

#24
FEB 08 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 07-005a

DATE: JANUARY 24, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PRINCIPAL PLANNER

FROM: BILL DERMODY, CITY PLANNER

SUBJECT: UP06-0056 WARNER/101 MONOPALM

Request: Wireless communications facility in an Agricultural (AG-1) zoning district

Location: North of the northeast corner of Price Road (Loop 101 Freeway) and Colt Road, about 1,000 feet north of Warner Road

Applicant: Rulon Anderson
T-Mobile

Owner: Desert Communications Facilitators, LLC
Ronald Kilpatrick

The case was continued from the January 25, 2007 in coordination with requests by Planning Commission for additional information regarding site access, fire issues, electricity connections, and water connections.

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

BACKGROUND

The application requests a new 50' tall monopalm wireless cell tower located on a freeway remnant parcel adjacent to Price Road within an Agricultural (AG-1) zoning district. A

monopalm is a wireless cell tower designed to look like a palm tree. The Zoning Code requires a Use Permit for wireless communication facilities in commercial and residential zoning districts that do not utilize existing poles or towers.

The approximate 11,300 square foot subject site is a freeway remnant parcel located adjacent to the eastern sound wall along Price Road (Loop 101 Freeway). North and south of the subject site are other remnant parcels also zoned AG-1. To the east is a large-lot single-family home subdivision with Rural-43 (R-43) zoning in unincorporated Maricopa County. The nearest home is located about 240' southeast of the proposed monopalm.

In the immediate area, there are no suitable alternatives for co-location of the wireless communication facilities on existing poles or towers. According to information provided by the applicant as required by code, there are exactly eight sets of verticalities of a height equal to or greater than the proposed monopalm within one square mile; none of these eight verticalities are feasible options, either due to the inability to support another wireless carrier or because the pole is located too far from the targeted service area. An inventory of these verticalities provided by the applicant is among the attachments.

The applicant has also explored other options in the area for a new wireless facility. The applicant attempted to gain approval for a new wireless facility on a nearby LDS church site, but the church was not willing to provide space. The applicant has also pursued locating a new facility across the freeway to the west at the Arizona State University Research Park, but ASU has refused to provide space for such a facility. Several other commercial and utility sites, including the Cathedral of Praise and Foundation for the Blind parcels east along Warner Road, and the SRP substation farther east, were eliminated from consideration because they are too far east of the targeted service area.

The 50' tall monopalm and associated mechanical equipment will occupy a 660 square foot area at the northwestern corner of the subject site, immediately adjacent to the freeway sound wall. The equipment will be completely screened from off-site view by CMU walls. Also, the applicant will install two live palm trees adjacent to the monopalm in order to provide a more natural, "grove-like" appearance. The live palm trees will be of 20' and 25' heights at planting. A landscape plan and illustrations of the proposed monopalm are attached.

Access will be provided to the site from Colt Road through the parcel to the south, which is under the same ownership, and through an ADOT parcel that is further south (see attached Ownership Map). The applicant has not yet provided evidence of legal access through the ADOT parcel, but would need to do so in order to be granted a building permit. The applicant indicates that, after construction, the site will only be accessed on foot. The Fire Marshall has reviewed the proposal, finding it to not be a significant fire hazard and finding that there is no fire-related necessity for providing a paved surface to the facility. Site Development Staff have found that there is no need for a paved surface to the facility, provided that vehicles do not regularly access the site.

The site will be irrigated through the extension of existing SRP water lines from the east (see

attached Landscape Plan). It cannot be definitively determined at this time how SRP electricity will be provided to the site, but the most likely connection would be from a transformer along Colt Road immediately to the south. SRP will not declare how water and electricity will be provided without an application to respond to, and an application to SRP cannot be made without first receiving valid City approval.

DISCUSSION

Planning Commission and Staff find the proposed monopalm to be an appropriate use for a remnant parcel that is located adjacent to a freeway. The monopalm will have no more negative impact than the freeway lights that stand taller than the sound wall and are plainly visible from neighboring residential properties. The faux palm design of the wireless facility and the two associated live trees, when placed in the proposed “grove” setting, are compatible with the trees found throughout the subdivision. Also, considering that no residence is located within 240’ of the proposed facility, a monopalm at this location will have no substantial negative impact on the surrounding uses.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood meeting was held on November 2, 2006 at the Downtown Chandler Community Center. Four citizens attended, all of whom are neighbors of the subject site. One of the neighbors stated support for the application. Three other neighbors stated opposition because of the cell tower appearance and location of the site. One of the opposing neighbors has additional concerns regarding the legality of the application—a letter detailing his concerns is attached.
- At the time of this writing, Staff has received two letters in regard to the application from neighbors, one of whom also attended the neighborhood meeting. One neighbor is in favor and one against the application. The letters are among the memo attachments.

COMMISSION VOTE REPORT

Motion to approve.

In Favor: 5 Opposed: 0 Absent: 2 (Irby and Anderson)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of UP06-0056 WARNER/101 MONOPALM subject to the following conditions:

