CO-LOCATION 3236 South Fair Lane, Tempe AZ 85282

Clearwire, a broadband internet service provider, is a new internet service provider to the Phoenix Metropolitan Area. At this point in time all of the Clearwire sites will be co-location on existing poles or vertical elements. Clearwire is requesting to co-locate on the existing monopole and is required to apply for a Administrative Decision. Clearwire is proposing three (3) 4-foot sectors (T-Arm mounts) with one or two antennas per sector with a total of three to six antennas total. The associated ground equipment will be placed within a 7x7 foot lease area which is much smaller than most wireless phone company providers. The following is an outline of the limitations to the area and how ClearWire will comply with all Federal, State, and Local Regulations with respect to wireless communication facilities:

- Utilizing existing communication facility due to other facilities in a 1-mile radius of the subject site would have required extensive site modification or a new structure.
- Public utility poles lacked the available ground space needed and the appropriate height for the Radio Frequency signal.
- Other existing vertical elements were eliminated due to unwilling landlords, unavailable height, ground space, and physical site restraints.
- This particular parcel was chosen due to the existing vertical element and available space.
- The coaxial cable will be routed thru the inside of the tower.

The proposed design will be engineered certified to be in compliance with all Zoning Ordinances, Uniform Building, Electric, and Fire Codes. The proposed wireless communication facility will meet or exceed all Federal, State, Local Government agency requirements including the Federal Communication Commission (FCC) and the Radio Frequency (RF) exposure standards. As a result, the proposed project will be in compliance with all sections of the City Of Tempe zoning ordinance and code requirements.

Clearwire is excited about the opportunity to bring enhanced service to the greater Phoenix area. As a result, residents and tourist will benefit from the improved coverage and options available. The improvements will help to enhance E-911, City and Public communication services. Therefore, Clearwire is requesting the Cities support in the subject proposal.

Please refer to the drawings and supplemental information for any further clarification.

Sherri Wilson
Site Acquisition Specialist
Representing ClearWire US LLC
600 East Baseline Rd. Suite B-3
Tempe AZ 85282
Sherriw@powderriverdev.com
C- (520) 456-6210
F- (480) 820-2843

