

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, March 16, 2011 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Cason called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Flanders.
3. The following Commissioners answered Roll Call:

Chairman Michael Cason
Vice Chairman Leigh Rivers
Commissioner Michael Flanders
Commissioner Stephen Veitch
Commissioner Matthew Pridemore
Commissioner Katy Cunningham

Absent and excused:

Commissioner Andrew Baron

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. David de la Torre, Principal Planner
Ms. Jodie Novak, Senior City Planner
Mr. Erik Swanson, City Planner
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER FLANDERS, seconded by **VICE CHAIRMAN RIVERS** to approve the minutes of the February 16, 2011 Planning Commission Hearing. The motion passed 6-0 (Commissioner Baron was absent).
5. ACTION AGENDA ITEMS
CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item D was pulled for action.

A. DVR10-0025 CHANDLER CENTER

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former commercial PAD zoning designation. The existing PAD zoning is for commercial and residential development. The property is located at the southwest corner of Arizona Avenue and Queen Creek Road.

Staff, upon finding consistency with the General Plan, recommends approval of extending the timing condition for case DVR10-0025 CHANDLER CENTER for an additional three (3) years with all of the conditions in the original approval remaining in effect.

B. DVR10-0026 1800 NAZA, LLC

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for sales, display, warehouse and service uses, with Preliminary Development Plan (PDP) approval for site improvements on approximately 2.7 acres located south of the southwest corner of Arizona Avenue and Warner Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "1800 NAZA, LLC" kept on file in the City of Chandler Current Planning Division, in file number DVR10-0026, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar

appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

8. Phase I improvements shall be completed within eighteen (18) months of the effective date of the Ordinance.
9. Additional parking shall be added within the screened storage yard at the determination of the Zoning Administrator if future demand warrants.
10. The site shall be maintained in a clean and orderly manner.
11. All out-door storage shall be maintained at a height no taller than the screen walls.
12. Site improvements within future phases shall be completed prior to utilization of each respective future phase.
- 13. Raceway signage is prohibited.**

C. DVR10-0028 WESTECH CORPORATE CENTER (EPICENTER)

Approved.

Request rezoning from Planned Area Development (PAD) to PAD to amend the permitted land uses within Westech Corporate Center to allow a place of worship/church use. The property is located at the southeast corner of Arizona Avenue and Palomino Drive, north of Warner Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “WESTECH CORPORATE CENTER” kept on file in the City of Chandler Current Planning Division, in file number DVR09-1016, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3812 in case DVR06-0005, except as modified by condition herein.
3. A church or place of worship use shall occur only within Building 10 of Westech Corporate Center Lot 34. Parking related to this church shall occur in accordance with the representations in the Development Booklet.
4. There shall be no drop-off/pick-up type childcare use Monday through Friday. “Support childcare” for church members, as indicated in the Development Booklet and on the floor plan, in conjunction with scheduled church activities, meetings, and services is permitted any day.

E. LUP10-0041 LA PARRILLA GARDEN RESTAURANT

Approved.

Request Use Permit approval to sell liquor (Series 12 Restaurant License) for on-premise consumption only within an existing restaurant at 474 W. Ray Road, east of the northeast corner of Iowa Street and Ray Road.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

3. Expansion or modification beyond the approved exhibits (Site Plan and Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

F. LUP10-0046 IGUANA MACKS

Approved.

Request Use Permit approval to sell liquor (Series 6 Bar license) for on-premise consumption only within an existing restaurant and outdoor patio. The subject site is located at 1371 N. Alma School Road, which is at the southeast corner of Alma School and Knox Roads.

1. Expansion, modification, or relocation beyond the approved exhibits for interior and exterior areas (Floor Plan, Site Plan, and Narrative) shall void the Use Permit and require re-application and approval of a new Use Permit.
2. The Use Permit is granted for a Series 6 license only and any change of licenses shall require re-application and approval of a new Use Permit.
3. The Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses beyond outdoor speakers and live music shall require reapplication of the Use Permit.
5. The site and outdoor patio shall be maintained in a clean and orderly manner.

