Marked Agendas Approved Minutes Approved Reports

The August 21, 2014 Development Review Board Meeting Agenda and Minutes can be found at

http://www.scottsdaleaz.gov/boards/DRB

DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: General Plan Element: General Plan Goal: August 21, 2014Item No. 6Public Services and FacilitiesEncourage provision of power and communication systems thatmatch the character of Scottsdale and provide reliable, efficientservice for Scottsdale citizens, visitors, and businesses.

ACTION Verizon PHO Cinco Soles 3-DR-2012#2 Location: 12051 N. 96th St.

Location: 12051 N. 96" St.

Request: Request approval for a new Type 3 wireless communication facility (WCF), to be located on a new 30-foot-tall artificial palm tree, with associated ground mounted equipment screened by an 8-foot-tall masonry wall enclosure.

OWNER

Conroy Scottsdale Family Ranch LLLP 480-206-3568

ARCHITECT/DESIGNER

Young Design Co.

ENGINEER

Young Design Co.

APPLICANT CONTACT

Rick Shaw Shaw Associates 480-204-1843

BACKGROUND

Zoning

This site is zoned Single-family Residential, Planned Residential Development (R1-35 PRD).

Context

The proposed wireless communication facility is located on a commercial stable property that is near the southeast corner of N. 96th Street and E. Cactus Road; at 12051 N. 96th Street.

Adjacent Uses and Zoning

- North City of Grace Church and single-family residential property, zoned R1-35.
- South La Cienega single-family residential subdivision, zoned R1-35 PRD.
- East Ranch property, zoned R1-35.
- West Scottsdale Vista single-family residential subdivision, zoned R1-35 PCD.

Key Items for Consideration

• This application was approved by the Development Review Board on April 19, 2012. Permits were not obtained within a two year period, causing the Development Review Board approval to lapse.

DEVELOPMENT PROPOSAL

Goal/Purpose of Request

Verizon Wireless is proposing to construct a new, Type 3 Alternative Concealment Wireless Communication Facility (WCF) disguised as an artificial palm tree, located on the Camelot Farms Commercial Ranch property at 12051 N. 96th Street. This site is proposed to be located near the center of the ranch property, approximately 325 feet south of E. Cactus Road and 413 feet east of N. 96th Street. The WCF will contain a three (3) sector antenna array, with two (2) antennas per sector for a total of six (6), with antenna dimensions measuring 73 inches long by 12 inches wide. This artificial palm tree will consist of sixty (60) fronds, with 60 percent of the fronds at 10 feet in length and 40 percent of the fronds at 7 feet in length to help disguise the antenna array. The antenna array and mounting hardware will also be painted the color of the palm fronds. There are also several existing live palm trees on the property. The height of the WCF, including palm fronds will be 30 feet.

For site security and screening purposes the artificial palm tree, ground equipment shelter and emergency power generator will be enclosed by a new 8-foot-tall perimeter wall, which measures thirty (30) feet by thirty (30) feet. The equipment shelter and screen wall will be painted to match existing colors on-site.

This WCF will not require the approval of a Conditional Use Permit as the height does not exceed 30 feet , which is allowed in the R1-35 zoning district and 2-ZN-1992#2, and the primary use is considered to be a commercial ranch.

Staff initially asked Verizon to examine co-locating on the traffic signal pole at the southeast corner of Cactus Road and 96th Street. However, the signal pole is 500 feet northwest of the WCF location, and Verizon is already at the western-most extent of serviced search ring. There is also limited right-of-way for the ground equipment due to the existing trails and utilities that are in the vicinity.

Neighborhood Communication

July 18, 2014: City staff mailed application submittal notification postcards to property owners within 750 feet. Staff has received no public comment regarding this application as of the drafting of this report.

Scottsdale Development Review Board Report | Case No. 3-DR-2012#2

June 28, 2014: Applicant mailed project and open house notifications to property owners within 750 feet of the proposed site.

November 21, 2011: Applicant mailed project and open house notifications to property owners within 750 feet of the proposed site.

December 3, 2011: Applicant held a neighborhood meeting at the site. Five (5) residents were in attendance. The residents were requesting additional information regarding the proposed location, and had no objections after being shown the location.

February 15, 2012: City staff mailed application submittal notification postcards to property owners within 750 feet. Staff has received no public comment regarding this application as of the drafting of this report.

