

**Minutes
HEARING OFFICER
JANUARY 3, 2008**

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:

David Williams, Hearing Officer
Shawn Daffara, Planner II
Alan Como, Planner II
Nick Graves, Planning Intern

Number of Interested Citizens Present: 4

Meeting convened at 1:30 PM and was called to order by Mr. Williams.

1. Mr. Williams approved the Hearing Officer Minutes for December 18, 2007.

2. Mr. Williams noted that the following case(s) had been continued:
 - Hold a public hearing for a request by the **KERBER RESIDENCE (PL070497)** (Gregory Kerber, applicant/property owner) located at 401 East Hermosa Circle in the R1-6, Single Family Residential District for:

ZUP07184 Use permit to park in the front yard setback.
VAR07030 Variance to reduce the front yard setback from fifteen feet (15') to seven feet (7') for an open structure.
CONTINUED TO FEBRUARY 5, 2008 HEARING OFFICER

3. Hold a public hearing for a request by **T-MOBILE (PL070432)** (Brandon Peterson/Reliant Land Services; City of Tempe, property owner) located at 525 South Mill Avenue in the CC, City Center District for:

ZUP07193 Use permit to allow building mounted wireless antennas.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Alan Como, staff planner, confirmed there had been no additional public input received on this case since the staff report was issued.

Mr. Peterson confirmed in response to a question from Mr. Williams that the additional antennas are being placed on the east and west elevations.

DECISION:

Mr. Williams approved PL070432/ZUP07193 subject to the following conditions:

1. Roof mounted equipment shall have a 'placard' to identify what equipment belongs to which company.
2. Obtain all necessary clearances from the Building Safety Division of the Development Services Department.
3. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
4. The proposed antennas shall match the existing antennas on the site.
5. The wireless device shall be removed within thirty (30) days of discontinuance of use.

4. Hold a public hearing for a request by **KINGS PLAZA – T-MOBILE (PL070467)** (Brandon Peterson/Reliant Land Services, applicant; Kings Plaza LLC, property owner) located at 1400 South McClintock Drive in the CSS, Commercial Shopping and Services District for:

ZUP07194 Use permit to allow the addition of wireless antennas on existing monopalm.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Shawn Daffara, staff planner, confirmed that no additional public input had been received on this case since the staff report was issued.

DECISION:

Mr. Williams approved PL070467/ZUP07194 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. The new antennas shall match the existing antennas on the monopalm. No dissimilar paint, due to fading will be allowed. Existing antennas may have to be repainted to match the new antennas.
3. No further antenna additions will be allowed. The monopalm was designed for nine (9) antennas. If approved this monopalm will have nine (9) antennas.
4. Any intensification or expansion of use, including co-location of additional antennas, will require another monopalm on site, and a new use permit.
5. The wireless device shall be removed within 30 days of discontinuance of use.

5. Hold a public hearing for a request by **ELKS CLUB – T-MOBILE (PL070468)** (Brandon Peterson/Reliant Land Services, applicant; McCulloch Neel/Schneider John etal Trust, property owner) located at 2320 South Hardy Drive in the GID, General Industrial District for:

ZUP07195 Use permit to allow the addition of wireless antennas on an existing monopole.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Alan Como, staff planner, stated no additional public input had been received since the staff report had been issued.

DECISION:

Mr. Williams approved PL070468/ZUP07195 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division of the Development Services Department.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The proposed antennas shall match the existing antennas on site.
4. The wireless device shall be removed within thirty (30) days of discontinuance of use.

6. Hold a public hearing for a request by **T-MOBILE (PL070469)** (Brandon Peterson/Reliant Land Services, applicant; Maryland LLC, property owner) located at 410 South Madison Drive in the GID, General Industrial District for:

ZUP07196 Use permit to allow the addition of wireless antennas on an existing monopole.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Alan Como, staff planner, stated that he had not received any additional public information on this case since the staff report had been issued.

DECISION:

Mr. Williams approved PL070469/ZUP07196 subject to the following conditions:

1. Obtain the required encroachment permit for the communications facility location across an existing water line.
2. Obtain all necessary clearances from the Building Safety Division of the Development Services Department.
3. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
4. The proposed antennas shall match the existing antennas on the site.
5. The wireless device shall be removed within 30 days of discontinuance of use.

