

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 06/09/2015
Agenda Item: 4

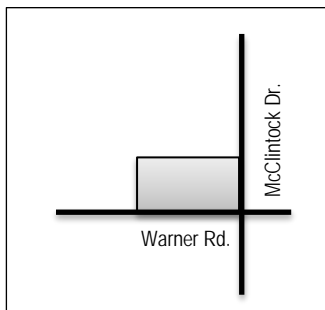
ACTION: Hold a public hearing for an appeal of the decision by the Hearing Officer to approve Use Permit ZUP15014 to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter for COUNTRYSIDE CELL TOWER, located at 1730 East Warner Road. The appellant is Jim Schantel.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Not applicable.

BACKGROUND INFORMATION: COUNTRYSIDE CELL TOWER (PL140480) is located within the shopping center at the northwest corner of McClintock Drive and Warner Road. On April 21, 2015, the Hearing Officer heard and approved a Use Permit to allow a new 65-high monopalm and equipment shelter. The monopalm is located along the north property line of the Countryside shopping center and is approximately 100 feet west of McClintock Drive. The appellant resides in the Warner Estates Lot 1-85 subdivision, which is located west of the subject site. The request includes the following:

UPA15005 Appeal Hearing Officer decision to approve Use Permit ZUP15014 to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter.



Appellant
Project Property Owner
Project Applicant
Zoning District
Lot Size
Parking

Jim Schantel
JDS / DLS Countryside LLC
Eric Hochman, EJ Group LLC
PCC-1 (Planned Commercial Center Neighborhood)
3.13 acres
173 (141 min. required, determined by 2011 shared parking analysis)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director
Legal review by: N/A
Prepared by: Karen Stovall, Senior Planner



DEVELOPMENT PROJECT FILE
for
COUNTRYSIDE CELL TOWER
APPEAL
(PL140480)

ATTACHMENTS:

- 1-3. Letter of Appeal
- 4-8. Staff Report for Countryside Cell Tower Hearing Officer Hearing April 21, 2015
9. Location Map
10. Aerial
- 11-12. Letter of Explanation
13. Feasibility Study
14. Map of Existing Cell Towers
15. Project Cover Sheet
16. Site Plan
17. Elevations
18. Landscape Plan
19. Map of Photosimulation Locations
- 20-27. Existing and Proposed Views with Photosimulations
28. Example Photos of Three-Carrier Monopalm
29. Line-of-Sight Exhibit



- 30-63. E-mails Received
- 64-67. Hearing Officer Minutes of March 3, 2015 (applicable portions highlighted)
- 68-71. Hearing Officer Minutes of April 21, 2015 (applicable portions highlighted)
- 72-73. E-mails Received Following Appeal



DEVELOPMENT PROJECT FILE
for
COUNTRYSIDE CELL TOWER
APPEAL
(PL140480)

ATTACHMENTS:

- 1-3. Letter of Appeal
- 4-8. Staff Report for Countryside Cell Tower Hearing Officer Hearing April 21, 2015
9. Location Map
10. Aerial
- 11-12. Letter of Explanation
13. Feasibility Study
14. Map of Existing Cell Towers
15. Project Cover Sheet
16. Site Plan
17. Elevations
18. Landscape Plan
19. Map of Photosimulation Locations
- 20-27. Existing and Proposed Views with Photosimulations
28. Example Photos of Three-Carrier Monopalm
29. Line-of-Sight Exhibit



- 30-63. E-mails Received
- 64-67. Hearing Officer Minutes of March 3, 2015 (applicable portions highlighted)
- 68-71. Hearing Officer Minutes of April 21, 2015 (applicable portions highlighted)
- 72-73. E-mails Received Following Appeal

May 4, 2015

Mr. Jim Schantel, Contact Person

[REDACTED]
Tempe, AZ 85284
[REDACTED]

Dave Nakagawara, Community Development Director
City of Tempe
Community Planning Department
31 E. 5th Street, Garden Level East
Tempe, AZ 85281

Att: Karen Stovall, Senior Planner
480-350-8432

Subject: Appeal of Countryside Cell Tower Hearing Officer Decision
(PL 140480)

The following residents of Warner Estates hereby appeal the Community Development Department's April 21, 2015, decision to approve the Countryside Cell Tower Project:

Mr. and Mrs. Ray Jennings

[REDACTED]

Mr. and Mrs. Jim Schantel

[REDACTED]

Mr. and Mrs. Ron Starling

[REDACTED]

Mr. and Mrs. Bill Knopf

[REDACTED]

Mr. and Mrs. Art Sandel

[REDACTED]
[REDACTED]

Our appeal is based on our disagreement with the Community Planning Department's (CPD) logic and conclusions with the City of Tempe's Approval Criteria (Section 6-308E Approval Criteria for Use Permit).

We are objecting to Criteria items 3 and 4 as follows:

Criteria 3: “Contribution to the deterioration of the neighborhood or the down grading of property values.”

The General Plan Goals and Objectives No PS5 States that public services should be distributed evenly throughout the community. Our objection here is that there will be a concentration of cell towers in our area. There are already 2 cell towers at the Warner and McClintock intersection. This proposed cell tower would make 3. We have not been able to find any other intersection where there are 3 cell phone towers at one intersection in the City of Tempe.

The staff report does not identify any need for a 3rd cell tower other than the applicant's statement that it is needed.

It is possible that the value of the Countryside shopping center would be increased by the proposed project. However, this does not provide any benefit to anyone in Tempe, because the applicant is a Florida resident and the owner of the Countryside Shopping area is a California company.

Two of our residents have been real estate agents and brokers for over 35 years in Arizona, specializing in South Tempe. They have seen many changes—some good and some bad. They think the cell tower being installed at the Countryside Shopping Center will definitely be in the bad category.

The height of the cell tower and its location so close to the Warner Estates subdivision, with no buffer will have a negative impact and therefore lower the property values, especially to the homes that are closest to the cell tower.

The Warner Estates residents think the City of Tempe needs to make a better decision for its residents! Surely, there is a location with surrounding commercial buildings that would accommodate this tower without lowering residential property values. If it were in an area with higher buildings, it would not be so obtrusive. Is this an example of money over common sense?

Criteria 4: “Compatibility with existing surrounding structures and use.”

Let's face it; the proposed tower will be an eyesore. It will stick out way above the existing building where it is proposed to be located. The applicant has not shown that he evaluated alternative locations. Our Warner Estates residents have suggested at the public hearings on this project that there are other locations that would work well and that we would not object to.

Further, the City of Tempe has done a good job of minimizing the impact of other utilities by requiring underground utilities just like we have in Warner Estates.

Conclusion: The Hearing Officer and the applicant for this project ignored our proposed mitigation solutions. These proposals would have improved the project and would have removed our resistance to the cell tower.

We hereby appeal the decision to approve this use permit and propose that the permit be denied or that it be returned to the applicant to evaluate alternative locations and other mitigating measures, so that it will completely meet the City of Tempe's Use Permit Criteria, as well as the goals and objectives of the General Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Schantel". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jim Schantel for
Warner Estates neighbors

**CITY OF TEMPE
HEARING OFFICER**

**Meeting Date: 04/21/2015
Agenda Item: 10**

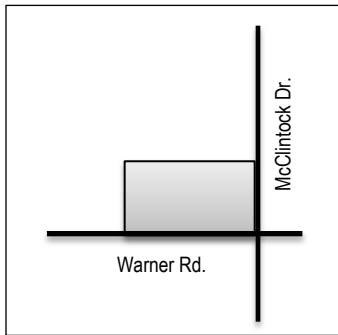
ACTION: Request approval for a Use Permit to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter for COUNTRYSIDE CELL TOWER, located 1730 East Warner Road. The applicant is EJ Group LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: COUNTRYSIDE CELL TOWER (PL140480) is located within the shopping center at the northwest corner of McClintock Drive and Warner Road. This case was heard at the March 3, 2015 Hearing Officer hearing and was continued at the Hearing Officer's request to the March 17, 2015 agenda to permit the applicant to provide additional information, consider reducing the height, and explore the possibility of replacing one of the existing wireless facilities on the south side of Warner with a new one to accommodate more providers. The applicant requested and was granted two continuance requests from the March 17, 2015 and April 7, 2015 agendas. The applicant has modified his original proposal and is now requesting to construct a 65-foot high monopalm and facility enclosure that is designed to contain antennas and equipment for up to three wireless carriers. The request includes the following:

ZUP15014 Use Permit to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter.



Property Owner
Applicant
Zoning District
Lot Size
Parking

JDS / DLS Countryside LLC
Eric Hochman, EJ Group LLC
PCC-1 (Planned Commercial Center Neighborhood)
3.13 acres
173 (141 min. required, determined by 2011 shared parking analysis)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director
Legal review by: N/A
Prepared by: Karen Stovall, Senior Planner
Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

EJ Group LLC is proposing to lease an approximate 990 square-foot area within the shopping center at the northwest corner of McClintock Drive and Warner Road. North of the site are a new City of Tempe well site and an undeveloped portion of property owned by Desert Cross Lutheran Church. To the west are single-family homes located approximately 500' away from the proposed facility. To the east and south, across McClintock and Warner, are commercial centers.

The lease area is adjacent to the north property line and approximately 100' west of McClintock Drive. The project includes a new 8' masonry screen wall that surrounds a monopalm (faux palm tree) and room for up to three equipment shelters. The proposed lease area is located in the space currently occupied by two parking spaces and a refuse enclosure. The refuse enclosure will be relocated to the west, and the applicant will construct one new parking space. In total, the proposal will remove four parking spaces from the site. A shared parking analysis approved in 2011 identified the need for up to 141 parking spaces. By condition, the applicant must provide an updated parking analysis; the number of remaining parking spaces should exceed what is required.

The feasibility study provided by the applicant indicates that there are no existing wireless facilities in the desired search area that can accommodate an additional carrier. There are two existing monopalms at the southwest and southeast corners of the same intersection that are 50' and 55' high; both of these facilities were designed to support a single wireless provider.

The applicant does not have contracts with wireless providers to locate on the pole at this time; therefore, a condition has been included to require the applicant to provide evidence prior to an application for building permits that a contractual agreement is in place for a wireless provider to locate on the facility.

The monopalm is designed to hold three sets of antennas: one set disguised within the palm fronds and two additional sets located completely within the pole. This design is intended to alleviate the need to build multiple wireless structures in the same area in the future. The pole structure and top of antennas are proposed to be a maximum of 62' high with the top of fronds at 65'. The base of the pole will be approximately 36" in diameter, and the diameter at the top will be approximately 20". Photographs of an existing monopalm with three carriers that is located on another site have been provided by the applicant and are attached to this report. Details of the pole and antennae configuration were not provided by the applicant, so conditions have been included to restrict the design to one which can closely mimic a live palm tree once concealed with fronds. A condition is also included to limit the height of the antennas to 60', which is similar to Use Permits approved for monopalms throughout the city.

The applicant has submitted findings that the existing, live palm trees on the property along McClintock Drive range in height from 45' to 55'. Existing palm trees on the east side of McClintock Drive are between 25' and 40'. Existing palm trees on the north side of Warner, west of McClintock Drive are between 30' and 55'. Other structures in the area include: the steeple at Desert Cross Lutheran Church (50'); light poles on McClintock Drive (36'); and existing trees along the north property line of the subject site (20'-30'). A condition is included to require a live palm tree along the north property line to better conceal the monopalm.

The applicant has provided a line-of-sight exhibit depicting views from the west, south, and north. It is included as an attachment.

PUBLIC INPUT

A neighborhood meeting was not required for this application.

Prior to the March 3, 2015 hearing, staff received two e-mails of support and 16 e-mails of opposition to the request. The e-mails in opposition expressed concerns related to the following: property values, height, aesthetics, preference for alternative locations, proximity to residential land uses, and appropriateness of the proposal to the scale of the commercial center. At the March 3, 2015 hearing, six individuals spoke in opposition to the request. Speakers in opposition expressed the same concerns as those expressed in the e-mails. Following the March 3, 2015 continuance, staff received 11 additional e-mails in opposition. All e-mails are attached.

USE PERMIT

Per Section 3-302A of the Zoning and Development Code, the proposed use requires a Use Permit to allow a wireless telecommunication facility within the PCC-1 zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.*
The proposed use will not cause a significant increase in vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.*
The monopalm should not create a nuisance arising in odor, dust, gas, noise, vibration, smoke, heat, or glare exceed ambient conditions.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.*
The proposed use should not contribute to the deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses.*
The use of a faux palm tree will allow the pole to blend in with the existing palm trees on the property and elsewhere along McClintock Drive. A condition requiring additional landscaping near McClintock Drive will increase screening of the facility from the street, making it less conspicuous.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.*
Disruptive behavior should not be generated by this use. The equipment shelter will be enclosed with solid block walls and a locked gate to prevent unauthorized access.

The proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis, staff recommends approval of the requested Use Permit, subject to conditions. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITIONS OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application except as modified by conditions.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

4. Prior to submittal of an application for a building permit, the applicant shall provide evidence to the Planning Division of a contractual agreement for a wireless provider to locate on the facility.
5. The monopalm shall have faux-bark cladding.
6. The top of the antennas shall be no higher than 60 feet.
7. The length of the antennas shall be no greater than 8 feet.
8. The T-arm to which the antenna sectors are mounted shall not extend from the pole for a distance greater than 2 feet.
9. The sector arms may not exceed a length of 9 feet and 6 inches (9'-6").
10. The monopalm shall be no greater than 65'-0" to top of fronds. This condition is intended to permit a structure that does not significantly exceed the height of other palm trees in the center and does not exceed the maximum height typically reached by real palm trees.
11. The landscape plan shall be modified to include a shade tree (minimum 1.5" caliper), a live Washingtonia robusta palm tree (minimum 25' high), groundcover plants, and irrigation in the landscape area north of the northern-most driveway off McClintock Drive. Specific plant locations shall be identified on the landscape plan submitted with construction documents.
12. The landscape plan shall be modified to show sight distance lines at driveways.
13. Include in the project data table the proposed square footage and percentage of on-site landscaping. A minimum of 15% is required.
14. The proposed equipment cabinet shall be constructed of similar material and color to match the existing buildings or shall be fully screened by solid screen walls and gates.
15. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.
16. Verify the number of existing parking spaces on the site and correct the site data table to note the removal of a total of four spaces. An updated parking analysis shall be submitted to the Planning Division prior to construction plan submittal.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for EJ Group LLC and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.

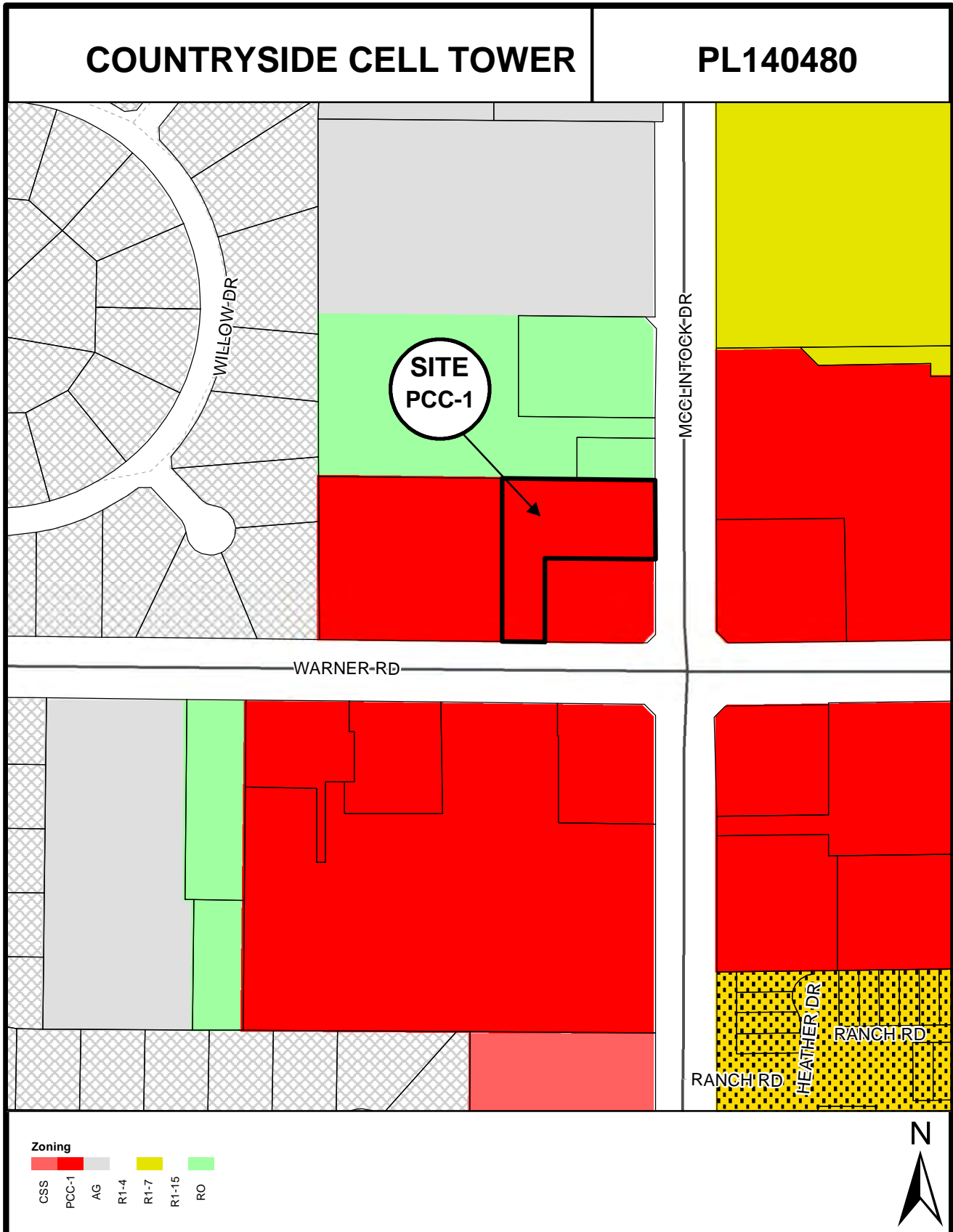
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review dated December 24, 2014. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- **LIGHTING:**
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- Any intensification or expansion of the use will require a new use permit.
- The wireless device shall be removed within 30 days of discontinuance of use.

HISTORY & FACTS:

March 3, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the March 17, 2015 hearing to permit time for the applicant to modify the plans and provide additional information.
March 17, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the April 7, 2015 hearing at the applicant's request.
April 7, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the April 21, 2015 hearing at the applicant's request.

ZONING AND DEVELOPMENT CODE REFERENCE:

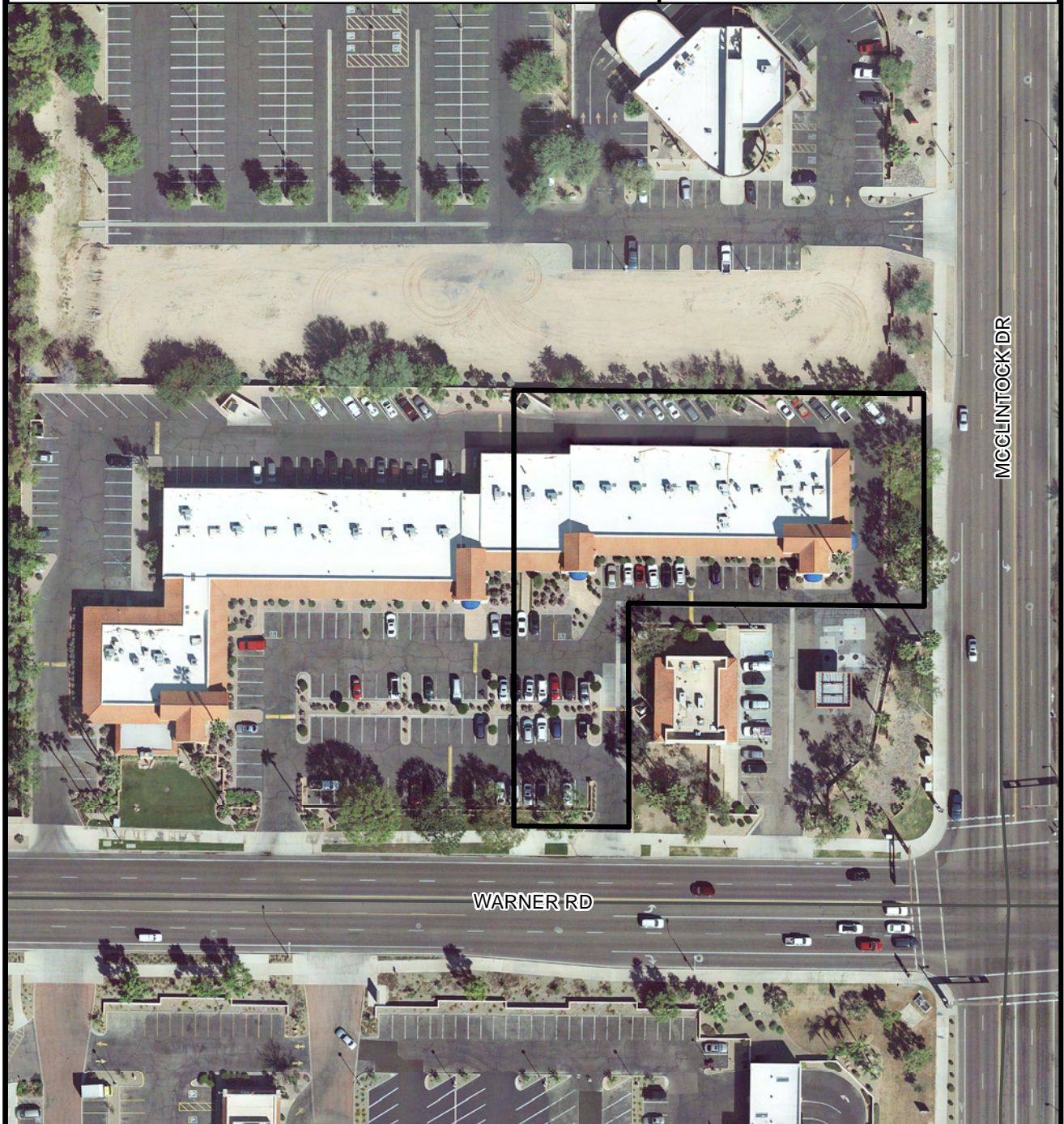
Section 3-202A Permitted Uses in Commercial and Mixed-Use Districts
 Section 3-421 Wireless Telecommunication Facilities
 Section 6-308 Use Permit



Location Map

COUNTRYSIDE CELL TOWER

PL140480



Aerial Map



4/5/2015

Letter of Explanation and design plan

City of Tempe
Planning Division
Attention: Karen Stovall
31 East Fifth Street
Tempe, Arizona 85281

Re: 1706 E. Warner Drive
Tempe, AZ 85284-4545

EJ Group, LLC is proposing to construct a cellular communication tower designated "Countryside" in the back area of the above listed location address. The purpose of this structure is to provide new and improved telecommunications services to the much needed residents and businesses in the community. This includes both voice and the expanding data use demanded in the area. The structure will be able to support all the new equipment and technology currently being deployed in the US by all the telecommunication carriers.

Our design includes a 62' mono palm structure with the accompanying matching fronds it will be a total height of 65'. This mono palm will accommodate 3 cellular phone carriers including all their updated equipment for the newest technology. The structure will be designed in the area outlined in the attached drawings. Our pole design includes matching colors to the current building and current landscape. It will be non intrusive and reside close to the main street "S. McClintock Dr".

Our proposed construction includes a surrounding aesthetic wall matching the colors of the existing mall structure enclosing the entire site location as seen on the drawings submitted. The wall will both protect and cover the enclosed equipment installed by the cellular communications carriers.

Additionally, we will be relocating the existing trash receptacle area directly to the West of the current location approximately 5-10 yards. 2 trees in the enclosed area will be relocated and additional landscaping will be improved as outlined in the submitted landscape planned drawings.

The purpose of building an aesthetically pleasing and multi-carrier structure is to be able to support all the current and future needs of the cellular communication industry to

provide quality voice and data technology to the surrounding area. This will alleviate the need to build multiple structures in the near future to support the growing needs of the community and the ability for the telecommunication carriers to meet those needs.

We look forward to your consideration and are excited to work with the planning board and the city residents in constructing a structure that will both be appreciated by the city and give the cellular telecommunication carriers the ability to provide superior service to the community and surrounding areas.

Respectfully,

Eric Hochman
RF Engineer & Managing partner of EJ Group,LLC



1/30/2015

Feasibility Study

City of Tempe
Planning Division
Attention: Karen Stovall
31 East Fifth Street
Tempe, Arizona 85281

Re: 1706 E. Warner Drive
Tempe, AZ 85284-4545

EJ Group, LLC has evaluated the 2 structures in the existing .50 mile radius. This is the radius required by the city requirement. The telecommunication carriers have designed an existing need within a .25 radius of the center of the corresponding map to service the needs in that area of residents and business.