As of the drafting of this report, staff received one call from the public requesting additional information. The applicant received one e-mail with concerns regarding the application.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Development Review Board approve 3-DR-2012#2 per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services Current Planning Services

STAFF CONTACT

Keith Niederer Senior Planner 480-312-2953 E-mail: kniederer@ScottsdaleAZ.gov

Scottsdale Development Review Board Report | Case No. 3-DR-2012#2

APPROVED BY

11

Keith Niederer, Report Author

Steve Venker, Development Review Board Coordinator Phone: 480-312-2831 E-mail: svenker@ScottsdaleAZ.gov

<u>8-12-2014</u> Date <u>8/12/14</u>

ATTACHMENTS

- Stipulations/Zoning Ordinance Requirements A.
- 1. Applicant's Narrative
- 2. **Context Aerial**
- 2A. **Close-Up Aerial**
- 3. Zoning Map
- 4. Photo Simulations
- 5. Plans
- Neighborhood Notification Letter and Mailing List 6.
- 7. Correspondence

Stipulations for the Development Review Board Application: Verizon PHO Cinco Soles Case Number: 3-DR-2012#2

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

APPLICABLE DOCUMENTS AND PLANS:

- Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by Young Design Corp. and Verizon Wireless, with a City staff date of 2/14/2012.
 - b. The location and configuration of all site improvements shall be consistent with the site plan submitted by Young Design Corp. and Verizon Wireless, with a City staff date of 2/14/2012.

RELEVANT CASES:

Ordinance

A. At the time of review, the applicable Conditional Use Permit application is 41-UP-92, Zoning application is 2-ZN-1992#2.

ARCHITECTURAL DESIGN:

Ordinance

B. The artificial palm tree WCF shall not exceed thirty (30) feet in height.

DRB Stipulations

- 2. The artificial palm tree shall contain a minimum of sixty (60) fronds, sixty (60) percent of the fronds shall be ten (10) feet in length, and forty (40) percent of the fronds shall be seven (7) feet in length.
- 3. Antennas and mounting hardware shall be painted to match the color of the palm fronds.
- 4. Routine maintenance shall be performed on the palm tree fronds and trunk in order to sustain the original appearance and condition.
- 5. Antennas shall have cables back-fed.

SITE DESIGN:

Ordinance

C. On the final plan submittal, the applicant shall submit a detail of the required emergency site marker or plaque, showing conformance with the Zoning Ordinance requirements. The site plan and elevations shall clearly identify the marker location and list the service providers name and emergency contact number.

LANDSCAPE DESIGN:

Ordinance

D. With the final plans submittal, submit a Native Plant narrative and application, which shall include three (3) copies of the site plan and plant inventory to the One Stop Shop. The Native Plant application requirement is a separate submittal.

DRB Stipulations

6. Any landscaping disturbed or destroyed as a result of this construction shall be replace with a like size and specie, to the satisfaction of Inspection Services staff.

AIRPORT:

DRB Stipulations

7. With the final plans submittal, the applicant shall submit a Scottsdale Airport Vicinity Guidelines and Checklist and Declaration (Short Form). The applicant shall provide Aviation staff a copy of the FAA determination letter prior to final plans approval.

ADDITIONAL ITEMS:

DRB Stipulations

- 8. Submit a letter of authorization or redacted lease from the property owner granting permission for Verizon to obtain building permits.
- Running of the backup power generator for preventative maintenance shall only occur during regular business hours, 8AM to 5PM on a weekday, and shall not run for more than 30 minutes.
- 10. Obtain permits as required by the One Stop Shop.



Verizon PHO Cinco Soles

3-DR-2012#2

ATTACHMENT #2



Verizon PHO Cinco Soles



ATTACHMENT #2A

Zoning Map



ATTACHMENT #3









Photo simulation of proposed telecommunications site (Approximate to scale only) **ATTACHMENT #4**

3-DR-2012#2 7/15/2014



PHO CINCO SOLES 12051 N. 96th Street Scottsdale, Arizona 85260 (Northwest Elevation viewpoint)



Photo simulation of proposed telecommunications site (Approximate to scale only)



3-DR-2012#2 7/15/2014



SITE NAME: PHO_CINCO SOLES

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE CODES AS ADAPTED BY THE LOCAL GOVERNING AUTHORITIES BY THE LOCAL GOVE BUILDING CODE MECHANICAL CODE PLUMBING CODE ELECTRIC CODE FIRE CODE 2012 2012 2012 2012 2011 2012 IBC IMC IPC NEC IFC

CODE SUMMARY OCCUPANT GROUP CONSTRUCTION TYPE ALLOWABLE AREA NEW : S2 : IIIB 240 S.F. BUILDING AREA TOTAL BUILDING AREA OCCUPANCY LOAD : N/A : 0

CODE COMPLIANCE

SPECIAL INSPECTIONS REQUIRED: DRILLED CASSION CONCRETE REINFORCING BOLTS IN CONCRETE

FIRE DEPARTMENT NOTES: PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING NOT LESS THAN 2A-10BC

PROVIDE STREET ADDRESS IDENTIFICATION PER MUNICIPAL REQUIREMENTS.