G. LUP11-0001 REGAL BEAGLE

Approved to continue to the April 20, 2011 Planning Commission Hearing.

Request Use Permit approval to continue to sell alcohol (Series 6 Bar License; all spirituous liquor) in an existing restaurant located at 6045 W. Chandler Blvd., Suite #7, within the Kyrene Village Shopping Center at the southwest corner of Chandler Boulevard and Kyrene Road. **(REQUEST CONTINUANCE TO THE APRIL 20, 2011 PLANNING COMMISSION HEARING.)**

H. ZUP10-0037 UNITED METHODIST CHURCH WIRELESS FACILITY

Approved to continue to the July 20, 2011 Planning Commission Hearing.

Request Use Permit approval to install a wireless communication facility on the campus of United Methodist Church at 450 E. Chandler Heights Road, the northeast corner of Chandler Heights Road and the Union Pacific Railroad. **(REQUEST CONTINUANCE TO THE JULY 20, 2011 PLANNING COMMISSION HEARING.)**

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH** to approve the Consent Agenda as read in by Staff including the additional stipulation. The Consent Agenda passed unanimously 6-0.

COMMISSIONER CUNNINGHAM stated she is opposed to Item E. She is opposed because she thinks there are plenty of vacant premises that are more suitable to an establishment with liquor, live music and dance floor that are in an area that isn't as close to residences as this one is. She doesn't believe that having a Quick Mart next door that has 'pick up your beer, take it home and drink it' is as big an issue as sitting down to dinner drinking and then getting in the car and driving perhaps through the neighborhood. There are apartments with children and families nearby right across the street, directly behind it. She is opposed to having this type of establishment this close with no buffer between them.

CHAIRMAN CASON thanked her for her comments.

ACTION:

D. DVR11-0001 RDR SOLAR FARM

Request rezoning from Agricultural District (AG-1) to Agricultural District/Planned Area Development (AG-1/PAD) and preliminary development plan approval for the installation of a 150 KW solar photovoltaic system on approximately 0.5 acres located at the southwest corner of Pecos Road and Norman Way.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "RDR Solar Farm" kept on file in the City of Chandler Current Planning Division, in file number DVR11-0001, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner.
3. Approval by the Director of Transportation and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. *All mechanical devices shall be completely screened from view.*
7. *A security camera system shall be installed on the property.*

8. The landscaping and property shall be continuously maintained in a weed free manner and kept in a debris free manner at all times.

DAVID DE LA TORRE, PRINCIPAL PLANNER, stated this is a request to rezone a ½ acre property that is located at the southwest corner of Pecos Road and Norman Way from AG-1 (agricultural) to AG-1 with a Planned Area Development overlay as well as with Preliminary Development Plan approval to allow the development of a 150 kilowatts solar photovoltaic system.

The proposed solar system includes 565 solar panels mounted on 14 rows of north/south axles. The axles enable the solar panels to rotate throughout the day east and west to follow the movement of the sun. The axles will be approximately 4 feet high off the ground and the highest point of the solar panels would be no higher than the surrounding property wall.

The property wraps around 1600 square foot lots that are located on the immediate corner which is owned by Qwest Corporation and it does not include that property. The property would be surrounded completely by a 6-foot high masonry wall. Landscaping would be installed along Pecos Road and Norman Way. Both the masonry wall and the landscaping are designed to match the existing theme of the Rancho Del Ray subdivision. Vehicular access is provided on the east side to Norman Way through a 20-foot sliding gate and one parking spot is provided on the east side of the property.

This particular request is unique because this is the first solar system in Chandler that is proposed as the primary use of the property. In other words, this solar system is a stand-alone use that is going to be connected directly to the grid and all of the energy that is generated by this solar system is going to be consumed off-site as opposed to on-site. The zoning code does not identify development standards specifically for this type of solar system so when Staff reviewed this, Staff reviewed it with two primary goals in mind. First, safety and second, land use compatibility. With respect to safety, Staff requested and the applicant has provided as shown on the site plan, an 8-foot wide setback along the entire perimeter of the property and a pedestrian gate on the north side of the property to allow for emergency personnel to access the property and maneuver around the solar panels if needed in case of emergency.

