



Application

Narrative

Cash Transmittal

Development Standards

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:
 - a. Street Address: _____
 - b. County Tax Assessor's Parcel Number: _____
 - c. General Location: _____
 - d. Parcel Size: _____
 - e. Legal Description: _____
 (If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)
2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

LESSOR'S LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY, ARIZONA; THENCE NORTH $89^{\circ}48'00''$ EAST, A DISTANCE OF 488.50 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH $00^{\circ}13'18''$ EAST, A DISTANCE OF 1,057.80 FEET (DEED) (1057.20 - MEAS.); THENCE SOUTH $89^{\circ}47'00''$ WEST PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 488.50 FEET; THENCE NORTH $00^{\circ}13'18''$ WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,057.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PHO Macjack

Digital Submittal Keycode: 189V03

Pre-App. No.: 791 -PA- 2019

Submittal Date: _____

Type 1 or 2 WCF Development Review (Minor)
(Administrative Staff Approval)
Development Application Checklist

Type 4 WCF CUP Renewal



City Staff Contact: <u>Niederer</u>	OFFICIAL USE ONLY
Phone: <u>480-312-2953</u>	Email: <u>kniederer@scottsdaleaz.gov</u>

Project Name: <u>Verizon PHO MacJack Use Permit Renewal</u>	A.P.N.: <u>173-54-005N</u>
Property's Address: <u>4251 N. Hayden Rd</u>	
Property's Zoning District Designation: <u>G-5</u>	
Application Request: <u>Renewal of Type IV WCF CUP</u>	
Owner: <u>Bob Hults (RF Manager)</u>	Applicant: <u>Destree Reg Destree</u>
Company: <u>City of Scottsdale</u>	Company: <u>Destree Development for Verizon Wireless</u>
Address: <u>7447 E. Indian School Rd #205</u>	Address: <u>22831 N. 21st St, Phoenix, AZ 85024</u>
Phone: <u>480-312-7066</u> Fax: _____	Phone: <u>(602) 344-6930</u> Fax: _____
E-mail: <u>rhults@scottsdaleaz.gov</u>	E-mail: <u>destreedevdevelopment@gmail.com</u>

Submittal Requirements: Please submit materials requested below. All plans must be folded.

<input checked="" type="checkbox"/> Completed Application (this form) and Application Fee \$ <u>690</u> (fee subject to change every July)	<input type="checkbox"/> Material Samples – branches, fronds, etc.
<input checked="" type="checkbox"/> Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below	<input checked="" type="checkbox"/> Preliminary Drawings (2) 11"x17" folded. Including site survey, site plan, existing and proposed elevations, detail sheet of antennas, radio equipment, and cabinets.
<input type="checkbox"/> Property Owners Association Input	<input type="checkbox"/> Map showing other existing or planned WCF's that will be used by Provider making the application. (describe height, mounting style & number of antennas on WCF)
<input type="checkbox"/> Request for Site Visits and/or Inspections form	<input type="checkbox"/> Map of service area for proposed WCF
<input checked="" type="checkbox"/> Narrative – the WCF request. This shall include efforts made to minimize the visual impact of the antennas and equipment cabinets.	<input checked="" type="checkbox"/> Schedule a meeting with Keith Niederer 480-312-2953 when ready to submit this application, or submit digitally: https://eservices.scottsdaleaz.gov/bldgresources/Plans
<input checked="" type="checkbox"/> Color photographs of site – include area of request	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Photo simulations of proposed WCF. In ESL areas, include photosim from nearest single family lots.	_____
<input checked="" type="checkbox"/> Community Notification Documentation. Notify all property owners within 750 feet of site. Submit names and addresses of all properties that were notified, submit a copy of the letter that was sent and the date that letter was mailed. Letters shall be mailed at least 15 days prior to submittal.	_____

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2):

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature	Agent/Applicant Signature
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Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

PROJECT NARRATIVE

FOR

Verizon PHO MacJack (Use Permit Renewal)

4251 N. Hayden Rd
Scottsdale, AZ 85253
APN: 173-54-005N
Jurisdiction: Scottsdale
Current Zoning: O-S



Submitted by:
Reg Destree
Destree Development, LLC
22831 N. 21st St
Phoenix, AZ 85024
602-349-6930 (mobile)
602-453-0002 (fax)
destreedevlopment@gmail.com

October 3, 2019

Purpose of Application

In 2015 Verizon Wireless received approval for a Conditional Use Permit for a 65' tall wireless communication facility designed to look like a palm tree. This was approved by Council on February 17, 2015 as 10-UP-2014 (Resolution 10027). At the time the site required a Type 4 Wireless Communication Facility. The site was built in the approved manner at the south end of Indian School Park and has been in use since that time.