YES

YES

YES

PROVIDE AND INSTALL FIRE DEPARTMENT APPROVED 'KNOX BOX' PER DEPARTMENT REQUIREMENTS

CALL BEFORE YOU DIG CALL BEFORE YOU DIG! ARIZONA LAW REQUIRES 2 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE

STOP CALL ARIZONA BLUE STAKE INC. (800) STAKE-IT

> LESSEE / COMPANY VERSEE / COMPANY VERIZON WIRELESS 126 W. GEMINI DRIVE TEMPE, ARIZONA, 85283 PHONE: (602) 819-2949 CONTACT: DIEGO TORRES

ZONING COMPLIANCE LOCAL JURISDICTION ASSESSORS PARCEL CITY OF SCOTTSDALE ZONING USE PARENT PARCEL AREA PROPOSED LEASE AREA PARKING REQ'D

217-26-008-D R1-35 PRD INCATION FACILI 387,261.3885 S.F. 900 S.F. :1

verizon wireless 126 W GEMINI DR

TEMPE, AZ 85283

DATE-

TERNAL REVIEW

RF SIGNATURE

CONSTRUCTION SIGNATURE

REAL ESTATE SIGNATURE

s young

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

design corp

corporate@ydcoffice.com

GENERAL COMPLIANCE:

HVAC USED ON THIS STRUCTURE IS NOT INTENDED FOR HUMAN COMFORT ITS USE IS SOLELY FOR ELECTRONIC EQUIPMENT COOLING. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES. PROVIDE STREET ADDRESS IDENTIFICATION PER

THE USE OF THIS SITE WILL GENERATE NO TRASH. THIS PROJECT DOES NOT REQUIRE WATER OR SEWER THIS PROJECT REQUIRES PERMANENT POWER & TELEPHONE CONNECTION MUNICIPAL REQUIREMENTS

A.D.A. COMPLIANCE:

PARKING PROVIDED

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDINGS AND EXITS SHALL COMPLY WITH THE APPLICABLE BUILDING CODE.

F.C.C. COMPLIANCE

ALL PROPOSED ANTENNAS SHALL BE IN COMPLIANCE WITH ALL FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS, INCLUDING THOSE PROTECTING THE PUBLIC HEALTH AND THOSE PROTECTING HISTOP DISTRICTS. e mou-SEAI. This dreams is copyertiad and the property of Young Design Corporation (YDC) & produced solely by YOC on affiliates. reproduction or use of this dreams g and/or the information contented heraen is forbiden without written permission by Young Design Corporation.

PROJECT DESCRIPTION:

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EQUIPMENT SHELTER, TO HOUSE RADIO EQUIPMENT NO HAZARDOUS MATERIAL WILL BE STORED WITHIN THE FACILITY. ALL EXITS SHALL BE OPEN ABLE FROM THE INSIDE WITHOUT THE USE OF KEYS OR SPECIAL KNOWLEDGE. MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS ARE PROHIBITED.

NEW ANTENNAS AND ASSOCIATED COAXIAL CABLES NEW ELECTRICAL SERVICE NEW MONOPALM





ATTACHMENT #5

SHEET NUMBER

T-1

SHELTER MANUFACTURER CELLXION 5031 HAZEL JONES ROAD BOSSIER CITY, LA, 7111 PHONE: (318) 213-2900 FAX: (318) 213-2919

ELECTRICAL ENGINEER VAN BOERUM & FRANK ASSOC. INC. 1414 W. BROADWAY ROAD, #119 TEMPE, ARIZONA, 85282 PHONE: (480) 889-5075

SITE ACQUISITION SHAW & ASSOCIATES, P.L.C. 6501 E. GREENWAY PKWY 103-643 SCOTTSDALE, ARIZONA, 85254 PHONE: (480) 204-1843

FAX: (480) 451-9608 CONTACT: MATTHEW YOUNG

LESSOR / OWNER SURVEYOR RLF CONSULTING, L.L.C. PO BOX 11657

CONROY SCOTTSDALE RANCH FAMILY LL.P. 12051 N. 98th STREET SCOTTSDALE, ARIZONA, 85260 PHONE: (480) 206-3568 PHONE: (480) 206-3568 CONTACT: JERRY RHEM





FAX: (480) 889-5076 CONTACT: BARRY HULET

SITE PHOTO:

1. THE ARTIFICIAL PALM TREE W.C.F. SHALL NOT EXCEED THIRTY (30) FEET IN HEIGHT.

- THE ARTIFICIAL PALM TREE SHALL CONTAIN A MINIMUM OF 60 FRONDS: 60% OF THE FRONDS SHALL BE TEN (10) FEET IN LENGTH AND 40% OF THE FRONDS SHALL BE SEVEN (7) FEET IN LENGTH.
- ANTENNAS AND MOUNTING HARDWARE SHALL BE PAINTED TO MATCH THE COLOR OF THE PALM FRONDS.