Another issue that Staff had initially was the concern of glare bouncing off of the solar panels. However, after analyzing the line of reflection diagramed that is provided in the back of the booklet that the applicant provided and after considering how the solar panels rotate throughout the day and actually deflect the line of reflection at critical times away from adjacent properties, Staff believes that glare will not be an issue from this solar system. With respect to security the property is lit at night by streetlights along Pecos Road, Norman Way and a private street abutting the south side of the property. Again, the property is enclosed completely by a 6-foot high masonry wall. With respect to land

use, Staff feels that the proposed solar system is a compatible land use with the adjacent properties because the solar systems do not emit any kind of noise, no fragrances, no lights and it doesn't generate any traffic except for the occasional maintenance visit to the site to wash down the solar panels.

The applicant hosted a neighborhood meeting on February 22 which one property owner who was representing the vacant lots that are located on the Chandler 202 Auto Park was present and that owner did not express any opposition. However, Staff did also receive three telephone calls from residential property owners, two of whom were not concerned or did not have any opposition with the proposal after receiving more information. One was a member of the Board of the Directors of the HOA that surrounds this property to the south and the west did express opposition and requested that this item be pulled to action on tonight's agenda. The items of concern that were noted from this caller were security and maintenance concerns.

Mr. De la Torre stated that Staff finds that this proposal is a compatible land use and is consistent with the General Plan and Staff recommends approval subject to conditions. He said he would be happy to answer any questions.

CHAIRMAN CASON asked if there were any questions for Staff.

VICE CHAIRMAN RIVERS asked how large were the solar panels - each one? When the panels tilt at the highest tilt, the highest part of the panel will be how high off of the ground? Mr. De la Torre replied they will be no higher than 6 feet high. **VICE CHAIRMAN RIVERS** asked so they will not be visible above the wall surrounding the property? Mr. De la Torre said that was correct.

COMMISSIONER FLANDERS said to piggy back on what the Vice Chairman said about the height, if it sitting down lower or if it is higher, this afternoon he actually did the drawing that is shown with the heights and those solar panels are just under 6-feet by about $\frac{3}{4}$ of an inch. As a result of the grade and they don't know what they are, he was thinking they need to have a stipulation that all mechanical devices be fully screened from the arterial and collector street just so they understand if they have to add a course of block because of the grade heights, that at least they are covered that way. Mr. De la Torre said they could certainly add a stipulation and didn't think that would be a problem since the applicant has expressed to the City that those would be completely screened from view. **COMMISSIONER FLANDERS** said it indicates that the wall around this is a decorative wall and he didn't see any profile or elevation of what this is. Does it follow the residential subdivision or is it completely independent? He was curious to see what that design material is. Mr. De la Torre replied the wall design does match the wall design of the Rancho Del Ray subdivision which wraps around it to the south and the west. There were elevations of those walls on there but they might have been taken out with him not noticing. They were in the booklet at one point. **COMMISSIONER FLANDERS** said just for a point of clarification, the user of this facility is the residential subdivision? Mr. De la Torre said no this is a separate owner. **COMMISSIONER**

FLANDERS asked so it is a separate thing that is going to feed back into the grid? Mr. De la Torre replied that is correct.

CHAIRMAN CASON said by the picture on front he made a presumption that isn't true so the property isn't sunk down like a substation or something like that. It is going to be completely level and the runoff will just go off into the street because there is no retention basin or anything on the property? Mr. De la Torre said the drainage would be handled on site. It is going to be topped with decomposed granite so that would enable to the rain to percolate through that into the ground and be handled on site. The grading would not actually be changed, it would stay the same. There is an elevation in the electrical drawing section that shows the grade remaining the same on both sides of the wall. That would not be changed. **CHAIRMAN CASON** said so the grade would stay the same and then the cement that holds the pivot point, if you will, comes up a couple of inches just to protect the cement. The stipulation that the Commissioner suggested would go ahead and cover any type of variance in that or anything else that would go ahead and make sure you can't see them at 6 foot of height? Mr. De la Torre said that was correct.