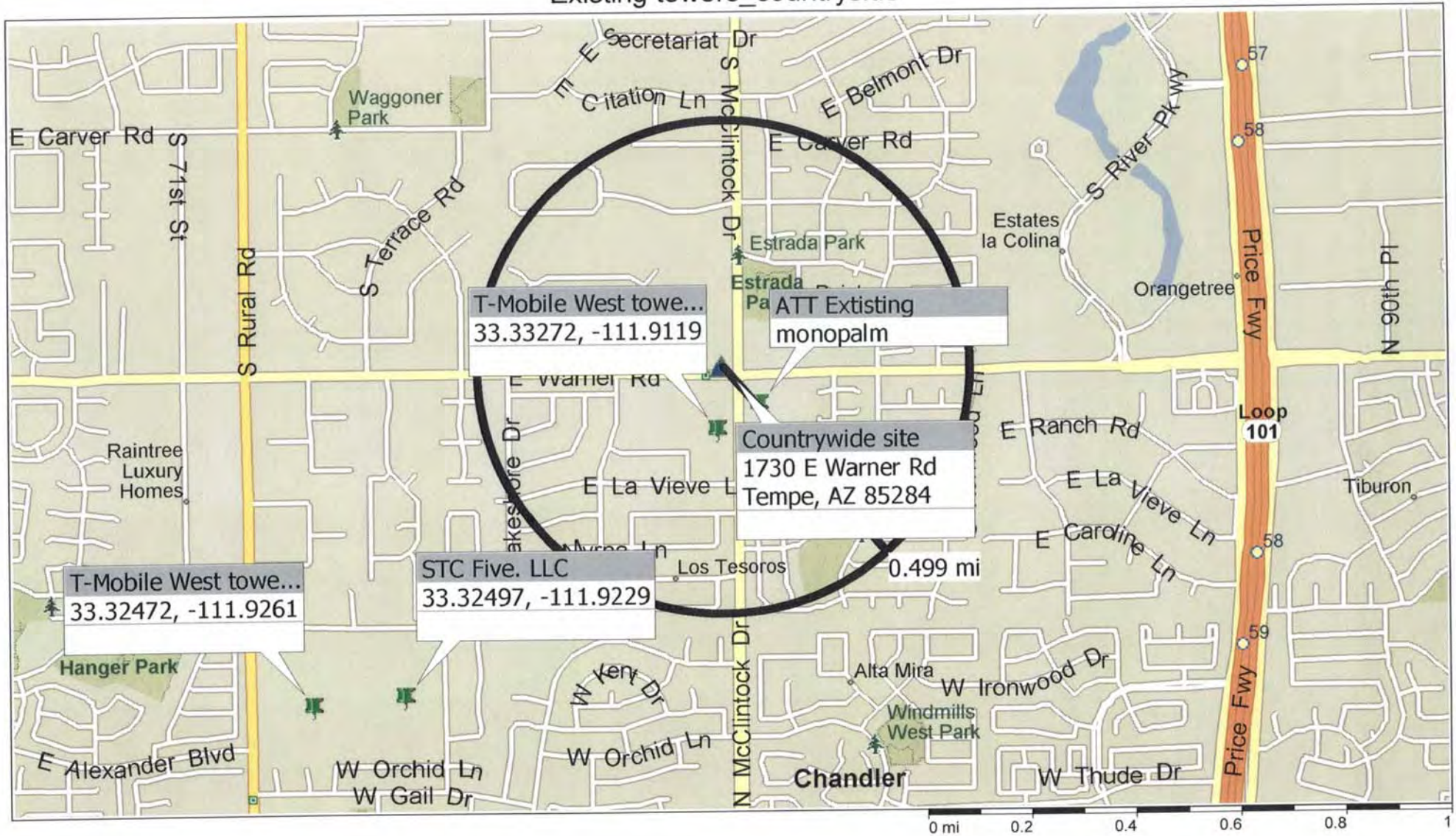
Neither of these structures has been built to support more than 1 carrier and the structure does not have the structural integrity, size, height or width to install the required equipment of any other telecommunications carrier companies.

As a note, Both the T-Mobile and the AT&T tower with the .50 mile radius are built at 60', with the top 10 supporting a full array of equipment for carrier. No other height or equipment can be accommodated structurally by the carriers.

Respectfully,

Eric Hochman
RF Engineer & Managing partner of EJ Group,LLC

Existing towers_countryside



REV	DESCRIPTION	DATE	BY	APP

PRELIMINARY SITE PLAN

FOR COUNTRYSIDE CELL TOWER SITE

NWC OF WARNER ROAD AND MCCLINTOCK DRIVE

TEMPE, ARIZONA

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14 TOWNSHIP 1 SOUTH, RANGE 4 EAST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SITE ACQUISITION
 EJ DEVELOPMENT GROUP
 PO BOX 260893
 PEMBROKE PINES, FL 33026
 PHONE: 945 812 3262
 CONTACT: ERIC HOCHMAN

CIVIL ENGINEER
 KIMLEY-HORN AND ASSOCIATES, INC.
 7740 N. 16TH STREET
 SUITE 300
 PHOENIX, ARIZONA 85020
 PHONE: 602 944 5500
 CONTACT: TRAYER JONES, PE

SURVEYOR
 GILBERT LAND SURVEYING, PLC
 4361 SOUTH SQUIRES LANE
 GILBERT, AZ 85297
 PHONE: 480 334 5936
 CONTACT: RYAN GILBERT

OWNER
 JDS COUNTRYSIDE LLC
 15230 BURBANK BLVD
 SUITE 108
 VAN NUYS, CA 91411

SITE INFORMATION

SUBMITTED BY: TRAYER JONES

PROJECT NAME: COUNTRYSIDE CELL TOWER SITE

SITE ADDRESS: 1706 EAST WARNER ROAD
TEMPE, ARIZONA 85284

PROPOSED USE: WIRELESS TELECOMMUNICATIONS FACILITY

ZONING: PCC-1

APN: 301-51-008H & 301-51-008M

GEODETIC COORDINATES: 33°20'08.096" NORTH
111°54'45.662" WEST

ELEVATION: 1183.7' (NAVD88)

NET PARCEL SIZE: 1.05± ACRES

PROPOSED LEASE AREA: 751 SF

PROPOSED TOWER: 80' MAX. HEIGHT MONOPOLE

GENERAL COMPLIANCE:

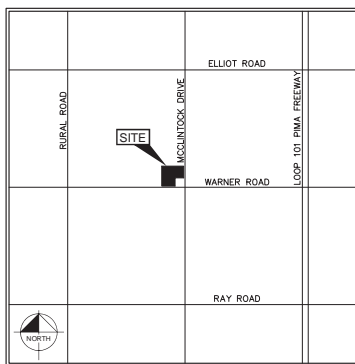
PLUMBING: FACILITY HAS NO PLUMBING AND IS NOT INTENDED FOR OCCUPATION.

HVAC: ANY HVAC USED AT THIS SITE IS SOLELY FOR COOLING OF MECHANICAL EQUIPMENT AND NOT FOR HUMAN COMFORT.

ACCESSIBILITY: FACILITY IS UNMANNED AND NOT FOR OCCUPATION. HANDICAPPED ACCESS IS NOT REQUIRED.

PROJECT DESCRIPTION:

THIS PROJECT CONSISTS OF THE INSTALLATION OF AN 65-FOOT TALL MONOPALM CELL TOWER, PRE-FABRICATED EQUIPMENT SHELTER, AND FENCED ENCLOSURE. THE CELL TOWER WILL INCLUDE SPACE FOR UP TO THREE CARRIERS.



VICINITY MAP
 TEMPE, ARIZONA
 N.T.S.

SHEET INDEX		
SHEET	NUMBER	DESCRIPTION
C1	1	TITLE SHEET
C2	2	PRELIMINARY SITE PLAN
C3	3	ELEVATIONS
L1	4	LANDSCAPE PLAN
L2	5	PLANTING DETAILS

Kimley-Horn

© 2015 KIMLEY-HORN AND ASSOCIATES, INC.
 7740 North 16th Street, Suite 300
 Phoenix, Arizona 85020 (602) 944-5500

EJ DEVELOPMENT GROUP

NWC OF WARNER ROAD AND MCCLINTOCK DRIVE

TITLE SHEET
 TEMPE, ARIZONA

PROJECT No.
 191904000

SCALE (H): NONE

SCALE (V): NONE

DRAWN BY: CGF

DESIGN BY: TMJ

CHECK BY: TMJ

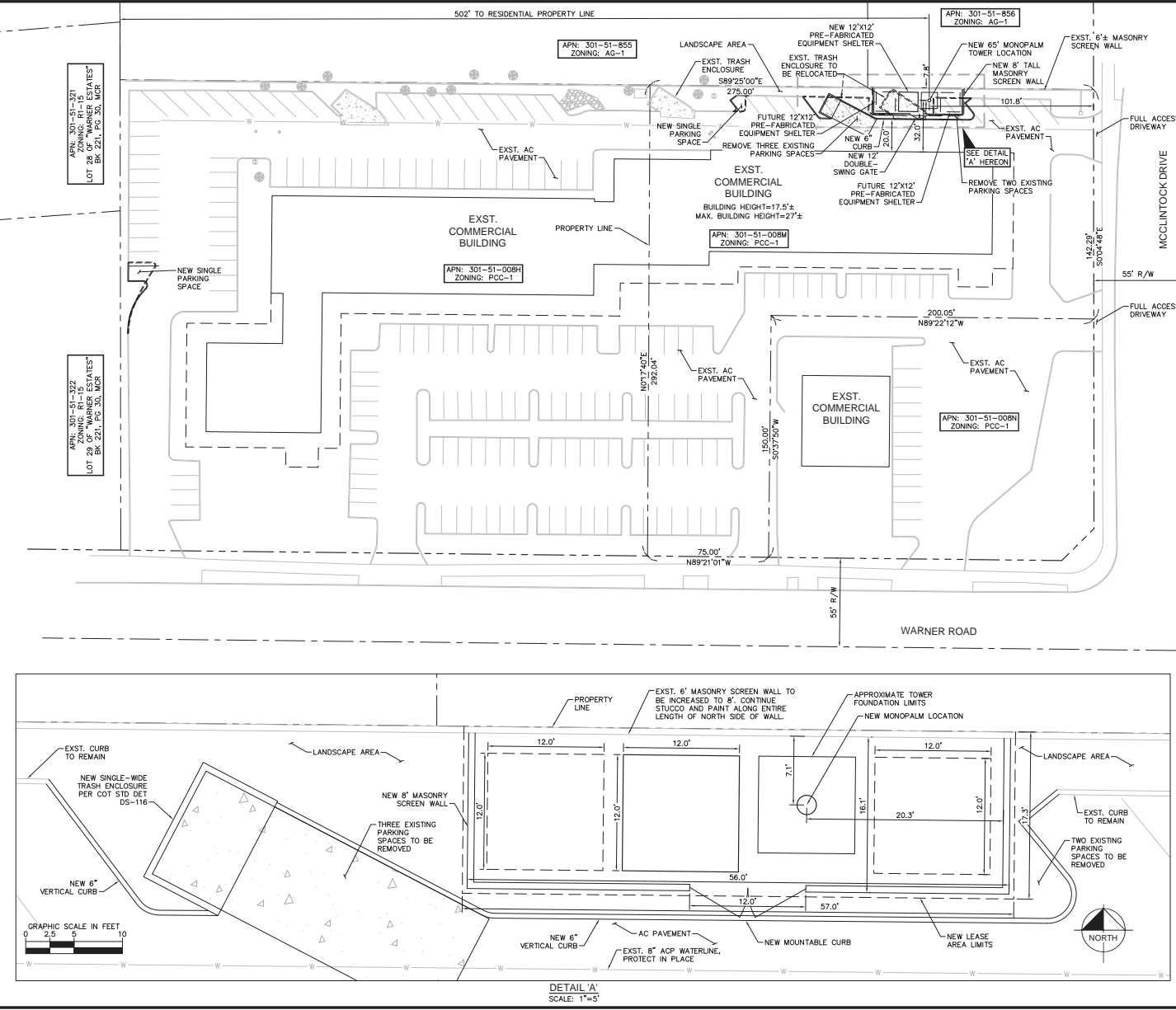
DATE: 03/10/15



DRAWING
C1
 1 OF 5 SHEETS

NO.	DATE	BY	DESCRIPTION

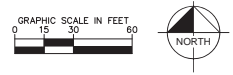
DATE: 03/10/15
 PROJECT: 191904000
 SCALE: 1"=30'
 DRAWN BY: CGF
 CHECK BY: TMJ
 DATE: 03/10/15



SETBACKS TO PROPERTY LINES:
 NORTH: 8 FEET
 WEST: 173 FEET
 SOUTH: 134 FEET
 EAST: 102 FEET

SITE DATA:
 EXISTING COMMERCIAL BUILDING: 32070± SF
 REQUIRED PARKING: 171 SPACES
 ASSUMED 20% RESTAURANT (1 SPACE PER 75 SF) AND 80% RETAIL/SERVICE (1 SPACE PER 300 SF)
 EXISTING PARKING: 177 SPACES
 PROPOSED PARKING: 174 SPACES

EXISTING PALM TREES
 EXISTING PALM TREES ON SITE APPEAR TO BE APPROXIMATELY 45' - 55' HT.



Kimley-Horn
 © 2015 KIMLEY-HORN AND ASSOCIATES, INC.
 7740 North 16th Street, Suite 300
 Phoenix, Arizona 85020 (602) 944-5500

EJ DEVELOPMENT GROUP

PRELIMINARY SITE PLAN
 TEMPE, ARIZONA

NWC OF WARNER ROAD AND MCCLINTOCK DRIVE

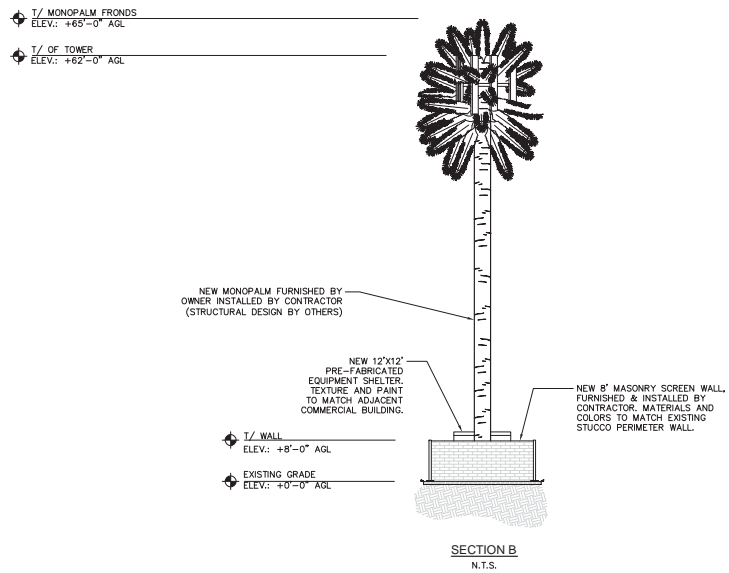
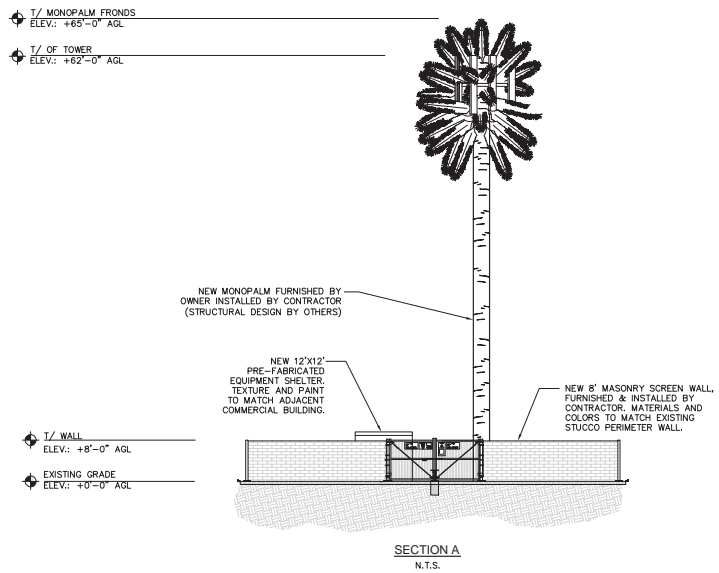
PROJECT No.	191904000
SCALE (H):	1"=30'
SCALE (V):	NONE
DRAWN BY:	CGF
CHECK BY:	TMJ
DATE:	03/10/15

602-263-1100
1-800-STAYE-IT
PHOTO COURTESY: STREETS

C2
 2 OF 5 SHEETS

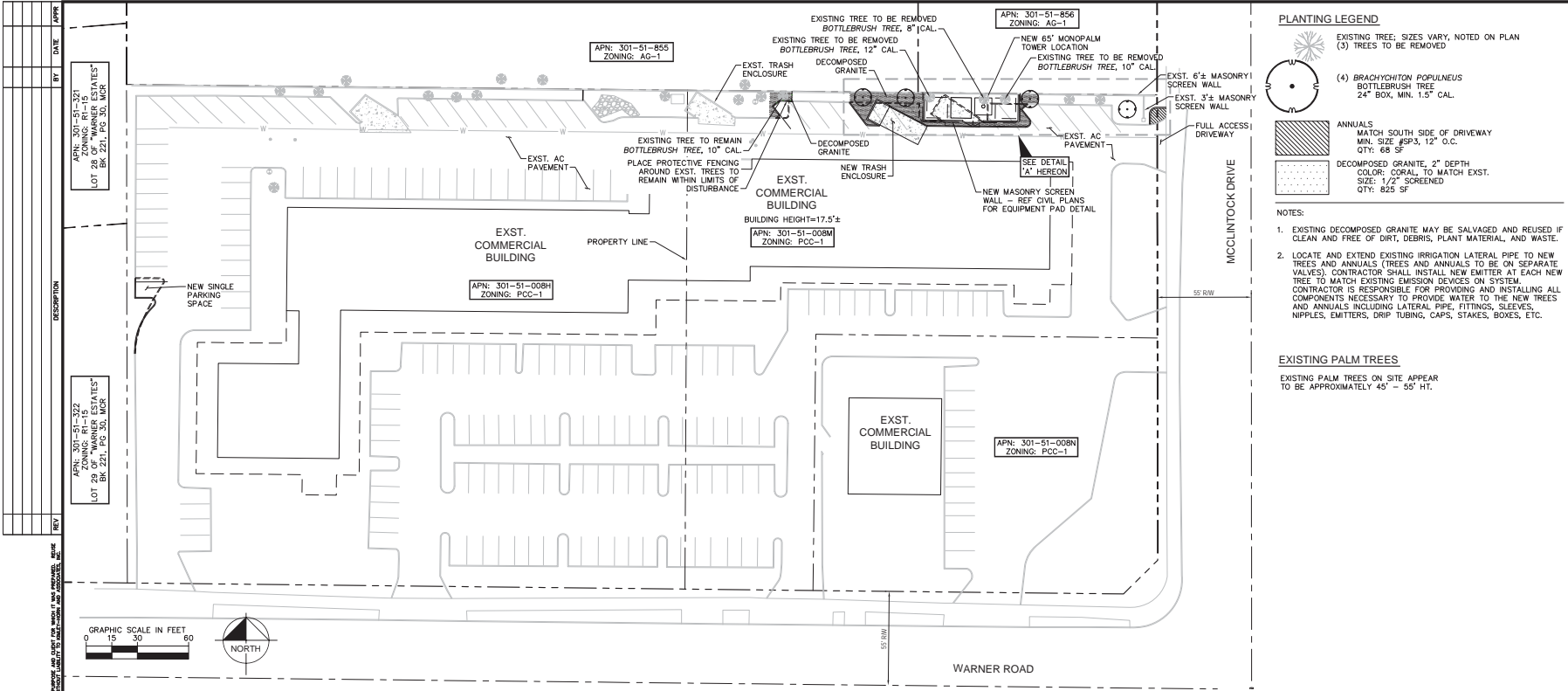
REV	DESCRIPTION	DATE	BY	CHK

N:\ARCH\2015\191904000\CADD\LEV\LEV.dwg, User:cfj CS Mar 10, 2015 - 11:55am Issues: Issues
 XREFS: Xref to '191904000\CADD\LEV\LEV.dwg' was not resolved. The XREF may have been moved or renamed. Verify the path to the XREF file.
 XREFS: Xref to '191904000\CADD\LEV\LEV.dwg' was not resolved. The XREF may have been moved or renamed. Verify the path to the XREF file.



CALL FOR PRICING NOW
602-263-1100
1-800-STAR-11
PHOTO COURTESY: STARR

 © 2015 KIMLEY-HORN AND ASSOCIATES, INC. 7740 North 16th Street, Suite 300 Phoenix, Arizona 85020 (602) 944-5900
EJ DEVELOPMENT GROUP
ELEVATIONS TEMPE, ARIZONA
NWC OF WARNER ROAD AND MCCLINTOCK DRIVE
PROJECT No. 191904000
SCALE (H): NONE SCALE (V): NONE
DRAWN BY: CGF
DESIGN BY: TMJ
CHECK BY: TMJ
DATE: 03/10/15
ELEVATION C3 3 OF 5 SHEETS



- PLANTING LEGEND**
- EXISTING TREE: SIZES VARY, NOTED ON PLAN
(3) TREES TO BE REMOVED
- (4) BRACHYCHYTUM POPULNEUS BOTTLEBRUSH TREE
24" BOX, MIN. 1.5" CAL.
- ANNUALS
MATCH SOUTH SIDE OF DRIVEWAY
MIN. SIZE #5P3, 12" O.C.
QTY: 68 SF
- DECOMPOSED GRANITE, 2" DEPTH
COLOR CORRAL, TO MATCH EXST.
SIZE: 1/2" SCREENED
QTY: 825 SF
- NOTES:**
- EXISTING DECOMPOSED GRANITE MAY BE SALVAGED AND REUSED IF CLEAN AND FREE OF DIRT, DEBRIS, PLANT MATERIAL, AND WASTE.
 - LOCATE AND EXTEND EXISTING IRRIGATION LATERAL PIPE TO NEW TREES AND ANNUALS (TREES AND ANNUALS TO BE ON SEPARATE VALVES). CONTRACTOR SHALL INSTALL NEW EMITTER AT EACH NEW TREE TO MATCH EXISTING EMISSION DEVICES ON SYSTEM. CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL COMPONENTS NECESSARY TO PROVIDE WATER TO THE NEW TREES AND ANNUALS INCLUDING LATERAL PIPE, FITTINGS, SLEEVES, NIPPLES, EMITTERS, DRIP TUBING, CAPS, STAKES, BOXES, ETC.
- EXISTING PALM TREES**
EXISTING PALM TREES ON SITE APPEAR TO BE APPROXIMATELY 45' - 55' HT.

Kimley»Horn
© 2015 KIMLEY-HORN AND ASSOCIATES, INC.
7740 North 16th Street, Suite 300
Phoenix, Arizona 85020 (602) 944-5500

EJ DEVELOPMENT GROUP

LANDSCAPE PLAN
TEMPE, ARIZONA

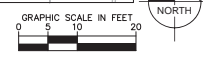
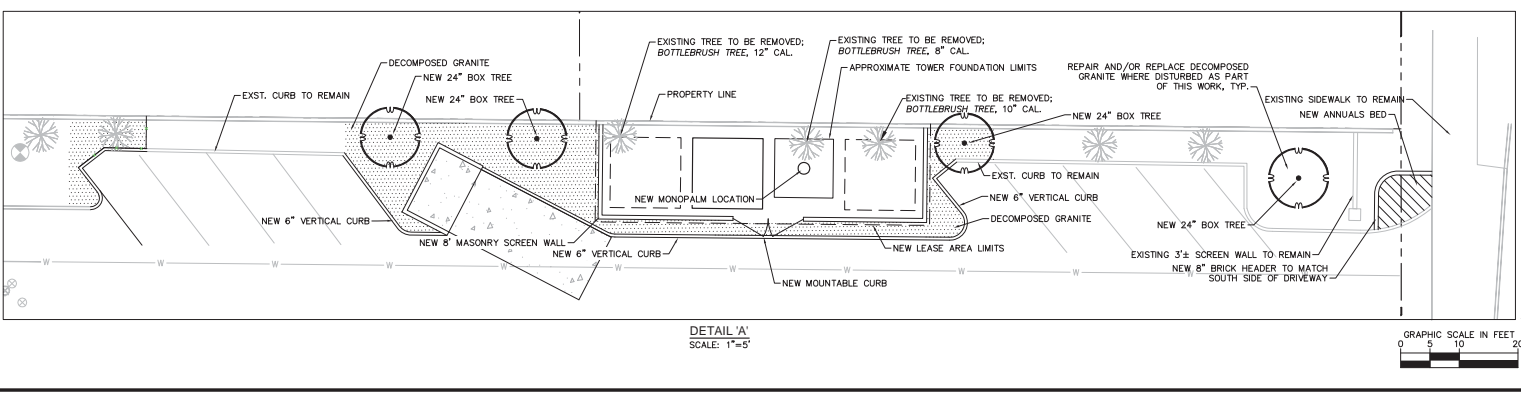
NWC OF WARNER ROAD AND MCCLEINTOCK DRIVE

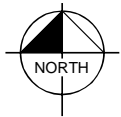
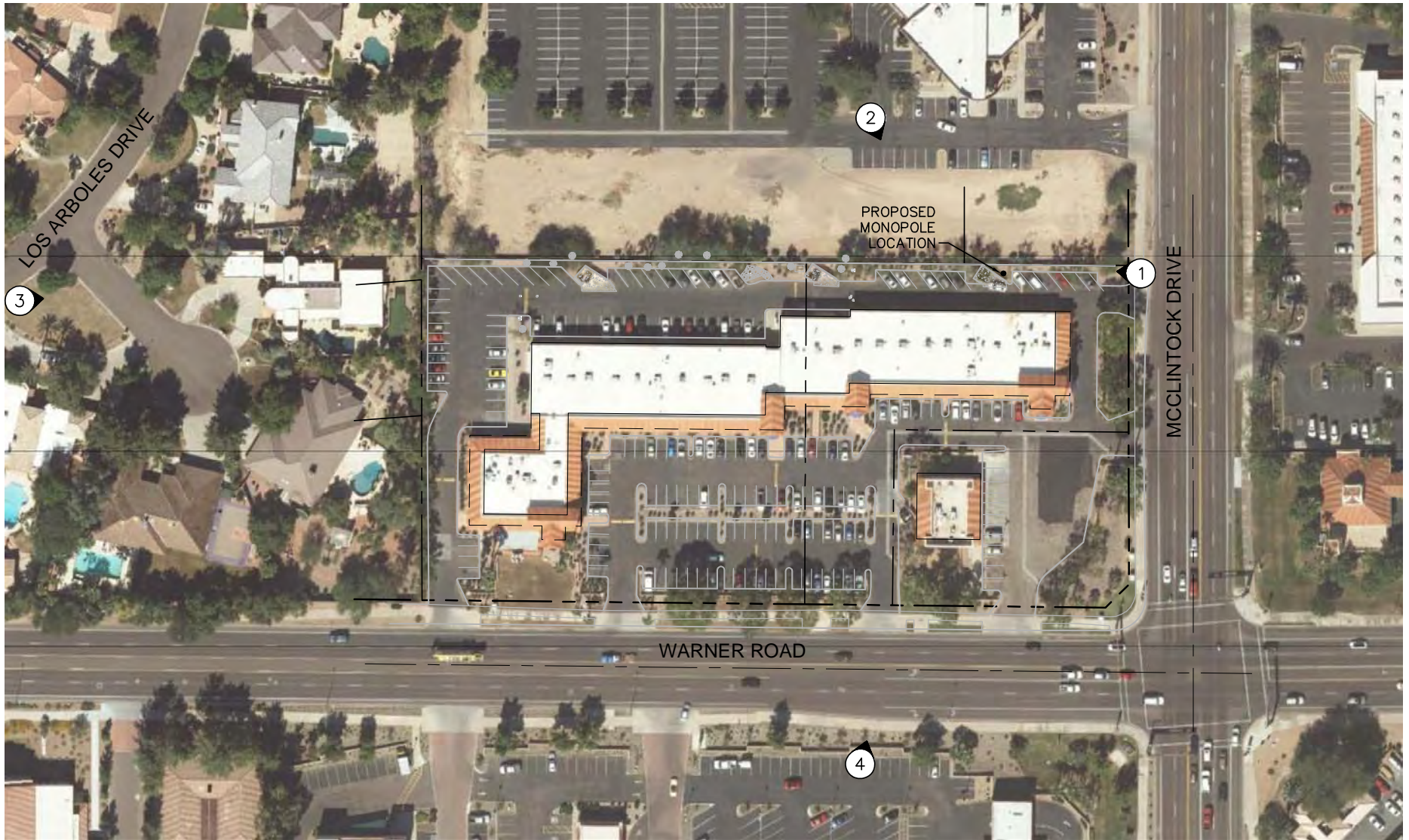
PROJECT No. 191904000
SCALE (H): 1"=30'
SCALE (V): NONE
DRAWN BY: CMR
DESIGN BY: CMR
CHECK BY: TMJ
DATE: 03/10/15