ZONING CASE# 3-DR-2012, CONDITIONAL USE PERMIT 41-UP-92, APPROVAL IS SUBJECT TO THE FOLLOWING STIPULATIONS.

- ROUTINE MAINTENANCE SHALL BE PERFORMED ON THE PALM TREE FRONDS AND TRUNK IN ORDER TO SUSTAIN THE ORIGINAL APPEARANCE AND CONDITION. 4.
- ANTENNAS SHALL HAVE CABLES BACK FED. 5.
- 6. ON THE FINAL PLANS SUBMITTAL, THE APPLICANT SHALL SUBMIT A DETAIL OF THE REQUIRED EMERGENCY SITE PLAQUE OR MARKER, SHOWING CONFORMANCE WITH THE ZONING ORDINANCE REQUIREMENTS, THE SITE PLAN AND ELEVATIONS SHALL CLEARLY IDENTIFY THE MARKER LOCATION AND LIST THE SERVICE PROVIDERS NAME AND EMERGENCY CONTACT NUMBER
- WITH THE FINAL PLANS SUBMITTAL, SUBMIT A NATIVE PLANT NARRATIVE AND APPLICATION, WHICH SHALL INCLUDE THREE (3) COPIES OF THE SITE PLAN AND PLANT INVENTORY TO THE ONE STOP SHOP. THE NATIVE PLANT APPLICATION REQUIREMENT IS A SEPARATE SUBMITTAL. 7.
- 8. ANY LANDSCAPING DISTURBED OR DESTROYED AS A RESULT OF THIS CONSTRUCTION SHALL BE REPLACED WITH A LIKE SIZE AND SPECIE, TO THE SATISFACTION OF INSPECTION SERVICES STAFF.
- WITH THE FINAL PLANS SUBMITTAL, THE APPLICANT SHALL SUBMIT A SCOTTSDALE AIRPORT VICINITY GUIDELINES AND CHECKLIST AND DECLARATION (SHORT FORM). THE APPLICANT SHALL PROVIDE AVIATION STAFF A COPY OF THE FAA DETERMINATION LETTER PRIOR TO FINAL 9. PLANS APPROVAL
- SUBMIT A LETTER OF AUTHORIZATION OR REDACTED LEASE FROM THE PROPERTY OWNER GRANTING PERMISSION FOR VERIZON TO OBTAIN BUILDING PERMITS.
- 11. OBTAIN PERMITS AS REQUIRED BY THE ONE STOP SHOP.

CONTACT: RICHARD SHAW

CHANDLER, ARIZONA, 85248 FAX: (480) 584-5824 CONTACT: RYAN FIDLER

VICINITY MAP





SURVEYORS NOTES

ALL TITLE OFFORMATION IS GARED UPON A COMMITMENT FOR TITLE ASURANCE PREPARED BY ORBAT AMERICAN TITLE ACENCY, NC., ORDER NG: 21110000 EVPECTIVE DATE: 08/17/2011.

- SURVEYOR MAS NOT PERFORMED A REARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.
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- SURVEYOR GOES NOT CAUARANTEE THAT ALL UTLITES ARE SHOWN OR THER LOCATIONS, IT IS THE RESPONSED FOR THE CONTINUETOR NO ASSIDEST TO JOINT ALL UTLITES FROM TO CONSTRUCTION. RESPONDE, RELOCATION AND OR REPLACEMENT IS THE RESPONSED.

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- FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 0674/11

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SCHEDULE B EXCEPTIONS

(7.) AN EASEMENT FOR ELECTRICAL LIVES AND INCIDENTAL PURPOSES RECORDED AS DOCKET \$107, PAGE 572 DIPYICIAL RECORDS.

(B) AN EASEMENT FOR BLECTRIC LIVES AND INCIDENTAL PURPOSES RECORDED IN DOCIET BIAS, MADE 114 OFFICIAL RECORDS.

AN CASEMENT FOR ROAD, PUBLIC LITETES AND INCIDENTAL PURPOSES
 RECORDED AS 65-50005 OF OFFICIAL RECORDS; (REFERENCED)



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(REFERENCED)





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PROJECT NOTICE 3-DR-12#2

Dear Resident,

The purpose of this letter is to notify you of a new project that is being proposed in your area. The project has been previously approved by the City of Scottsdale in April of 2011, but due to extenuating circumstances the permits were inadvertently allowed to lapse. The project is a new 30 foot tall Verizon Wireless Communication Facility to be located at 12051 N. 96th Street, in Scottsdale, Arizona. The owner is Conroy Scottsdale Family Ranch LLLP. The project will involve the placement of panel antennas on a faux stealth palm tree. The panel antennas will be painted to match the faux palm fronds that will be placed on the palm tree structure. All antennas will be mounted at a height of 23 feet and will extend 3 feet in both directions, amounting to a 26 foot maximum height for the panel antennas. The ground-mounted radio equipment will be contained in an 11'6" x 20' walk-in cabinet that will be located adjacent to the proposed walk-in cabinet on its west side.

