Marked Agendas
Approved Minutes
Approved Reports
Meeting Date          March 19, 2019  
General Plan Element   Public Services and Facilities  
General Plan Goal       Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient service for Scottsdale citizens, visitors and businesses  

ACTION

Sprint Mummy PH25XC142  
32-UP-2003#3  

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No 11397 to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E Indian Bend Road with Multiple-family residential (R-5) zoning  

Goal/Purpose of Request
The applicant’s request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property  

Key Items for Consideration
• No expansion of enlargement to the existing wireless communication facility is being proposed  
• The Paradise View Villas Association has a lease with Sprint and has authorized this application for Conditional Use Permit renewal  
• Complies with the Conditional Use Permit criteria  
• Staff has received two calls from residents confirming that this request is not a new WCF  
• Planning Commission heard this case on February 13, 2019 and recommended approval with a 5-0 vote  

OWNER

Paradise View Villas Condo Owners Association  
480-345-0046
APPLICANT CONTACT

Steve Ciolek
Coal Creek Consulting, LLC
480-246-4131

LOCATION

7609 E Indian Bend Rd

BACKGROUND

Zoning
The site is zoned Multiple-family Residential district, R-5, which allows for multiple family dwelling units, municipal uses, places of worship, hotels and wireless communication facilities. Wireless communication facilities concealed within flagpoles require a Conditional Use Permit.

Context
The subject property/WCF is concealed within two existing flagpoles located approximately 910-feet south of Indian Bend Road, off a private street at the entrance to the Paradise View Villas condominiums.

Adjacent Uses and Zoning
- North: Corrente Condominiums zoned R-5
- South: Paradise View Villas Condominiums zoned R-5
- East: Silverado Golf Course zoned O-5
- West: Sienna Condominiums zoned R-5

Other Related Policies, References:
Zoning Ordinance

12-ZN-1986#2 On November 16, 1999, the city council approved the rezoning of the subject property from R-4R to R-5 and amended the site plan from case 12-ZN-1986.

24-DR-2000 On March 23, 2000, the Development Review Board approved the 64-unit Paradise View Villas Condominium development.

32-UP-2003 On February 17, 2004, the City Council unanimously approved a Conditional Use Permit for the subject Sprint wireless communication facility (WCF). In November of 2004, permits were issued to construct the WCF.

32-UP-2003#2 On April 8, 2014, the City Council unanimously approved another Conditional Use Permit for the Spring flagpole WCF’s (original Conditional Use Permit expired in 2009, but Sprint failed to renew it)
APPLICANTS PROPOSAL

Development Information
The applicant’s request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property. The Conditional Use Permit was initially approved by the City Council on February 17, 2004 with case 32-UP-2003 and re-approved on April 8, 2014. Conditional Use Permits for WCF’s (Type 4 WCF’s) are valid for a period of five (5) years from the date of City Council approval and set to expire on April 8, 2019, if Conditional Use Permit is not approved.

- Existing Use
  Residential condominium development with 2 flagpole WCF’s
- Proposed Use
  No change
- Lease Area
  336 sf
- WCF Height
  45-feet and 47-feet

IMPACT ANALYSIS

Conditional Use Permit
Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

A That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1 Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination
   - Besides some minor noise from the air conditioning that cools the radio equipment cabinets, and lighting to illuminate the flags, this WCF does not create damage or nuisance from noise, smoke, odor, dust or vibration or illumination.

2 Impact on surrounding areas resulting from an unusual volume or character of traffic
   - Other than the occasional visit from maintenance technicians, the WCF does not create an unusual volume of traffic.

B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas

- The characteristics and design of the proposed use are reasonably compatible with the area. Flagpoles exist near the entrance to the Sienna Condominiums to the west and at the Silverado Golf course to the east.
The additional conditions specified in Section 1 403, as applicable, have been satisfied
The proposal meets the provisions for Wireless Communication Facility (WCF) Type 4 as
identified in Zoning Ordinance Section 1 403 V , including

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 communication facility and shall demonstrate that changes in
technology, that are economically feasible, have not eliminated the need for the
Conditional Use Permit.

