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 call from residents confirming that this request is not a new WCF.

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: 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 s.f.
- 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  
2/5/2019

Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov  
2/5/2019

Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov  
2/6/19

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.

ATTACHMENT 2
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 INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES ADOPTED BY THE LOCAL GOVERNMENT AUTHORITY, OTHERWISE IN THESE PLANS IS TO BE CONSIDERED TO PERMIT WORK NOT COMPLIANT TO THESE CODES.

2015 INTERNATIONAL BUILDING CODE
2016 INTERNATIONAL MECHANICAL CODE
2014 NATIONAL ELECTRICAL CODE

ACCESSIBILITY REQUIREMENTS:
THIS FACILITY IS UNRESERVED AND NOT FOR HUMAN INHABITATION. UNRESERVED ACCESS REQUIREMENTS ARE NOT APPLICABLE TO FACILITIES THAT ARE PURSUED WITH THE CURRENT INTERNATIONAL BUILDING CODE.

CODE BLOCK

VICINITY MAP

SITE LOCATION

PROJECT DESCRIPTION

APPLICANT:

PROPERTY OWNER INFORMATION:

APN: 174-20-071
ADJACENT TO RURAL ROAD 25, WHICH IS SOUTH OF THE PH25XC142 SITE AND SOUTH OF US HIGHWAY 60.

PROJECT TEAM

PROJECT SUMMARY

DRIVING DIRECTIONS

SIGNATURE BLOCK

SHEET INDEX

NO DATE DESCRIPTION BY
1 09/07/18 REVIEW SPE
2 09/20/18 REVISION 1 SPE
3 09/24/18 REVISION 2 SPE
4 11/14/18 SUBMITTAL SPE

PROJECT INFORMATION
JOB 01-012-04

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

TITLE SHEET, VICINITY MAP & GENERAL INFO.

SHEET NUMBER T-1
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
**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 Nederer, at his office (480) 312-2953 or by email (KNederer@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