A proposed generator is included in this application that will be a whisper quiet unit with a level 2 acoustic enclosure which will only operate in the event of a power outage and about 30 minutes per week on a preprogramed day and time that is most convenient for any interested party. The generator will cycle on automatically at this preprogrammed time to ensure it remains operational and capable of powering the site in the event of a power outage. When operating, its noise level is equivalent to a household vacuum cleaner or washing machine (i.e. about 70 decibels) and a person can have a normal conversation within a few feet of the unit.

The new facility will be an important part of implementing and improving wireless 4th Generation service in your neighborhood. Although you may already have 4th Generation service in your area, this facility will ensure that you will maintain fast, reliable service as new users join the Verizon Wireless network and/or purchase new 4th Generation phones/devices that will be serviced by this site. As you may know, 4th Generation service is equivalent in speed to landline cable internet in your home and allows you to (among other things) have video phone calls on your iPhone (or other 4G device) with friends and family or a business conference call. To make this level of service possible, Verizon would like to partner with our existing and future customers in your neighborhood as we continue to improve and optimize our network for your safety, convenience and commerce needs. That said, we would appreciate any feedback you may have regarding this new facility and would be happy to answer any questions you may have at this time. Please feel free to contact the Verizon Wireless Planner, James Gardner, at <u>jgardner@shaw-associates</u> or, if you prefer to speak with a city representative, please contact Keith Niederer, Sr. Planner, for the City of Scottsdale at 480-312-2953 (kniederer@scottsdaleaz.gov)

ATTACHMENT #6

Verizon Wireless will have the communication facility in service in the 4th Quarter of 2014.

Thank you,

James Gardner Planner Shaw & Associates, PLC OBO Verizon Wireless

ACHARYA PALLAV R/VANDANA 9571 E CHARTER OAK DR SCOTTSDALE AZ 85260	ANDERS ERNEST RUDOLPH III/ SUSAN M TR 9705 E LAUREL LN SCOTTSDALE AZ 85260	ANDREWS FREDERICK C JR/ CYNTHIA F 11812 N 97TH ST SCOTTSDALE AZ 85260
BANICK MEGEATH TRUST 9504 E SUNNYSIDE DR SCOTTSDALE AZ 85260	BATES AUSTIN B/MARJORIE K 14415 N 73RD ST #100 SCOTTSDALE AZ 85260	BILL ROE FAMILY TRUST 9595 E SUNNYSIDE DR SCOTTSDALE AZ 85260
BRENLY ROBERT E/JOAN E TR 9726 E LAUREL LN SCOTTSDALE AZ 85260	BROWN SETH R/SHERRYL K 9609 E POINSETTIA DR SCOTTSDALE AS 85260	CASHIN ROBERT D/GINA A 12068 N 95TH ST SCOTTSDALE AZ 85260
CHARTER OAK HOMEOWNERS ASSOCIATION INC P O B OX 12170 GLENDALE AZ 853182170	CITICHURCH INTERNATIONAL INC 9610 N CACTUS RD SCOTTSDALE AZ 852605120	COHEN BETTY A/JACK PO BOX 4036 SCOTTSDALE AZ 85261
CONROY SCOTTSDALE RANCH FAMILY LLLP 12051 N 96TH ST SCOTTSDALE AZ 85260	CRISCIONE STEVEN/MARY A 9470 E CACTUS SCOTTSDALE AZ 85260	CROSS BRADLEY D/KIMBERLY A 8944 E PERSHING AVE SCOTTSDALE AZ 85260
DAVID M GERUT TRUST 9158 E CAROL WY SCOTTSDALE AZ 85260	DEAN GEORGE HARVEY/EULA MAE SAXON TR 11878 N 95TH ST SCOTTSDALE AZ 85260	DEAN GLENN 11720 N 98TH ST SCOTTSDALE AZ 85260
DICK RYAN/LEANNE 11750 N 95TH ST SCOTTSDALE AZ 85260	DILBECK RANDALL L/HOPE M TR 9585 E POINSETTIA DR SCOTTSDALE AZ 85260	DOLLARHIDE JEFFREY C/ANNE M TR 9646 E LAUREL LN SCOTTSDALE AZ 85260
DUICK DANIEL S/DIANE E 9505 E JENAN DR SCOTTSDALE AZ 85260	DWIGHT GREGORY/ MARCIE 12196 N 95TH ST SCOTTSDALE AZ 85260	FISCHER DOUGLAS HANSEN 11875 N 95TH ST SCOTTSDALE AZ 85260
GARVEY ROBERT H/BETTY A TR 11942 N 95TH ST SCOTTSDALE AZ 85260	GINSBERG MITCHELL/BEVERLEY H TR 9627 E POINSETTA DR SCOTTSDALE AZ 85260	GOLDSCHMIDT MARC A/ALMA R TR 9553 E ANN WY SCOTTSDALE AZ 85260
GRIFFITH JACK F/MARGARET M 12035 N 95TH ST SCOTTSDALE AZ 85260	HARTZEL JAMES J/KRISTEN N 9504 E JENAN DR SCOTTSDALE AZ 85260	HAUGEN PAUL A/KATHRYN I TR 9477 E SUNNYSIDE DR SCOTTSDALE AZ 85260