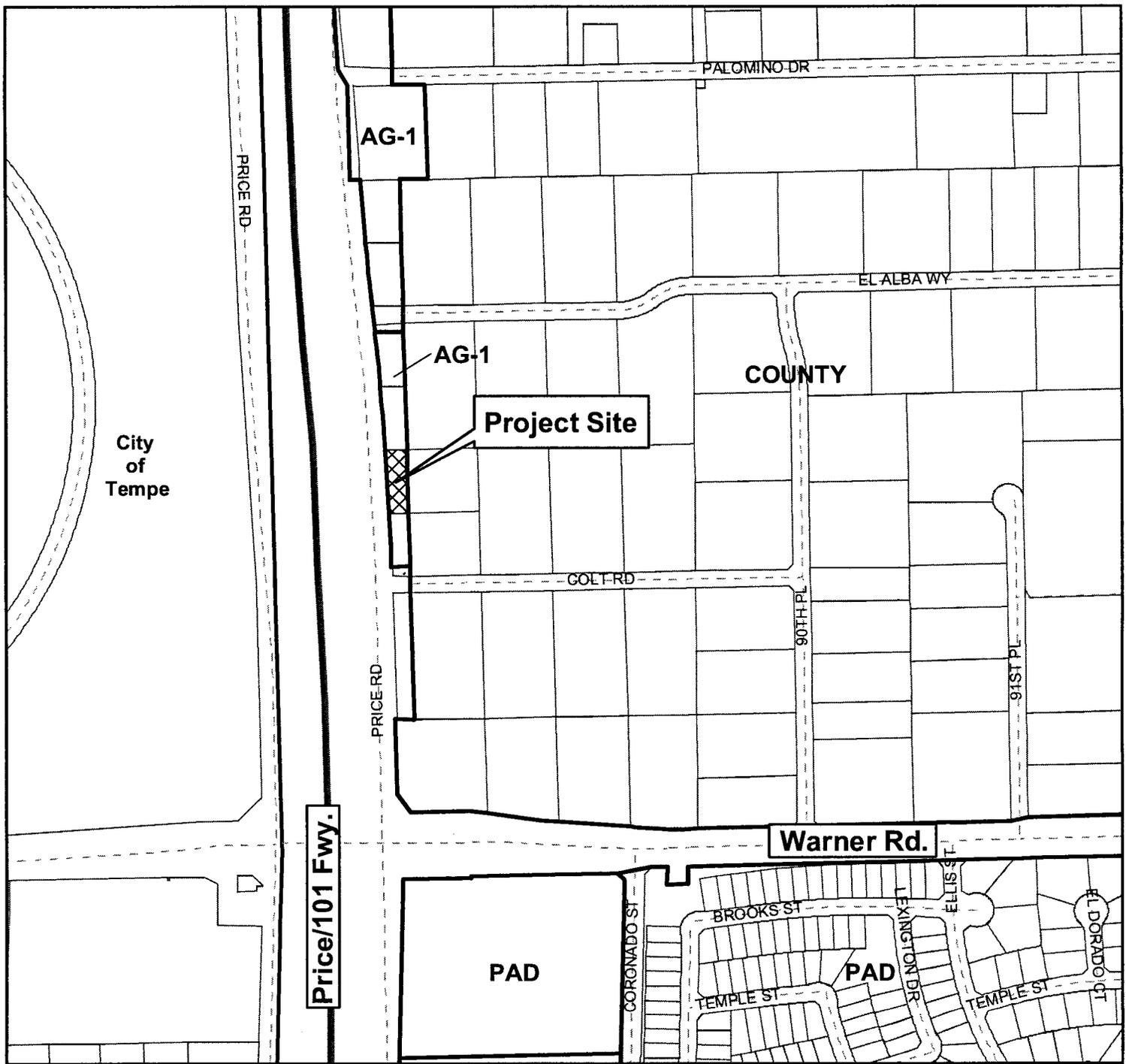
1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. There shall be two live palm trees installed and maintained adjacent to the monopalm. The trees shall be of 20’ and 25’ heights at the time of planting and shall match the monopalm’s appearance.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

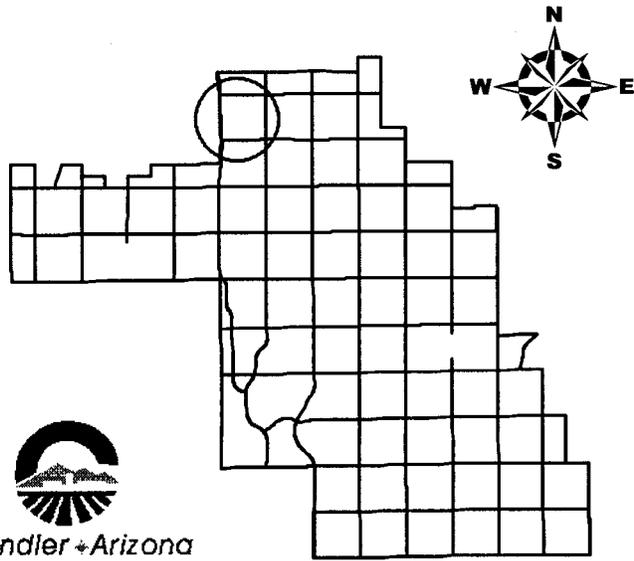
Move to approve UP06-0056 WARNER/101 MONOPALM Use Permit for a wireless communication facility within an Agricultural (AG-1) zoning district subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Applicant Narrative
3. Site Plan, Landscape Plan, and Elevations
4. Property Ownership Map
5. Letter from Neighbor in Favor
6. Letter from Neighbor in Opposition
7. Applicant's Response to Neighbor's Letter
8. Staff Photographs
9. Inventory of Verticalities within one mile
10. Inventory Map



Vicinity Map



UP06-0056

Warner/101 Wireless Facility

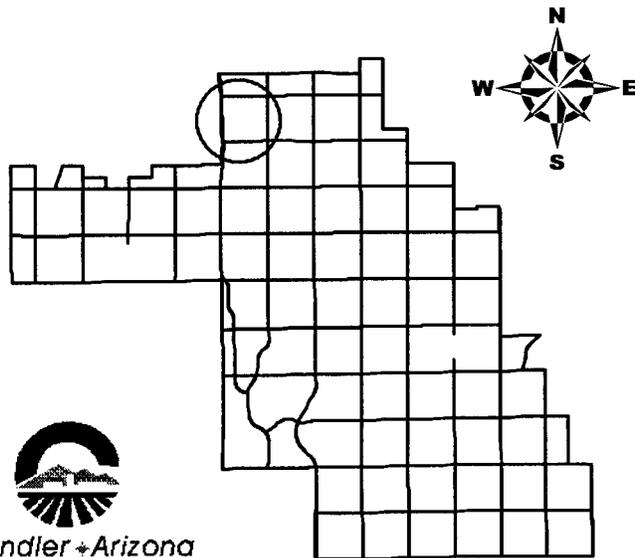


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CITY OF CHANDLER 9/22/2006



Vicinity Map



UP06-0056

Warner/101 Wireless Facility



Chandler + Arizona
Where Values Make The Difference

CITY OF CHANDLER 9/22/2006

Project Information:

Warner 101
Colt Rd. & Price Freeway
Chandler, AZ 85224

APN: 302-79-121 A

Proposed Use:

This application is for new 50' monopalm wireless cell tower with mounted antennas intended to provide cellular service to the people in this area, with minimum visual impact. The related equipment will be located at the base of the monopalm, in a built on site shelter. T-Mobile will utilize a 22'x30' lease area, totaling 660 ft², enclosed by an existing CMU wall. This site is currently zoned AG-1 and the land is currently not in use. It borders the Price Freeway making it an ideal location for our wireless communication facility.