NOT FOR CONSTRUCTION

1/15
L1
4 OF 5 SHEETS

K:\ARCH\2015\191904000\CD\LANDSCAPE PLAN Mar 10, 2015 11:05am hmw-jones
 XREF: 191904000\CD\LANDSCAPE PLAN.dwg 2/2/2015 10:58:58 AM
 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100





PHOTOSIM LOCATIONS



View 1 – Existing (View from McClintock Drive, looking West)



View 1 – Proposed (View from McClintock Drive, looking West)



View 2 – Existing (View from the North, looking South)



View 2 – Proposed (View from the North, looking South)



View 3 – Existing (View from Warner Estates, looking East)



View 3 – Proposed (View from Warner Estates, looking East)



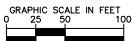
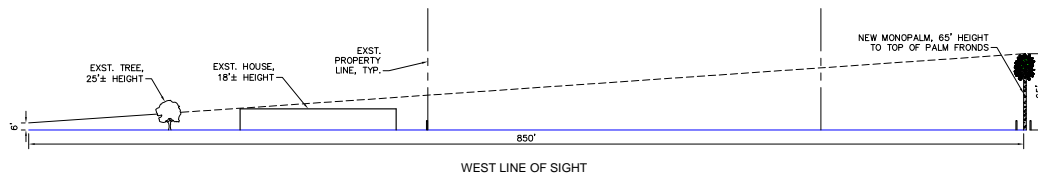
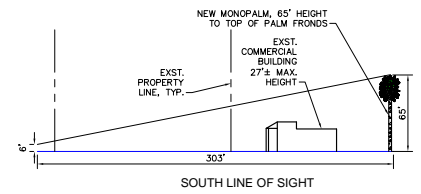
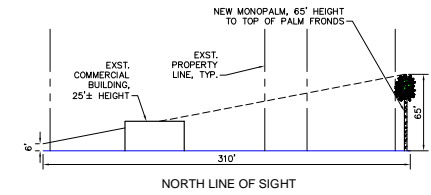
View 4 – Existing (View from Warner Road, looking North)



View 4 – Proposed (View from Warner Road, looking North)



ATTACHMENT 28



COUNTRYSIDE CELL TOWER
NWC OF MCCLINTOCK DRIVE AND WARNER ROAD
LINE OF SIGHT EXHIBIT

03/10/2015

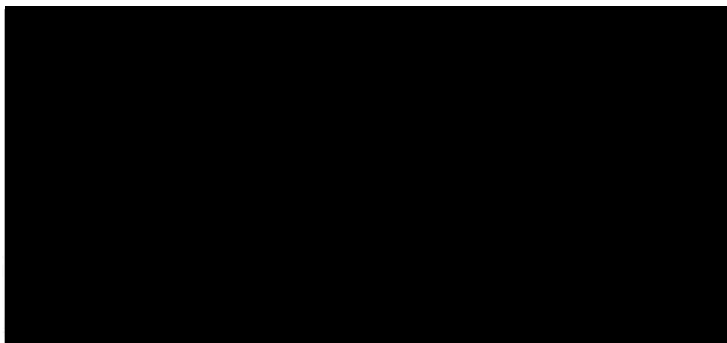
Stovall, Karen

From: Sharon & Art Sandell <[REDACTED]>
Sent: Monday, March 02, 2015 10:49 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Hi Karen:

I am unable to attend tomorrow's meeting regarding the new cell tower at McClintock and Warner. We do not want this monstrosity at this location! We have been real estate agents for over 30 years, and we know that it would have a NEGATIVE impact!

Best regards,
Sharon



Stovall, Karen

From: Richard Stiteler <[REDACTED]>
Sent: Monday, March 02, 2015 11:38 AM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Dear Karen Stovall,

I am living in Warner Estates and do not have any issue with the proposed Cell Tower.

Richard Stiteler
[REDACTED]

Stovall, Karen

From: Greg Medley <[REDACTED]>
Sent: Monday, March 02, 2015 11:43 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Ms. Stovall,

I live in Warner Estates and wanted to express my opposition to the proposed cell tower at the corner of McClintock and Warner. Although I understand how the landowner may want to make a few extra bucks, the enormous height of the tower will be an incredible eyesore to our neighborhood. The city would never allow a building of this height to be constructed at that location. I see many cell towers within the city but they are generally about 20 feet tall and disguised at Palm trees or Pine trees, blending in the with the surroundings quite well. But there is no way to hide or blend in a 65 tower!

I am going to try to take off work to attend the hearing tomorrow, but having such a hearing during the workday seems to be, by design, a way to eliminate much of the opposition to such projects. We are a tight knit neighborhood association and communicate regularly not only with our own group, but with the neighborhood groups in the surrounding area. I can promise that if this tower is built, the land owner of the Countryside Strip center will see a precipitous drop in business for all of his tenants. Our neighbors and many others within a mile radius who currently patronize Garcia's, Great Harvest, Just for You, and the other tenants, will be forced to vote with our wallets. Unfortunately the local businesses will bear the initial brunt of this very poor business decision, but ultimately EJ Group, LLC will suffer from empty space and another vacant strip center will join the dozens of others in the city.



THE FISHER GROUP

Greg Medley
The Fisher Group

[REDACTED]

Confidentiality Statement: This message may contain confidential information and is intended only for the use of the individual or entity to which it is addressed. If you have received this message in error, please notify the sender immediately and delete this message. Retention, dissemination, distribution or copying of this message or any attachments to this message, by anyone other than the intended recipient is strictly prohibited.

Stovall, Karen

From: Terry Lutz CPA <[REDACTED]>
Sent: Monday, March 02, 2015 11:43 AM
To: Stovall, Karen

Dear Karen

I completely disagree with installing a cell tower in our neighborhood as I believe it will lower the property values being so close to the neighborhood. Considering the fact that our property taxes have gone up consistently in the last several years I do not believe that the county will consider reducing our taxes.

My suggestion is that if a tower is needed then move to the parking lot and area behind the much larger commercial property on the northeastern corner of McClintock and Warner by the park.

At this time I believe the water well being drilled at the same location is enough for now and if anymore development is proposed as this cell tower, please place in an more commercial area such as across the street.

Terry Lutz CPA
Resident of Warner Estates.
[REDACTED]

Stovall, Karen

From: Suzan Schantel <[REDACTED]>
Sent: Monday, March 02, 2015 1:08 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower;

Hello Ms. Stovall;

My name is Suzan Schantel and I live at 8648 S. Willow Drive, Tempe, AZ 85284
I am writing you today regarding Case #PL140480, Countryside Cell Phone Tower.
I am very concerned about having this tower built so close to our beautiful neighbor. I oppose this tower in this location.
The shopping Center seems too small to have such a large tower so close to a neighborhood.

Thank you,
Suzan A. Schantel

[REDACTED]

[REDACTED]

Stovall, Karen

From: Keith McCreynolds <[REDACTED]>
Sent: Monday, March 02, 2015 2:28 PM
To: Stovall, Karen
Subject: Countryside Cell Tower

As a resident of Warner Estates I want to go on record as in FAVOR of the cell tower being built. My reasons are as follows:

1. We have hundreds of trees in our development taller than 70 feet
2. We all love our cell phones so we should accept the infrastructure that makes them possible
3. About half of my neighbors make their living in real estate in one way or another so we should be respectful of property rights including that of the owners of the shopping center. This is pure NIMBY ism

Stovall, Karen

From: Ronald Starling <[REDACTED]>
Sent: Monday, March 02, 2015 3:55 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Countryside Cell Tower

Ms. Stovall:

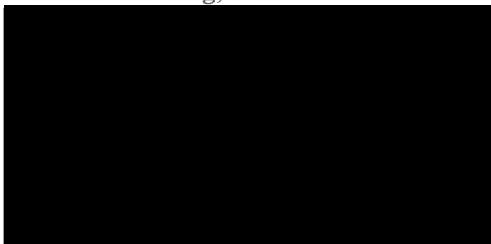
As per our recent telephone conversation, I want to express my great concern regarding the proposed Cell tower proposed direct adjacent to my property at 8635 S. Willow Drive in Warner estates in Tempe Arizona.

Please consider the following:

- Per section 3-302A Section 6-308E Approval Criteria 3 of the Tempe Zoning and Development code states that the granting of a Use Permit must consider the contribution to the deterioration of the neighborhood or to the downgrading of property values. This 69 foot high tower is be directly visible from every house located in the southeast corner of Warner estates. The mocked up photographs in the report prepared by the planning department (Attachment 14, 16 & 18) are very deceiving. The tower represented in View 1 Attachment 14 illustrates this tower as only slightly higher than the existing trees. In fact the existing trees are roughly 20 feet high and the tower would be 3-1/2 times higher than the trees. Likewise Attachment 18 only shows the view from one house, while in fact, every property in the southeast corner of Warner Estates is adversely effected.
- This proposed tower falls directly in line with the departure and final approach for Stellar Airpark which is only two city blocks south. The FAA can and may require a flashing beacon on this tower which will shine directly into the numerous effected residential properties.
- I fully understand the need for appropriately located cell phone towers. However, there are numerous locations far better suited for this tower.

I strongly oppose this tower and recommend to the hearing officer that the use permit be denied.

Ronald Starling, P.E.



Stovall, Karen

From: Caruso, Diane M. <[REDACTED]>
Sent: Monday, March 02, 2015 4:28 PM
To: Stovall, Karen
Cc: 'Daniel Caruso'; 'mastarling@cox.net'
Subject: Countryside Cell Tower

Ms. Stovall:

Please accept this letter as my opposition to the cell tower that is being proposed adjacent to our subdivision, Warner Estates.

I ask you consider the negative impact this tower will have on us, the homeowners of Warner Estates, when making this decision for our community. I believe there are alternate locations more suited to this cell tower than one bordering our residential neighborhood.

Because I cannot attend tomorrow's meeting, I ask that my strong disagreement to the tower location be noted.

Thank you.

Note: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

Stovall, Karen

From: Daniel Caruso <[REDACTED]>
Sent: Monday, March 02, 2015 4:43 PM
To: Stovall, Karen
Subject: Cell Tower Near Warner Estates

Hello,

I am sorry that I cannot attend the public hearing tomorrow since work takes me out of town to Las Vegas in the morning. But if I could attend I would certainly be there.

My wife and family moved into Warner Estates because of the location, the reputation and frankly the property values. And if you were examine what has transpired the last 5 years, that we have lived in this neighborhood, the prices of these homes has steadily risen and so many have invested tens of thousands on upgrades (both inside and outside their homes).

I have been reading the various posts and emails in regards to the City of Tempe proposal to place a permanent 69'-0" high cell tower behind the Great Harvest Bread Company at the southwest corner of McClintock and Warner. Although I and others can understand the need for improved communication, putting something of this size and magnitude so close to our neighborhood will only serve to drive down its value. Besides the fact that the 'ugliness' of the tower in and of itself will be both bothersome and infuriating.

I would hope the City of Tempe would look at other options in this regard and not place the tower in its proposed planning location.

Thank you for your attention.

Daniel M. Caruso, MD, FACS



Stovall, Karen

From: [REDACTED]
Sent: Monday, March 02, 2015 5:27 PM
To: Stovall, Karen
Subject: Case #140480 69 foot cell tower

Dear Karen,

I am writing in opposition to case #140480 relating to the 69 foot cell tower at McClintock and Warner. As a resident, I am surprised this would even be considered by our city council. As business owners in Tempe, it is inconsistent with the strict codes put out by the city that have always been difficult to deal with. I request that this be taken off the table as there are many more suitable places for such a structure.

Jan Sawyer

Stovall, Karen

From: Ryan Duncan <[REDACTED]>
Sent: Monday, March 02, 2015 6:05 PM
To: Stovall, Karen
Subject: Countrywide Cell Tower

Karen-

Good afternoon.

My name is Ryan Duncan and I live at 1329 E. Los Arboles Drive, Tempe AZ. 85284. It has been brought to my attention that there is a pending vote related to a proposed Cell Tower near the East boundary of my community Warner Estates. I oppose the current location, size, and physical appearance of this tower.

Please confirm receipt of this message.

Thank you.

RD
Ryan Duncan

[REDACTED]

Stovall, Karen

From: Lauren <[REDACTED]>
Sent: Monday, March 02, 2015 8:26 PM
To: Stovall, Karen
Subject: Opposition to Countryside cell tower

Dear Ms. Karen Stovall,

Because I am unable to attend tomorrow's meeting, please accept this letter as my opposition to the proposed cell tower adjacent to Warner Estates. (Countryside Cell Tower: case#PL140480)

I believe this tower would negatively impact the homeowners of Warner Estates and be an eyesore for all surrounding residents. There are alternative locations more suited to this cell tower than one bordering our residential neighborhood.

Thank you,
Lauren Davis

[REDACTED]

Stovall, Karen

From: Mary McGonigle <[REDACTED]>
Sent: Monday, March 02, 2015 10:50 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Proposed Countryside cell tower - March 3, 2015 public hearing

Ms. Stovall,

I am a resident of Warner Estates and would like to protest the issuance of a use permit for a 65 ft cell tower (69 ft inclusive of lightning rod) at the Countryside shopping center on the northwest corner of McClintock and Warner. The pictures of the monopole on the City of Tempe website show a structure that is very noticeable and looks like an industrial smokestack. This will negatively impact neighbors living at the southeastern end of the long established residential neighborhood of Warner estates. In addition, the application states that the tower is being constructed for current and future use. From this it would appear that there is no immediate need for this tower at this location, and that there is time to consider other sites for this future need in a larger commercial or industrial area.

I am unable to attend the March 3 meeting but would like my protest considered.

Thank you,

Mary McGonigle
[REDACTED]

Stovall, Karen

From: AUSTIN SALLADE <[REDACTED]>
Sent: Tuesday, March 03, 2015 8:14 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

I will be unable to attend today's meeting on the proposed Countryside Cell Tower.

As am resident of neighboring Warner Estates, I submit our DISAPPROVAL of the project.

thank you

Stovall, Karen

From: G. William Knopf <[REDACTED]>
Sent: Tuesday, March 03, 2015 9:13 AM
To: Stovall, Karen
Subject: Countryside cell Tower - PL 140480

Karen:

I am opposed to the addition of a 65 foot high cell tower which will be only about 200feet +/- from our bedroom, Your info, so far, does not answer any basic questions about this proposal.

If it is really a great addition, maybe I could have it I'm my back yard and I could get the rent fro the tower instead of Countryside?

See you later today and hopefully you can answer some basic questions about this proposal.

Bill Knopf
[REDACTED]

Stovall, Karen

From: Buzz Ghiz <[REDACTED]>
Sent: Monday, March 02, 2015 6:25 PM
To: 'Karen_Stovall@tempe.gov'
Cc: Marty Starling
Subject: FW:

From: Buzz Ghiz
Sent: Monday, March 02, 2015 6:24 PM
To: 'Stovall@tempe.gov'
Subject:

Ms. Stovall:

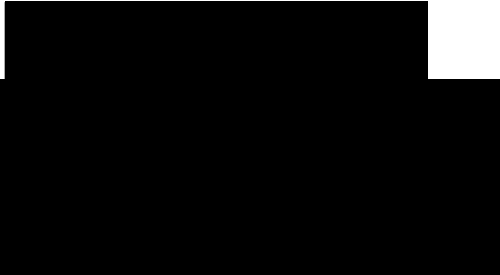
Please accept this letter as my opposition to the cell tower that is being proposed adjacent to our subdivision, Warner Estates.

I ask you consider the negative impact this tower will have on us, the homeowners of Warner Estates, when making this decision for our community. I believe there are alternate locations more suited to this cell tower than one bordering our residential neighborhood.

Because I cannot attend tomorrow's meeting, I ask that my strong disagreement to the tower location be noted.

Thank you.

Buzz Ghiz



Stovall, Karen

From: [REDACTED]
Sent: Tuesday, March 03, 2015 9:47 AM
To: Stovall, Karen
Subject: Today's Countryside Village Cell Tower Item

Dear Ms. Stovall:

My name is RoseMarie R. Horvath and I live at 1505 E. Los Arboles Drive, Tempe Arizona in the Warner Estates community. I understand you are the City's representative for the Planning Department. I would like to ask that the application for a use permit for a 60 foot mechanical tower (or pole or fake palm tree) be denied, or in the alternative, that the public hearing be postponed to a date and time where working people may attend and voice legitimate concerns.

I ask that you consider the following:

Unfortunately, the 1996 Telecommunications Act does not allow Tempe to argue that the position of the tower may cause a health hazard. But we all know that there are no guarantees that the radio frequency radiation emitted from cell towers is safe, and we will only find out about the actual health hazards "after the fact." Of course, the FCC and extremely powerful cell phone lobbyists contend that there are no risks from the radio frequency radiation. Truly, no one knows for sure.

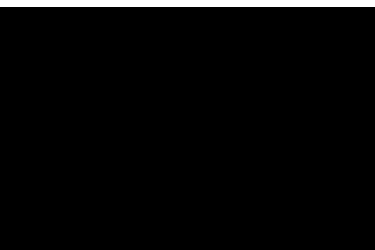
Given the above fact, I will focus instead on the negative aesthetics on South Tempe community a result of a fake palm tree. Make no mistake the proposed monopole tree does not look like a real palm tree. Rather, it is an unsightly stalk of steel topped with a transmitter. Moreover, the landowner is asking for a 60 foot eyesore, not a 20 or 30 foot eyesore.

Possibly the landowner could focus its leasing strategy to improve income instead of imposing this ugly cell tower on its neighbors in order to make a buck. I have called numerous times to the City regarding the condition of the landscape at Countryside. I think many of the surrounding neighbors have noted the "eyesore" of a boarded-up and closed 7-11 store does not help South Tempe's image.

I ask that you consider all the opposing comments from Warner Estates and surrounding neighborhoods who are DIRECTLY affected by the eyesore that the developer is proposing. Realistically, placing a 60' fake palm tree will only degrade the aesthetics of South Tempe neighborhoods.

We all thought the City of Tempe was holding all of those community meetings to better our community and create an inviting and positive image for South Tempe - were we wrong?

RoseMarie R. Horvath



Make it a fantastic day!

Stovall, Karen

From: Mark Horvath <[REDACTED]>
Sent: Tuesday, March 03, 2015 9:51 AM
To: Stovall, Karen
Cc: RoseMarie Horvath; Marty Starling
Subject: Fwd:
Attachments: 20150303_091923.jpg; 20150303_091523.jpg; 20150303_091034.jpg

Ms. Stovall,

I am a resident of Warner Estates. I am writing to voice my opposition to the proposed cell tower at the Northwest corner of McClintock and Warner.

I have read other emails in opposition to the tower, and I am in agreement with those emails. I will try to adjust my schedule today but it is unlikely that I will be able to attend the hearing.

SMALL COMMERCIAL DEVELOPMENT IS NOT APPROPRIATE FOR THE CELL TOWER. In particular, I agree with Mr. Lutz's comment how this tower would be better suited for a larger commercial development. The Countryside center is a relatively small and quaint commercial center, not a 10+ acre corner development. The aesthetics will be horrible in the proposed location. I have included a picture of the current location with the temporary well structure. I understand the proposed tower will be even higher. The proposed tower will stand out significantly and be an eyesore. I have also included a photo of the cell tower from the Southwest corner of McClintock and Warner. As you can see, this tower (although not particularly attractive), is situated among taller trees and is directly behind the much taller Bashas grocery store. In comparison, this proposed tower in the small complex with lower commercial structures will stick out like a sore thumb.

Finally, I have included a photo of the tower on the Southeast corner near the Walgreens. This shows how an isolated tower looks like. However, even this tower is better hidden from view because of the service station on the corner of the intersection and the layout of the development. The proposed tower at Countryside will be highly visible from all views, including the neighborhood, from the streets, and from other commercial locations. The picture of the tower near Walgreens also shows that although the palm tree towers are better than the alternative, they still look artificial (especially when they are isolated).

PARKING. I also question the available parking. At times, parking is limited in the complex. This is true even though there currently exists vacancies. Currently, the building housing the former 7-11 is vacant. If the former 7-11 building and other spaces are rented, parking will probably be a problem. If I understand the staff report correctly, the tower is contingent upon a parking study. Has that study been complete? Is it available for review? Residents should have a reasonable time to review the parking study prior to a ruling on this matter.

If the proposal will not be denied, at a minimum, please continue the hearing so that the concerned neighbors can adjust their schedules for a new hearing date.

Thank you for your consideration.

I have been having some email problems lately, so please confirm receipt of this email.

Mark Horvath
Horvath Law Office, P.C., L.L.O.



Stovall, Karen

From: Dan Sabah <[REDACTED]>
Sent: Tuesday, March 03, 2015 11:32 AM
To: Stovall, Karen
Cc: Eric Hochman
Subject: Countryside cel tower hearing

Dear Ms. Stovall,

With regard to today's hearing I would like to formally object to the opposition letter submitted by Ms. Rosemarie Horwath becoming part of the official record. In the alternative, I'd like the following noted.

Ms. Horwath signed her letter as Deputy District Attorney. Using her title in order to advance anything but city business is highly improper and may even be illegal. I will be weighing further evaluation of her conduct in the coming days.

She clearly included her title in signing her letter in order to give her letter as much "weight" as possible. It needs to be made clear that her letter does not reflect the position of the City Attorneys office and, in fact, is contradictory to the City's position.

She also backhandedly refers to an FCC ruling regarding unproven health risks that specifically prohibit such arguments from being made. By interjecting this issue in the manner she did she purposefully, with a wink and nod, violated the spirit, purpose and possibly the actual FCC regulation she refers to.

For those reasons I respectfully request her letter be stricken from the record. In the alternative this letter can be submitted and read into the record.

Thank you.

Dan Sabah
[REDACTED]

Sent from my iPhone

Stovall, Karen

From: Ronald Starling <[REDACTED]>
Sent: Wednesday, March 04, 2015 12:06 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: RE: Countryside Cell Tower

Karen:

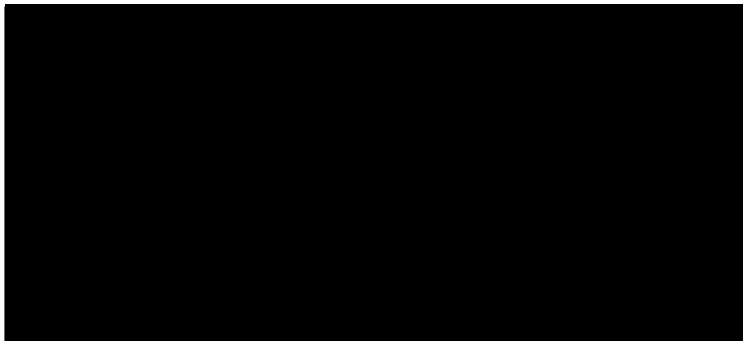
Thank you for forwarding our concerns to the hearing officer. As per the hearing officers instructions, I am requesting a list of the Warner Estates residents within 600'-0" of the property boundaries that were notified of this proposed cell tower and when they were notified. Additionally, you indicated at the hearing that the neighborhood association representatives had been notified. Please confirm how and when this notification occurred.

I assume that your revised report will reflect that there has been significant negative input from the residents of Warner Estates. Additionally, you have received an e-mail from Sharon and Art Sandell who are both very experienced realtors in the area. They have clearly indicated that it is their professional opinion that this tower will adversely affect our property values, particularly those of us who have an unobstructed view of the proposed tower. I have copied over the Sandell's email below.

Hi Karen:

I am unable to attend tomorrow's meeting regarding the new cell tower at McClintock and Warner. We do not want this monstrosity at this location! We have been real estate agents for over 30 years, and we know that it would have a **NEGATIVE** impact!

Best regards,
Sharon



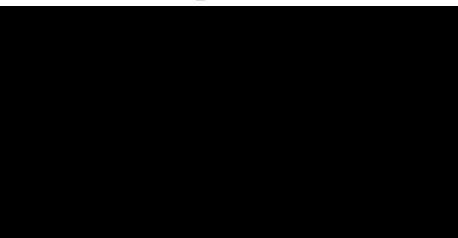
The proposed location of cell tower is directly adjacent to the north property line of a narrow strip of land behind the retail center. Please examine the aerial photographs and note that there is **NO** vegetation in the strip of land belonging to the church property to the north. We live in a two story house that will forever have a direct unobstructed view of this tower. Neither the owner of the retail center or applicant can place any landscaping that will in any way block our unobstructed view of this tall tower as they do not own the land. This has been an un-landscaped strip of land for entire 16 years we have lived in this house and I see no reason that the church would be landscaping it now.

The applicant and the City of Tempe only considered the impact this tower from the public streets. The loss of value to my home comes from the impact from my backyard and upstairs back porch which is unobstructed and always will be. I believe that there are hundreds of more appropriate locations for this tower. There is a much larger retail center across McClintock that also has a large park to provide an additional buffer. At worst, I suggest that a more appropriate location for the tower would be in the parking lot to the south of the Countryside retail buildings, where the owner of

the retail center already has a grouping of tall palm trees and the use permit could require that these trees be maintained. All of the properties with an unobstructed view of the tower in this location would be commercial, not residential. Further, the Countryside retail center could be responsible for providing and maintaining proper landscaping as they would own the surrounding property, rather than placing it directly on the property line adjacent to existing vacant and un-landscaped land.

During the hearing the applicant indicated the existing drill tower which is roughly the same height and farther away from our property was barely visible. I invite both you and the hearing officer to come to my house and see the actual impact of this tower.

Ronald Starling, P.E.



From: Stovall, Karen [mailto:Karen_Stovall@tempe.gov]
Sent: Monday, March 02, 2015 3:59 PM
To: Ronald Starling
Subject: RE: Countryside Cell Tower

Hi Ronald,

Thank you for your input. A copy of your e-mail will be added to the file and provided to the Hearing Officer.