HAVERTY MICHAEL B/GRACE F TR 11795 N 95TH ST SCOTTSDALE AZ 85260

HINSLEY DAN A TR 9670 E POINSETTIA DR SCOTTSDALE AZ 85260

JAFFE ANDREW S/LINDA J TR 11818 N 96TH PL SCOTTSDALE AZ 85260

KALLENBACH TERRY L/LEROUX YVETTE 9681 E POINSETTIA DR SCOTTSDALE AZ 85260

KENNETH GENE D 9479 E PARADISE DR SCOTTSDALE AZ 85260

LA CIENEGA OWNERS ASSOCIATION P O BOX 13615 CHANDLER AZ 85248

LIVOVICH JEFFREY/LISA 9610 E LAUREL LN SCOTTSDALE AZ 85260

MAYER DANIEL BEN/SHARON 12188 N 98TH ST SCOTTSDALE AZ 85260

MISHARK KENNETH J/CROSBY JULIE R TR 11686 N 95TH ST SCOTTSDALE AZ 85260

NIKZÁD HOOMAN/CARA 9726 E POINSETTIA DR SCOTTSDALE AZ 85260 HERTZBERG MARC/RHIANNON 9648 E POINSETTIA DR SCOTTSDALE AZ 85260

HOMESTEAD INVESTMENTS LLC 4781 CAUGHLIN PKWY RENO NV 89519

JOHNSON KEITH/MASELLI MARY CHRIS 12132 N 95TH ST SCOTTSDALE AZ 85260

KANTOR-HOOGENBOOM BETSY S 11854 N 96TH PL SCOTTSDALE AZ 85260

KNF ENTERPRISES L L C 9599 E CHARTER OAK DR SCOTTSDALE AZ 85260

LADOUCEUR MARK/KAREN A TR/ ETAL 9563 E CHARTER OAK DR SCOTTSDALE AZ 85260

LUCAS TAMMY/MARC 9555 E CHARTER OAK DR SCOTTSDALE AZ 85260

MCFARLAND JOHN A & MARGARET J 9478 E SUNNYSIDE DR SCOTTSDALE AZ 85260

MITCHELL MICHAEL JAMES/ VICTORIA H 12195 N 95TH ST SCOTTSDALE AZ 85260

NORTH ARABIANS SCOTTSDALE LLC 9720 E CACTUS RD SCOTTSDALE AZ 85260 HICKEY JAYNE M TR 11998 N 98TH ST SCOTTSDALE AZ 85260

HUNDLEY MARY L 9480 E PARADISE DR SCOTTSDALE AZ 85260

JOHNSON PAMELA A TR 9565 E POINSETTIA DR SCOTTSDALE AZ 85260

KARASH MICHAEL S 9520 E CACTUS SCOTTSDALE AZ 85260

KOKOSKA FAMILY TRUST/KOKOSKA EDWARD 8290 E SUTTON DR SCOTTSDALE AZ 85260

LEWIS JOHN M & NORMA J P O BOX 5094 PHOENIX AZ 85010

MARKSON BARRY M/LORI H 9594 E JENAN DR SCOTTSDALE AZ 85260

MIKULA LA VERN JOSEPH/LORETTA LOUISE TR 9625 E LAUREL LN SCOTTSDALE AZ 85260

MY ESTATES LLC PO BOX 5508 SCOTTSDALE AZ 85261

OL VENTURES LLLP 9845 E CACTUS RD SCOTTSDALE AZ 85260 ONO MARK K/MOORE-ONO JULIE A 9664 E LAUREL LN SCOTTSDALE AZ 85260

PATEL ASHOK C/RITA A 9661 E LAUREL LN SCOTTSDALE AZ 85260

PRESTON JOHN/MARY E TR 11814 N 95TH ST SCOTTSDALE AZ 85260

RIERSON SEAN M 9490 E CACTUS RD SCOTTSDALE AZ 85260

SAUNDERS JAMES E & MARGARET E 9596 E POINSETTIA DR SCOTTSDALE AZ 85260

SCOTT SARAH EVELYN/HAUSHEER KEVIN E 12445 N 96TH PL SCOTTSDALE AZ 85260

SMALLEY SHAWN 9470 E PARADISE DR SCOTTSDALE AZ 85260

SONIA M SCOTT LIVING TRUST 11622 N 95TH ST SCOTTSDALE AZ 85260

UMAR RAMSEY/SARAH 9708 E POINSETTIA DR SCOTTSDALE AZ 85260

WILEY LIVING TRUST 9504 E POINSETTIA DR SCOTTSDALE AZ 85260 PATEL MILAN K/PRAGNA M 9607 E LAUREL LN SCOTTSDALE AZ 85260

OZER FAMILY TRUST

9564 E CHARTER OAK DR

SCOTTSDALE AZ 85260

PROPHETER FLORENCE L 9628 E LAUREL LN SCOTTSDALE AZ 85260

RIETH RICHARD E/KERRY A 9559 E JENAN DR SCOTTSDALE AŹ 85260

SCHNEIDER BRIAN R/SHARALEE 11824 N 97TH ST SCOTTSDALE AZ 85260