Current zoning:	AG-1
Zoning to North:	Rural-43
Zoning to East:	Rural-43
Zoning to South:	AG-1
Zoning to West:	None

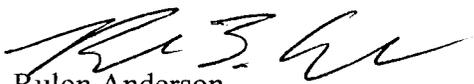
Narrative:

The proposed site is necessary to handle the capacity of wireless phone calls in the area. In addition, this site will incorporate the new E-911 call tracking antennas as mandated by the FCC.

The site will require one technician on a once per month visit after construction for maintenance. The proposed project will not utilize connection to any water system, refuse collection, or sewer system.

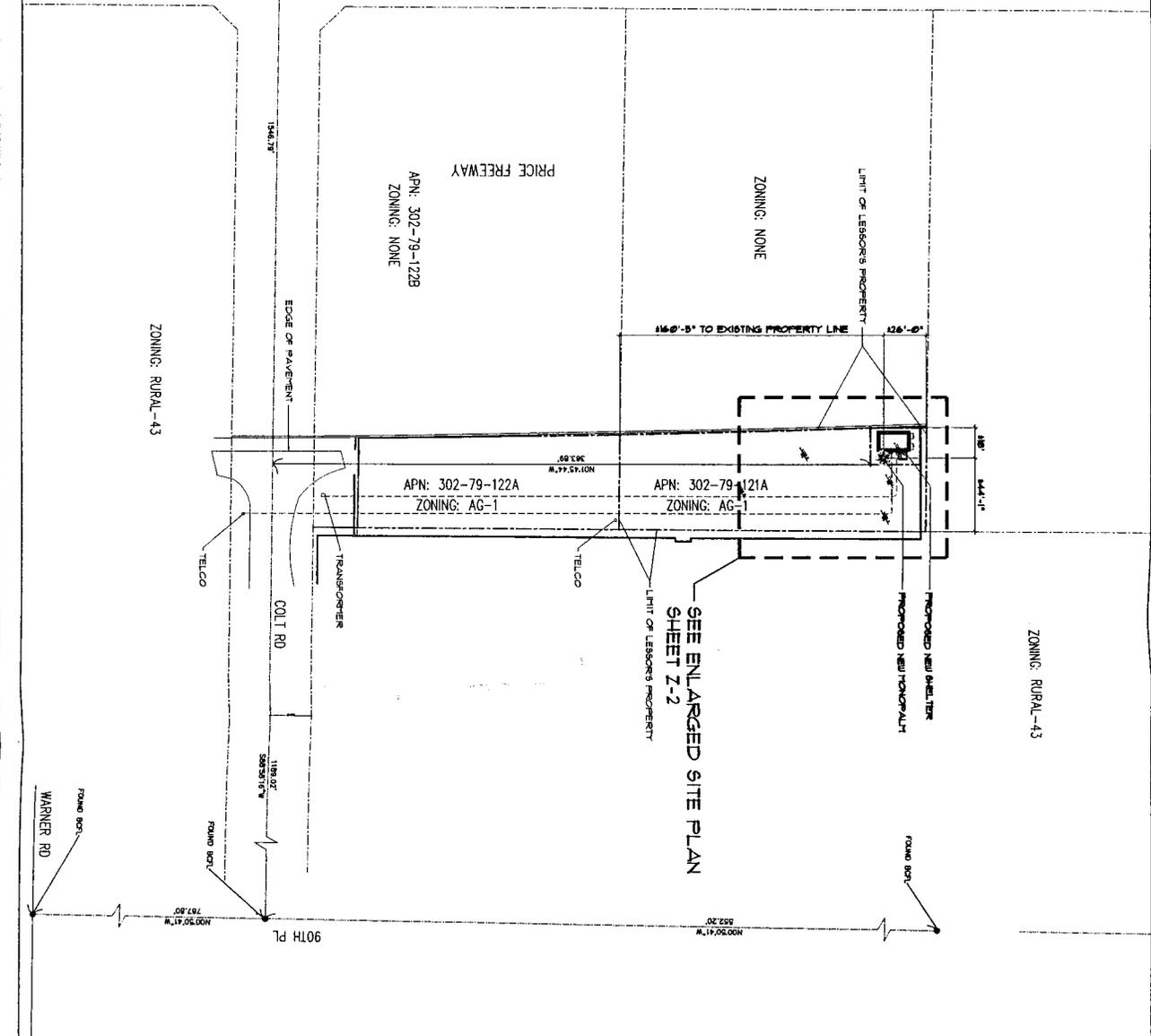
This development will not affect any vehicular or pedestrian patterns. The communication site does not emit any odor, dust, gas, noise, vibration, smoke, heat or glare. The RF emissions from this site are well within FCC guidelines for a digital PCS communication site.

Respectfully submitted,



Rulon Anderson
T-Mobile
PH10246D

SITE PLAN



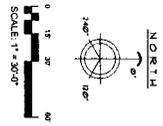
SEE ENLARGED SITE PLAN SHEET Z-2

GENERAL NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON THE LATEST AVAILABLE RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
2. ALL UTILITIES SHALL BE PROTECTED AND DEPTH SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
3. ALL UTILITIES SHALL BE REPAIRED OR REPLACED AS NECESSARY.
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FLOOD INFORMATION

CONTRACT NUMBER	PANEL #	SHEET	PANEL DATE	FIRM ZONE
2285	H	9/20/05	X	



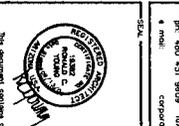
T-Mobile

2601 W. BROADWAY RD., TULSA, OKLAHOMA, 74128
 PHONE: (903) 943-5000 FAX: (903) 943-5000

Project prepared by:

Young design corp

PROJECTS: • ZONING • PERMITS
 10443 E. Van Linn, Scottsdale, AZ 85258
 PH: 480 451 9509 FAX: 480 451 9508
 * email: corporate@ydesigncorp.com



PROJECT INFORMATION

PROJECT NO. **PH10246 D**

PROJECT NAME **WARNER 101**

PROJECT ADDRESS **COLT RD & PRICE FREEWAY CHANDLER, AZ 85224**

PROJECT DATE **09/13/08**

PROJECT STATUS **FINAL, S&I/E**

PROJECT SITE PLAN

PROJECT INFORMATION

PROJECT NO. **PH10246 D**

PROJECT NAME **WARNER 101**

PROJECT ADDRESS **COLT RD & PRICE FREEWAY CHANDLER, AZ 85224**

PROJECT DATE **09/13/08**

PROJECT STATUS **FINAL, S&I/E**

SHEET NUMBER **Z1**

T-Mobile
 3911 W. ARROWAY RD., TOLSON, ARIZONA, 85182
 PHONE: (602) 841-5000, FAX: (602) 841-3300

PLANS PROVIDED BY
young design corp
 10010 N. CENTRAL EXPRESSWAY
 SUITE 1000, PHOENIX, ARIZONA 85020
 PHONE: (480) 551-8000 FAX: (480) 451-8008
 WWW: WWW.YOUNGDC.COM