Thanks again,

Karen Stovall
Planning Division
Community Development Dept.

From: Ronald Starling [mailto:RStarling@smleng.com]
Sent: Monday, March 02, 2015 3:55 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Countryside Cell Tower

Ms. Stovall:

As per our recent telephone conversation, I want to express my great concern regarding the proposed Cell tower proposed direct adjacent to my property at 8635 S. Willow Drive in Warner estates in Tempe Arizona.

Please consider the following:

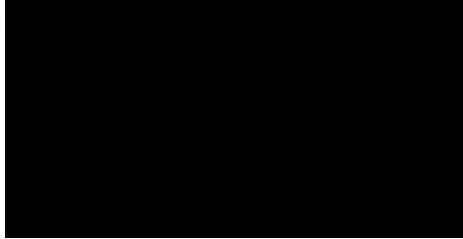
- Per section 3-302A Section 6-308E Approval Criteria 3 of the Tempe Zoning and Development code states that the granting of a Use Permit must consider the contribution to the deterioration of the neighborhood or to the downgrading of property values. This 69 foot high tower is be directly visible from every house located in the southeast corner of Warner estates. The mocked up photographs in the report prepared by the planning department (Attachment 14, 16 & 18) are very deceiving. The tower represented in View 1 Attachment 14

illustrates this tower as only slightly higher than the existing trees. In fact the existing trees are roughly 20 feet high and the tower would be 3-1/2 times higher than the trees. Likewise Attachment 18 only shows the view from one house, while in fact, every property in the southeast corner of Warner Estates is adversely effected.

- This proposed tower falls directly in line with the departure and final approach for Stellar Airpark which is only two city blocks south. The FAA can and may require a flashing beacon on this tower which will shine directly into the numerous effected residential properties.
- I fully understand the need for appropriately located cell phone towers. However, there are numerous locations far better suited for this tower .

I strongly oppose this tower and recommend to the hearing officer that the use permit be denied.

Ronald Starling, P.E.



If this email is spam, report it to www.OnlyMyEmail.com

Stovall, Karen

From: Dave Houk <[REDACTED]>
Sent: Wednesday, March 11, 2015 9:55 AM
To: Stovall, Karen
Subject: Case Number PL140480 - Countryside Cell Tower

Hello Karen: I am sending this Email to express my opposition to the proposed Cell Tower @ Countryside. I have owned in Warner Estates since 1984 and lived @ 1517 E Palomino Dr going on 29 years now. I have also served on one of the ORIGINAL architecture control committees and chaired said committee for 12 years (We do not have an HOA). I sincerely love our community of just 83 homes as I am sure most if not all of our neighbors do. Why this Cell Tower needs to be constructed at this location given the fact that 2 other Towers already exist at Warner and McClintock defies any cognitive explanation. Unless, of course, we have 2 OUT OF STATE owners from California (Trying to sell Countryside Specialty Shops/Strip Mall for \$7,243,000.00) being represented by an applicant ERIC HOCHMAN, EJ HOCHMANN Grp LLC; another entity of 2 partners from Pembroke Pines, FLORIDA. It is my opinion, as well as many others, that these 2 parties do not have Warner Estate's or South Tempe's best interest in mind. The decline in property values precipitated by this Tower's close proximity to our Neighborhood would be significant. Cell service has already been improved by the addition of the 2 existing towers and I can Testify to this, as I was on call for my my occupation for 32 years and went through the growing pains as Wireless service in South Tempe began and was improved to its current capabilities. Common sense would suggest that improvements could & should me made utilizing existing towers at southeast & southwest corners of Warner/McClintock. It is apparent that this proposed Tower and the revenue it generates would help the above mentioned 2 Out of State entities market & sell the strip mall. However, the best interest of neighbors most impacted here in South Tempe/ Warner Estates are not really considered. Also, it is absolutely impossible for a 1 1/2 inch Caliper tree, shrub, or whatever to conceal such a structure.....it may take a similar palm tree 2-3 decades to grow to 60 -70 feet. (have no clue how anyone came up with a plant of only 1 1/2 inches) Please consult with the Owner of Western Tree Company, Mr Robert Hawkins on the FACTS on this subject @ 6022436125. I look forward to the hearing next Tuesday. Thank you Karen, Dave Houk 6029207697

Stovall, Karen

From: Deborah Houk <[REDACTED]>
Sent: Wednesday, March 11, 2015 8:01 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Hi Karen,

Unfortunately I can not attend the public hearing on March 17th. I live in Warner Estates and I want to register my opposition to the Countryside Cell Tower.

I also have a few questions - concerns I would like addressed at the meeting:

- What documentation - studies have been done showing the necessity for multiple carriers at this site?
- Has the applicant procured leasing contracts with the multiple cell carriers, if so which carriers? My concern is that the applicant is building the tower with the hope of soliciting cell carriers to move to this location? This cell tower is being built on financial speculation instead of actual necessity. The applicant's design was intended to alleviate the need to build multiple structures... we already have 2 structures on this corner. How does adding another one help alleviate multiple structures?
- The applicant was asked to consider other locations, has this been done?
- It was mentioned that possibly the other nearby cell towers could be torn down and the carriers moved to the Countryside location. When are the leases up for these carriers? If they have long term leases it is unlikely they would move.
- Item 7 under "conditions of approval" only requires trees of 1.5 inches in caliper. What is the diameter of the mono palm? Trees of this minimum caliper will not be sufficient to blend-disguise the mono palm. We would need very mature trees. The best option would be for at least 2 - 3 mature Date Palms - which grow very slowly taking decades to reach a height of 40 - 50 ft. Even these palm trees can not fully disguise a 68 ft. mono palm.

In my opinion, two of the Approval Criteria for the Use Permit are not being met:

1. This structure will downgrade our property value.
2. The mono palm is not compatible with the existing structures. Countryside is a small single level shopping center and lacks tall mature landscaping where the cell tower is proposed to be built.

This project was presented as a necessity that would improve our community. Unfortunately the 68 foot eyesore will NOT improve our neighborhood. The out of state developers and owners have no vested interest in Tempe or Arizona. This parcel is up for sale.

The revenue generated from this project will not benefit our city. I hope that we will put our community first... financially and esthetically.

Thanks for your consideration of this important matter,

Deborah Houk
Warner Estates Resident

Horvath Law Office, P.C., L.L.O.

March 12, 2015

Via email

Karen Stovall
Senior Planner
City of Tempe
Community Development Department

RE: COUNTRYSIDE CELL TOWER – PL140480

Dear Ms. Stovall:

I am writing in opposition to the proposed CountrySide Cell Tower located at 1730 East Warner Road. These comments are in addition to those expressed in my email dated March 3, 2015 and my testimony to Hearing Officer McDonald on that same day.

THE CITY CODE APPLICATION REQUIREMENTS HAVE NOT BEEN MET.

The Zoning and Development Code, Section 3-421(D)(5) requires “[a] feasibility study for the co-location of telecommunication facilities as an alternative to new *structures (emphasis in original)*.” The City Code, therefore, contains an explicit preference for co-locating telecommunication facilities. Implicit in this preference is some showing of “need” for the tower from the applicant.

The record contains a one page, three paragraph, “Feasibility Study” dated January 30, 2015 on the applicant’s letterhead. This letter locates two structures within the one-half mile radius as required by Subsection 5(a). The letter states that these are “T-Mobile” and “AT&T” towers, it is unclear if these carriers own the towers.

Subsection 5(b) states that:

Applicant shall document efforts made to co-locate on existing towers. Each Applicant shall make a good faith effort to contact the owner(s) of the existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact.

The Feasibility Study does not contain the required information. Notably, the Feasibility Study only contains conclusory statements, with no detail, or documented proof of the need for a new tower at all, especially a tower 68 feet tall (when the nearby towers are only 60 feet tall). For example, the Feasibility Study states:

The telecommunication carriers have designated an existing need within a .25 radius of the center of the corresponding map to service the needs in that area of residents and business.

There is nothing contained in the file or application that supports this alleged need from the carrier(s). There are no signed commitments from carriers to use the tower. There are no statements from carriers that a need exists. There are no studies showing that the signal levels fall below workable standards within this .25 radius.

Based upon the written record and testimony from the Applicant at the hearing, this proposed multi-tower appears to be based on speculation, which should not be allowed in the City of Tempe. In fact, the Applicant, in the hearing on March 3, 2015, stated that he hoped one or more carriers on the nearby towers would break their existing lease and re-locate to this new multi-tower. This is a plain admission that there is no need, especially for a taller multi-carrier tower.

Moreover, this statement appears to indicate that the Applicant has spoken to carriers (although that is not clear). Importantly, Section 5(b) requires the applicant speak to the owners of the nearby towers. There is no evidence that the Applicant has spoken with the owners of the towers.

Finally, I do not necessarily agree that one very large tower is better than two or more well placed and concealed towers.

NATIVE VEGETATION IS THE PREFERENTIAL USE IN THE CORONA/SOUTH TEMPE CHARACTER AREA

I could only find the Draft-October 2014 document on-line. The "Environment" section of the document includes the following goal: "Preferential use of native trees and Sonoran vegetation in landscapes to promote low water use in arid climate." Obviously this tower will not use water, but the construction of a fake 68 foot non-Native tree in the Corona/South Tempe Planning Area is directly contrary to the goals of the Plan as the use of the fake palm tree promotes non-native plants. Although there certainly are many, many palm trees in Tempe and specifically in the Corona/South Tempe area, another palm tree (in this case a 68 foot fake palm tree) specifically authorized by the City sends the wrong message.

Thank you for the opportunity to submit these comments. I will try to attend the next meeting, but unfortunately I am scheduled to appear at another hearing at that time.

Sincerely,


Mark A. Horvath

Stovall, Karen

From: JoAnne Klein <[REDACTED]>
Sent: Thursday, March 12, 2015 1:39 PM
To: Stovall, Karen
Subject: Proposed cell tower at Warner and McClintock

Dear Karen,

We would like to inform you that we are opposed to the placement of the proposed cell tower at the intersection of Warner and McClintock roads. This intersection is adjacent to our neighborhood, Warner Estates. The cell tower would be an eyesore, and would most definitely lower the property value of our home, along with the homes of our neighbors. We have resided in this neighborhood for over 20 years, and we would hate to see it diminished in any way.

Thank you for for taking our input into consideration.

JoAnne and Michael Klein

Stovall, Karen

From: Kerri Bloomberg <[REDACTED]>
Sent: Friday, March 13, 2015 8:41 AM
To: Stovall, Karen
Subject: Countryside Cell Tower, 1730 E. Warner Rd. -- Continuance Request to April 7, 2015

Hello Karen,
We live at:

[REDACTED]
and have done so for 33 or so years.

You can imagine how we have seen this neighborhood change. One of the reasons we love living in Tempe so much, among many others, is that the city council and zoning board have made zoning decisions which do not compromise the value of our homes. As you know, we pay some of the the highest taxes in Tempe and do have many concerns about that corner. Please take into consideration what would would happen if Tempe decides to let the four corners of McClintock and Warner start to devalue.

Thank you for your time.

Kerri and Robert Bloomberg

Stovall, Karen

From: Barbara Hoffmann <[REDACTED]>
Sent: Sunday, March 15, 2015 2:55 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Dear Ms. Stovall,

This Keith and Barbara Hoffmann and we live at [REDACTED]
AZ 85284 in Warner Estates.

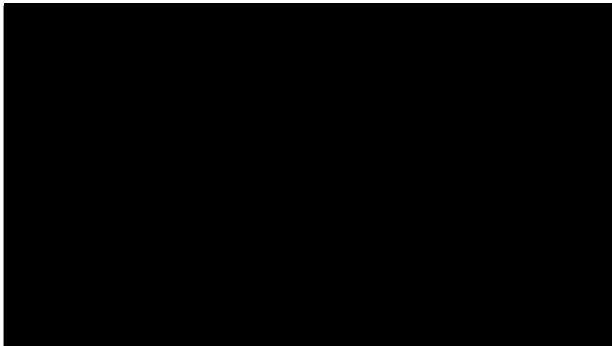
I am writing you today regarding Case #PL140480, Countryside Cell Phone Tower. We are adamantly opposed to having this tower built so close to our beautiful neighborhood.

Sincerely,
Keith and Barbara Hoffmann

Stovall, Karen

From: Michael Wood <[REDACTED]>
Sent: Saturday, March 14, 2015 5:55 PM
To: Stovall, Karen
Subject: FW: PL140480 - Countryside Cell Tower

Michael Wood



From: Michael Wood [mailto:[REDACTED]]
Sent: Saturday, March 14, 2015 9:52 AM
To: 'Karen_Stoval@tempe.gov'
Cc: 'Marty Starling'
Subject: PL140480 - Countryside Cell Tower

Dear Karen,

I am a Commercial Real Estate Broker for the past 30 years in the Valley and we have lived in Warner Estates for the past 22 years and we are totally against the proposed cell tower at McClintock and Warner.

In that location, Warner and McClintock within a radius of one mile is the most expensive housing developments in all of Tempe. Why would the City of Tempe consider such an eyesore for that corner location is beyond me.

One of the reasons is for profit to the strip center that is up for sale, developer and revenue to the City of Tempe. These cell towers are not for a short period of time, the leases are for 20 to 30 years. That is a big decision to make that is going to have an impact to the area for many years to come.

Why don't they put the cell tower at the ASU Research Park or on top of a commercial building, not in a location that is going to affect so many subdivisions in the general area and especially for the homes in Warner Estates.

I have been personally involved in commercial building with cell towers on the roofs and they change the valuation of the buildings with the revenue they create. This is just a revenue generator that is going to favor the City of Tempe, the developer of the tower and the strip mall. This will have a lasting impact on the esthetics in the area and I am completely amazed at the City of Tempe to consider this proposal .

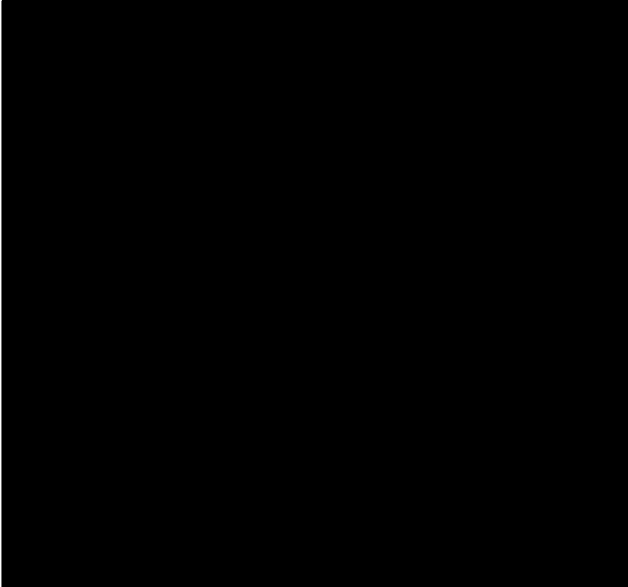
I have been involved with a number of commercial projects in Tempe and the City has always been concern about the environment issues, neighborhood impact, design, landscaping, esthetics and the overall evaluation of the development to the existing neighborhoods.

Please call if you have any questions, I would be glad to discuss this issue.

We would hope that the cell tower developer would research another area and the City of Tempe would listen to the neighbors in the area and do the right thing.

Most Sincerely,

Michael Wood



Stovall, Karen

From: [REDACTED]
Sent: Monday, March 16, 2015 9:47 PM
To: Stovall, Karen
Cc: Marty Starling; dbhouk@gmail.com
Subject: PL140480 - Countryside Cell Tower - Opposition from Warner Estates Neighbor

Dear Ms. Stovall,

I am a property owner in the Warner Estates development where a cell tower is proposed to be built adjacent to Countryside Shopping Center on the southeast side of Warner Road and McClintock Drive. Since I will be unable to attend the public meeting on March 17th, I wanted to share my concerns.

I believe it would be detrimental for a cell tower to be built primarily for visual blight and property devaluations. Health concerns such as microwave radiation posing as possible health risks from close proximity to cell towers is another reason I oppose the cellular tower being built at this location.

The neighbors along the wall of the Countryside strip mall would have their views obstructed by such a tower and I understand that many neighbors were not even informed by the City as to the planning of such construction. I know I never received notification.

Please consider my opposition for the reasons stated.

Sincerely,

Conchita Raices-Kollmann

[REDACTED]

Stovall, Karen

From: Allen Rebenstorf <[REDACTED]>
Sent: Thursday, April 09, 2015 10:11 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Karen,

I am a neighbor to where this cell tower is requested to be installed and I OBJECT to it!

I am a professional real estate agent and will tell you without a doubt it will hurt property values!

Thank you,

Allen Rebenstorf
[REDACTED]

**MINUTES
HEARING OFFICER
March 03, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Karen Stovall, Senior Planner
Brandy Zedlar, Code Inspector
Michael Glab, Code Inspector
Andre Lara-Reyes, Code Inspector
Steve Nagy, Administrative Assistant II

Number of Interested Citizens Present: 10

Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by MARCH 17, 2015 at 3:00 PM, to the Community Development Department.

Before hearing the cases, Ms. MacDonald noted that item #3 had been brought into compliance, items #6, #7, and #8 will be continued to the March 17, 2015 Hearing, and item #13 had been withdrawn. The Hearing Officer also noted that she would hear items #11 and #12 after the abatement cases.

1. Ms. MacDonald noted that the Hearing Officer Minutes for February 17, 2015 had been reviewed, and approved.

2. Request approval to abate public nuisance items at the **FERGUSON PROPERTY (PL150008)** located at 1213 WEST HERMOSA LANE. The applicant is the City of Tempe.

Brandy Zedlar requested approval of a 180 day open abatement of the property located at 1213 West Hermosa Lane. Notices have been sent to the owner of the property with no response. The owner is believed to be and unable to maintain the property, and there has been no public comment on the case.

Ms. MacDonald stated she was going to approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL150008

DECISION:

Ms. MacDonald approved PL140451/ ZUP14159 subject to the assigned Conditions of Approval:

CONDITIONS OF APPROVAL:

1. The use permit is valid for DESERT ROOTS KITCHEN and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Live entertainment is approved during regular business hours.
6. The applicant or business owner shall contact the City of Tempe Police Department, Crime Prevention Unit to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6027.
7. Shall not operate as a concert venue with advance ticket sales.
8. Applicant to return to the Hearing Officer with in nine months (by 12/3/15) for review of compliance with conditions. The application shall be noticed per ZDC requirements to allow an opportunity for any public comment on the conduct of the business with outdoor live entertainment.

8. Request approval for a Use Permit to allow a new 65-foot high monopole and equipment shelter for **COUNTRYSIDE CELL TOWER (PL140480)**, located at 1730 East Warner Road. The applicant is Eric Hochman, EJ Group, LLC.

Karen Stovall presented by reviewing the location, zoning, and surrounding structures. She then also reviewed the site details, and clarified the pole had been changed to a monopalm, and equipment shelter locations at the request of the Hearing Officer.

Ms. MacDonald then called up the applicant, Eric Hochman, Miami, Florida. Mr. Hochman went on to explain the reasoning behind the location for the monopalm. HE also clarified the distance from the closet resident's property line and presented an image of the viewpoint from the closest property line.

Ms. MacDonald then opened the Hearing to public comment.

1. Mark Horvath, Tempe, expressed opposition to the monopalm as he believed it would be an eyesore.
2. Ronald Sterling, Tempe, expressed opposition as it would be an eyesore, and the applicant's viewpoint imagery was deceptive.
3. Greg Medley, Tempe, expressed opposition because of lack of notification, and incompatibility with surrounding structures.
4. Marty Sterling, Tempe, expressed opposition because monopalm would be an eyesore, and was not compatible with surrounding area.
5. Deborah Hack, Tempe, expressed opposition because of lack of notification, and it would be an eyesore.

6. Bill Kanaugh, Tempe, expressed opposition as it would be an eyesore, it is not needed, and incompatible with surrounding structures.

Ms. MacDonald then closed the Hearing to public comment and called the applicant back up to the podium. Mr. Hochman went over and addressed the list of concerns expressed by the public. He then explained how this specific monopalm would work, and why it needed to be that specific height. Mr. Hochman also explained that he did not think he was being deceitful in presenting his imagery. He continued that the monopalm will support future technologies that will serve the community.

Ms. MacDonald then asked for scale line of sight drawings to be made that give a more accurate portrayal of what the monopalm would look like. She also asked Mr. Hochman to explore different heights. She then went on to explain that she did not believe an easy determination could be made on this case, and would like to see more options explored.

Ms. MacDonald then asked for staff clarification on the notification process, which Ms. Stovall presented.

DECISION:

Ms. MacDonald continued PL140480/ ZUP15014 to the March 17, 2015 Hearing.

9. Request approval for a Use Permit to allow a new 65-foot high monopole (monopalm) and equipment shelter for **VERIZON WIRELESS PHO REDONDO (PL140159)**, located at 3320 South Price Road. The applicant is Steve Ciolek, Coal Creek Consulting.

Karen Stovall presented the case by reviewing the location, zoning and surrounding structures. She added that she had received no public opposition to the monopalm.

With no questions of staff, Ms. MacDonald called up the applicant, Steve Ciolek, Scottsdale.

Mr. Ciolek explained that they had looked at other locations in the area, but other options were not compatible. He continued that they would also have ground equipment, with covers painted to match surrounding structures.

Ms. MacDonald reviewed the stipulations, and added that staff needed to update the parking data table.

With no one from the public wishing to speak on the case, Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- No significant increase in vehicular or pedestrian traffic.
- No nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- No contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL140159/ZUP14054 subject to the following conditions:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

The next Hearing Officer public hearing will be held on March 17, 2015.

There being no further business the public hearing adjourned at 3:45 PM.

Prepared by: Steve Nagy, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:SN

**REVISED MINUTES
HEARING OFFICER
April 21, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona. **Revision to Item No. 10 (Page 7), Condition of Approval #4.**

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Karen Stovall, Senior Planner
Dean Miller, Senior Code Inspector
Michael Glab, Code Inspector
Jack Scofield, Code Inspector
Amy Wozniak, Code Inspector
Steve Nagy, Administrative Assistant II

Number of Interested Citizens Present: 25

Meeting convened at 1:42 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by MAY 19, 2015 at 3:00 PM, to the Community Development Department.

Before hearing the cases, Ms. MacDonald noted that items #3, and #5 had been brought into compliance, and item #6 will be continued to the May 5, 2015 Hearing Officer.

1. Ms. MacDonald noted that the Hearing Officer Minutes for April 7, 2015 had been reviewed, and approved.

2. Request approval to abate public nuisance items at the **SALAZAR PROPERTY (PL150083)**, located at 1521 East Bell De Mar Drive. The applicant is the City of Tempe.

Jack Scofield requested approval of a 180 day open abatement of the property located at 1521 East Bell De Mar Drive. Notices have been sent to the owner of the property with no response. The owner has made some progress in cleaning up the property but the violation still exists. There has been no public comment on the case.

Ms. MacDonald stated she was going to approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL150083

3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Any intensification or expansion of use shall require a new Use Permit.
5. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before May 21, 2015.
6. The applicant shall return to the Hearing Officer for a six month review of compliance on October 19, 2015.

10. Request approval for a Use Permit to allow a new 65-foot high monopole and equipment shelter for **COUNTRYSIDE CELL TOWER (PL140480)**, located at 1730 East Warner Road. The applicant is ERIC Hochman, EJ Group, LLC.

Karen Stovall presented the case by reviewing the location, case history, public input she had received, and the site plans.

With no questions of staff, Ms. MacDonald called up the applicant. Eric Hochman, Miami, FL, presented the changes he had made to the cell tower and the cell tower location, lowering the height, and enhancing the design elements to look more like a palm in an effort to address the concerns of the neighbors.

With no questions of the applicant, Ms. MacDonald opened the Hearing to public comment.

1. Marty Starling, Tempe, expressed opposition over concerns to the impact of the view from her home.

Ms. MacDonald asked Ms. Starling if she had any idea why it would appear as though trees had been removed from the property directly behind her house. Ms. Starling replied that it was church property and the trees had died and been removed.

2. Bill Knopf, Tempe, expressed opposition over impact on view tower would cause.
3. Ron Starling, Tempe, expressed opposition over impact on view.
4. Deborah Houk, Tempe, expressed opposition over impact on views.
5. Dave Houk, Tempe, expressed opposition over impact on views.

With no other Public Comments, Ms. MacDonald closed that portion of the Hearing and called the applicant back up.

Mr. Hochman assured the Hearing Officer that the dimensions of the pole would meet the requirements. He addressed the concerns raised by the members of the public that spoke at the Hearing, and added that he would be happy to add landscaping. He also noted that he would be willing to consider other types of fronds to better camouflage the pole. He concluded by reiterating why the need for the additional pole in the area existed, which was to accommodate higher call volumes and new technologies.

Ms. MacDonald had no other questions of the applicant.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.

- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL140480/ ZUP15014 subject to the assigned Conditions of Approval:

CONDITIONS OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application except as modified by conditions.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Prior to issuance of building permits ~~submittal of an application for a building permit~~, the applicant shall provide evidence to the Planning Division of a contractual agreement for a wireless provider to locate on the facility.
5. The monopalm shall have faux-bark cladding.
6. The top of the antennas shall be no higher than 60 feet.
7. The length of the antennas shall be no greater than 8 feet.
8. The T-arm to which the antenna sectors are mounted shall not extend from the pole for a distance greater than 2 feet.
9. The sector arms may not exceed a length of 9 feet and 6 inches (9'-6").
10. The monopalm shall be no greater than 65'-0" to top of fronds. This condition is intended to permit a structure that does not significantly exceed the height of other palm trees in the center and does not exceed the maximum height typically reached by real palm trees.
11. The landscape plan shall be modified to include a shade tree (minimum 1.5" caliper), a live Washingtonia robusta palm tree (minimum 25' high), groundcover plants, and irrigation in the landscape area north of the northern-most driveway off McClintock Drive. Specific plant locations shall be identified on the landscape plan submitted with construction documents.
12. The landscape plan shall be modified to show sight distance lines at driveways.

13. Include in the project data table the proposed square footage and percentage of on-site landscaping. A minimum of 15% is required.
14. The proposed equipment cabinet shall be constructed of similar material and color to match the existing buildings or shall be fully screened by solid screen walls and gates.
15. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.
16. Verify the number of existing parking spaces on the site and correct the site data table to note the removal of a total of four spaces. An updated parking analysis shall be submitted to the Planning Division prior to construction plan submittal.

The next Hearing Officer public hearing will be held on April 21, 2015.

Steve Abrahamson announced that the June 16 Hearing Officer was being moved to June 17. With no further business, the public hearing adjourned at 2:06 PM.