- There have been no changes in technology that would eliminate the need for this
Conditional Use Permit. In fact, within the past several years there has been an
increase in the amount of wireless communication facilities to handle the coverage,
capacity and bandwidth needs of the wireless carriers and customers. The nearest
existing Sprint wireless communication facilities is on the former Borgata property
(west side of Scottsdale Road, north of McDonald Drive) and at the Days Inn hotel
at 7330 N. Pima Road. Elimination of this WCF would create a significant coverage
gap for Sprint along the Indian Bend and Hayden Road corridors, as well as for the
southern portion of McCormick Ranch.

2. To the degree a proposed WCF meets height requirements set forth in this Ordinance, no
Conditional Use Permits shall be granted when the heights are found to be intrusive,
obtrusive or out of character with the surrounding area.

- The heights of the existing WCF flagpoles are 45 feet and 47 feet. The height of the
adjacent condominium buildings is 36 feet (with higher rooftop mechanical
screening), so the flagpoles are not substantially taller than building in the
surrounding area, but tall enough where the wireless signal is not blocked. The
Zoning Ordinance does not have any specific maximum height requirements for
flagpoles, or WCF flagpoles.

3. Antennas and pole diameters shall be harmonious with the existing context and not be
intrusive or obtrusive on the landscape and view.

- Antennas and associated cables are completely concealed from view within the
flagpole, and the flagpole is painted to match the adjacent gate color. The pole
diameters of 14 inches and 12 inches are consistent with other flagpole WCF’s in
Scottsdale (Days Inn hotel -7330 N Pima Road & the southeast corner of Shea
Boulevard and 100th Street). The flagpole WCF diameters tend to be narrower than
the monopole WCFs and artificial palm tree WCFs.

4. The shape of the WCF shall blend with other similar objects and not be intrusive in its
setting or obtrusive to views.
- There are other existing flagpoles in the vicinity, as well as palm trees which are
taller than the flagpoles. The flagpoles are narrow enough in diameter that they
are not considered obtrusive to views.

5 The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on
the landscape and or obtrusive on views.

- As previously mentioned, all antennas and associated cables are completely
concealed from view within the flagpole. The flagpoles are painted to match the
adjacent gate color, and are placed within a landscaped setting, which helps them
blend into the surrounding environment, and are not excessively tall.

Transportation
Besides periodic maintenance, the WCF will have no impact on traffic.

Water/Sewer
The WCF will have no impact on water or sewer service.

Public Safety
With many households removing their land line telephone, the WCF will help continue to provide
cellular coverage to the public for personal use as well as in need of emergency.

Community Involvement
The applicant mailed out notifications regarding the Conditional Use Permit renewal to property
owners within 750 feet of the WCF on December 12, 2018.

City staff mailed out postcards to property owners within 750 feet of the WCF (over 500 property
owners) on December 27, 2018.

As of the drafting of this report, staff received two calls requesting general information about the
purpose of the request.

OTHER BOARDS & COMMISSIONS

Planning Commission:
Planning Commission heard this case on February 13, 2019 and recommended approval with a
5-0 vote.

Staff's Recommendation to Planning Commission:
Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have
been met and make a recommendation to City Council for approval per the attached stipulations.
RECOMMENDATION

Recommended Approach:
Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 11397 to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E. Indian Bend Road with Multiple-family residential (R-5) zoning.

RESPONSIBLE DEPARTMENT

Planning and Development Services
Current Planning Services

STAFF CONTACT

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

APPROVED BY

[Signature]
Keith Niederer, Report Author
2-21-2019

[Signature]
Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov
3-3-2019

[Signature]
Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov
3-4-19
ATTACHMENTS

1  Context Aerial
2  Resolution No 11397
   Exhibit 1  Context Aerial Close-Up
   Exhibit 2  Stipulations
   Exhibit A to Exhibit 2  Plans
   Exhibit 3  Additional Conditions
3  Existing Photographs
4  Applicant’s Narrative
5  Zoning Map
6  Citizen Involvement
7  City Notification Map
8  February 13, 2019 Planning Commission Minutes
9  February 13, 2019 Planning Commission Public Comment
RESOLUTION NO 11397