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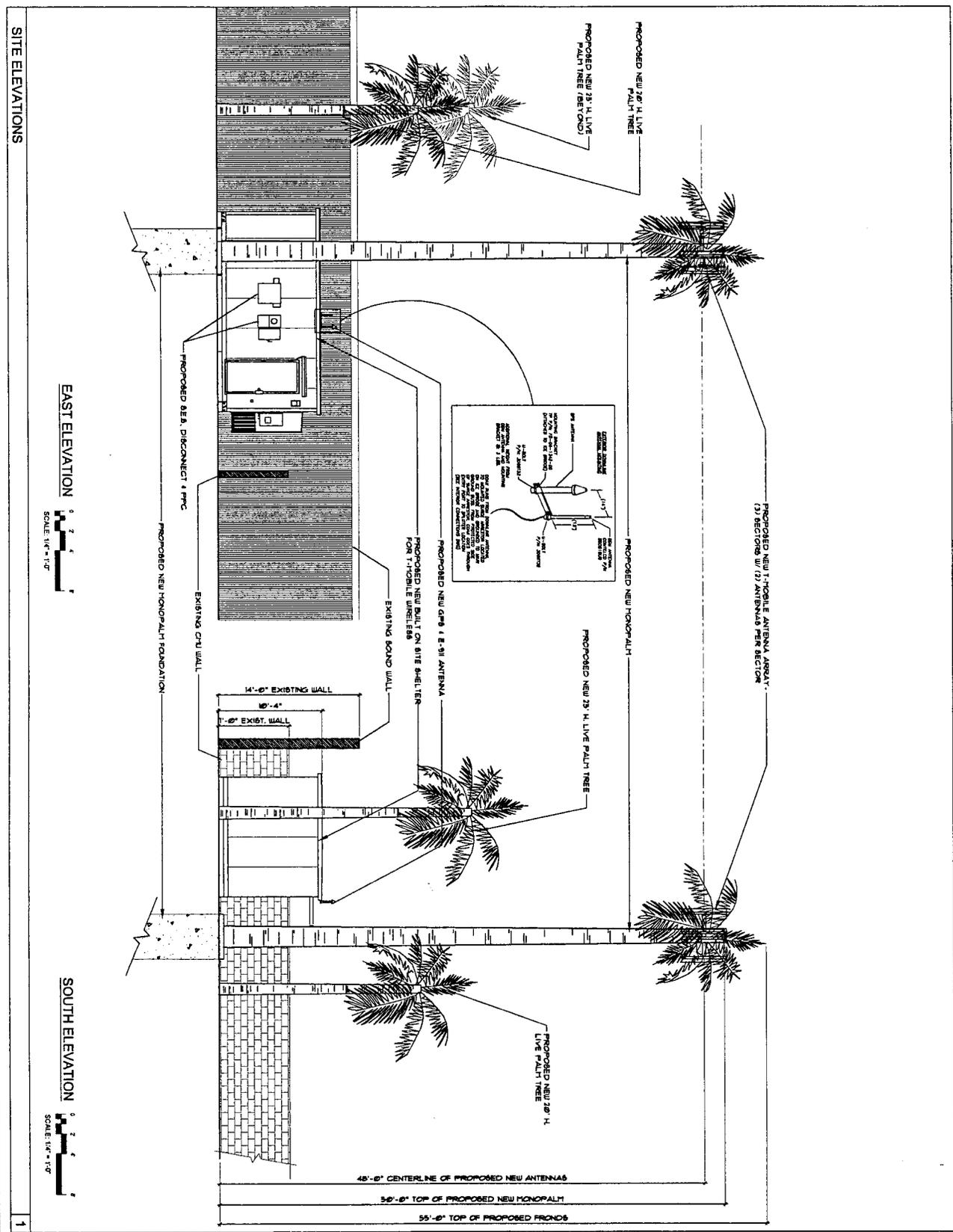
NO.	DATE	DESCRIPTION
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2	09/13/09	FINAL ISSUE
3	10/11/09	CITY COMMENTS

ARCHITECT: JOE MC
 1500-890
 PROJECT INFORMATION:
PH10246 D
 WARNER 101
 6011 RD. & BRIDGE FERRYWAY
 CHANDLER, AZ 85224

SHEET TITLE:
SITE ELEVATIONS

ADDITIONAL APPROVAL:

SHEET NUMBER:
Z3



SITE ELEVATIONS

EAST ELEVATION
 SCALE: 1/4" = 1'-0"

SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



NO.	DATE	DESCRIPTION	BY
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2	09/13/08	FINAL SETBACK	
3	12/11/08	CITY COMMENTS	

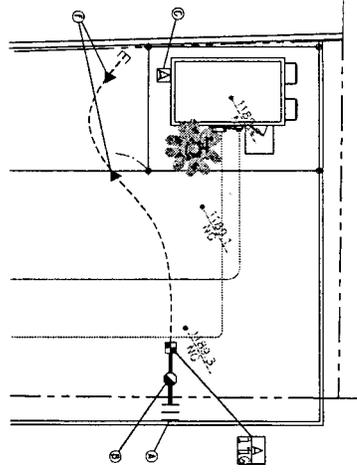
ARCHITECT JOB NO. YDC - 950
 PROJECT DESCRIPTION PH10246 D
 WARNER 101
 CULT. RD. & PRIDE FREEWAY
 CHANDLER, AZ 85226

IRRIGATION PLAN

SHEET NUMBER L2

IRRIGATION NOTES

1. PROVIDE SYSTEM DESIGN TO BE IN ACCORDANCE WITH THE IRRIGATION AND PEST CONTROL CODES AND THE IRRIGATION AND PEST CONTROL CODES.
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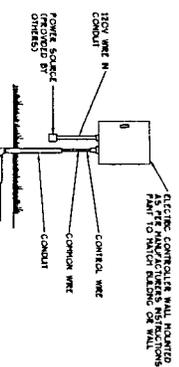
IRRIGATION PLAN
 SCALE 1"=10'-0"