Prepared by: Steve Nagy, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:SN

Stovall, Karen

From: Jane Alfano Rasor <[REDACTED]>
Sent: Friday, May 29, 2015 5:42 PM
To: Stovall, Karen
Subject: Countryside Cell Tower, Case PL140480

Please enter these comments as part of the record in the hearing:

I reside in Estates La Colina in Tempe, which is the subdivision on the northeast corner of Warner and McClintock Roads. Thus the proposed cell tower would be located directly opposite my subdivision. I have no connection whatsoever with Countryside Cell whom I presume is the entity proposing to install the cell tower.

I support the decision of the hearing officer to approve a use permit for the tower. We live in an age of technology. The infrastructure for the technology has to go somewhere. Many people, ignorant of how technology works, think that technological infrastructure should be placed elsewhere. Elsewhere is "Not In My Backyard." They have no understanding of how the technological infrastructure works to benefit us all.

The location proposed is in a commercial development. In fact, commercial development occupies the entire intersection of Warner and McClintock Rds.
The proposed location is appropriate and should be approved.

Jane Alfano Rasor

Stovall, Karen

From: c c <[REDACTED]>
Sent: Saturday, May 30, 2015 8:21 PM
To: Stovall, Karen
Subject: PL140480

Karen,

I am writing to oppose the placement of the cell phone tower at Warner and McClintock. PL140480
I cannot attend the meeting due to work.

Thank you,

Chantelle Clarizio

Alta Mira Resident

May 4, 2015

Mr. Jim Schantel, Contact Person

[REDACTED]
Tempe, AZ 85284
[REDACTED]

Dave Nakagawara, Community Development Director
City of Tempe
Community Planning Department
31 E. 5th Street, Garden Level East
Tempe, AZ 85281

Att: Karen Stovall, Senior Planner
480-350-8432

Subject: Appeal of Countryside Cell Tower Hearing Officer Decision
(PL 140480)

The following residents of Warner Estates hereby appeal the Community Development Department's April 21, 2015, decision to approve the Countryside Cell Tower Project:

Mr. and Mrs. Ray Jennings

[REDACTED]

Mr. and Mrs. Jim Schantel

[REDACTED]

Mr. and Mrs. Ron Starling

[REDACTED]

Mr. and Mrs. Bill Knopf

[REDACTED]

Mr. and Mrs. Art Sandel

[REDACTED]
[REDACTED]

Our appeal is based on our disagreement with the Community Planning Department's (CPD) logic and conclusions with the City of Tempe's Approval Criteria (Section 6-308E Approval Criteria for Use Permit).

We are objecting to Criteria items 3 and 4 as follows:

Criteria 3: “Contribution to the deterioration of the neighborhood or the down grading of property values.”

The General Plan Goals and Objectives No PS5 States that public services should be distributed evenly throughout the community. Our objection here is that there will be a concentration of cell towers in our area. There are already 2 cell towers at the Warner and McClintock intersection. This proposed cell tower would make 3. We have not been able to find any other intersection where there are 3 cell phone towers at one intersection in the City of Tempe.

The staff report does not identify any need for a 3rd cell tower other than the applicant's statement that it is needed.

It is possible that the value of the Countryside shopping center would be increased by the proposed project. However, this does not provide any benefit to anyone in Tempe, because the applicant is a Florida resident and the owner of the Countryside Shopping area is a California company.

Two of our residents have been real estate agents and brokers for over 35 years in Arizona, specializing in South Tempe. They have seen many changes—some good and some bad. They think the cell tower being installed at the Countryside Shopping Center will definitely be in the bad category.

The height of the cell tower and its location so close to the Warner Estates subdivision, with no buffer will have a negative impact and therefore lower the property values, especially to the homes that are closest to the cell tower.

The Warner Estates residents think the City of Tempe needs to make a better decision for its residents! Surely, there is a location with surrounding commercial buildings that would accommodate this tower without lowering residential property values. If it were in an area with higher buildings, it would not be so obtrusive. Is this an example of money over common sense?

Criteria 4: “Compatibility with existing surrounding structures and use.”

Let's face it; the proposed tower will be an eyesore. It will stick out way above the existing building where it is proposed to be located. The applicant has not shown that he evaluated alternative locations. Our Warner Estates residents have suggested at the public hearings on this project that there are other locations that would work well and that we would not object to.

Further, the City of Tempe has done a good job of minimizing the impact of other utilities by requiring underground utilities just like we have in Warner Estates.

Conclusion: The Hearing Officer and the applicant for this project ignored our proposed mitigation solutions. These proposals would have improved the project and would have removed our resistance to the cell tower.

We hereby appeal the decision to approve this use permit and propose that the permit be denied or that it be returned to the applicant to evaluate alternative locations and other mitigating measures, so that it will completely meet the City of Tempe's Use Permit Criteria, as well as the goals and objectives of the General Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Schantel". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jim Schantel for
Warner Estates neighbors

**CITY OF TEMPE
HEARING OFFICER**

**Meeting Date: 04/21/2015
Agenda Item: 10**

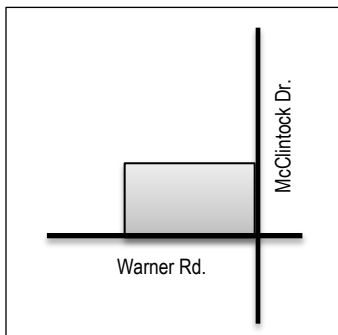
ACTION: Request approval for a Use Permit to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter for COUNTRYSIDE CELL TOWER, located 1730 East Warner Road. The applicant is EJ Group LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: COUNTRYSIDE CELL TOWER (PL140480) is located within the shopping center at the northwest corner of McClintock Drive and Warner Road. This case was heard at the March 3, 2015 Hearing Officer hearing and was continued at the Hearing Officer's request to the March 17, 2015 agenda to permit the applicant to provide additional information, consider reducing the height, and explore the possibility of replacing one of the existing wireless facilities on the south side of Warner with a new one to accommodate more providers. The applicant requested and was granted two continuance requests from the March 17, 2015 and April 7, 2015 agendas. The applicant has modified his original proposal and is now requesting to construct a 65-foot high monopalm and facility enclosure that is designed to contain antennas and equipment for up to three wireless carriers. The request includes the following:

ZUP15014 Use Permit to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter.



Property Owner
Applicant
Zoning District
Lot Size
Parking

JDS / DLS Countryside LLC
Eric Hochman, EJ Group LLC
PCC-1 (Planned Commercial Center Neighborhood)
3.13 acres
173 (141 min. required, determined by 2011 shared parking analysis)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director
Legal review by: N/A
Prepared by: Karen Stovall, Senior Planner
Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

EJ Group LLC is proposing to lease an approximate 990 square-foot area within the shopping center at the northwest corner of McClintock Drive and Warner Road. North of the site are a new City of Tempe well site and an undeveloped portion of property owned by Desert Cross Lutheran Church. To the west are single-family homes located approximately 500' away from the proposed facility. To the east and south, across McClintock and Warner, are commercial centers.

The lease area is adjacent to the north property line and approximately 100' west of McClintock Drive. The project includes a new 8' masonry screen wall that surrounds a monopalm (faux palm tree) and room for up to three equipment shelters. The proposed lease area is located in the space currently occupied by two parking spaces and a refuse enclosure. The refuse enclosure will be relocated to the west, and the applicant will construct one new parking space. In total, the proposal will remove four parking spaces from the site. A shared parking analysis approved in 2011 identified the need for up to 141 parking spaces. By condition, the applicant must provide an updated parking analysis; the number of remaining parking spaces should exceed what is required.

The feasibility study provided by the applicant indicates that there are no existing wireless facilities in the desired search area that can accommodate an additional carrier. There are two existing monopalms at the southwest and southeast corners of the same intersection that are 50' and 55' high; both of these facilities were designed to support a single wireless provider.

The applicant does not have contracts with wireless providers to locate on the pole at this time; therefore, a condition has been included to require the applicant to provide evidence prior to an application for building permits that a contractual agreement is in place for a wireless provider to locate on the facility.

The monopalm is designed to hold three sets of antennas: one set disguised within the palm fronds and two additional sets located completely within the pole. This design is intended to alleviate the need to build multiple wireless structures in the same area in the future. The pole structure and top of antennas are proposed to be a maximum of 62' high with the top of fronds at 65'. The base of the pole will be approximately 36" in diameter, and the diameter at the top will be approximately 20". Photographs of an existing monopalm with three carriers that is located on another site have been provided by the applicant and are attached to this report. Details of the pole and antennae configuration were not provided by the applicant, so conditions have been included to restrict the design to one which can closely mimic a live palm tree once concealed with fronds. A condition is also included to limit the height of the antennas to 60', which is similar to Use Permits approved for monopalms throughout the city.

The applicant has submitted findings that the existing, live palm trees on the property along McClintock Drive range in height from 45' to 55'. Existing palm trees on the east side of McClintock Drive are between 25' and 40'. Existing palm trees on the north side of Warner, west of McClintock Drive are between 30' and 55'. Other structures in the area include: the steeple at Desert Cross Lutheran Church (50'); light poles on McClintock Drive (36'); and existing trees along the north property line of the subject site (20'-30'). A condition is included to require a live palm tree along the north property line to better conceal the monopalm.

The applicant has provided a line-of-sight exhibit depicting views from the west, south, and north. It is included as an attachment.

PUBLIC INPUT

A neighborhood meeting was not required for this application.

Prior to the March 3, 2015 hearing, staff received two e-mails of support and 16 e-mails of opposition to the request. The e-mails in opposition expressed concerns related to the following: property values, height, aesthetics, preference for alternative locations, proximity to residential land uses, and appropriateness of the proposal to the scale of the commercial center. At the March 3, 2015 hearing, six individuals spoke in opposition to the request. Speakers in opposition expressed the same concerns as those expressed in the e-mails. Following the March 3, 2015 continuance, staff received 11 additional e-mails in opposition. All e-mails are attached.

USE PERMIT

Per Section 3-302A of the Zoning and Development Code, the proposed use requires a Use Permit to allow a wireless telecommunication facility within the PCC-1 zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.*
The proposed use will not cause a significant increase in vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.*
The monopalm should not create a nuisance arising in odor, dust, gas, noise, vibration, smoke, heat, or glare exceed ambient conditions.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.*
The proposed use should not contribute to the deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses.*
The use of a faux palm tree will allow the pole to blend in with the existing palm trees on the property and elsewhere along McClintock Drive. A condition requiring additional landscaping near McClintock Drive will increase screening of the facility from the street, making it less conspicuous.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.*
Disruptive behavior should not be generated by this use. The equipment shelter will be enclosed with solid block walls and a locked gate to prevent unauthorized access.

The proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis, staff recommends approval of the requested Use Permit, subject to conditions. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITIONS OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application except as modified by conditions.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

4. Prior to submittal of an application for a building permit, the applicant shall provide evidence to the Planning Division of a contractual agreement for a wireless provider to locate on the facility.
5. The monopalm shall have faux-bark cladding.
6. The top of the antennas shall be no higher than 60 feet.
7. The length of the antennas shall be no greater than 8 feet.
8. The T-arm to which the antenna sectors are mounted shall not extend from the pole for a distance greater than 2 feet.
9. The sector arms may not exceed a length of 9 feet and 6 inches (9'-6").
10. The monopalm shall be no greater than 65'-0" to top of fronds. This condition is intended to permit a structure that does not significantly exceed the height of other palm trees in the center and does not exceed the maximum height typically reached by real palm trees.
11. The landscape plan shall be modified to include a shade tree (minimum 1.5" caliper), a live Washingtonia robusta palm tree (minimum 25' high), groundcover plants, and irrigation in the landscape area north of the northern-most driveway off McClintock Drive. Specific plant locations shall be identified on the landscape plan submitted with construction documents.
12. The landscape plan shall be modified to show sight distance lines at driveways.
13. Include in the project data table the proposed square footage and percentage of on-site landscaping. A minimum of 15% is required.
14. The proposed equipment cabinet shall be constructed of similar material and color to match the existing buildings or shall be fully screened by solid screen walls and gates.
15. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.
16. Verify the number of existing parking spaces on the site and correct the site data table to note the removal of a total of four spaces. An updated parking analysis shall be submitted to the Planning Division prior to construction plan submittal.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for EJ Group LLC and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.

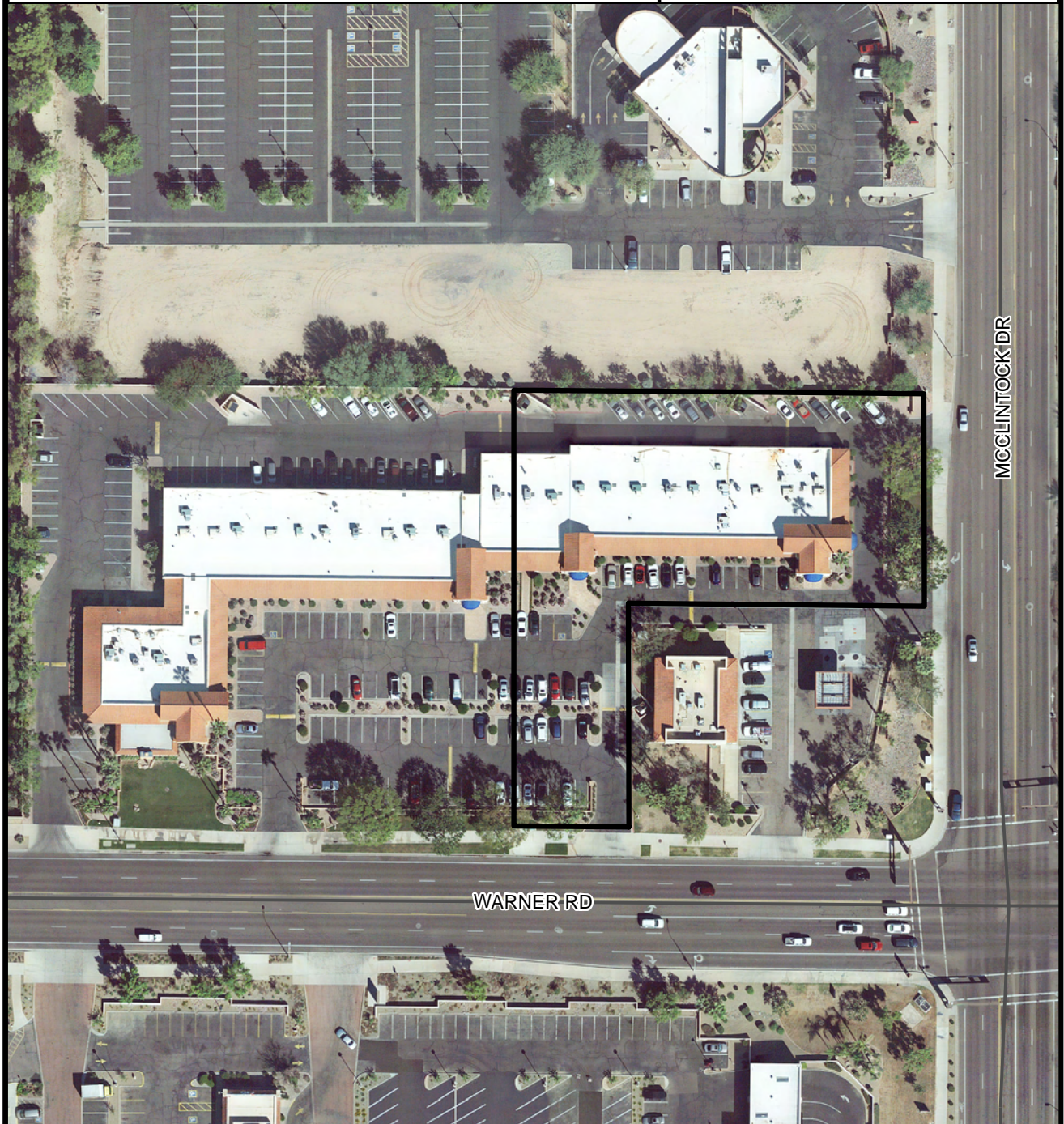
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review dated December 24, 2014. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- **LIGHTING:**
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- Any intensification or expansion of the use will require a new use permit.
- The wireless device shall be removed within 30 days of discontinuance of use.

HISTORY & FACTS:

March 3, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the March 17, 2015 hearing to permit time for the applicant to modify the plans and provide additional information.
March 17, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the April 7, 2015 hearing at the applicant's request.
April 7, 2015	Hearing Officer continued this Use Permit (ZUP15014) to the April 21, 2015 hearing at the applicant's request.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202A Permitted Uses in Commercial and Mixed-Use Districts
 Section 3-421 Wireless Telecommunication Facilities
 Section 6-308 Use Permit

COUNTRYSIDE CELL TOWER**PL140480**

MCCLINTOCK DR

WARNER RD

**Aerial Map**



4/5/2015

Letter of Explanation and design plan

City of Tempe
Planning Division
Attention: Karen Stovall
31 East Fifth Street
Tempe, Arizona 85281

Re: 1706 E. Warner Drive
Tempe, AZ 85284-4545

EJ Group, LLC is proposing to construct a cellular communication tower designated "Countryside" in the back area of the above listed location address. The purpose of this structure is to provide new and improved telecommunications services to the much needed residents and businesses in the community. This includes both voice and the expanding data use demanded in the area. The structure will be able to support all the new equipment and technology currently being deployed in the US by all the telecommunication carriers.

Our design includes a 62' mono palm structure with the accompanying matching fronds it will be a total height of 65'. This mono palm will accommodate 3 cellular phone carriers including all their updated equipment for the newest technology. The structure will be designed in the area outlined in the attached drawings. Our pole design includes matching colors to the current building and current landscape. It will be non intrusive and reside close to the main street "S. McClintock Dr".

Our proposed construction includes a surrounding aesthetic wall matching the colors of the existing mall structure enclosing the entire site location as seen on the drawings submitted. The wall will both protect and cover the enclosed equipment installed by the cellular communications carriers.

Additionally, we will be relocating the existing trash receptacle area directly to the West of the current location approximately 5-10 yards. 2 trees in the enclosed area will be relocated and additional landscaping will be improved as outlined in the submitted landscape planned drawings.

The purpose of building an aesthetically pleasing and multi-carrier structure is to be able to support all the current and future needs of the cellular communication industry to

provide quality voice and data technology to the surrounding area. This will alleviate the need to build multiple structures in the near future to support the growing needs of the community and the ability for the telecommunication carriers to meet those needs.

We look forward to your consideration and are excited to work with the planning board and the city residents in constructing a structure that will both be appreciated by the city and give the cellular telecommunication carriers the ability to provide superior service to the community and surrounding areas.

Respectfully,

Eric Hochman
RF Engineer & Managing partner of EJ Group,LLC



1/30/2015

Feasibility Study

City of Tempe
Planning Division
Attention: Karen Stovall
31 East Fifth Street
Tempe, Arizona 85281

Re: 1706 E. Warner Drive
Tempe, AZ 85284-4545

EJ Group, LLC has evaluated the 2 structures in the existing .50 mile radius. This is the radius required by the city requirement. The telecommunication carriers have designed an existing need within a .25 radius of the center of the corresponding map to service the needs in that area of residents and business.

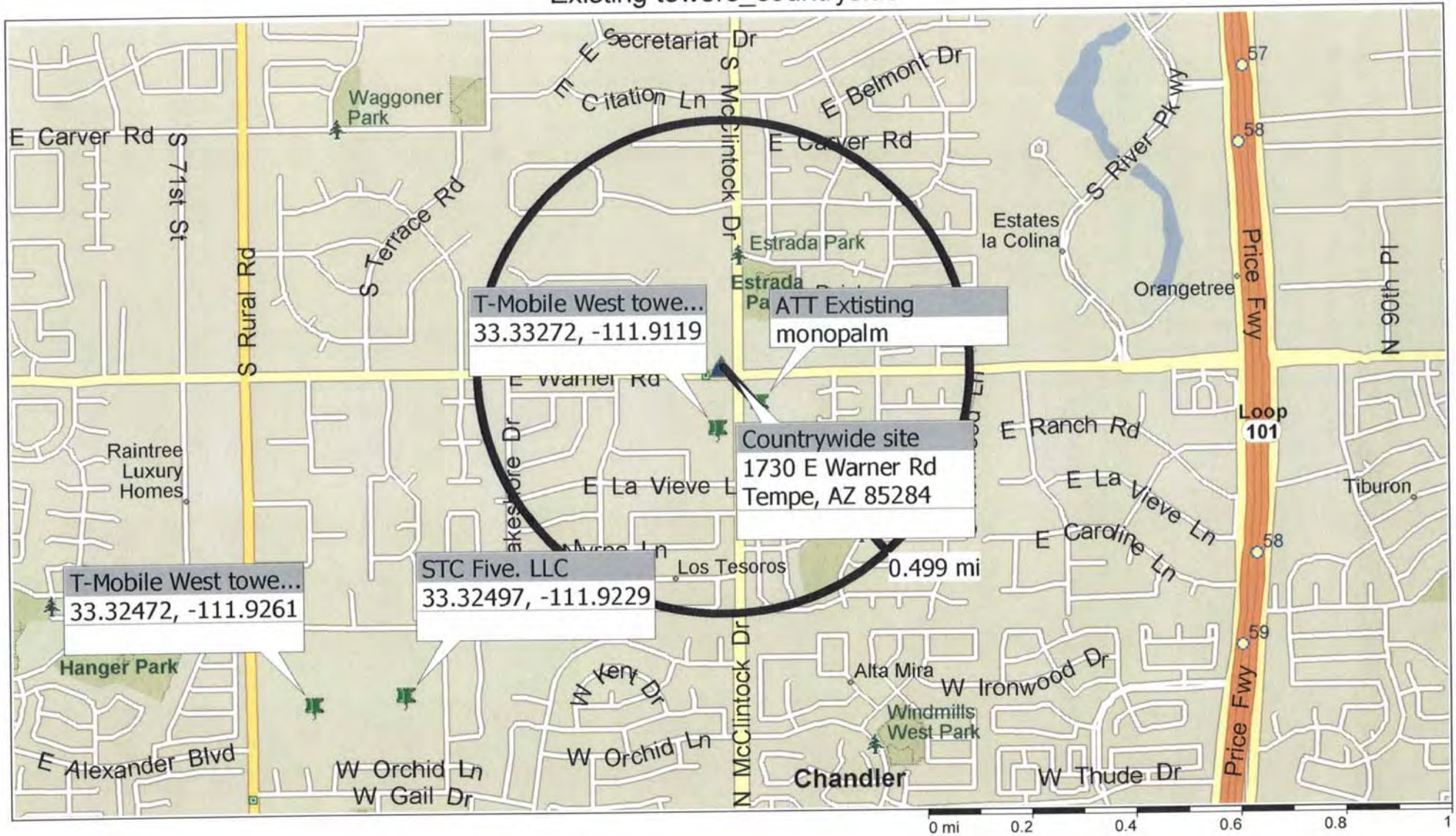
Neither of these structures has been built to support more than 1 carrier and the structure does not have the structural integrity, size, height or width to install the required equipment of any other telecommunications carrier companies.

As a note, Both the T-Mobile and the AT&T tower with the .50 mile radius are built at 60', with the top 10 supporting a full array of equipment for carrier. No other height or equipment can be accommodated structurally by the carriers.

Respectfully,

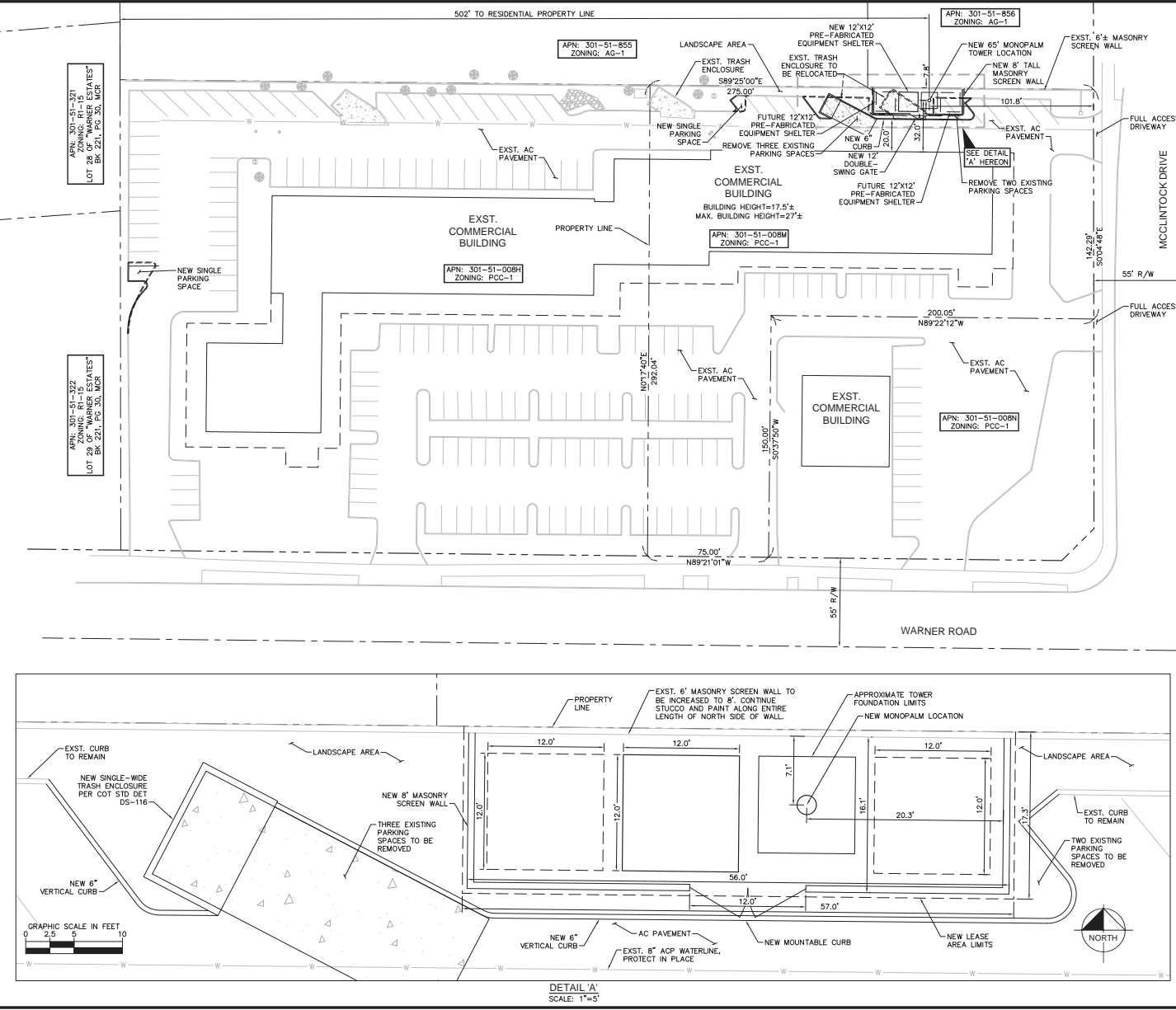
Eric Hochman
RF Engineer & Managing partner of EJ Group, LLC

Existing towers_countryside



NO.	DATE	BY	DESCRIPTION

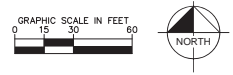
DATE: 03/10/15
 PROJECT: 191904000
 SCALE: 1"=30'
 DRAWN BY: CGF
 CHECK BY: TMJ
 DATE: 03/10/15



SETBACKS TO PROPERTY LINES:
 NORTH: 8 FEET
 WEST: 173 FEET
 SOUTH: 134 FEET
 EAST: 102 FEET

SITE DATA:
 EXISTING COMMERCIAL BUILDING: 32070± SF
 REQUIRED PARKING: 171 SPACES
 ASSUMED 20% RESTAURANT (1 SPACE PER 75 SF) AND 80% RETAIL/SERVICE (1 SPACE PER 300 SF)
 EXISTING PARKING: 177 SPACES
 PROPOSED PARKING: 174 SPACES

EXISTING PALM TREES
 EXISTING PALM TREES ON SITE APPEAR TO BE APPROXIMATELY 45' - 55' HT.