COMMISSIONER FLANDERS said as a result of this being the first solar farm that they are seeing in the city, the company he works for their corporate client is Empire Southwest, and on all of their projects they are adding these solar farms for their facilities. Have they thought about doing a code or an ordinance addition to the code for these particular things? Is that something they have thought about? Mr. De la Torre said absolutely. That is a very timely question because as they speak they have a draft code amendment to address solar systems and they will be bringing that forward to the Commission sometime soon.

VICE CHAIRMAN RIVERS said in referring back to the picture on the front of the booklet, like other people he has looked at this and he mistakenly assumed that this would be a depressed area for these. In reality, it isn't going to look like the picture on the front of the booklet is it? Mr. De la Torre said no the grading is not going to be depressed. **VICE CHAIRMAN RIVERS** said it is going to be a completely flat area and the pivot poles are going to be set in concrete an inch, so when it rains they aren't sitting in water. Mr. De la Torre said that is right. **VICE CHAIRMAN RIVERS** said he wished it would look like this because that would get it well below the wall height.

CHAIRMAN CASON asked if the maximum that these can turn is 45 degrees? Mr. De la Torre said that is the maximum that they would need to turn for it to obtain and generate the solar energy. He is sure that they could physically be turned all the way so that they are completely vertical but there is no point in the owner doing that because it would not get maximum sun exposure at that angle. **CHAIRMAN CASON** asked even at the end of the day? Mr. De la Torre said that is correct. He believes especially with the town home unit directly west of this property. It would not make sense to turn it that much. He thinks 45 degrees would be the most it would turn. **CHAIRMAN CASON** said knowing this is the first and they will probably have more, is there any need to generally look at these to have minimum or maximum specifications as to tilting? In

other words, if you are in an open area and somebody comes in afterwards and builds homes and you have been turning them over, the maximum they could go and still get light if you look at the typical array elevation south, they could actually turn that a few more degrees and still get good sunlight over the 6 foot wall. If somebody came out and built something, then you would have even though it is non-reflective glass, light reflection. This is the first one and they know there will be more. Are they starting to look at this from a Staff perspective of trying to think about the scenarios so that when people come in, they can let them know what's good for the community? Does he understand where he is going on that? Mr. De la Torre said they are currently working on the code amendment and they are starting to think about some of these things as to what kind of standards. As he mentioned previously in the presentation, they don't have standards for solar systems yet. They are taking a look at what kind of standards should be met. They are making a distinction between utility scale solar systems versus solar systems that you would attach to the roof of a house. **CHAIRMAN CASON** asked if the landscaping is up to commercial code? Mr. De la Torre said yes. **CHAIRMAN CASON** asked if that would be a requirement moving forward? They will be treated like a commercial business? Mr. De la Torre replied absolutely.

KEVIN MAYO, PLANNING MANAGER, said he wanted to add on last thing about the angle. Ultimately, it sounds like the goal is not allowing angles that would provide the tip of that thing protruding above the fence. The condition that Commissioner Flanders recommended covers this anyways. Even if they went passed 45 degrees, they just have to make sure they are not sticking above the fence and if they are, at some point the shadows of the next one and the next one start to hide them anyway. The stipulation that Commissioner Flanders proposed would cover them regardless of angles so they wouldn't need to get into stipulating 'can go no more than 45' or something to that effect. **CHAIRMAN CASON** said the architects here probably see angles a lot easier than he does in their minds eye. He was just thinking if they are able to turn it almost vertical and you still have some ability to generate energy off of it, then you would be more apt to have reflections into a building somewhere that would be looking over it. If they are at 45 degrees, there is not going to be any reflection off of it that you could look at. But if they start tilting it almost vertical, at the very end of the day he would imagine there would be some type of reflection off of it or some irritant, although it is not like they could fry eggs with it. It would be an irritant they would have to look at if they were looking out a 2 or 3-story building if something comes down the road or happens later. It's like 700 feet away and you are on a 4-story building, are they going to get any reflection issues if they maximize it at 45 degrees? How far away is that a problem? That is what he is saying about considering the limitations in so far as the angle moves over so that somebody doesn't build a building and doesn't realize it until the tenants get in it that at 4:00 in the afternoon in the winter they can't look out their window. That is what he is saying. They know it won't exceed the height of the wall and all of them are very confident that the house next to it and the buildings next to it aren't going to be impacted by it at least from a reflections standpoint. That is not to say that buildings away would not be if they turn it beyond the 45 degrees. That is the only reason he brings it up and of course, if Staff looks at it and say it is not an issue, certainly that is