IRRIGATION LEGEND

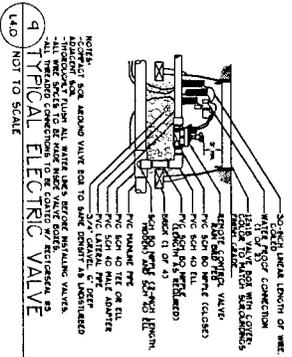
NO.	SYMBOL	DESCRIPTION	QUANTITY	UNIT
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3	○	1/2" 3/4" VALVE	2	EA
4	○	1/2" 3/4" VALVE	2	EA
5	○	1/2" 3/4" VALVE	2	EA
6	○	1/2" 3/4" VALVE	2	EA
7	○	1/2" 3/4" VALVE	2	EA
8	○	1/2" 3/4" VALVE	2	EA
9	○	1/2" 3/4" VALVE	2	EA
10	○	1/2" 3/4" VALVE	2	EA
11	○	1/2" 3/4" VALVE	2	EA
12	○	1/2" 3/4" VALVE	2	EA

IRRIGATION NOTES

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25. PROVIDE THE SYSTEM DESIGN TO BE IN ACCORDANCE WITH THE IRRIGATION AND PEST CONTROL CODES.



WALL MOUNTED ELEC. CONTROLER DETAIL
 NOT TO SCALE



BUBBLER DETAIL
 NOT TO SCALE

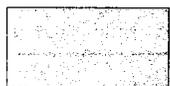
The Campbell Collaborative
 landscape architecture and planning
 1115 E. BROADWAY, SUITE 100
 CHANDLER, AZ 85226
 TEL: 480-948-1444 FAX: 480-948-1440

CG122
 Two copies, one per page, size 4x6
 CALL FOR THE BLUE PRINTS
 1115 E. BROADWAY, SUITE 100
 CHANDLER, AZ 85226
 TEL: 480-948-1444 FAX: 480-948-1440

Property Ownership



Data Source: Maricopa County



ADOT-owned



Subject Site (owned by R. Kilpatrick)



Chandler + Arizona
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January 10, 2007

November 13, 2006

Bill Dermody
215 East Buffalo Street
Chandler, Az 85225

I Beverly Carpenter own, have deeds to and paying the property taxes on parcel's # 302-79-119A and # 302-79-120D.

THE ADJOINING PARCEL IS # 302-79-121A IN CHANDLER, AZ (CASE UP06-0056T), WHICH IS THE SITE FOR THE MOBILE ANTENNA TOWER.

I fully support the tower and would not consider it a commercial business.

My brother retired from the phone company in California, he has informed me on how they work, etc.

I have a home in Mesa, I would welcome a tower in my yard.

By having more towers it means less dropped calls and could mean the differences between life or death

Sincerely,

A handwritten signature in cursive script that reads "Beverly Carpenter".

BEVERLEY CARPENTER

2819 W El Alba Way
Chandler, AZ 85224

Mailing address:
P.O. Box 7228
Chandler, AZ 85246-7228

Bill Dermody
City of Chandler Planner
215 E. Buffalo St.
Chandler, AZ 85225

cc:
Rulon Anderson
T-Mobile
2601 W Broadway
Tempe, AZ 85282

October 31st, 2006

Dear Mr. Dermody

Re: Case No.UP06-0056, T-Mobile antenna tower, Parcel # 302-79-121A

I have concerns regarding this 'Use Permit' application and desire that the permit be denied for reasons given below.

History of Use and Ownership

- The subject property was originally part of a residence in the Caballos Ranchitos subdivision, and continues to be legally described as a part of the subdivision, who's CC&R's do not permit this use.
- The property was acquired as an ADOT remnant after the construction of the 101 freeway.
- The property is presently vacant, it is not accurately described as a farm as stated in the Notice, although it is zoned as agricultural.
- The present owner of record for the property is an associate of Sandra Carpenter, and has acquired title to the property through her efforts.
- Because Arizona is a community property state and Sandra Carpenter is legally my wife, I believe that I have a reasonable legal claim to ownership of the subject property and the parcel to the immediate south.

Aesthetic Factors

- While the 'faux palm tree' stands out less than a galvanized tower, it will still be large and imposing compared to the existing vegetation in the area. The 50 ft tower would be significantly higher than any existing structure, including freeway lighting.
- This same structure was opposed by our subdivision neighbors adjacent to the "Crossing" church at 2542 W. Warner, who objected strongly to the tower at that location.
- All utilities in the neighborhood are buried for the purpose of minimizing the visual impact.
- The present site plan allows for no setback from our property to the north, which is unacceptable.

- Allowing the tower would set the precedent that commercial use is permissible, and could bring other tall structures to the neighborhood.

Alternative Locations

I believe that the following or similar locations would have less impact on the neighborhood and would be a benefit to the community. T-Mobile also favors schools and churches because of the benefit derived by the community.

- At the 101/Warner. SRP well site at SW corner, commercial area at SW corner, vacant ADOT property at NE corner, Medical center at SE corner. ASU property at NW corner, extending north to Elliot and west 1/3 mile.
- SRP pump station and drainage basin on east side of 101 half way between Warner and Elliot.
- Between 91st Place and Bullmoose, at the 'Cathedral of Praise' church or the 'Foundation for Blind Children'.
- On mesquite at the LDS church.

Conflict of Interest

I am concerned that Sandra and Beverly Carpenter may have misrepresented themselves as being independent of the entity making the application.

The owner of record for parcels 119A and 120D (to the north of subject property) is Beverly Carpenter, the mother of Sandra Carpenter. Sandra has joint ownership of parcel 118 (to the NE) and is a business associate of Paul Kilpatrick, who is the owner of record for parcels 121A (the subject property) and 122A (to the south).

Sandra Carpenter is the person responsible for the proposed the cell tower use and has effective control over the aforementioned lots, including the subject property.

You may also wish to contact your code enforcement officer, Greg Carr, regarding his experiences with the Carpenters in regard to parcels 302-79-118, 302-79-119-A (to the north).

My primary objection is that this commercial use is an encroachment on residential property. I believe that such towers should be located within commercial areas or placed where they will benefit the community, at schools and churches, rather than benefit an individual property owner.

There is the additional important matter of ownership of the subject property, which I claim.