Kimley»Horn
 © 2015 KIMLEY-HORN AND ASSOCIATES, INC.
 7740 North 16th Street, Suite 300
 Phoenix, Arizona 85020 (602) 944-5500

EJ DEVELOPMENT GROUP

PRELIMINARY SITE PLAN
 TEMPE, ARIZONA

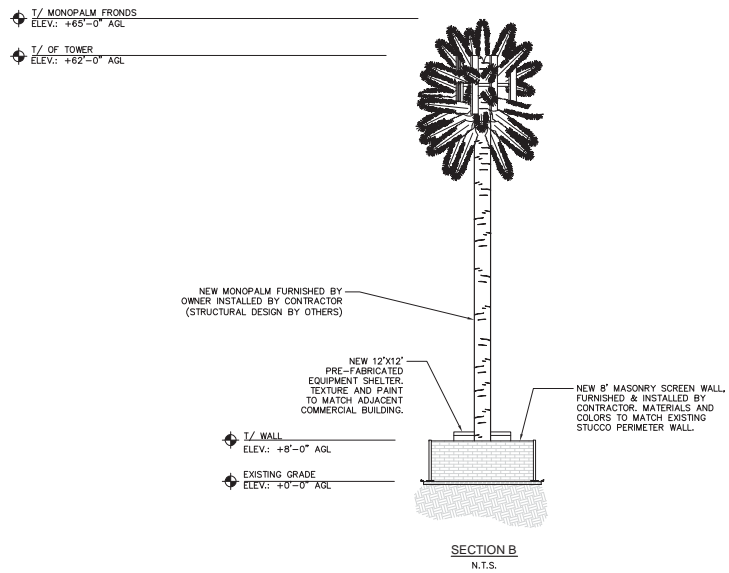
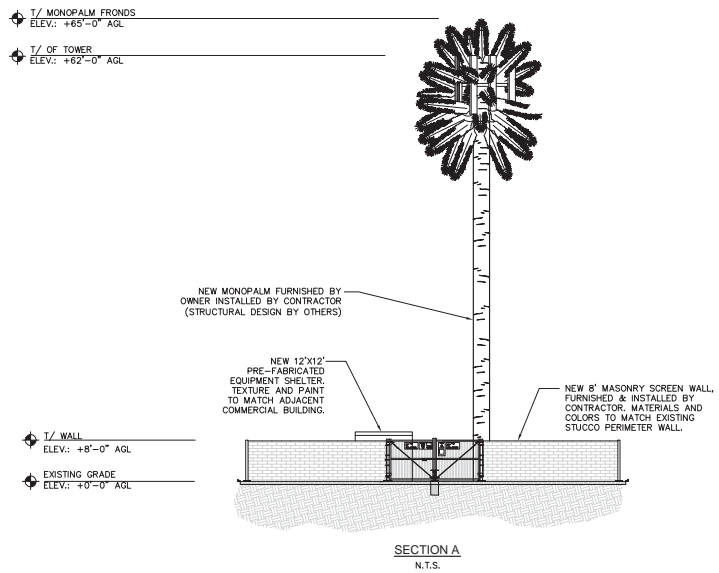
NWC OF WARNER ROAD AND MCCLINTOCK DRIVE

PROJECT No.	191904000
SCALE (H):	1"=30'
SCALE (V):	NONE
DRAWN BY:	CGF
CHECK BY:	TMJ
DATE:	03/10/15

C2
2 OF 5 SHEETS

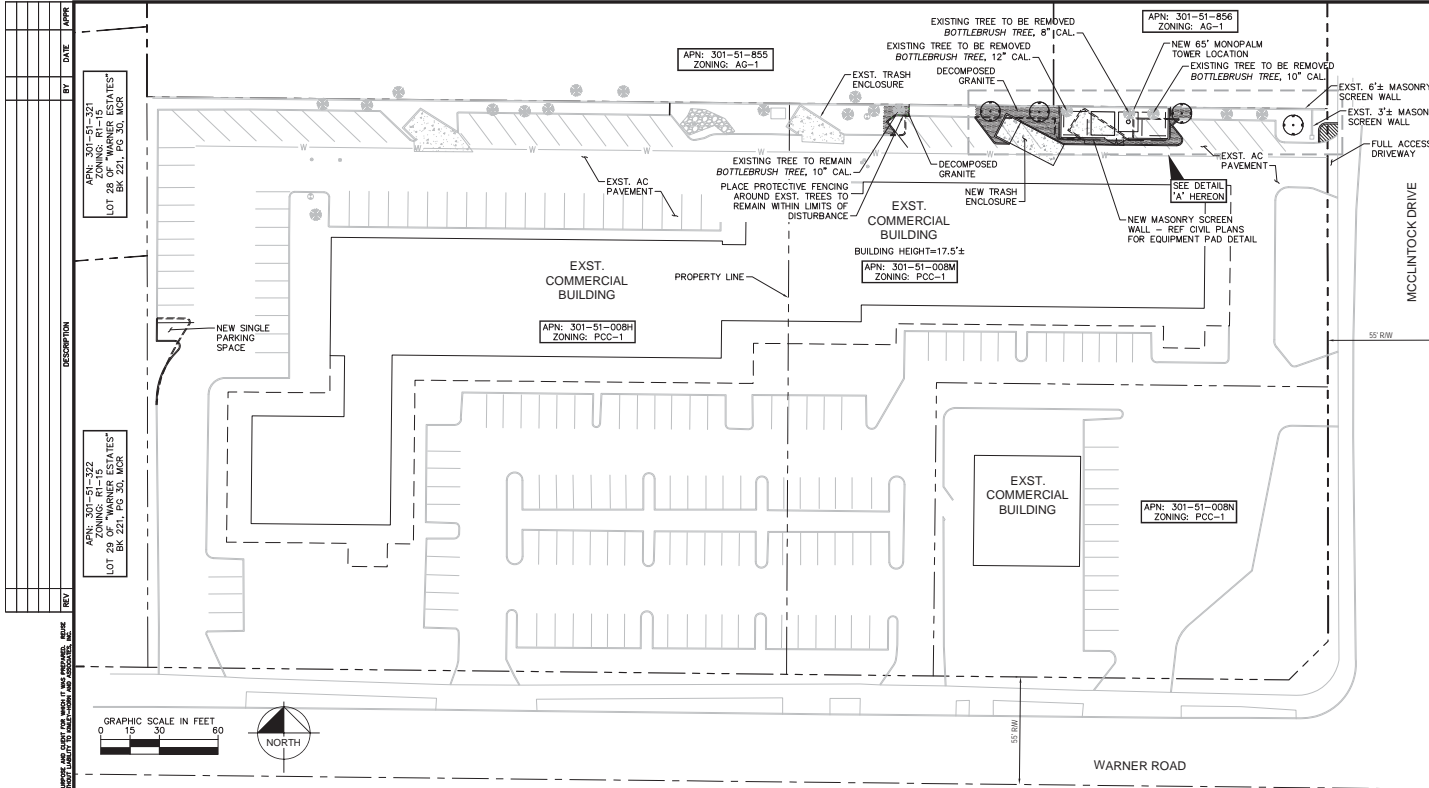
REV	DESCRIPTION	DATE	BY	CHK

N:\Projects\2015\191904000\CADD\Elevations\191904000.dwg, 11:55am, 03/10/15
 X:\Projects\2015\191904000\CADD\Elevations\191904000.dwg, 11:55am, 03/10/15
 © 2015 KIMLEY-HORN AND ASSOCIATES, INC. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF KIMLEY-HORN AND ASSOCIATES, INC. IS STRICTLY PROHIBITED.



CALL FOR PRICING NOW
602-263-1100
1-800-STATE-IT
PHOTO COURTESY: STATE-IT

<p>© 2015 KIMLEY-HORN AND ASSOCIATES, INC. 7740 North 16th Street, Suite 300 Phoenix, Arizona 85020 (602) 944-5500</p>
EJ DEVELOPMENT GROUP
ELEVATIONS TEMPE, ARIZONA
NWC OF WARNER ROAD AND MCCLINTOCK DRIVE
PROJECT No. 191904000
SCALE (H): NONE SCALE (V): NONE
DRAWN BY: CGF
DESIGN BY: TMJ
CHECK BY: TMJ
DATE: 03/10/15
Elevation C3 3 OF 5 SHEETS



PLANTING LEGEND

(4) BRACHYCHYTUM POPULNEUS
 BOTTLERUSH TREE 24" BOX, MIN. 1.5" CAL.
 QTY: 68 SF

ANNUALS
 MATCH SOUTH SIDE OF DRIVEWAY
 MIN. SIZE #5P3, 12" O.C.
 QTY: 68 SF

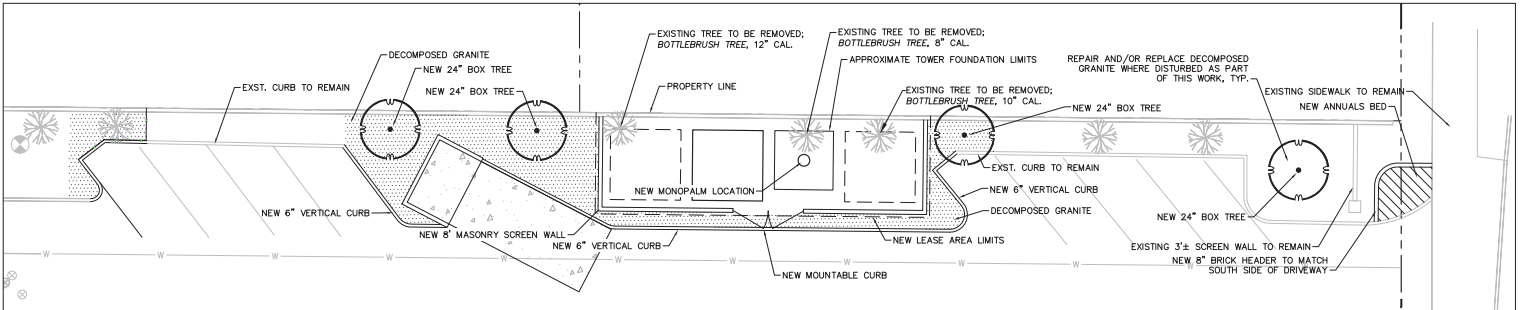
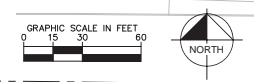
DECOMPOSED GRANITE, 2" DEPTH
 COLOR CORRAL, TO MATCH EXST.
 SIZE: 1/2" SCREENED
 QTY: 825 SF

NOTES:

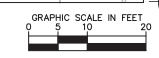
- EXISTING DECOMPOSED GRANITE MAY BE SALVAGED AND REUSED IF CLEAN AND FREE OF DIRT, DEBRIS, PLANT MATERIAL, AND WASTE.
- LOCATE AND EXTEND EXISTING IRRIGATION LATERAL PIPE TO NEW TREES AND ANNUALS (TREES AND ANNUALS TO BE ON SEPARATE VALVES). CONTRACTOR SHALL INSTALL NEW EMITTER AT EACH NEW TREE TO MATCH EXISTING EMISSION DEVICES ON SYSTEM. CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL COMPONENTS NECESSARY TO PROVIDE WATER TO THE NEW TREES AND ANNUALS INCLUDING LATERAL PIPE, FITTINGS, SLEEVES, NIPPLES, EMITTERS, DRIP TUBING, CAPS, STAKES, BOXES, ETC.

EXISTING PALM TREES
 EXISTING PALM TREES ON SITE APPEAR TO BE APPROXIMATELY 45' - 55' HT.

N:\ARCH\2015\10\19\20151019_001_CADD\LANDSCAPE PLAN - Mar 10, 2015 - 11:05am hvornik-james
 XREFS: A: 01 - 12 - 101 - 102 - 103 - 104 - 105 - 106 - 107 - 108 - 109 - 110 - 111 - 112 - 113 - 114 - 115 - 116 - 117 - 118 - 119 - 120 - 121 - 122 - 123 - 124 - 125 - 126 - 127 - 128 - 129 - 130 - 131 - 132 - 133 - 134 - 135 - 136 - 137 - 138 - 139 - 140 - 141 - 142 - 143 - 144 - 145 - 146 - 147 - 148 - 149 - 150 - 151 - 152 - 153 - 154 - 155 - 156 - 157 - 158 - 159 - 160 - 161 - 162 - 163 - 164 - 165 - 166 - 167 - 168 - 169 - 170 - 171 - 172 - 173 - 174 - 175 - 176 - 177 - 178 - 179 - 180 - 181 - 182 - 183 - 184 - 185 - 186 - 187 - 188 - 189 - 190 - 191 - 192 - 193 - 194 - 195 - 196 - 197 - 198 - 199 - 200 - 201 - 202 - 203 - 204 - 205 - 206 - 207 - 208 - 209 - 210 - 211 - 212 - 213 - 214 - 215 - 216 - 217 - 218 - 219 - 220 - 221 - 222 - 223 - 224 - 225 - 226 - 227 - 228 - 229 - 230 - 231 - 232 - 233 - 234 - 235 - 236 - 237 - 238 - 239 - 240 - 241 - 242 - 243 - 244 - 245 - 246 - 247 - 248 - 249 - 250 - 251 - 252 - 253 - 254 - 255 - 256 - 257 - 258 - 259 - 260 - 261 - 262 - 263 - 264 - 265 - 266 - 267 - 268 - 269 - 270 - 271 - 272 - 273 - 274 - 275 - 276 - 277 - 278 - 279 - 280 - 281 - 282 - 283 - 284 - 285 - 286 - 287 - 288 - 289 - 290 - 291 - 292 - 293 - 294 - 295 - 296 - 297 - 298 - 299 - 300 - 301 - 302 - 303 - 304 - 305 - 306 - 307 - 308 - 309 - 310 - 311 - 312 - 313 - 314 - 315 - 316 - 317 - 318 - 319 - 320 - 321 - 322 - 323 - 324 - 325 - 326 - 327 - 328 - 329 - 330 - 331 - 332 - 333 - 334 - 335 - 336 - 337 - 338 - 339 - 340 - 341 - 342 - 343 - 344 - 345 - 346 - 347 - 348 - 349 - 350 - 351 - 352 - 353 - 354 - 355 - 356 - 357 - 358 - 359 - 360 - 361 - 362 - 363 - 364 - 365 - 366 - 367 - 368 - 369 - 370 - 371 - 372 - 373 - 374 - 375 - 376 - 377 - 378 - 379 - 380 - 381 - 382 - 383 - 384 - 385 - 386 - 387 - 388 - 389 - 390 - 391 - 392 - 393 - 394 - 395 - 396 - 397 - 398 - 399 - 400 - 401 - 402 - 403 - 404 - 405 - 406 - 407 - 408 - 409 - 410 - 411 - 412 - 413 - 414 - 415 - 416 - 417 - 418 - 419 - 420 - 421 - 422 - 423 - 424 - 425 - 426 - 427 - 428 - 429 - 430 - 431 - 432 - 433 - 434 - 435 - 436 - 437 - 438 - 439 - 440 - 441 - 442 - 443 - 444 - 445 - 446 - 447 - 448 - 449 - 450 - 451 - 452 - 453 - 454 - 455 - 456 - 457 - 458 - 459 - 460 - 461 - 462 - 463 - 464 - 465 - 466 - 467 - 468 - 469 - 470 - 471 - 472 - 473 - 474 - 475 - 476 - 477 - 478 - 479 - 480 - 481 - 482 - 483 - 484 - 485 - 486 - 487 - 488 - 489 - 490 - 491 - 492 - 493 - 494 - 495 - 496 - 497 - 498 - 499 - 500 - 501 - 502 - 503 - 504 - 505 - 506 - 507 - 508 - 509 - 510 - 511 - 512 - 513 - 514 - 515 - 516 - 517 - 518 - 519 - 520 - 521 - 522 - 523 - 524 - 525 - 526 - 527 - 528 - 529 - 530 - 531 - 532 - 533 - 534 - 535 - 536 - 537 - 538 - 539 - 540 - 541 - 542 - 543 - 544 - 545 - 546 - 547 - 548 - 549 - 550 - 551 - 552 - 553 - 554 - 555 - 556 - 557 - 558 - 559 - 560 - 561 - 562 - 563 - 564 - 565 - 566 - 567 - 568 - 569 - 570 - 571 - 572 - 573 - 574 - 575 - 576 - 577 - 578 - 579 - 580 - 581 - 582 - 583 - 584 - 585 - 586 - 587 - 588 - 589 - 590 - 591 - 592 - 593 - 594 - 595 - 596 - 597 - 598 - 599 - 600 - 601 - 602 - 603 - 604 - 605 - 606 - 607 - 608 - 609 - 610 - 611 - 612 - 613 - 614 - 615 - 616 - 617 - 618 - 619 - 620 - 621 - 622 - 623 - 624 - 625 - 626 - 627 - 628 - 629 - 630 - 631 - 632 - 633 - 634 - 635 - 636 - 637 - 638 - 639 - 640 - 641 - 642 - 643 - 644 - 645 - 646 - 647 - 648 - 649 - 650 - 651 - 652 - 653 - 654 - 655 - 656 - 657 - 658 - 659 - 660 - 661 - 662 - 663 - 664 - 665 - 666 - 667 - 668 - 669 - 670 - 671 - 672 - 673 - 674 - 675 - 676 - 677 - 678 - 679 - 680 - 681 - 682 - 683 - 684 - 685 - 686 - 687 - 688 - 689 - 690 - 691 - 692 - 693 - 694 - 695 - 696 - 697 - 698 - 699 - 700 - 701 - 702 - 703 - 704 - 705 - 706 - 707 - 708 - 709 - 710 - 711 - 712 - 713 - 714 - 715 - 716 - 717 - 718 - 719 - 720 - 721 - 722 - 723 - 724 - 725 - 726 - 727 - 728 - 729 - 730 - 731 - 732 - 733 - 734 - 735 - 736 - 737 - 738 - 739 - 740 - 741 - 742 - 743 - 744 - 745 - 746 - 747 - 748 - 749 - 750 - 751 - 752 - 753 - 754 - 755 - 756 - 757 - 758 - 759 - 760 - 761 - 762 - 763 - 764 - 765 - 766 - 767 - 768 - 769 - 770 - 771 - 772 - 773 - 774 - 775 - 776 - 777 - 778 - 779 - 780 - 781 - 782 - 783 - 784 - 785 - 786 - 787 - 788 - 789 - 790 - 791 - 792 - 793 - 794 - 795 - 796 - 797 - 798 - 799 - 800 - 801 - 802 - 803 - 804 - 805 - 806 - 807 - 808 - 809 - 810 - 811 - 812 - 813 - 814 - 815 - 816 - 817 - 818 - 819 - 820 - 821 - 822 - 823 - 824 - 825 - 826 - 827 - 828 - 829 - 830 - 831 - 832 - 833 - 834 - 835 - 836 - 837 - 838 - 839 - 840 - 841 - 842 - 843 - 844 - 845 - 846 - 847 - 848 - 849 - 850 - 851 - 852 - 853 - 854 - 855 - 856 - 857 - 858 - 859 - 860 - 861 - 862 - 863 - 864 - 865 - 866 - 867 - 868 - 869 - 870 - 871 - 872 - 873 - 874 - 875 - 876 - 877 - 878 - 879 - 880 - 881 - 882 - 883 - 884 - 885 - 886 - 887 - 888 - 889 - 890 - 891 - 892 - 893 - 894 - 895 - 896 - 897 - 898 - 899 - 900 - 901 - 902 - 903 - 904 - 905 - 906 - 907 - 908 - 909 - 910 - 911 - 912 - 913 - 914 - 915 - 916 - 917 - 918 - 919 - 920 - 921 - 922 - 923 - 924 - 925 - 926 - 927 - 928 - 929 - 930 - 931 - 932 - 933 - 934 - 935 - 936 - 937 - 938 - 939 - 940 - 941 - 942 - 943 - 944 - 945 - 946 - 947 - 948 - 949 - 950 - 951 - 952 - 953 - 954 - 955 - 956 - 957 - 958 - 959 - 960 - 961 - 962 - 963 - 964 - 965 - 966 - 967 - 968 - 969 - 970 - 971 - 972 - 973 - 974 - 975 - 976 - 977 - 978 - 979 - 980 - 981 - 982 - 983 - 984 - 985 - 986 - 987 - 988 - 989 - 990 - 991 - 992 - 993 - 994 - 995 - 996 - 997 - 998 - 999 - 1000



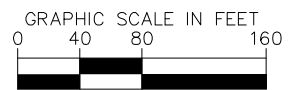
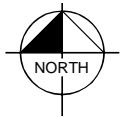
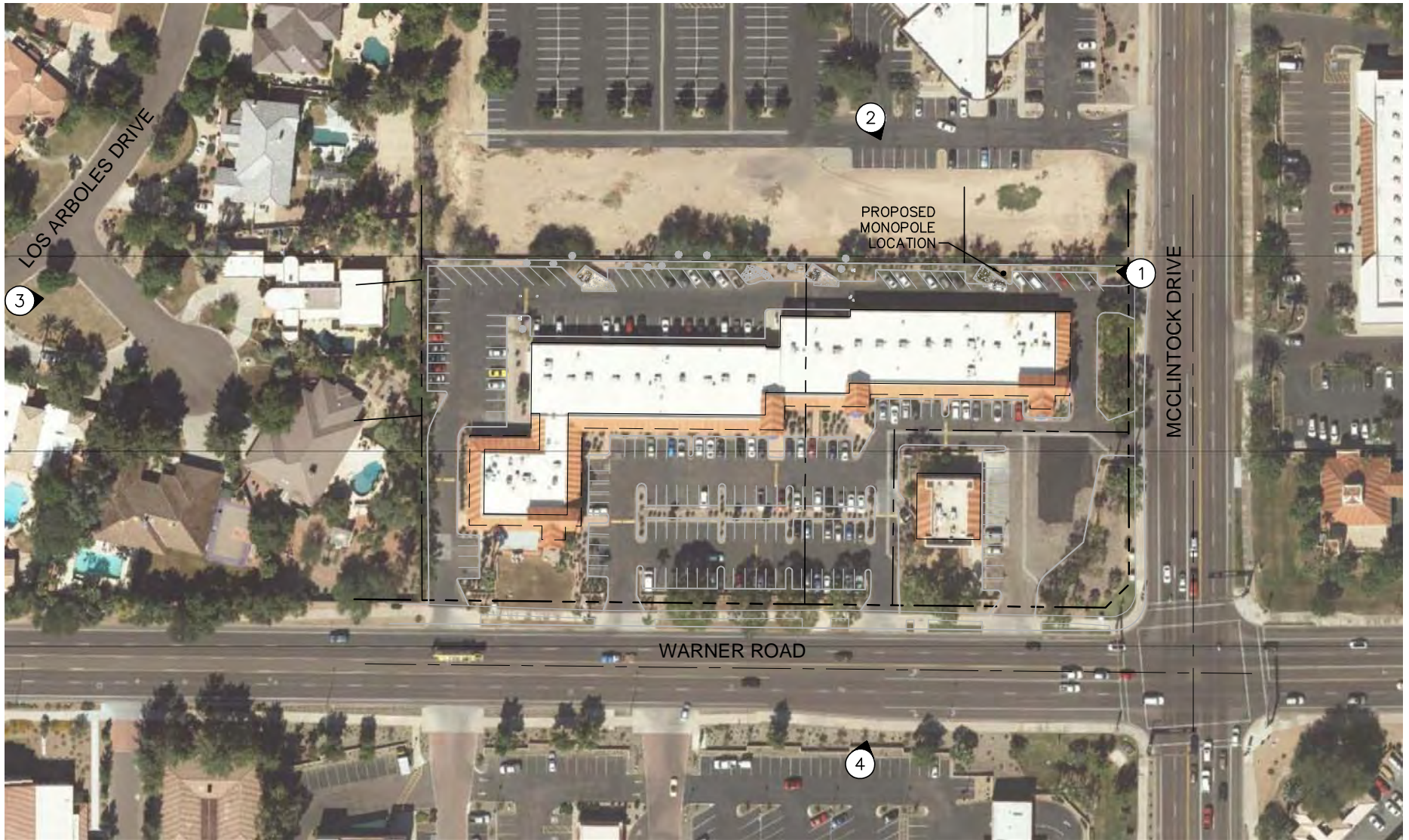
DETAIL 'A'
 SCALE: 1"=5'



CALL FOR PRICING, INFO AND ORDER TODAY
602-263-1100
 1-800-STAKE-IT
© 2015 KIMLEY-HORN AND ASSOCIATES, INC.