7. Hold a public hearing for a request by **T-MOBILE (PL070472)** (Brandon Peterson/Reliant Land Services, applicant; Wortham Eunice Virginia/Flake Jean Ellen, property owners) located at 201 East Southern Avenue in the CSS, Commercial Shopping and Services District for:

ZUP07197 Use permit to allow the addition of wireless antennas on an existing monopalm.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Shawn Daffara, staff planner, stated that he had received one (1) e-mail of opposition from the neighbor to the south on this case since the staff report had been issued.

Mr. Williams noted that approximately two (2) years ago a series of four (4) conditions were assigned to the original application due to neighbor concerns and that he wanted to assure that the conditions agreed upon at that time had been met. Shawn Daffara stated that they had been.

Mr. Williams noted the green paint in photo-sim does not appear to match; Mr. Peterson responded that the paint will match perfectly as outlined in condition of approval #2.

Mr. Williams stated that while he shared the neighborhood concern of radio frequency radiation, at this time there are no local regulations. The conditions of approval assigned to the original application have been met.

DECISION:

Mr. Williams approved PL070472/ZUP07197 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. The new antennas shall match the existing antennas on the monopalm. No dissimilar paint, due to fading will be allowed. Existing antennas may have to be repainted to match the new antennas.
3. No further antenna additions will be allowed. The monopalm was designed for nine (9) antennas. If approved this monopalm will have nine (9) antennas.
4. Any intensification or expansion of use, including co-location of additional antennas, will require another monopalm on site, and a new use permit.
5. The wireless device shall be removed within 30 days of discontinuance of use.

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8. Hold a public hearing for a request by the **RICHARDS RESIDENCE (PL070501)** (John Richards, applicant/property owner) located at 1031 West Fremont Drive in the R1-6, Single Family Residential District for:

VAR07031 Variance to reduce the west side yard setback from five feet (5') to three feet (3').

Mr. John Richards was present to represent this case.

Shawn Daffara, staff planner, confirmed no additional public input had been received since the staff report was issued.

Mr. Richards explained that he and his wife's retirement plans included the use of Tempe Town Lake and water activities relating to a jet ski which they wanted to protect with an awning at their home.

Mr. Williams asked if the applicant understood the requirements for permits pertaining to the awning. Mr. Richards stated that he was now aware of this stipulation, although the awning contractor who installed it did not inform him of that requirement.

Mr. Williams noted concern about the roof overhang and drainage over the property line – how far is the roof overhang from the property line? Mr. Richards responded that the Building Safety officer explained that the fire code requires that it be three (3) feet from the property line, and the modified roof line will be set back two (2) feet.

Mr. Richards acknowledged that he had been working with Shawn Daffara and Building Safety to bring the awning into compliance with City codes and obtain the proper permits.

DECISION:

Mr. Williams approved PL070501/VAR07031 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
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9. Hold a public hearing for a request by **SRP PERA SUBSTATION - T-MOBILE (PL070521)** (Brandon Peterson/Reliant Land Services, applicant; SRP, property owner) located at 2808 North College Avenue in the AG, Agricultural District for:

ZUP07199 Use permit to allow the addition of wireless antennas on an existing SRP electrical pole.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Alan Como, staff planner, stated that he had not received any additional public information on this case since the staff report had been issued.

Mr. William questioned whether public hearing notices were sent to property owners who fell within the boundaries of Scottsdale. Shawn Daffara responded that it doesn't matter what city falls within the 300 ft radius, that the property owners still receive a public hearing notice.

DECISION:

Mr. Williams approved PL070521/ZUP07199 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division of the Development Service Department.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The proposed antennas shall match the existing antennas on the site.
4. The wireless device shall be removed within 30 days of discontinuance of use.

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10. Hold a public hearing for a request by **SRP KYRENE POWER PLANT - T-MOBILE (PL070523)** (Brandon Peterson/Reliant Land Services, applicant; SRP, property owner) located at 202 East Elliot Road in the AG, Agricultural District for:

ZUP07200 Use permit to allow the addition of wireless antennas on an existing SRP lattice tower.

Mr. Brandon Peterson of Reliant Land Services was present to represent this case.

Nick Graves, staff planner, stated that he had not received any additional public information on this case since the staff report had been issued.

Mr. Williams asked if this tower falls within a power substation; Mr. Peterson confirmed that it does.

DECISION:

Mr. Williams approved PL070523/ZUP07200 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division of the Development Services Department.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The proposed antennas shall match the existing antennas on the site.
4. The wireless device shall be removed within 30 days of discontinuance of use.

The next Hearing Officer public hearing will be held on **Tuesday, January 15, 2008**.

There being no further business the public hearing adjourned at 1:56 PM.

Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



Shawn Daffara, Planner II
for David Williams, Hearing Officer

SD:dm