Please contact me at the numbers below if you have any questions of me, or require any documentary evidence.

Sincerely,

Robert P. Dixon
(480) 629 2519 office, (480) 206 1290 cell

Legal owner of adjacent lots to the immediate north east, 302-79-118 and north, 302-79-119-A, 302-79-120-D. I also intend to file a legal claim to ownership of the parcels 302-79-121A (the subject property) and 302-79-122A.

RESPONSE LETTER

Mr. Bill Dermody,

11-08-06

Date: 11-8-06

Case #: UP06-0056 –T-Mobile-Warner/101- Parcel #302-79-121A

RE: T-Mobile response letter concerning Mr. Dixons comments, dated 10-31-06.

History of Use and Ownership

- Our title on the property shows no CC&R restriction. To say that there never has been any we don't know, but there are none of record as of now.
- The property is owned by Mr. Kilpatrick and Mrs. Carpenter is not an owner of record according to the title report. Therefore Mr. Dixon would not have any rights to the property.

Aesthetic Factors

- T-Mobile feels that a faux palm tree is more aesthetically pleasing than a standard monopole.

Alternative Locations

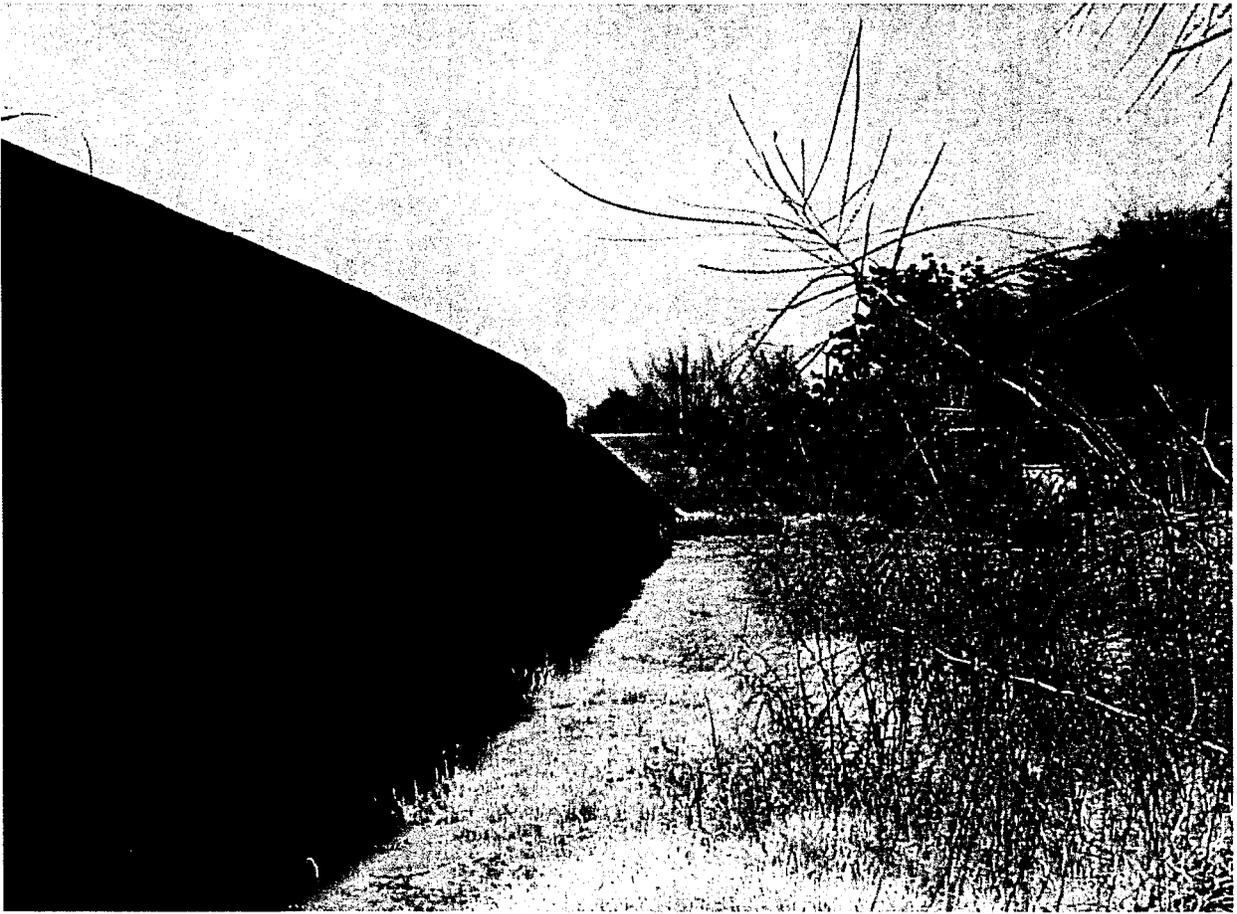
- The SRP Well site is not viable because of the space conflicts with SRP. There is not enough space for SRP to give us a 20x30 foot space and have room for future expansion.
- The medical center did not have enough room for the area that T-Mobile needed. This site was proposed and the conflicts with the parking spaces available and needed were too few to occupy two. This left the landscape islands and that was not viable due to the landowners wants for aesthetics on the property.
- The SRP substation is too far to the east for the needs of T-Mobile. The target for the proposed site is the 101 and the distance to the east would detract from the goal.
- The LDS church is not a viable candidate because the church is unwilling to lease space.
- The "Cathedral of Praise" and "Foundation for Blind" are not suitable for the target area that T-Mobile is trying to cover.