Kimley-Horn
 © 2015 KIMLEY-HORN AND ASSOCIATES, INC.
 7740 North 16th Street, Suite 300
 Phoenix, Arizona 85020 (602) 944-5500
 NWC OF WARNER ROAD AND MCCLINTOCK DRIVE
LANDSCAPE PLAN
 TEMPE, ARIZONA
 EJ DEVELOPMENT GROUP

PROJECT No.
 191904000
 SCALE (H): 1"=30'
 SCALE (V): NONE
 DRAWN BY: CMR
 DESIGN BY: CMR
 CHECK BY: TMJ
 DATE: 03/10/15
 NOT FOR CONSTRUCTION
 L1
 4 OF 5 SHEETS



PHOTOSIM LOCATIONS



View 1 – Existing (View from McClintock Drive, looking West)



View 1 – Proposed (View from McClintock Drive, looking West)



View 2 – Existing (View from the North, looking South)



View 2 – Proposed (View from the North, looking South)



View 3 – Existing (View from Warner Estates, looking East)



View 3 – Proposed (View from Warner Estates, looking East)



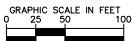
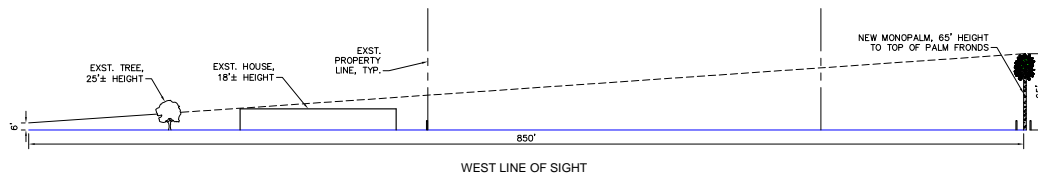
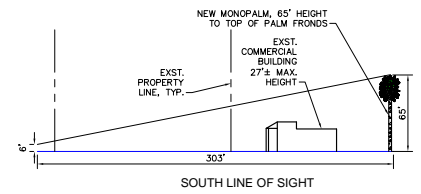
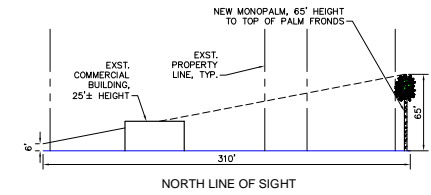
View 4 – Existing (View from Warner Road, looking North)



View 4 – Proposed (View from Warner Road, looking North)



ATTACHMENT 28



COUNTRYSIDE CELL TOWER
NWC OF MCCLINTOCK DRIVE AND WARNER ROAD
LINE OF SIGHT EXHIBIT

03/10/2015

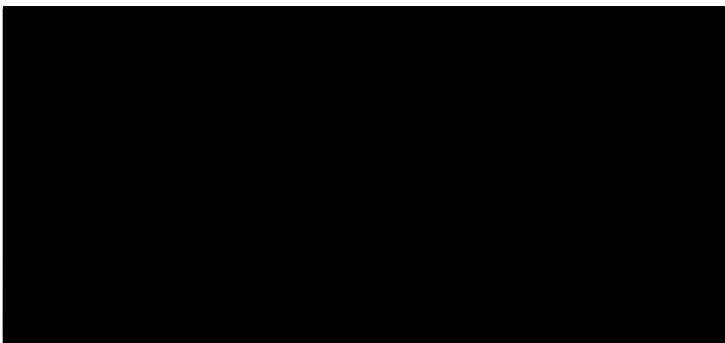
Stovall, Karen

From: Sharon & Art Sandell <[REDACTED]>
Sent: Monday, March 02, 2015 10:49 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Hi Karen:

I am unable to attend tomorrow's meeting regarding the new cell tower at McClintock and Warner. We do not want this monstrosity at this location! We have been real estate agents for over 30 years, and we know that it would have a NEGATIVE impact!

Best regards,
Sharon



Stovall, Karen

From: Richard Stiteler <[REDACTED]>
Sent: Monday, March 02, 2015 11:38 AM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Dear Karen Stovall,

I am living in Warner Estates and do not have any issue with the proposed Cell Tower.

Richard Stiteler
[REDACTED]

Stovall, Karen

From: Greg Medley <[REDACTED]>
Sent: Monday, March 02, 2015 11:43 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Ms. Stovall,

I live in Warner Estates and wanted to express my opposition to the proposed cell tower at the corner of McClintock and Warner. Although I understand how the landowner may want to make a few extra bucks, the enormous height of the tower will be an incredible eyesore to our neighborhood. The city would never allow a building of this height to be constructed at that location. I see many cell towers within the city but they are generally about 20 feet tall and disguised at Palm trees or Pine trees, blending in the with the surroundings quite well. But there is no way to hide or blend in a 65 tower!

I am going to try to take off work to attend the hearing tomorrow, but having such a hearing during the workday seems to be, by design, a way to eliminate much of the opposition to such projects. We are a tight knit neighborhood association and communicate regularly not only with our own group, but with the neighborhood groups in the surrounding area. I can promise that if this tower is built, the land owner of the Countryside Strip center will see a precipitous drop in business for all of his tenants. Our neighbors and many others within a mile radius who currently patronize Garcia's, Great Harvest, Just for You, and the other tenants, will be forced to vote with our wallets. Unfortunately the local businesses will bear the initial brunt of this very poor business decision, but ultimately EJ Group, LLC will suffer from empty space and another vacant strip center will join the dozens of others in the city.



THE FISHER GROUP

Greg Medley
The Fisher Group

[REDACTED]

Confidentiality Statement: This message may contain confidential information and is intended only for the use of the individual or entity to which it is addressed. If you have received this message in error, please notify the sender immediately and delete this message. Retention, dissemination, distribution or copying of this message or any attachments to this message, by anyone other than the intended recipient is strictly prohibited.

Stovall, Karen

From: Terry Lutz CPA <[REDACTED]>
Sent: Monday, March 02, 2015 11:43 AM
To: Stovall, Karen

Dear Karen

I completely disagree with installing a cell tower in our neighborhood as I believe it will lower the property values being so close to the neighborhood. Considering the fact that our property taxes have gone up consistently in the last several years I do not believe that the county will consider reducing our taxes.

My suggestion is that if a tower is needed then move to the parking lot and area behind the much larger commercial property on the northeastern corner of McClintock and Warner by the park.

At this time I believe the water well being drilled at the same location is enough for now and if anymore development is proposed as this cell tower, please place in an more commercial area such as across the street.

Terry Lutz CPA
Resident of Warner Estates.
[REDACTED]

Stovall, Karen

From: Suzan Schantel <[REDACTED]>
Sent: Monday, March 02, 2015 1:08 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower;

Hello Ms. Stovall;

My name is Suzan Schantel and I live at 8648 S. Willow Drive, Tempe, AZ 85284
I am writing you today regarding Case #PL140480, Countryside Cell Phone Tower.
I am very concerned about having this tower built so close to our beautiful neighbor. I oppose this tower in this location.
The shopping Center seems too small to have such a large tower so close to a neighborhood.

Thank you,
Suzan A. Schantel

[REDACTED]

[REDACTED]

Stovall, Karen

From: Keith McCreynolds <[REDACTED]>
Sent: Monday, March 02, 2015 2:28 PM
To: Stovall, Karen
Subject: Countryside Cell Tower

As a resident of Warner Estates I want to go on record as in FAVOR of the cell tower being built. My reasons are as follows:

1. We have hundreds of trees in our development taller than 70 feet
2. We all love our cell phones so we should accept the infrastructure that makes them possible
3. About half of my neighbors make their living in real estate in one way or another so we should be respectful of property rights including that of the owners of the shopping center. This is pure NIMBY ism

Stovall, Karen

From: Ronald Starling <[REDACTED]>
Sent: Monday, March 02, 2015 3:55 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Countryside Cell Tower

Ms. Stovall:

As per our recent telephone conversation, I want to express my great concern regarding the proposed Cell tower proposed direct adjacent to my property at 8635 S. Willow Drive in Warner estates in Tempe Arizona.

Please consider the following:

- Per section 3-302A Section 6-308E Approval Criteria 3 of the Tempe Zoning and Development code states that the granting of a Use Permit must consider the contribution to the deterioration of the neighborhood or to the downgrading of property values. This 69 foot high tower is be directly visible from every house located in the southeast corner of Warner estates. The mocked up photographs in the report prepared by the planning department (Attachment 14, 16 & 18) are very deceiving. The tower represented in View 1 Attachment 14 illustrates this tower as only slightly higher than the existing trees. In fact the existing trees are roughly 20 feet high and the tower would be 3-1/2 times higher than the trees. Likewise Attachment 18 only shows the view from one house, while in fact, every property in the southeast corner of Warner Estates is adversely effected.
- This proposed tower falls directly in line with the departure and final approach for Stellar Airpark which is only two city blocks south. The FAA can and may require a flashing beacon on this tower which will shine directly into the numerous effected residential properties.
- I fully understand the need for appropriately located cell phone towers. However, there are numerous locations far better suited for this tower.

I strongly oppose this tower and recommend to the hearing officer that the use permit be denied.

Ronald Starling, P.E.



Stovall, Karen

From: Caruso, Diane M. <[REDACTED]>
Sent: Monday, March 02, 2015 4:28 PM
To: Stovall, Karen
Cc: 'Daniel Caruso'; 'mastarling@cox.net'
Subject: Countryside Cell Tower

Ms. Stovall:

Please accept this letter as my opposition to the cell tower that is being proposed adjacent to our subdivision, Warner Estates.

I ask you consider the negative impact this tower will have on us, the homeowners of Warner Estates, when making this decision for our community. I believe there are alternate locations more suited to this cell tower than one bordering our residential neighborhood.

Because I cannot attend tomorrow's meeting, I ask that my strong disagreement to the tower location be noted.

Thank you.

Note: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

Stovall, Karen

From: Daniel Caruso <[REDACTED]>
Sent: Monday, March 02, 2015 4:43 PM
To: Stovall, Karen
Subject: Cell Tower Near Warner Estates

Hello,

I am sorry that I cannot attend the public hearing tomorrow since work takes me out of town to Las Vegas in the morning. But if I could attend I would certainly be there.

My wife and family moved into Warner Estates because of the location, the reputation and frankly the property values. And if you were examine what has transpired the last 5 years, that we have lived in this neighborhood, the prices of these homes has steadily risen and so many have invested tens of thousands on upgrades (both inside and outside their homes).

I have been reading the various posts and emails in regards to the City of Tempe proposal to place a permanent 69'-0" high cell tower behind the Great Harvest Bread Company at the southwest corner of McClintock and Warner. Although I and others can understand the need for improved communication, putting something of this size and magnitude so close to our neighborhood will only serve to drive down its value. Besides the fact that the 'ugliness' of the tower in and of itself will be both bothersome and infuriating.

I would hope the City of Tempe would look at other options in this regard and not place the tower in its proposed planning location.

Thank you for your attention.

Daniel M. Caruso, MD, FACS



Stovall, Karen

From: [REDACTED]
Sent: Monday, March 02, 2015 5:27 PM
To: Stovall, Karen
Subject: Case #140480 69 foot cell tower

Dear Karen,

I am writing in opposition to case #140480 relating to the 69 foot cell tower at McClintock and Warner. As a resident, I am surprised this would even be considered by our city council. As business owners in Tempe, it is inconsistent with the strict codes put out by the city that have always been difficult to deal with. I request that this be taken off the table as there are many more suitable places for such a structure.

Jan Sawyer

Stovall, Karen

From: Ryan Duncan <[REDACTED]>
Sent: Monday, March 02, 2015 6:05 PM
To: Stovall, Karen
Subject: Countrywide Cell Tower

Karen-

Good afternoon.

My name is Ryan Duncan and I live at 1329 E. Los Arboles Drive, Tempe AZ. 85284. It has been brought to my attention that there is a pending vote related to a proposed Cell Tower near the East boundary of my community Warner Estates. I oppose the current location, size, and physical appearance of this tower.

Please confirm receipt of this message.

Thank you.

RD
Ryan Duncan



Stovall, Karen

From: Lauren <[REDACTED]>
Sent: Monday, March 02, 2015 8:26 PM
To: Stovall, Karen
Subject: Opposition to Countryside cell tower

Dear Ms. Karen Stovall,

Because I am unable to attend tomorrow's meeting, please accept this letter as my opposition to the proposed cell tower adjacent to Warner Estates. (Countryside Cell Tower: case#PL140480)

I believe this tower would negatively impact the homeowners of Warner Estates and be an eyesore for all surrounding residents. There are alternative locations more suited to this cell tower than one bordering our residential neighborhood.

Thank you,
Lauren Davis

[REDACTED]

Stovall, Karen

From: Mary McGonigle <[REDACTED]>
Sent: Monday, March 02, 2015 10:50 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Proposed Countryside cell tower - March 3, 2015 public hearing

Ms. Stovall,

I am a resident of Warner Estates and would like to protest the issuance of a use permit for a 65 ft cell tower (69 ft inclusive of lightning rod) at the Countryside shopping center on the northwest corner of McClintock and Warner. The pictures of the monopole on the City of Tempe website show a structure that is very noticeable and looks like an industrial smokestack. This will negatively impact neighbors living at the southeastern end of the long established residential neighborhood of Warner estates. In addition, the application states that the tower is being constructed for current and future use. From this it would appear that there is no immediate need for this tower at this location, and that there is time to consider other sites for this future need in a larger commercial or industrial area.

I am unable to attend the March 3 meeting but would like my protest considered.

Thank you,

Mary McGonigle
[REDACTED]

Stovall, Karen

From: AUSTIN SALLADE <[REDACTED]>
Sent: Tuesday, March 03, 2015 8:14 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

I will be unable to attend today's meeting on the proposed Countryside Cell Tower.

As am resident of neighboring Warner Estates, I submit our DISAPPROVAL of the project.

thank you

Stovall, Karen

From: G. William Knopf <[REDACTED]>
Sent: Tuesday, March 03, 2015 9:13 AM
To: Stovall, Karen
Subject: Countryside cell Tower - PL 140480

Karen:

I am opposed to the addition of a 65 foot high cell tower which will be only about 200feet +/- from our bedroom, Your info, so far, does not answer any basic questions about this proposal.

If it is really a great addition, maybe I could have it I'm my back yard and I could get the rent fro the tower instead of Countryside?

See you later today and hopefully you can answer some basic questions about this proposal.

Bill Knopf
[REDACTED]

Stovall, Karen

From: Buzz Ghiz <[REDACTED]>
Sent: Monday, March 02, 2015 6:25 PM
To: 'Karen_Stovall@tempe.gov'
Cc: Marty Starling
Subject: FW:

From: Buzz Ghiz
Sent: Monday, March 02, 2015 6:24 PM
To: 'Stovall@tempe.gov'
Subject:

Ms. Stovall:

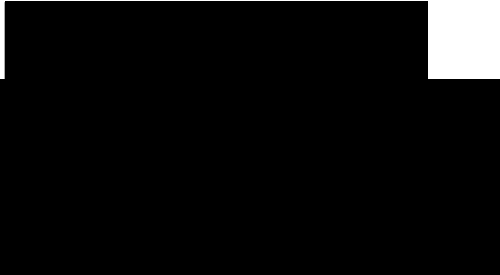
Please accept this letter as my opposition to the cell tower that is being proposed adjacent to our subdivision, Warner Estates.

I ask you consider the negative impact this tower will have on us, the homeowners of Warner Estates, when making this decision for our community. I believe there are alternate locations more suited to this cell tower than one bordering our residential neighborhood.

Because I cannot attend tomorrow's meeting, I ask that my strong disagreement to the tower location be noted.

Thank you.

Buzz Ghiz



Stovall, Karen

From: [REDACTED]
Sent: Tuesday, March 03, 2015 9:47 AM
To: Stovall, Karen
Subject: Today's Countryside Village Cell Tower Item

Dear Ms. Stovall:

My name is RoseMarie R. Horvath and I live at 1505 E. Los Arboles Drive, Tempe Arizona in the Warner Estates community. I understand you are the City's representative for the Planning Department. I would like to ask that the application for a use permit for a 60 foot mechanical tower (or pole or fake palm tree) be denied, or in the alternative, that the public hearing be postponed to a date and time where working people may attend and voice legitimate concerns.

I ask that you consider the following:

Unfortunately, the 1996 Telecommunications Act does not allow Tempe to argue that the position of the tower may cause a health hazard. But we all know that there are no guarantees that the radio frequency radiation emitted from cell towers is safe, and we will only find out about the actual health hazards "after the fact." Of course, the FCC and extremely powerful cell phone lobbyists contend that there are no risks from the radio frequency radiation. Truly, no one knows for sure.

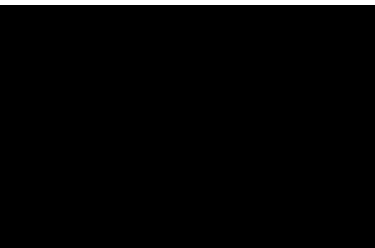
Given the above fact, I will focus instead on the negative aesthetics on South Tempe community a result of a fake palm tree. Make no mistake the proposed monopole tree does not look like a real palm tree. Rather, it is an unsightly stalk of steel topped with a transmitter. Moreover, the landowner is asking for a 60 foot eyesore, not a 20 or 30 foot eyesore.

Possibly the landowner could focus its leasing strategy to improve income instead of imposing this ugly cell tower on its neighbors in order to make a buck. I have called numerous times to the City regarding the condition of the landscape at Countryside. I think many of the surrounding neighbors have noted the "eyesore" of a boarded-up and closed 7-11 store does not help South Tempe's image.

I ask that you consider all the opposing comments from Warner Estates and surrounding neighborhoods who are DIRECTLY affected by the eyesore that the developer is proposing. Realistically, placing a 60' fake palm tree will only degrade the aesthetics of South Tempe neighborhoods.

We all thought the City of Tempe was holding all of those community meetings to better our community and create an inviting and positive image for South Tempe - were we wrong?

RoseMarie R. Horvath



Make it a fantastic day!

Stovall, Karen

From: Mark Horvath <[REDACTED]>
Sent: Tuesday, March 03, 2015 9:51 AM
To: Stovall, Karen
Cc: RoseMarie Horvath; Marty Starling
Subject: Fwd:
Attachments: 20150303_091923.jpg; 20150303_091523.jpg; 20150303_091034.jpg

Ms. Stovall,

I am a resident of Warner Estates. I am writing to voice my opposition to the proposed cell tower at the Northwest corner of McClintock and Warner.

I have read other emails in opposition to the tower, and I am in agreement with those emails. I will try to adjust my schedule today but it is unlikely that I will be able to attend the hearing.

SMALL COMMERCIAL DEVELOPMENT IS NOT APPROPRIATE FOR THE CELL TOWER. In particular, I agree with Mr. Lutz's comment how this tower would be better suited for a larger commercial development. The Countryside center is a relatively small and quaint commercial center, not a 10+ acre corner development. The aesthetics will be horrible in the proposed location. I have included a picture of the current location with the temporary well structure. I understand the proposed tower will be even higher. The proposed tower will stand out significantly and be an eyesore. I have also included a photo of the cell tower from the Southwest corner of McClintock and Warner. As you can see, this tower (although not particularly attractive), is situated among taller trees and is directly behind the much taller Bashas grocery store. In comparison, this proposed tower in the small complex with lower commercial structures will stick out like a sore thumb.

Finally, I have included a photo of the tower on the Southeast corner near the Walgreens. This shows how an isolated tower looks like. However, even this tower is better hidden from view because of the service station on the corner of the intersection and the layout of the development. The proposed tower at Countryside will be highly visible from all views, including the neighborhood, from the streets, and from other commercial locations. The picture of the tower near Walgreens also shows that although the palm tree towers are better than the alternative, they still look artificial (especially when they are isolated).

PARKING. I also question the available parking. At times, parking is limited in the complex. This is true even though there currently exists vacancies. Currently, the building housing the former 7-11 is vacant. If the former 7-11 building and other spaces are rented, parking will probably be a problem. If I understand the staff report correctly, the tower is contingent upon a parking study. Has that study been complete? Is it available for review? Residents should have a reasonable time to review the parking study prior to a ruling on this matter.

If the proposal will not be denied, at a minimum, please continue the hearing so that the concerned neighbors can adjust their schedules for a new hearing date.

Thank you for your consideration.

I have been having some email problems lately, so please confirm receipt of this email.

Mark Horvath
Horvath Law Office, P.C., L.L.O.



Stovall, Karen

From: Dan Sabah <[REDACTED]>
Sent: Tuesday, March 03, 2015 11:32 AM
To: Stovall, Karen
Cc: Eric Hochman
Subject: Countryside cel tower hearing

Dear Ms. Stovall,

With regard to today's hearing I would like to formally object to the opposition letter submitted by Ms. Rosemarie Horwath becoming part of the official record. In the alternative, I'd like the following noted.

Ms. Horwath signed her letter as Deputy District Attorney. Using her title in order to advance anything but city business is highly improper and may even be illegal. I will be weighing further evaluation of her conduct in the coming days.

She clearly included her title in signing her letter in order to give her letter as much "weight" as possible. It needs to be made clear that her letter does not reflect the position of the City Attorneys office and, in fact, is contradictory to the City's position.

She also backhandedly refers to an FCC ruling regarding unproven health risks that specifically prohibit such arguments from being made. By interjecting this issue in the manner she did she purposefully, with a wink and nod, violated the spirit, purpose and possibly the actual FCC regulation she refers to.

For those reasons I respectfully request her letter be stricken from the record. In the alternative this letter can be submitted and read into the record.

Thank you.

Dan Sabah
[REDACTED]

Sent from my iPhone

Stovall, Karen

From: Ronald Starling <[REDACTED]>
Sent: Wednesday, March 04, 2015 12:06 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: RE: Countryside Cell Tower

Karen:

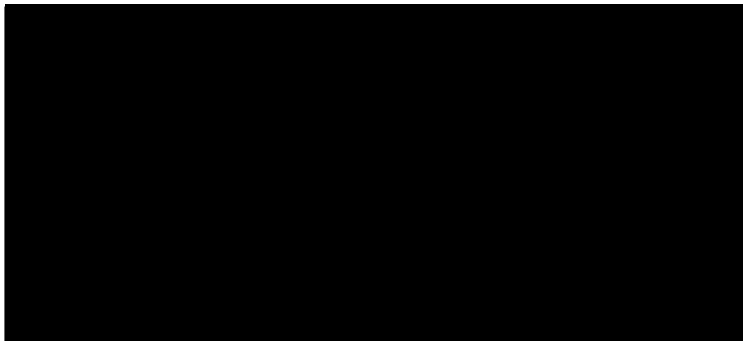
Thank you for forwarding our concerns to the hearing officer. As per the hearing officers instructions, I am requesting a list of the Warner Estates residents within 600'-0" of the property boundaries that were notified of this proposed cell tower and when they were notified. Additionally, you indicated at the hearing that the neighborhood association representatives had been notified. Please confirm how and when this notification occurred.

I assume that your revised report will reflect that there has been significant negative input from the residents of Warner Estates. Additionally, you have received an e-mail from Sharon and Art Sandell who are both very experienced realtors in the area. They have clearly indicated that it is their professional opinion that this tower will adversely affect our property values, particularly those of us who have an unobstructed view of the proposed tower. I have copied over the Sandell's email below.

Hi Karen:

I am unable to attend tomorrow's meeting regarding the new cell tower at McClintock and Warner. We do not want this monstrosity at this location! We have been real estate agents for over 30 years, and we know that it would have a **NEGATIVE** impact!

Best regards,
Sharon



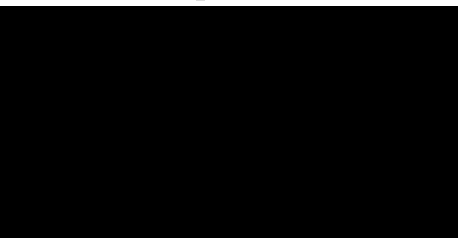
The proposed location of cell tower is directly adjacent to the north property line of a narrow strip of land behind the retail center. Please examine the aerial photographs and note that there is **NO** vegetation in the strip of land belonging to the church property to the north. We live in a two story house that will forever have a direct unobstructed view of this tower. Neither the owner of the retail center or applicant can place any landscaping that will in any way block our unobstructed view of this tall tower as they do not own the land. This has been an un-landscaped strip of land for entire 16 years we have lived in this house and I see no reason that the church would be landscaping it now.

The applicant and the City of Tempe only considered the impact this tower from the public streets. The loss of value to my home comes from the impact from my backyard and upstairs back porch which is unobstructed and always will be. I believe that there are hundreds of more appropriate locations for this tower. There is a much larger retail center across McClintock that also has a large park to provide an additional buffer. At worst, I suggest that a more appropriate location for the tower would be in the parking lot to the south of the Countryside retail buildings, where the owner of

the retail center already has a grouping of tall palm trees and the use permit could require that these trees be maintained. All of the properties with an unobstructed view of the tower in this location would be commercial, not residential. Further, the Countryside retail center could be responsible for providing and maintaining proper landscaping as they would own the surrounding property, rather than placing it directly on the property line adjacent to existing vacant and un-landscaped land.

During the hearing the applicant indicated the existing drill tower which is roughly the same height and farther away from our property was barely visible. I invite both you and the hearing officer to come to my house and see the actual impact of this tower.

Ronald Starling, P.E.



From: Stovall, Karen [mailto:Karen_Stovall@tempe.gov]
Sent: Monday, March 02, 2015 3:59 PM
To: Ronald Starling
Subject: RE: Countryside Cell Tower

Hi Ronald,

Thank you for your input. A copy of your e-mail will be added to the file and provided to the Hearing Officer.

Thanks again,

Karen Stovall
Planning Division
Community Development Dept.

From: Ronald Starling [mailto:RStarling@smleng.com]
Sent: Monday, March 02, 2015 3:55 PM
To: Stovall, Karen
Cc: Marty Starling
Subject: Countryside Cell Tower

Ms. Stovall:

As per our recent telephone conversation, I want to express my great concern regarding the proposed Cell tower proposed direct adjacent to my property at 8635 S. Willow Drive in Warner estates in Tempe Arizona.

Please consider the following:

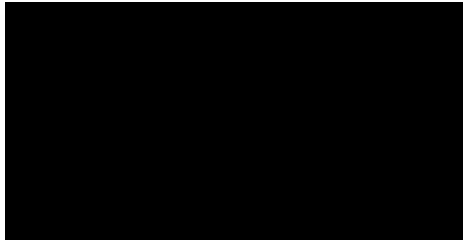
- Per section 3-302A Section 6-308E Approval Criteria 3 of the Tempe Zoning and Development code states that the granting of a Use Permit must consider the contribution to the deterioration of the neighborhood or to the downgrading of property values. This 69 foot high tower is be directly visible from every house located in the southeast corner of Warner estates. The mocked up photographs in the report prepared by the planning department (Attachment 14, 16 & 18) are very deceiving. The tower represented in View 1 Attachment 14

illustrates this tower as only slightly higher than the existing trees. In fact the existing trees are roughly 20 feet high and the tower would be 3-1/2 times higher than the trees. Likewise Attachment 18 only shows the view from one house, while in fact, every property in the southeast corner of Warner Estates is adversely effected.

- This proposed tower falls directly in line with the departure and final approach for Stellar Airpark which is only two city blocks south. The FAA can and may require a flashing beacon on this tower which will shine directly into the numerous effected residential properties.
- I fully understand the need for appropriately located cell phone towers. However, there are numerous locations far better suited for this tower .