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, RENEWING A CONDITIONAL USE PERMIT FOR AN EXISTING TYPE 4 WIRELESS COMMUNICATION FACILITY (WCF) CO-LOCATED INSIDE TWO FLAGPOLES LOCATED AT 7609 E. INDIAN BEND ROAD WITH MULTIPLE-FAMILY RESIDENTIAL (R-5) ZONING

WHEREAS, the Planning Commission held a public hearing on February 13, 2019, and

WHEREAS, the City Council, held a public hearing on March 19, 2019

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows

Section 1 That the City Council finds

a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic,

b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that this Wireless Communication Facility (WCF) meets the additional following criteria for a WCF

1 The use permit is granted for a maximum of 5 years and the Applicant is required to initiate any required further review as specifically set forth in the Zoning Ordinance and is responsible for removing the WCF once the use permit has ended or expired
2 The height of the WCF is found not to be intrusive, obtrusive or out of character with the surrounding area
3 The antennas and pole diameters of the WCF are found to be harmonious with the existing context and not intrusive or obtrusive on the landscape or views
4 The shape of the WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive in its setting or obtrusive to views
5 The WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive on the landscape or obtrusive on views

Section 2 That a description of the conditional use permit is set forth in Case No 32-UP-2003#3 The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2 and Exhibit 3 All exhibits are incorporated herein by reference
PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ______day of ______________, 2019

ATTEST

By ____________________________
Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona municipal corporation

By ____________________________
W J “Jim” Lane
Mayor

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY

By ____________________________
Bruce Washburn, City Attorney
By Joe Padilla, Deputy City Attorney

Resolution No 11397
Page 2 of 2
Stipulations for the Conditional Use Permit
For a Type 4 Wireless Communication Facility
Sprint Mummy PH25XC142
Case Number: 32-UP-2003#3

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale

GOVERNANCE
1 APPLICABILITY All stipulations of this case, 32-UP-2003 continue to apply

SITE DESIGN
2 Flags shall be lit at night and be kept in good condition If the flags become tattered or faded, they shall be replaced as soon as possible
3 EXPIRATION OF USE PERMIT AFTER FIVE (5) YEARS If the applicant wishes to continue this use, within one hundred twenty (120) days before the expiration of this Conditional Use Permit renewal, the applicant shall file an application to review and extend this Conditional Use Permit This review shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for this Conditional Use Permit If a new Conditional Use Permit is not granted, the applicant shall be responsible for the removal of the wireless communication facility
B2
PH25XC142
MUMMY
7609 E. INDIAN BEND RD.
SCOTTSDALE, ARIZONA 85251
LATITUDE: 33.535688
LONGITUDE: -111.915881
PHOENIX MARKET

NOTE:
PRIOR TO ANY CONSTRUCTION,
SCHEDULE A PRE-CONSTRUCTION
MEETING WITH INSPECTION SERVICES
BY CALLING (480) 312-5750

CODE COMPLIANCE:
ALL WORK AND MATERIALS SHALL BE PERFORMED AND
COMPLETED IN ACCORDANCE WITH THE FOLLOWING
CODES AND REQUIREMENTS:

2007 INTERNATIONAL BUILDING CODE
2007 INTERNATIONAL MECHANICAL CODE
2004 NATIONAL ELECTRICAL CODE

ACCESSIBILITY REQUIREMENTS:
THIS FACILITY IS NON-MONITORING AND NOT FOR MONITORING PERMIT. ACCESS REQUIREMENTS ARE
NOT REQUIRED IN ACCORDANCE WITH THE CURRENT
INTERNATIONAL ACCESSIBILITY CODE.

CODE BLOCK
VICINITY MAP

PROJECT DESCRIPTION
APPLICANT:

FROM THE SPRINT OFFICE IN PHOENIX, AZ.
THE SITE LOCATION OF THIS PROPOSED PROJECT IS LOCATED AT THE INTERSECTION OF E. INDIAN BEND RD.
AND N. 67TH ST. THE PROJECT IS LOCATED ON PROPERTY OWNED/RENTED BY SPRINT COMMUNICATIONS.