The CUP for this site requires renewal as it is set to expire in February 2020. Verizon is requesting renewal/extension of the Use Permit for 5 years. Verizon is not proposing any substantial changes to the existing design under this request.

Site Description

Verizon started working on a site in this area in 2013. This site was approved by Council as to zoning in 2015 and built. The site was also approved as to the City of Scottsdale ARLA in 2015. It has been slightly modified since to ensure that it is able to provide the most current technologies to Verizon customers in this area.

The antenna and equipment changes to the site have been coordinated with staff to ensure compliance with the original CUP. The site has continued to operate and Verizon wishes to continue operation in the same fashion for 5 more years.

The site consists of a 65' tall wireless communication facility designed to look like a palm tree and a 12' x 20' pre-fabricated shelter within a 40' 8" (L) x 21' (W) x 10' 6" (H) block wall. The north, east and west sides of the compound are surrounded by landscaping including shrubbery and a live specimen palm trees. The landscaping is alive and in compliance with the original CUP requirements. The south side backs up to the property line shared with Circle K and the ground equipment is actually blocked from view from Indian School by the Circle K Building.

The characteristics of the surrounding neighborhood have not significantly changed but the Circle K directly adjacent to the site has been expanded and substantially upgraded in that time. This has actually brought the existing site more in line with the nature of the surrounding properties.

Required Findings

This site is in compliance with the original CUP and the findings required for granting of this requested CUP for continued use for the next five years.

- A. **That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare.** This site does not receive regular traffic, does not create a noise, smoke, odor, dust, vibration or illumination nuisance beyond that of any of the myriad vehicles in the parking lot at the park or at the adjacent businesses. In five years of use I'm unaware of the City receiving complaints for any of the above noted nuisances. This site is, in fact, of benefit to the public health, safety and welfare. As residents, park users, customers at local businesses and public safety personnel have become more reliant upon wireless communications for contacts with public safety these sites have become more and more useful to neighborhoods. Loss of use of this site would result in a serious degradation of signal and could have life-threatening impacts on residents and others in the area. This is especially true in an area such as this which is prone to especially intense flooding and also near two highly used public spaces.
- B. **The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.** This facility is directly adjacent to several

commercial parcels, about 150' from another wireless communication facility which is not of a stealth design and located in a park which has many structures taller than this facility. The palm tree design is in line with other nearby palms and the character of the equipment enclosure matches the directly adjacent Circle K building almost exactly. The nature of the surrounding area has not changed substantially in five years and, if anything, the site is now even more in accord with the surroundings as the redeveloped Circle K is larger, closer to the ground compound than before and of a similar design and color scheme.

- C. **The additional conditions specified in Section 1.403, as applicable, have been satisfied.**
1. **All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action granting the new use permit shall extend the existing use permit so that they will expire simultaneously.** This site is still very much a necessary part of Verizon's network in Scottsdale. Loss of the site would result in a major decrease of coverage and capacity in this area which cannot be filled by other means in a reasonable manner. This site cannot be replaced by small cells and is an anchor site in the network design for deployment of small cells in this area which also impacts the eastern side of Old Town. If the use permit renewal is not granted the site will be removed and there will be a severe decrease in coverage and capacity in this area which would require a new wireless communication facility in the area to replace this one.
 2. **To the degree a proposed WCF meets heights requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.** There is no proposed change to the height of the existing site. Due to development of the nearby Circle K and the growth of existing trees in the area over the last five years the site is actually more in character with the area than it was when originally approved.
 3. **Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.** No equipment is changing in this proposal and when the tower-mounted equipment has been changed since 2015 it has gone through staff review to confirm compliance with the original CUP. Future changes would also go through staff review to ensure compliance with any CUP in effect at that time.
 4. **The shape of the WCF shall blend with other similar vertical objects and not be obtrusive in its setting or obtrusive to views.** As noted above the trees in the area continue to grow and help bring this site even more in line with the overall aesthetics of the area. In addition the site has not lost a substantial amount of fronds or trunk cladding which could limit the stealth appearance of the faux palm.
 5. **The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views.** This proposal to renew the use permit does not request that the site be modified from its current state. The site was approved five years ago, has not received complaints and is now more in line with the nature of the surrounding area than it was at initial approval.

Conclusion

This site has been operated without incident since approval of the initial Use Permit and Verizon Wireless desires to continue using the space in the approved manner pursuant to the CUP and Site License with the City of Scottsdale at this park. The site meets the required findings and Verizon Wireless is requesting approval of renewal of this CUP for 5 years.