clearw're
wireless broadband

4400 CARILLON POINT
KIRKLAND, WA 98033
TEL: (425) 216-7800
FAX: (425) 216-7000

Dynatek

TELECOMMUNICATIONS SERVICES

7114 Brookwood Drive
Brookfield, OH 44003
Phone: 800-838-3224
Fax: 330-448-4377
www.dynatektelecom.com

DYNATEK
PROJ. NO. 5746

DATE: 11/11/09

CHECKED BY: VAC

DATE: 11/11/09

SUBMITTALS

NO.	DESCRIPTION	DATE
1	5746.11	11/11/09
2	5746.12	11/11/09

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**FAIR LANE
(AZ-PHX168A)**

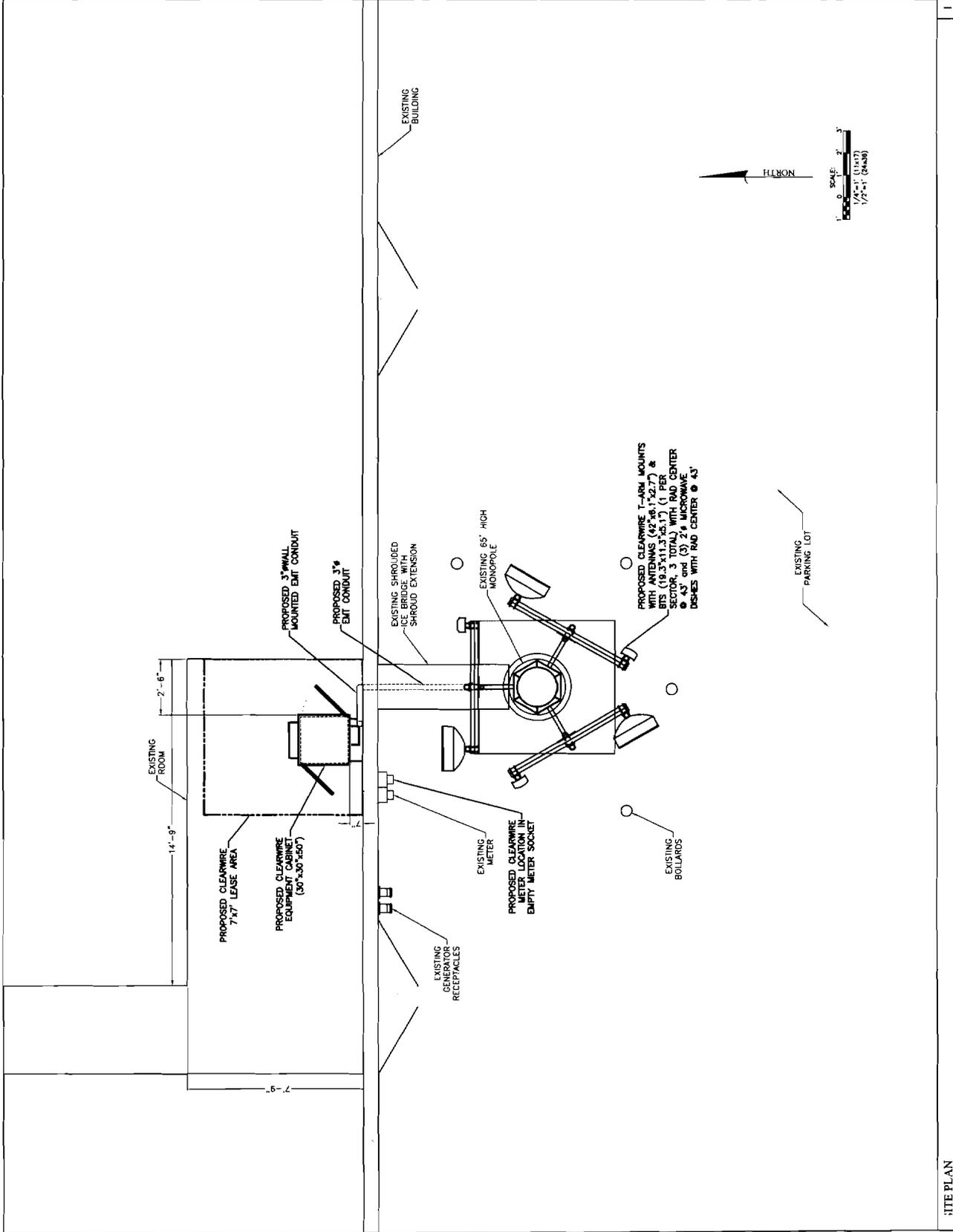
8224 SOUTH FAIR LANE
TEMPE, ARIZONA 85282

SHEET TITLE

SITE PLAN

SHEET NUMBER

A-1



clearwire
wireless broadband

4420 CARLTON POINT
KIRKLAND, WA 98033
TEL: (425) 216-7800
FAX: (425) 216-7800

Dynatek

TELECOMMUNICATIONS SERVICES

7134 Brookwood Drive
Brookfield, OH 44403
Phone 800-838-3224
Fax 330-448-4137
www.dynatek.com

DYNATEK
PROJ. NO. 9746

DRAWN BY V.A.C.

CHECKED BY D.C.N.