PROPERTY OWNER INFORMATION:

SPRINT COMMUNICATIONS

PROPERTY LOCATION INFORMATION:

CITY: PHOENIX
STATE: AZ
ZIP: 85251
COUNTRY: USA

CIVIL ENGINEER:

SPRINT COMMUNICATIONS

PROJECT TEAM

SIGNATURE BLOCK
DRIVING DIRECTIONS

PROJECT SUMMARY

SHEET INDEX

SHW
SHEET DESCRIPTION
S-1
TITLE SHEET
S-2
SITE PLAN
S-3
ELEVATIONS

PROJECT INFORMATION

PH25XC142
MUMMY
7609 E. INDIAN BEND RD.
SCOTTSDALE, ARIZONA 85251

TITLE SHEET,
VICINITY MAP &
GENERAL INFO.

SHEET NUMBER
T - 1

Sheet A to Exhibit 2
Resolution No. 11397
Page 1 of 5
L. **Wireless communications facility (WCF) type 4**

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 of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.

2. To the degree a proposed WCF meets height 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.

3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.

4. The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views.

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.
Sprint
Project Narrative
For
PH25XC142
7609 E Indian Bend Rd
Scottsdale, AZ 85251

Submitted by:
Steve Ciolek
Coal Creek Consulting
2166 E University Dr. #201
Tempe, AZ 85281
(480) 246-4131
sciolek@coal-creek.com

ATTACHMENT 4
**Existing Conditions**

Sprint PCS, desires to renew its Use Permit for the Wireless Communication Facility (WCF) located at 7609 E Indian Bend Rd. Currently, there are two (2) flagpoles with canister antenna located at the entrance of the Paradise View Villas Condominiums. Flagpole were chosen to mitigate the visual impact of the WCF which allows the facility to blend with the surrounding environment. The existing ground equipment will remain screened by a CMU wall that mirrors the trash enclosure.

Not renewing the Use Permit would result in the decommission of the facility, creating a significant GAP in Coverage. E-911 and other emergency services locate a callers position would be impacted if not renewed.

**Nature of Request**

Sprint is requesting approval for the Use Permit Renewal regarding the Stealth Wireless Communication Facility. The flagpoles were originally approved by the council on 2/17/04 and last renewed on 2/26/14 for five additional years. The facility will remain unchanged and the overall height will remain the same. Sprint will continue to operate under their existing license provided by the FCC which set very conservative, science-based RF emission guidelines that ensure citizen health is protected.

**Conclusion**

It is the goal to service the area with more reliable cellular service. By renewing the Use Permit at this location, Sprint will be able to continue providing the best service to its customers.
December 12, 2018

Dear neighbor:

The purpose of this letter is to inform you that Coal Creek Consulting, representing Sprint Spectrum PCS, plans to apply (Case Number 966-PA-2018) to the City of Scottsdale to renew the Conditional Use Permit for the existing Wireless Communication Facility (WCF) Flagpole, located at 7609 E Indian Bend. The renewal will extend the Use Permit for an additional 5 years.

This letter is being sent to you as part of the required notification process for the City of Scottsdale. Feel free to distribute this notice to all respective tenants, students, parents of students, and all other interested parties. If you have any questions or wish to discuss this application, please contact me either by phone or e-mail using the contact information below. You may also contact the site's planner, Keith Niederer, at his office (480) 312-2953 or by email (KNiederer@scottsdaleaz.gov) with any questions, comments, or concerns.

Sincerely,

Steve Ciolek
Coal Creek Consulting
2166 E University Dr #201
Tempe, AZ 85281
(480) 246-4131
sciolek@coal-creek.com
City Notifications – Mailing List Selection Map

Additional Notifications:
- Interested Parties List
- Adjacent HOA’s
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

Pulled Labels
December 27, 2018

Map Legend:
- Site Boundary
- Properties within 750-feet

Postcards: 695
32-UP-2003#3
SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA

WEDNESDAY, FEBRUARY 13, 2019

*DRAFT SUMMARIZED MEETING MINUTES*

PRESENT:  Paul Alessio, Chair
           Prescott Smith, Vice Chair
           Larry S. Kush, Commissioner
           Ali Fakih, Commissioner
           Kevin Bollinger, Commissioner