Conflict of Interest

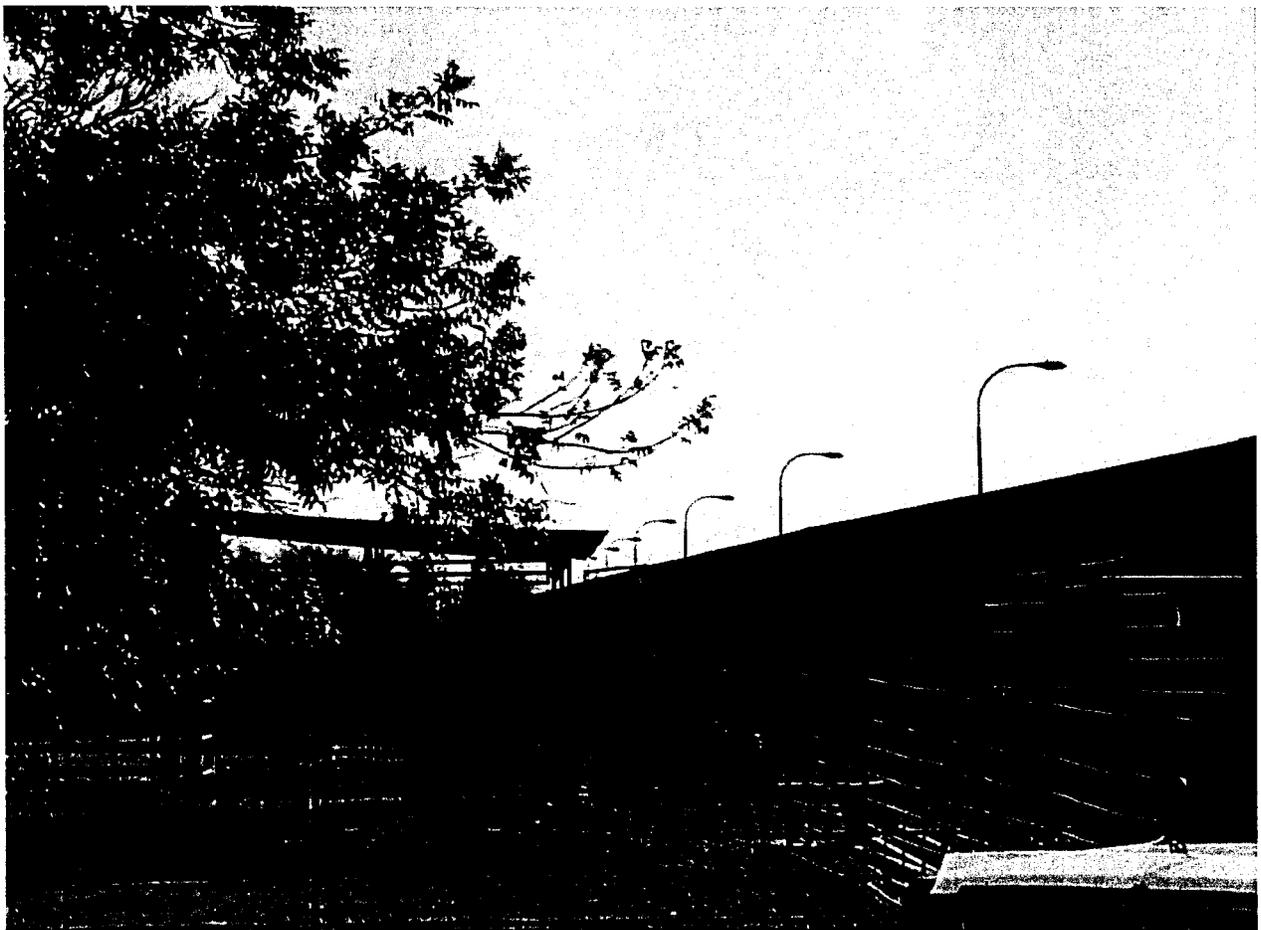
- This information should not affect our application. We are not concerned with how properties may be connected through relationships. This property is not owned, according to recorded title, by Mrs. Carpenter. Therefore this information should not be of record.
- This property is zoned AG.

Sincerely,

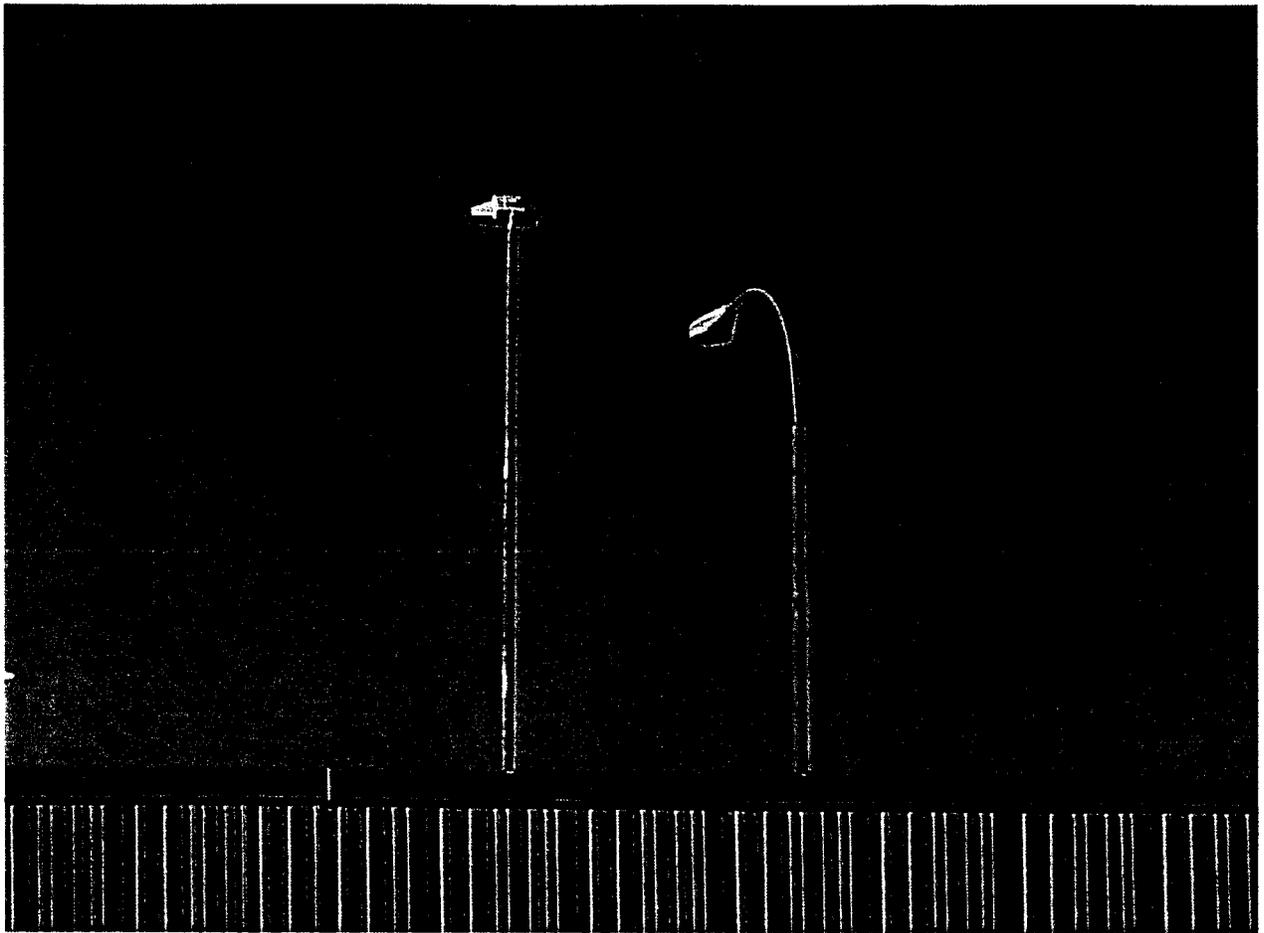
Rulon Anderson
T-Mobile
2601 W. Broadway Rd.
Tempe, AZ. 85282
602-321-4903 cell
Rulon.anderson@t-mobile.com