I strongly oppose this tower and recommend to the hearing officer that the use permit be denied.

Ronald Starling, P.E.



If this email is spam, report it to www.OnlyMyEmail.com

Stovall, Karen

From: Dave Houk <[REDACTED]>
Sent: Wednesday, March 11, 2015 9:55 AM
To: Stovall, Karen
Subject: Case Number PL140480 - Countryside Cell Tower

Hello Karen: I am sending this Email to express my opposition to the proposed Cell Tower @ Countryside. I have owned in Warner Estates since 1984 and lived @ 1517 E Palomino Dr going on 29 years now. I have also served on one of the ORIGINAL architecture control committees and chaired said committee for 12 years (We do not have an HOA). I sincerely love our community of just 83 homes as I am sure most if not all of our neighbors do. Why this Cell Tower needs to be constructed at this location given the fact that 2 other Towers already exist at Warner and McClintock defies any cognitive explanation. Unless, of course, we have 2 OUT OF STATE owners from California (Trying to sell Countryside Specialty Shops/Strip Mall for \$7,243,000.00) being represented by an applicant ERIC HOCHMAN, EJ HOCHMANN Grp LLC; another entity of 2 partners from Pembroke Pines, FLORIDA. It is my opinion, as well as many others, that these 2 parties do not have Warner Estate's or South Tempe's best interest in mind. The decline in property values precipitated by this Tower's close proximity to our Neighborhood would be significant. Cell service has already been improved by the addition of the 2 existing towers and I can Testify to this, as I was on call for my my occupation for 32 years and went through the growing pains as Wireless service in South Tempe began and was improved to its current capabilities. Common sense would suggest that improvements could & should me made utilizing existing towers at southeast & southwest corners of Warner/McClintock. It is apparent that this proposed Tower and the revenue it generates would help the above mentioned 2 Out of State entities market & sell the strip mall. However, the best interest of neighbors most impacted here in South Tempe/ Warner Estates are not really considered. Also, it is absolutely impossible for a 1 1/2 inch Caliper tree, shrub, or whatever to conceal such a structure.....it may take a similar palm tree 2-3 decades to grow to 60 -70 feet. (have no clue how anyone came up with a plant of only 1 1/2 inches) Please consult with the Owner of Western Tree Company, Mr Robert Hawkins on the FACTS on this subject @ 6022436125. I look forward to the hearing next Tuesday. Thank you Karen, Dave Houk 6029207697

Stovall, Karen

From: Deborah Houk <[REDACTED]>
Sent: Wednesday, March 11, 2015 8:01 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Hi Karen,

Unfortunately I can not attend the public hearing on March 17th. I live in Warner Estates and I want to register my opposition to the Countryside Cell Tower.

I also have a few questions - concerns I would like addressed at the meeting:

- What documentation - studies have been done showing the necessity for multiple carriers at this site?
- Has the applicant procured leasing contracts with the multiple cell carriers, if so which carriers? My concern is that the applicant is building the tower with the hope of soliciting cell carriers to move to this location? This cell tower is being built on financial speculation instead of actual necessity. The applicant's design was intended to alleviate the need to build multiple structures... we already have 2 structures on this corner. How does adding another one help alleviate multiple structures?
- The applicant was asked to consider other locations, has this been done?
- It was mentioned that possibly the other nearby cell towers could be torn down and the carriers moved to the Countryside location. When are the leases up for these carriers? If they have long term leases it is unlikely they would move.
- Item 7 under "conditions of approval" only requires trees of 1.5 inches in caliper. What is the diameter of the mono palm? Trees of this minimum caliper will not be sufficient to blend-disguise the mono palm. We would need very mature trees. The best option would be for at least 2 - 3 mature Date Palms - which grow very slowly taking decades to reach a height of 40 - 50 ft. Even these palm trees can not fully disguise a 68 ft. mono palm.

In my opinion, two of the Approval Criteria for the Use Permit are not being met:

1. This structure will downgrade our property value.
2. The mono palm is not compatible with the existing structures. Countryside is a small single level shopping center and lacks tall mature landscaping where the cell tower is proposed to be built.

This project was presented as a necessity that would improve our community. Unfortunately the 68 foot eyesore will NOT improve our neighborhood. The out of state developers and owners have no vested interest in Tempe or Arizona. This parcel is up for sale.

The revenue generated from this project will not benefit our city. I hope that we will put our community first... financially and esthetically.

Thanks for your consideration of this important matter,

Deborah Houk
Warner Estates Resident

Horvath Law Office, P.C., L.L.O.

March 12, 2015

Via email

Karen Stovall
Senior Planner
City of Tempe
Community Development Department

RE: COUNTRYSIDE CELL TOWER – PL140480

Dear Ms. Stovall:

I am writing in opposition to the proposed CountrySide Cell Tower located at 1730 East Warner Road. These comments are in addition to those expressed in my email dated March 3, 2015 and my testimony to Hearing Officer McDonald on that same day.

THE CITY CODE APPLICATION REQUIREMENTS HAVE NOT BEEN MET.

The Zoning and Development Code, Section 3-421(D)(5) requires “[a] feasibility study for the co-location of telecommunication facilities as an alternative to new *structures (emphasis in original)*.” The City Code, therefore, contains an explicit preference for co-locating telecommunication facilities. Implicit in this preference is some showing of “need” for the tower from the applicant.

The record contains a one page, three paragraph, “Feasibility Study” dated January 30, 2015 on the applicant’s letterhead. This letter locates two structures within the one-half mile radius as required by Subsection 5(a). The letter states that these are “T-Mobile” and “AT&T” towers, it is unclear if these carriers own the towers.

Subsection 5(b) states that:

Applicant shall document efforts made to co-locate on existing towers. Each Applicant shall make a good faith effort to contact the owner(s) of the existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact.

The Feasibility Study does not contain the required information. Notably, the Feasibility Study only contains conclusory statements, with no detail, or documented proof of the need for a new tower at all, especially a tower 68 feet tall (when the nearby towers are only 60 feet tall). For example, the Feasibility Study states:

The telecommunication carriers have designated an existing need within a .25 radius of the center of the corresponding map to service the needs in that area of residents and business.

There is nothing contained in the file or application that supports this alleged need from the carrier(s). There are no signed commitments from carriers to use the tower. There are no statements from carriers that a need exists. There are no studies showing that the signal levels fall below workable standards within this .25 radius.

Based upon the written record and testimony from the Applicant at the hearing, this proposed multi-tower appears to be based on speculation, which should not be allowed in the City of Tempe. In fact, the Applicant, in the hearing on March 3, 2015, stated that he hoped one or more carriers on the nearby towers would break their existing lease and re-locate to this new multi-tower. This is a plain admission that there is no need, especially for a taller multi-carrier tower.

Moreover, this statement appears to indicate that the Applicant has spoken to carriers (although that is not clear). Importantly, Section 5(b) requires the applicant speak to the owners of the nearby towers. There is no evidence that the Applicant has spoken with the owners of the towers.

Finally, I do not necessarily agree that one very large tower is better than two or more well placed and concealed towers.

NATIVE VEGETATION IS THE PREFERENTIAL USE IN THE CORONA/SOUTH TEMPE CHARACTER AREA

I could only find the Draft-October 2014 document on-line. The "Environment" section of the document includes the following goal: "Preferential use of native trees and Sonoran vegetation in landscapes to promote low water use in arid climate." Obviously this tower will not use water, but the construction of a fake 68 foot non-Native tree in the Corona/South Tempe Planning Area is directly contrary to the goals of the Plan as the use of the fake palm tree promotes non-native plants. Although there certainly are many, many palm trees in Tempe and specifically in the Corona/South Tempe area, another palm tree (in this case a 68 foot fake palm tree) specifically authorized by the City sends the wrong message.

Thank you for the opportunity to submit these comments. I will try to attend the next meeting, but unfortunately I am scheduled to appear at another hearing at that time.

Sincerely,


Mark A. Horvath

Stovall, Karen

From: JoAnne Klein <[REDACTED]>
Sent: Thursday, March 12, 2015 1:39 PM
To: Stovall, Karen
Subject: Proposed cell tower at Warner and McClintock

Dear Karen,

We would like to inform you that we are opposed to the placement of the proposed cell tower at the intersection of Warner and McClintock roads. This intersection is adjacent to our neighborhood, Warner Estates. The cell tower would be an eyesore, and would most definitely lower the property value of our home, along with the homes of our neighbors. We have resided in this neighborhood for over 20 years, and we would hate to see it diminished in any way.

Thank you for for taking our input into consideration.

JoAnne and Michael Klein

Stovall, Karen

From: Kerri Bloomberg <[REDACTED]>
Sent: Friday, March 13, 2015 8:41 AM
To: Stovall, Karen
Subject: Countryside Cell Tower, 1730 E. Warner Rd. -- Continuance Request to April 7, 2015

Hello Karen,
We live at:

[REDACTED]
and have done so for 33 or so years.

You can imagine how we have seen this neighborhood change. One of the reasons we love living in Tempe so much, among many others, is that the city council and zoning board have made zoning decisions which do not compromise the value of our homes. As you know, we pay some of the the highest taxes in Tempe and do have many concerns about that corner. Please take into consideration what would would happen if Tempe decides to let the four corners of McClintock and Warner start to devalue.

Thank you for your time.

Kerri and Robert Bloomberg

Stovall, Karen

From: Barbara Hoffmann <[REDACTED]>
Sent: Sunday, March 15, 2015 2:55 PM
To: Stovall, Karen
Subject: PL140480 Countryside Cell Tower

Dear Ms. Stovall,

This Keith and Barbara Hoffmann and we live at [REDACTED]
AZ 85284 in Warner Estates.

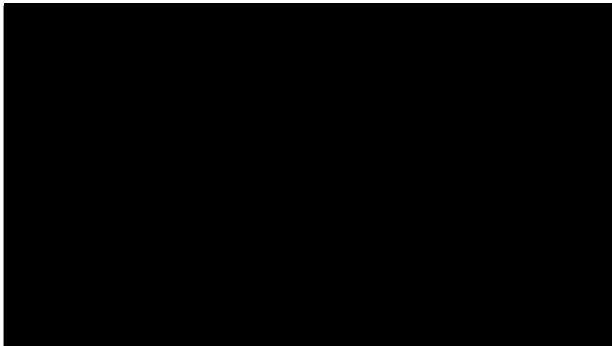
I am writing you today regarding Case #PL140480, Countryside Cell Phone Tower. We are adamantly opposed to having this tower built so close to our beautiful neighborhood.

Sincerely,
Keith and Barbara Hoffmann

Stovall, Karen

From: Michael Wood <[REDACTED]>
Sent: Saturday, March 14, 2015 5:55 PM
To: Stovall, Karen
Subject: FW: PL140480 - Countryside Cell Tower

Michael Wood



From: Michael Wood [mailto:[REDACTED]]
Sent: Saturday, March 14, 2015 9:52 AM
To: 'Karen_Stoval@tempe.gov'
Cc: 'Marty Starling'
Subject: PL140480 - Countryside Cell Tower

Dear Karen,

I am a Commercial Real Estate Broker for the past 30 years in the Valley and we have lived in Warner Estates for the past 22 years and we are totally against the proposed cell tower at McClintock and Warner.

In that location, Warner and McClintock within a radius of one mile is the most expensive housing developments in all of Tempe. Why would the City of Tempe consider such an eyesore for that corner location is beyond me.

One of the reasons is for profit to the strip center that is up for sale, developer and revenue to the City of Tempe. These cell towers are not for a short period of time, the leases are for 20 to 30 years. That is a big decision to make that is going to have an impact to the area for many years to come.

Why don't they put the cell tower at the ASU Research Park or on top of a commercial building, not in a location that is going to affect so many subdivisions in the general area and especially for the homes in Warner Estates.

I have been personally involved in commercial building with cell towers on the roofs and they change the valuation of the buildings with the revenue they create. This is just a revenue generator that is going to favor the City of Tempe, the developer of the tower and the strip mall. This will have a lasting impact on the esthetics in the area and I am completely amazed at the City of Tempe to consider this proposal .

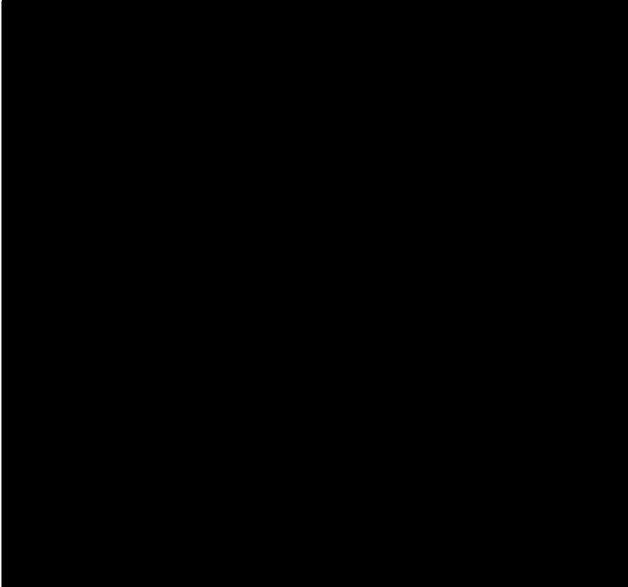
I have been involved with a number of commercial projects in Tempe and the City has always been concern about the environment issues, neighborhood impact, design, landscaping, esthetics and the overall evaluation of the development to the existing neighborhoods.

Please call if you have any questions, I would be glad to discuss this issue.

We would hope that the cell tower developer would research another area and the City of Tempe would listen to the neighbors in the area and do the right thing.

Most Sincerely,

Michael Wood



Stovall, Karen

From: [REDACTED]
Sent: Monday, March 16, 2015 9:47 PM
To: Stovall, Karen
Cc: Marty Starling; dbhouk@gmail.com
Subject: PL140480 - Countryside Cell Tower - Opposition from Warner Estates Neighbor

Dear Ms. Stovall,

I am a property owner in the Warner Estates development where a cell tower is proposed to be built adjacent to Countryside Shopping Center on the southeast side of Warner Road and McClintock Drive. Since I will be unable to attend the public meeting on March 17th, I wanted to share my concerns.

I believe it would be detrimental for a cell tower to be built primarily for visual blight and property devaluations. Health concerns such as microwave radiation posing as possible health risks from close proximity to cell towers is another reason I oppose the cellular tower being built at this location.

The neighbors along the wall of the Countryside strip mall would have their views obstructed by such a tower and I understand that many neighbors were not even informed by the City as to the planning of such construction. I know I never received notification.

Please consider my opposition for the reasons stated.

Sincerely,

Conchita Raices-Kollmann

[REDACTED]

Stovall, Karen

From: Allen Rebenstorf <[REDACTED]>
Sent: Thursday, April 09, 2015 10:11 AM
To: Stovall, Karen
Subject: Countryside Cell Tower

Karen,

I am a neighbor to where this cell tower is requested to be installed and I OBJECT to it!

I am a professional real estate agent and will tell you without a doubt it will hurt property values!

Thank you,

Allen Rebenstorf
[REDACTED]

**MINUTES
HEARING OFFICER
March 03, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Karen Stovall, Senior Planner
Brandy Zedlar, Code Inspector
Michael Glab, Code Inspector
Andre Lara-Reyes, Code Inspector
Steve Nagy, Administrative Assistant II

Number of Interested Citizens Present: 10

Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by MARCH 17, 2015 at 3:00 PM, to the Community Development Department.

Before hearing the cases, Ms. MacDonald noted that item #3 had been brought into compliance, items #6, #7, and #8 will be continued to the March 17, 2015 Hearing, and item #13 had been withdrawn. The Hearing Officer also noted that she would hear items #11 and #12 after the abatement cases.

1. Ms. MacDonald noted that the Hearing Officer Minutes for February 17, 2015 had been reviewed, and approved.

2. Request approval to abate public nuisance items at the **FERGUSON PROPERTY (PL150008)** located at 1213 WEST HERMOSA LANE. The applicant is the City of Tempe.

Brandy Zedlar requested approval of a 180 day open abatement of the property located at 1213 West Hermosa Lane. Notices have been sent to the owner of the property with no response. The owner is believed to be and unable to maintain the property, and there has been no public comment on the case.

Ms. MacDonald stated she was going to approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL150008

DECISION:

Ms. MacDonald approved PL140451/ ZUP14159 subject to the assigned Conditions of Approval:

CONDITIONS OF APPROVAL:

1. The use permit is valid for DESERT ROOTS KITCHEN and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Live entertainment is approved during regular business hours.
6. The applicant or business owner shall contact the City of Tempe Police Department, Crime Prevention Unit to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6027.
7. Shall not operate as a concert venue with advance ticket sales.
8. Applicant to return to the Hearing Officer with in nine months (by 12/3/15) for review of compliance with conditions. The application shall be noticed per ZDC requirements to allow an opportunity for any public comment on the conduct of the business with outdoor live entertainment.

8. Request approval for a Use Permit to allow a new 65-foot high monopole and equipment shelter for **COUNTRYSIDE CELL TOWER (PL140480)**, located at 1730 East Warner Road. The applicant is Eric Hochman, EJ Group, LLC.

Karen Stovall presented by reviewing the location, zoning, and surrounding structures. She then also reviewed the site details, and clarified the pole had been changed to a monopalm, and equipment shelter locations at the request of the Hearing Officer.

Ms. MacDonald then called up the applicant, Eric Hochman, Miami, Florida. Mr. Hochman went on to explain the reasoning behind the location for the monopalm. HE also clarified the distance from the closet resident's property line and presented an image of the viewpoint from the closest property line.

Ms. MacDonald then opened the Hearing to public comment.

1. Mark Horvath, Tempe, expressed opposition to the monopalm as he believed it would be an eyesore.
2. Ronald Sterling, Tempe, expressed opposition as it would be an eyesore, and the applicant's viewpoint imagery was deceptive.
3. Greg Medley, Tempe, expressed opposition because of lack of notification, and incompatibility with surrounding structures.
4. Marty Sterling, Tempe, expressed opposition because monopalm would be an eyesore, and was not compatible with surrounding area.
5. Deborah Hack, Tempe, expressed opposition because of lack of notification, and it would be an eyesore.

6. Bill Kanaugh, Tempe, expressed opposition as it would be an eyesore, it is not needed, and incompatible with surrounding structures.

Ms. MacDonald then closed the Hearing to public comment and called the applicant back up to the podium. Mr. Hochman went over and addressed the list of concerns expressed by the public. He then explained how this specific monopalm would work, and why it needed to be that specific height. Mr. Hochman also explained that he did not think he was being deceitful in presenting his imagery. He continued that the monopalm will support future technologies that will serve the community.

Ms. MacDonald then asked for scale line of sight drawings to be made that give a more accurate portrayal of what the monopalm would look like. She also asked Mr. Hochman to explore different heights. She then went on to explain that she did not believe an easy determination could be made on this case, and would like to see more options explored.

Ms. MacDonald then asked for staff clarification on the notification process, which Ms. Stovall presented.

DECISION:

Ms. MacDonald continued PL140480/ ZUP15014 to the March 17, 2015 Hearing.

9. Request approval for a Use Permit to allow a new 65-foot high monopole (monopalm) and equipment shelter for **VERIZON WIRELESS PHO REDONDO (PL140159)**, located at 3320 South Price Road. The applicant is Steve Ciolek, Coal Creek Consulting.

Karen Stovall presented the case by reviewing the location, zoning and surrounding structures. She added that she had received no public opposition to the monopalm.

With no questions of staff, Ms. MacDonald called up the applicant, Steve Ciolek, Scottsdale.

Mr. Ciolek explained that they had looked at other locations in the area, but other options were not compatible. He continued that they would also have ground equipment, with covers painted to match surrounding structures.

Ms. MacDonald reviewed the stipulations, and added that staff needed to update the parking data table.

With no one from the public wishing to speak on the case, Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- No significant increase in vehicular or pedestrian traffic.
- No nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- No contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL140159/ZUP14054 subject to the following conditions:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

The next Hearing Officer public hearing will be held on March 17, 2015.

There being no further business the public hearing adjourned at 3:45 PM.

Prepared by: Steve Nagy, Administrative Assistant II
Reviewed by:

A handwritten signature in blue ink that reads "Steve Abrahamson". The signature is written in a cursive style.

Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:SN

**REVISED MINUTES
HEARING OFFICER
April 21, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona. **Revision to Item No. 10 (Page 7), Condition of Approval #4.**

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Karen Stovall, Senior Planner
Dean Miller, Senior Code Inspector
Michael Glab, Code Inspector
Jack Scofield, Code Inspector
Amy Wozniak, Code Inspector
Steve Nagy, Administrative Assistant II

Number of Interested Citizens Present: 25

Meeting convened at 1:42 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by MAY 19, 2015 at 3:00 PM, to the Community Development Department.

Before hearing the cases, Ms. MacDonald noted that items #3, and #5 had been brought into compliance, and item #6 will be continued to the May 5, 2015 Hearing Officer.

1. Ms. MacDonald noted that the Hearing Officer Minutes for April 7, 2015 had been reviewed, and approved.

2. Request approval to abate public nuisance items at the **SALAZAR PROPERTY (PL150083)**, located at 1521 East Bell De Mar Drive. The applicant is the City of Tempe.

Jack Scofield requested approval of a 180 day open abatement of the property located at 1521 East Bell De Mar Drive. Notices have been sent to the owner of the property with no response. The owner has made some progress in cleaning up the property but the violation still exists. There has been no public comment on the case.

Ms. MacDonald stated she was going to approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL150083

3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Any intensification or expansion of use shall require a new Use Permit.
5. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before May 21, 2015.
6. The applicant shall return to the Hearing Officer for a six month review of compliance on October 19, 2015.

10. Request approval for a Use Permit to allow a new 65-foot high monopole and equipment shelter for **COUNTRYSIDE CELL TOWER (PL140480)**, located at 1730 East Warner Road. The applicant is ERIC Hochman, EJ Group, LLC.

Karen Stovall presented the case by reviewing the location, case history, public input she had received, and the site plans.

With no questions of staff, Ms. MacDonald called up the applicant. Eric Hochman, Miami, FL, presented the changes he had made to the cell tower and the cell tower location, lowering the height, and enhancing the design elements to look more like a palm in an effort to address the concerns of the neighbors.

With no questions of the applicant, Ms. MacDonald opened the Hearing to public comment.

1. Marty Starling, Tempe, expressed opposition over concerns to the impact of the view from her home.

Ms. MacDonald asked Ms. Starling if she had any idea why it would appear as though trees had been removed from the property directly behind her house. Ms. Starling replied that it was church property and the trees had died and been removed.

2. Bill Knopf, Tempe, expressed opposition over impact on view tower would cause.
3. Ron Starling, Tempe, expressed opposition over impact on view.
4. Deborah Houk, Tempe, expressed opposition over impact on views.
5. Dave Houk, Tempe, expressed opposition over impact on views.

With no other Public Comments, Ms. MacDonald closed that portion of the Hearing and called the applicant back up.

Mr. Hochman assured the Hearing Officer that the dimensions of the pole would meet the requirements. He addressed the concerns raised by the members of the public that spoke at the Hearing, and added that he would be happy to add landscaping. He also noted that he would be willing to consider other types of fronds to better camouflage the pole. He concluded by reiterating why the need for the additional pole in the area existed, which was to accommodate higher call volumes and new technologies.

Ms. MacDonald had no other questions of the applicant.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.

- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL140480/ ZUP15014 subject to the assigned Conditions of Approval:

CONDITIONS OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application except as modified by conditions.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Prior to issuance of building permits ~~submission of an application for a building permit~~, the applicant shall provide evidence to the Planning Division of a contractual agreement for a wireless provider to locate on the facility.
5. The monopalm shall have faux-bark cladding.
6. The top of the antennas shall be no higher than 60 feet.
7. The length of the antennas shall be no greater than 8 feet.
8. The T-arm to which the antenna sectors are mounted shall not extend from the pole for a distance greater than 2 feet.
9. The sector arms may not exceed a length of 9 feet and 6 inches (9'-6").
10. The monopalm shall be no greater than 65'-0" to top of fronds. This condition is intended to permit a structure that does not significantly exceed the height of other palm trees in the center and does not exceed the maximum height typically reached by real palm trees.
11. The landscape plan shall be modified to include a shade tree (minimum 1.5" caliper), a live Washingtonia robusta palm tree (minimum 25' high), groundcover plants, and irrigation in the landscape area north of the northern-most driveway off McClintock Drive. Specific plant locations shall be identified on the landscape plan submitted with construction documents.
12. The landscape plan shall be modified to show sight distance lines at driveways.

13. Include in the project data table the proposed square footage and percentage of on-site landscaping. A minimum of 15% is required.
14. The proposed equipment cabinet shall be constructed of similar material and color to match the existing buildings or shall be fully screened by solid screen walls and gates.
15. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.
16. Verify the number of existing parking spaces on the site and correct the site data table to note the removal of a total of four spaces. An updated parking analysis shall be submitted to the Planning Division prior to construction plan submittal.

The next Hearing Officer public hearing will be held on April 21, 2015.

Steve Abrahamson announced that the June 16 Hearing Officer was being moved to June 17. With no further business, the public hearing adjourned at 2:06 PM.

Prepared by: Steve Nagy, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:SN

Stovall, Karen

From: Jane Alfano Rasor <[REDACTED]>
Sent: Friday, May 29, 2015 5:42 PM
To: Stovall, Karen
Subject: Countryside Cell Tower, Case PL140480

Please enter these comments as part of the record in the hearing:

I reside in Estates La Colina in Tempe, which is the subdivision on the northeast corner of Warner and McClintock Roads. Thus the proposed cell tower would be located directly opposite my subdivision. I have no connection whatsoever with Countryside Cell whom I presume is the entity proposing to install the cell tower.

I support the decision of the hearing officer to approve a use permit for the tower. We live in an age of technology. The infrastructure for the technology has to go somewhere. Many people, ignorant of how technology works, think that technological infrastructure should be placed elsewhere. Elsewhere is "Not In My Backyard." They have no understanding of how the technological infrastructure works to benefit us all.

The location proposed is in a commercial development. In fact, commercial development occupies the entire intersection of Warner and McClintock Rds.
The proposed location is appropriate and should be approved.

Jane Alfano Rasor

Stovall, Karen

From: c c <[REDACTED]>
Sent: Saturday, May 30, 2015 8:21 PM
To: Stovall, Karen
Subject: PL140480

Karen,

I am writing to oppose the placement of the cell phone tower at Warner and McClintock. PL140480
I cannot attend the meeting due to work.

Thank you,

Chantelle Clarizio

Alta Mira Resident