SCOTTSDALE CITY OF 7447 E INDIAN SCHOOL RD STE 205 SCOTTSDALE AZ 85251

SMITH TIMOTHY MYRON/MARY KATHLEEN TR 11815 N 97TH ST SCOTTSDALE AZ 85260

TAYLOR ERIC/ALLANA 9723 E LAUREL LN SCOTTSDALE AZ 85260

VINEEL KURLI AND MADHAVI KURLI TRUST 9705 E POINSETTIA DR SCOTTSDALE AZ 85260

WILLIAMS LEA 225 17TH AVENUE SE CALGARY AB T2G1H5 PARISI HEATHAR/GAVIN 9645 E POINSETTIA DR SCOTTSDALE AZ 85260

PINE HILL TRUST 9708 E LAUREL LN SCOTTSDALE AZ 85260

RAPPA RICHARD C/NANCY J 77 RENAUD GROSSE POINTE MI 48236

RYCROFT DAVID P/PAMELAA 9550 E POINSETTIA DR SCOTTSDALE AZ 85260

SCHOENLING PATRICK J/YULIYA S 9653 E LAUREL LN SCOTTSDALE AZ 85260

SHINO R MATTHEW/CAROLYN M 9780 E CACTUS RD SCOTTSDALE AZ 85260

SNICKO LLC 8700 E VISTA BONITA DR STE 202 SCOTTSDALE AZ 85255

TRIESTE SA 9707 E CACTUS RD SCOTTSDALE AZ 85260

WATSON MARK 12004 N 95TH ST SCOTTSDALE AZ 85260

WILLS MICHAEL LEE/KATHRYN Y TR 9525 E JENAN DR SCOTTSDALE AZ 85260

WRIGHT MICHAEL W/LESLIE J 14808 N 100TH PL SCOTTSDALE AZ 85260

.

ZILTZER REVOCABLE TRUST 12122 N 98TH ST SCOTTSDALE AZ 85260

Niederer, Keith

From:	Shaw & Associates <rshaw@shaw-associates.com></rshaw@shaw-associates.com>
Sent:	Tuesday, July 01, 2014 7:44 AM
To:	sethbrown1@outlook.com
Cc:	jgardner@shaw-associates.com; Niederer, Keith
Subject:	RE: [FWD: project notice 3-dr-12#2]
Attachments:	PHO_CINCO SOLES-FINAL-REVISED-11.22.11.pdf

Hi Mr. Brown,

James forwarded your email to me so I could respond to you. I was involved with the original zoning approval for this project back in 2012 and have been involved with it throughout. I hope to be able to answer all your questions.

As an initial thought I wanted to let you know that I'd be happy to meet with you on site so you can see where the facility will be and learn a little more about it. The DRB hearing at the city will likely be August 20th so we will have an opportunity to meet prior to that at your convenience. I have attached a soft copy of the drawings in case the hard copy wasn't clear.

I think it may be easiest to respond to your questions one by one below so please see my comments in red font below:

Richard S. Shaw, Esq. Shaw & Associates, PLC 1222 W. Cavedale Drive Phoenix, AZ 85085 (480) 204-1843

From: jgardner@shaw-associates.com [mailto:jgardner@shaw-associates.com] Sent: Monday, June 30, 2014 9:21 AM To: Shaw Associates Subject: [FWD: project notice 3-dr-12#2]

More:

James Gardner

------ Original Message ------Subject: project notice 3-dr-12#2 From: seth brown <<u>sethbrown1@outlook.com</u>> Date: Sat, June 28, 2014 1:06 pm To: <<u>kniedler@scottsdaleaz.gov</u>>, <<u>igardner@shaw-associates.com</u>>

Gentlemen, My name is Seth Brown. I reside at 9609 E Poinsetia Dr.; ½ block south of 96th & Cactus.

I am in receipt of said notice.

Candidly, your statements and explanations cause at least as many questions as answers.