ABSENT:   Christian Serena, Commissioner
           Kelsey Young, Commissioner

STAFF:    Tim Curtis
           Randy Grant
           Joe Padilla
           Chris Zimmer
           Lorraine Castro
           Melissa Berry
           Jesus Murillo
           Keith Niederer

CALL TO ORDER
Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL
A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search “Planning Commission”
MINUTES REVIEW AND APPROVAL

1 Approval of January 23, 2019 Regular Meeting Minutes including Study Session
Commissioner Kush moved to approve the January 23, 2019 Regular Meeting Minutes, Including Study Session, seconded by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

NON-ACTION

2 16-ZN-2018 (Joy Ranch & Tonto National Forest)
This case has been rescheduled to the February 27th, 2019 meeting

Request by owner for a Zoning District Map amendment from Single-family Residential Environmentally Sensitive Lands (R1-190 ESL) to Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning on a 77 6-acre site, located East of the northeast corner of Joy Ranch Rd and Boulder View Dr Staff contact person is Dons McClay, 480-312-4214 Applicant contact person is John Berry, (480) 385-2753

EXPEDITED AGENDA

3 18-UP-2018 (Triple C Hangar)
Request by owner for approval of a Conditional Use Permit for a heliport near the Scottsdale Airport on a 77-acre site, with Industrial Park (I-1) zoning, located at 14818 N 74th St Staff contact person is Bryan Cluff, 480-312-2258 Applicant contact person is Jim Larson/LANCE MEINHOLD, 602-955-9929

4 32-UP-2003#3 (Sprint Mummy PH25XC142)
Request by owner to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E Indian Bend Road with Multiple-family residential (R-5) zoning Staff contact person is Keith Niederer, 480-312-2953 Applicant contact person is Steve Ciolek, 480-246-4131 Written Comment Card for 32-UP-2003#3 Harry Maron

Item No. 3 & 4; Recommended City Council approve case 18-UP-2018 and 32-UP-2003#3, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended conditions, based upon the finding that the Conditional Use Permit criteria have been met. 2nd by Commissioner Bollinger.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

* Note These are summary action minutes only A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ gov, search “Planning Commission”
Regular Agenda

5 10-UP-2018 (Phoenix Herpetological Society)
Request by owner for approval of a Conditional Use Permit for a Community Building and Recreational Facilities, not Publicly Owned, on a 2 1/2-acre site, with the Single-family Residential, Environmentally Sensitive lands, Foothills Overlay (R1-70/ESL/FO) zoning designation, located at 28011 N 78th Street. Staff contact person is Jesus Munlio, 480-312-7849. Applicant contact person is Kurt Jones, 602-452-2729.

Request to speak cards: Kate Bachus, Michelle Ruha, Brian Anthony, David Richert, Bertram Feingold, Jason Alexander, Carlos Noto, Michael Samuels, Kathryn Lee, Felicia Teu, Nick Burge

Written Comment Cards: Charles Necker, Constance E. Haggard, Eileen McDougall, Mardell Dobbins, Maren Schleyten, Susan Fuchs, Calvin Mills, Alyssa Mills, Tennyson Jones, Trent Adamson, Brittany Sherback, Brian Mcdmott, Patricia Carroll, Andrea Breneman Bawrer, Ryan Souter, Patrick J Cassup, Ashley Jessup, Sadie Lewis, Olivia Bogues, Katalyn Garcia, Jessica Tucker, Kelsey Sedgwick, Roger Jensen, Catherine Turchan, Charlotte Sample, Chelsea Tulenko, John Brawner, Rosemary Johnson, Ross Johnson, Andrew Moss

Item No. 5; Recommended City Council approve case 10-UP-2018, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended conditions, based upon the finding that the Conditional Use Permit criteria have been met. 2nd by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

Adjournment – Motion to adjourn at 6:09 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search “Planning Commission”
NAME (print)  Harry Mann  MEETING DATE  2/3/2015

NAME OF GROUP/ORGANIZATION (if applicable)

ADDRESS  7601 E. INDIAN BUNKER RD  ZIP  85250

HOME PHONE  WORK PHONE

E-MAIL ADDRESS (optional)