SUBMITTALS

1	OF 2010	REVISED PER PERMITS
2	OF 2010	ISSUED FOR REVIEW

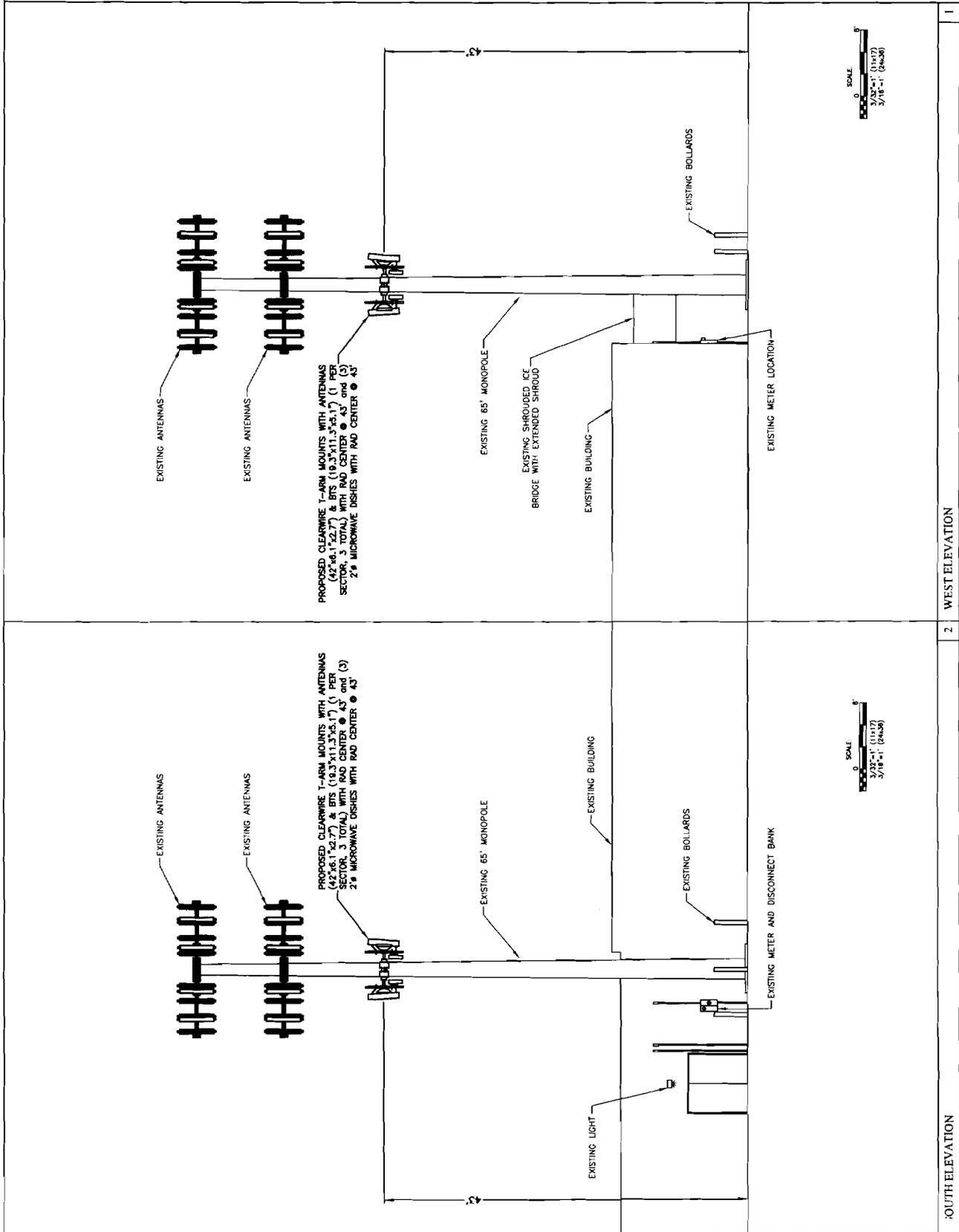
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**FAIR LANE
(AZ-PHX168A)**

1554 SOUTH FAIR LANE
TEMP: 327245-85292

SHEET TITLE
SITE ELEVATIONS

SHEET NUMBER
A-2





CLEARWIRE US LLC

3236 S FAIR LANE

PL070133

EXISTING MONOPOLE: VIEW TO WEST



CLEARWIRE US LLC

3236 S FAIR LANE

PL070133

EXISTING MONOPOLE: VIEW TO NORTH