A few of my questions are:

- 1. Who guarantees the maintenance and aesthetic continuity? Verizon Wireless will be responsible to maintain the site's appearance and functionality. The city planners and planning board will impose these responsibilities as a condition of the zoning approval (as they did in 2012). If Verizon does not comply, it will be subject to fines and, in extreme cases, removal of the facility. This has not been an issue with Verizon and Keith Neiderer can confirm this if you'd like to discuss it with him.
- What consequences are there if said maintenance is not done? Please see my comment above.
 All good intentions aside, who guarantees the noise abatement? There are 5 homes/buildings between your home and the site in addition to a 1,100 foot separation so you will not hear the site at all. Verizon is responsible for not exceeding the approved noise levels as noted in the zoning and permitting approvals. If Verizon exceeds the approved noise levels it will again be subject to fines and, in eggregious cases, removal of the site. Again, this has not been a problem and there are many sites in/near residential communities in Scottsdale and other cities in town.
- What consequences are there if the stated decibel level is not maintained? Please see above.
 The fact is, the permit did expire; that in itself needs to be fully explained before the community gives anyone cart-blanche to complete a project that may or may not be in our best interest. The original approval expired essentially due to an oversight by the project manager at Verizon. There are many sites being worked on around town and the expiration date of the zoning approval was not property noted in the project tracker. Most zoning approvals in other cities don't have an expiration date but Scottsdale does. The building permit must be completed and issued within 2 years of the original zoning approval but, due to the oversight, it was completed about 6 weeks late. Verizon attempted to get another extension, however, the city felt it was in the neighborhood's best interest to have Verizon start over.
- We who live on or near 96th fought hard to make this street a "neighborhood" type boulevard; 6. candidly, this seems to be going in the wrong direction. I grew up at 76th St and Hayden Rd. and have an affinity to the entire area. I have worked on a couple of other sites in the area between Shea and the airpark and have explained to Verizon on many occasions the concerns of the residents in this area. Verizon is very receptive to preserving the feel and look of areas near any new location, particularly when it comes to residential areas. In this case, we placed the site near the middle of the horse facility amongst other palm trees so that it would be as invisible as possible from Cactus Rd, 96th St and the surrounding residences. The new palm tree is as short as it can be (just 30 feet to the highest palm frond) w/out completely compromising its usefulness. As you know, many live palm trees are twice that tall. The site will provide state of the art 4G service equivalent to cable internet speeds - so your smart phone will work as fast as your home PC. This is a monumental step in broadband communications and Verizon would like to bring this level of service to your neighborhood in the lease intrusive means possible - I think we achieved that since we had no objections 2 years ago - but that said we are open to any additional concealment ideas you may have.

Please note that I am a development professional, I am not one to automatically think negatively on a project such as this. I do however think it is incumbent upon you to give a more in depth explanation of all indigenous items concerning this project.

7. What has Verizon offered to at least improve the street aesthetically as much as it will infringe on our neighborhood? I'm not sure I follow on this issue but I'd be happy to discuss any ideas you may have.

I'd appreciate an invitation to a hearing that is needed. If given the appropriate response, you may find that I become a protagonist on your behalf. As I noted above, I think the hearing will be August 20th (which you will be notified of by mail by the city),

but again I'm happy to meet with you on site to discuss any ideas you may have to make the site better. Thanks very much for your email and I hope to meet you soon. Best Regards, Rick.

Very Truly Your's Seth Brown.

Niederer, Keith

From: Sent: To: Cc: Subject: Mark K. Ono, M.D. <mkonomd@yahoo.com> Sunday, June 29, 2014 6:01 AM jgardner@shaw-associates.com; Niederer, Keith Julie Ono Project 3-DR-12#2

Gentlemen,

Thank you for the notice regarding this project. I would ask that the preprogrammed 30 minutes testing period for the generator for the cell tower run during business hours on a weekday preferably on Wednesday at 12:00P to minimize any potential noise to our neighborhood. Please let me know if this plausible, thank you.

1

Mark K. Ono, M.D.

Niederer, Keith

From: Sent: To: Subject: Ruenger, Jeffrey Wednesday, July 23, 2014 8:58 AM Niederer, Keith; Perone, Steve FW: 3-DR-2012#2

-----Original Message-----From: <u>WebSiteUser@scottsdaleaz.gov</u> [mailto:WebSiteUser@scottsdaleaz.gov] Sent: Wednesday, July 23, 2014 7:33 AM To: Projectinput Subject: 3-DR-2012#2

Do not reply to this message via email. The Internet user did not provide a return email address:

Yes, build it. You have done a great job of hiding the cell towers

This message was feedback from the following web page: <u>https://www.google.com/</u> 7/23/2014 7:32:52 AM

97.124.66.44 Mozilla/5.0 (Windows NT 5.1) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/36.0.1985.125 Safari/537.36 sessionID: 0