AGENDA ITEM #  32-VP-2008/3  SUPPORT  OPPOSE

COMMENTS (additional space is provided on the back)
- Should be on the golf course right
- Signal can travel farther as you drive is down the road

This card constitutes a public record under Arizona law.
Meeting Date: February 13, 2019
General Plan Element: Public Services and Facilities
General Plan Goal: Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient service for Scottsdale citizens, visitors, and businesses

ACTION

Sprint Mummy PH25XC142
32-UP-2003#3

- Request to consider the following:

1. A recommendation to City Council regarding a request by owner to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E Indian Bend Road with Multiple-family residential (R-5) zoning

Goal/Purpose of Request

The applicant’s request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property

Key Items for Consideration

- No expansion of enlargement to the existing wireless communication facility is being proposed
- The Paradise View Villas Association has a lease with Sprint and has authorized this application for Conditional Use Permit renewal
- Complies with the Conditional Use Permit criteria
- Staff has received two calls from residents confirming that this request is not a new WCF

OWNER

Paradise View Villas Condo Owners Association
480-345-0046

Action Taken: ____________________________
APPLICANT CONTACT

Steve Ciolek
Coal Creek Consulting, LLC
480-246-4131

LOCATION

7609 E Indian Bend Rd

BACKGROUND

Zoning
The site is zoned Multiple-family Residential district, R-5, which allows for multiple family dwelling units, municipal uses, places of worship, hotels and wireless communication facilities. Wireless communication facilities concealed within flagpoles require a Conditional Use Permit.

Context
The subject property/WCF is concealed within two existing flagpoles located approximately 910-feet south of Indian Bend Road, off a private street at the entrance to the Paradise View Villas condominiums.

Adjacent Uses and Zoning
- North  Corriente Condominiums zoned R-5
- South  Paradise View Villas Condominiums zoned R-5
- East   Silverado Golf Course zoned O-5
- West   Sienna Condominiums zoned R-5

Other Related Policies, References:
Zoning Ordinance

12-ZN-1986#2  On November 16, 1999, the city council approved the rezoning of the subject property from R-4R to R-5 and amended the site plan from case 12-ZN-1986.

24-DR-2000  On March 23, 2000, the Development Review Board approved the 64-unit Paradise View Villas Condominium development.

32-UP-2003  On February 17, 2004, the City Council unanimously approved a Conditional Use Permit for the subject Sprint wireless communication facility (WCF). In November of 2004, permits were issued to construct the WCF.

32-UP-2003#2  On April 8, 2014, the City Council unanimously approved another Conditional Use Permit for the Spring flagpole WCF’s (original Conditional Use Permit expired in 2009, but Sprint failed to renew it).
APPLICANTS PROPOSAL

Development Information
The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property. The Conditional Use Permit was initially approved by the City Council on February 17, 2004 with case 32-UP-2003 and re-approved on April 8, 2014. Conditional Use Permits for WCF's (Type 4 WCF's) are valid for a period of five (5) years from the date of City Council approval and set to expire on April 8, 2019 if Conditional Use Permit is not approved.

- Existing Use: Residential condominium development with 2 flagpole WCF's
- Proposed Use: No change
- Lease Area: 336 sf
- WCF Height: 45-feet and 47-feet

IMPACT ANALYSIS

Conditional Use Permit
Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

A That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination
   - Besides some minor noise from the air conditioning that cools the radio equipment cabinets, and lighting to illuminate the flags, this WCF does not create damage or nuisance from noise, smoke, odor, dust or vibration or illumination

2. Impact on surrounding areas resulting from an unusual volume or character of traffic
   - Other than the occasional visit from maintenance technicians, the WCF does not create an unusual volume of traffic.

B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas:

- The characteristics and design of the proposed use are reasonably compatible with the area. Flagpoles exist near the entrance to the Sienna Condominiums to the west and at the Silverado Golf course to the east.
C. The additional conditions specified in Section 1 403, as applicable, have been satisfied. The proposal meets the provisions for Wireless Communication Facility (WCF) Type 4 as identified in Zoning Ordinance Section 1 403 V, including:

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 communication facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the Conditional Use Permit.