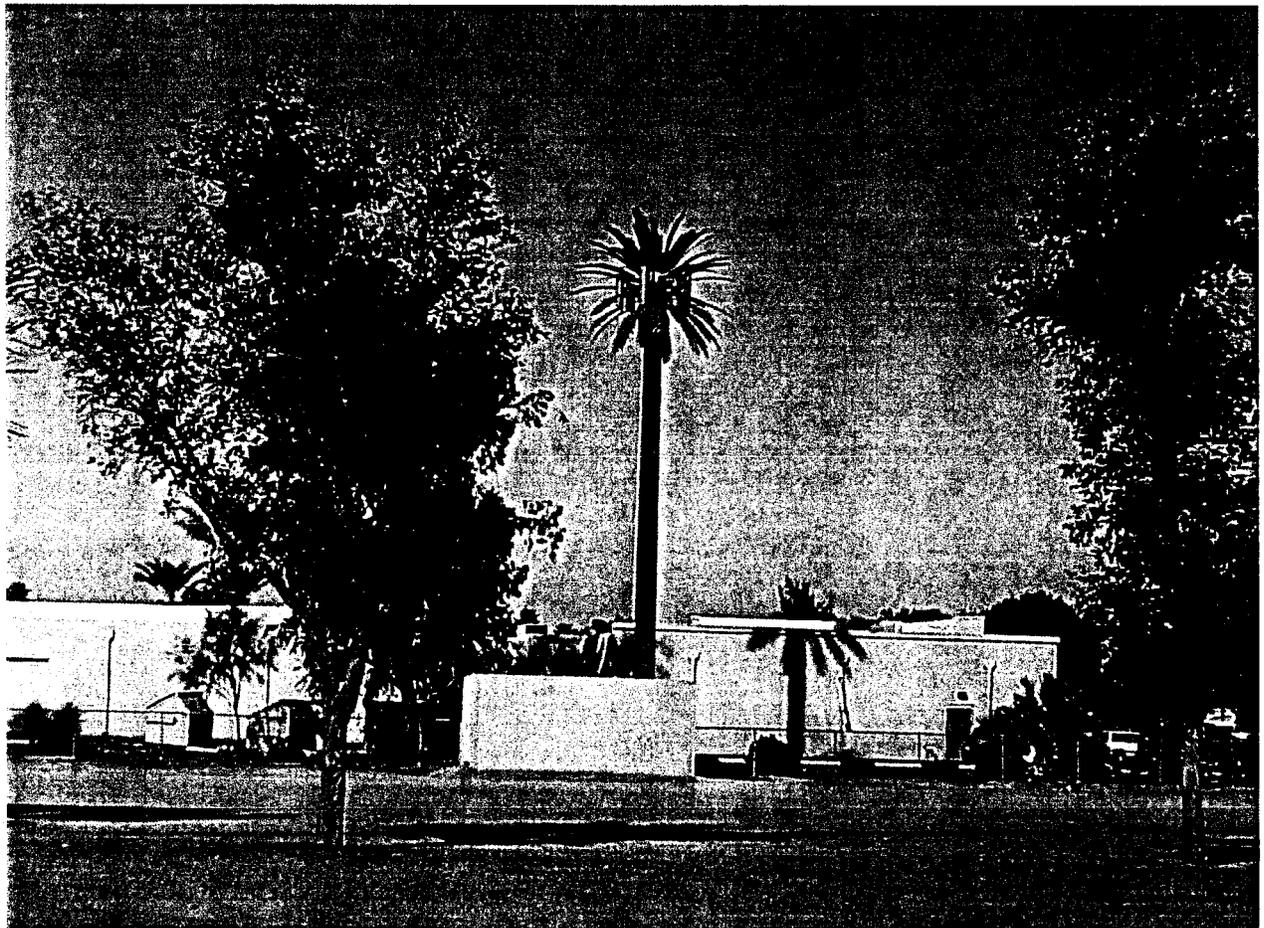
View of subject site from south. Monopalm is proposed for the northwest corner adjacent to the walls.



View from 1,000 feet to the north (El Alba Way) toward subject site.



Closeup of freeway lights. The light on the right is 35' tall.



Sample 65' tall monopalm at Erie Elementary School. Subject monopalm is 50' tall.

Inventory

RE: UP06-0056 WARNER/101

- 1) 50' monopole West of Loop 101 on the South side of Elliot Rd. This tower already has two carriers collocating on it and could not support another carrier's equipment.
- 2) 60' utility pole West of Loop 101 on the South side of Elliot Rd. Another carrier is already collocating on this pole.
- 3) 60' utility pole West of Loop 101 on the South side of Elliot Rd. Another carrier is already collocating on this pole.
- 4) 50' monopole East of Loop 101 on the North side of Elliot Rd. This tower already has one carrier on it and would not allow T-Mobile's desired RAD height.
- 5) 50' flagpole of Loop 101 on the North side of Elliot Rd. This is a stealth application and cannot support more than one carrier's equipment.
- 6) 60' utility pole East of Loop 101 on the South side of Elliot Rd. T-Mobile already has sufficient coverage in this location due to a site North of Elliot Rd and West of Loop 101.
- 7) 60' utility pole East of Loop 101 on the South side of Elliot Rd. T-Mobile already has sufficient coverage in this location due to a site North of Elliot Rd and West of Loop 101.
- 8) 60' utility pole East of Loop 101 on the North side of Elliot Rd. T-Mobile already has sufficient coverage in this location due to a site North of Elliot Rd and West of Loop 101.

County Parcels