   • There have been no changes in technology that would eliminate the need for this Conditional Use Permit. In fact, within the past several years there has been an increase in the amount of wireless communication facilities to handle the coverage, capacity and bandwidth needs of the wireless carriers and customers. The nearest existing Sprint wireless communication facilities is on the former Borgata property (west side of Scottsdale Road, north of McDonald Drive) and at the Days Inn hotel at 7330 N Pima Road. Elimination of this WCF would create a significant coverage gap for Sprint along the Indian Bend and Hayden Road corridors, as well as for the southern portion of McCormick Ranch.

2. To the degree a proposed WCF meets height requirements set forth in this Ordinance, no Conditional Use Permits shall be granted when the heights are found to be intrusive, obtrusive or out of character with the surrounding area.

   • The heights of the existing WCF flagpoles are 45 feet and 47 feet. The height of the adjacent condominium buildings is 36 feet (with higher rooftop mechanical screening), so the flagpoles are not substantially taller than building in the surrounding area, but tall enough where the wireless signal is not blocked. The Zoning Ordinance does not have any specific maximum height requirements for flagpoles, or WCF flagpoles.

3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape and view.

   • Antennas and associated cables are completely concealed from view within the flagpole, and the flagpole is painted to match the adjacent gate color. The pole diameters of 14 inches and 12 inches are consistent with other flagpole WCF’s in Scottsdale (Days Inn hotel -7330 N Pima Road & the southeast corner of Shea Boulevard and 100th Street). The flagpole WCF diameters tend to be narrower than the monopole WCFs and artificial palm tree WCFs.

4. The shape of the WCF shall blend with other similar objects and not be intrusive in its setting or obtrusive to views.
• There are other existing flagpoles in the vicinity, as well as palm trees which are
taller than the flagpoles. The flagpoles are narrow enough in diameter that they
are not considered obtrusive to views

5 The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on
the landscape and or obtrusive on views

• As previously mentioned, all antennas and associated cables are completely
concealed from view within the flagpole. The flagpoles are painted to match the
adjacent gate color, and are placed within a landscaped setting, which helps them
blend into the surrounding environment, and are not excessively tall.

Transportation
Besides periodic maintenance, the WCF will have no impact on traffic

Water/Sewer
The WCF will have no impact on water or sewer service

Public Safety
With many households removing their land line telephone, the WCF will help continue to provide
cellular coverage to the public for personal use as well as in need of emergency

Community Involvement
The applicant mailed out notifications regarding the Conditional Use Permit renewal to property
owners within 750 feet of the WCF on December 12, 2018

City staff mailed out postcards to property owners within 750 feet of the WCF (over 500 property
owners) on December 27, 2018

As of the drafting of this report, staff received two calls requesting general information about the
purpose of the request

STAFF RECOMMENDATION

Recommended Approach
Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have
been met and make a recommendation to City Council for approval 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

APPROVED BY

Keith Niederer, Report Author

Tim Curtis, AICP, Current Planning Director
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Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

ATTACHMENTS

1. Context Aerial
1A. Aerial Close-Up
2. Stipulations
   Exhibit A to Attachment 2: Plans
3. Existing Photographs
4. Applicant's Narrative
5. Zoning Map
6. Citizen Involvement
7. City Notification Map
Stipulations for the Conditional Use Permit
For a Type 4 Wireless Communication Facility
Sprint Mummy PH25XC142
Case Number: 32-UP-2003#3

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

GOVERNANCE
1. APPLICABILITY. All stipulations of this case, 32-UP-2003 continue to apply.

SITE DESIGN
2. Flags shall be lit at night and be kept in good condition. If the flags become tattered or faded, they shall be replaced as soon as possible.

3. EXPIRATION OF USE PERMIT AFTER FIVE (5) YEARS. If the applicant wishes to continue this use, within one hundred twenty (120) days before the expiration of this Conditional Use Permit renewal, the applicant shall file an application to review and extend this Conditional Use Permit. This review shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for this Conditional Use Permit. If a new Conditional Use Permit is not granted, the applicant shall be responsible for the removal of the wireless communication facility.
B2
PH25XC142
MUMMY
7609 E. INDIAN BEND RD.
SCOTTSDALE, ARIZONA 85251
LATITUDE: 33.53688
LONGITUDE: -111.915881
PHOENIX MARKET

NOTE:
PRIOR TO ANY CONSTRUCTION,
SCHEDULE A PRE-CONSTRUCTION
MEETING WITH INSPECTION SERVICES
BY CALLING (480) 312-5750

CODE COMPLIANCE:
All work shall be performed and meet the current editions of the following codes as adopted by the local government authorities. Approval in these Plan is subject to permit work not conforming to these codes.
2015 INTERNATIONAL BUILDING CODE
2016 INTERNATIONAL MECHANICAL CODE
2014 NATIONAL ELECTRICAL CODE

ACCESSIBILITY REQUIREMENTS:
This facility is designed for use by hearing impaired. Handicapped access requirements are satisfied and conform to the current INTERNATIONAL BUILDING CODE.

CODE BLOCK

VICINITY MAP

PROJECT DESCRIPTION
FROM THE SPRINT OFFICE IN PHOENIX, AZ

APPLICANT:
CIVIL ENGINEER

PROPERTY OWNER INFORMATION:
PHONE NUMBER

APN: 174-30-057
ZONE CLASSIFICATION:
LOCATION:
EXISTING USE:

SIGNATURE BLOCK

DRIVING DIRECTIONS

PROJECT SUMMARY

PROJECT TEAM

SHEETS

SHEET INDEX

CIVIL ENGINEER:
CIVIL ENGINEER, INC.

DESIGN FIRM:

PROPERTY MANAGER:

CONSTRUCTION MANAGER:

1/1/2016
SPRINT

Reviewer:

SPE

SUBMITTAL

SPE

REVISION 1

REVISION 2

JOB 01-12-04

PH25XC142
MUMMY
7609 E. INDIAN BEND RD.
SCOTTSDALE, ARIZONA 85251

SHEET TITLE

TITLE SHEET, VICINITY MAP & GENERAL INFO.

SHEET NUMBER
T-1
Existing Conditions
Sprint PCS, desires to renew its Use Permit for the Wireless Communication Facility (WCF) located at 7609 E Indian Bend Rd. Currently, there are two (2) flagpoles with canister antenna located at the entrance of the Paradise View Villas Condominiums. Flagpole were chosen to mitigate the visual impact of the WCF which allows the facility to blend with the surrounding environment. The existing ground equipment will remain screened by a CMU wall that mirrors the trash enclosure.

Not renewing the Use Permit would result in the decommission of the facility, creating a significant GAP in Coverage. E-911 and other emergency services locate a caller's position would be impacted if not renewed.

Nature of Request
Sprint is requesting approval for the Use Permit Renewal regarding the Stealth Wireless Communication Facility. The flagpoles were originally approved by the council on 2/17/04 and last renewed on 2/26/14 for five additional years. The facility will remain unchanged and the overall height will remain the same. Sprint will continue to operate under their existing license provided by the FCC which set very conservative, science-based RF emission guidelines that ensure citizen health is protected.

Conclusion
It is the goal to service the area with more reliable cellular service. By renewing the Use Permit at this location, Sprint will be able to continue providing the best service to its customers.
December 12, 2018

Dear neighbor

The purpose of this letter is to inform you that Coal Creek Consulting, representing Sprint Spectrum PCS, plans to apply (Case Number 966-PA-2018) to the City of Scottsdale to renew the Conditional Use Permit for the existing Wireless Communication Facility (WCF) Flagpole, located at 7609 E Indian Bend. The renewal will extend the Use Permit for an additional 5 years.

This letter is being sent to you as part of the required notification process for the City of Scottsdale. Feel free to distribute this notice to all respective tenants, students, parents of students, and all other interested parties. If you have any questions or wish to discuss this application, please contact me either by phone or e-mail using the contact information below. You may also contact the site's planner, Keith Niederer, at his office (480) 312-2953 or by email (KNiederer@scottsdaleaz.gov) with any questions, comments, or concerns.

Sincerely,

Steve Ciolek
Coal Creek Consulting
2166 E University Dr #201
Tempe, AZ 85281
(480) 246-4131
sciolek@coal-creek.com