verification enough for him, he just doesn't know if anybody has done that or not. He would feel a lot better if they had a restriction not to move it beyond 45 degrees because that is what they have put in the documentation. That is a fair point. That is what is in the documentation. Would that be usable to prohibit any tilting passed the 45 degrees as part of the presentation package? Mr. Mayo said the two impacts would be; can they see it above the fence and is it reflecting? If the stipulation ultimately gets approved tonight as Commissioner Flanders proposed, then the angle of the fence is null and void. Keep in mind that the photovoltaic panels work by absorbing sunlight energy and so the more that they reflect that is just wasted energy. Initially when they came in, that was their first thing they looked at and in fact they had their Fire Department saying they are near the airport and what about reflectivity for pilots. As they come by, are they going to hit this mirror affect and after talking with the applicant and learning more about the solar panels, they don't actually have that high of a reflectivity because they are designed to absorb as much of that energy as they possibly can. If you compare to your neighbors window, you are comparing apples to some entirely different type of food. The solar panel is absorbing that energy versus you neighbors window is trying to get it to bounce the other way. He said that for information purposes only, he wanted to explain that. **CHAIRMAN CASON** said he would imagine if it were raining outside and it had like a sheet of water on top of it, there would be some reflectivity. Certainly, if it is standing vertical, he doesn't imagine the water would stay there for a microsecond anyway. He asked them to look into it and if it has any validity include it, if it doesn't, then don't.

COMMISSIONER VEITCH said he had a general comment. There really isn't a reason to push these things more toward vertical when the sun is low in the sky early in the morning or at the end of the day. What will happen is the wall will shade the first panels and the first panels will shade the second panels and they won't work. It is self-limiting.

CHAIRMAN CASON asked the applicant to come up and answer any of these technical questions that they seem to be concerned about.

RANDALL JACKSON, N. BRIGHTON, MESA, stated that regarding the one question about the angle, 45 is the limit on which you would put it. At 45 degrees the top of the panel is no higher than about 5.5 feet. They designed it specifically not to go over. Regarding the reflectivity of the panels, dirt has about 50% reflectivity; a solar panel is about a 20% reflectivity so they are decreasing the dirt that is out there and the reflectivity. They are designed to absorb light. The FAA has allowed solar panel farms to be built on airports all over the country right in the runway landing zone. So right where the pilot should be looking at the place to land, that is where the panels are at. There is no interference. They have run studies and they blessed it nationwide.

CHAIRMAN CASON asked if David correct in how they are planning to control the water on their property is just by letting it seep in? Mr. Jackson said it has about a one foot depression in the site when you stand out there. It looks like a bit of a dish and it retains its own and it percolates. What they see in the picture there is accurate from the array height to the fence. It sits at about 4 feet and it pivots up to 45 degrees. That is one

of the criteria that he knew it would be. The houses surrounding it go up another 18 feet. **CHAIRMAN CASON** said so it will be somewhat depressed to be able to hold the water and that will make those ones in the middle a little bit lower or do they engineer them so they stand higher so all of them are at the same plane. Mr. Jackson said this property was massed graded when they built the whole subdivision, built 400 houses around there. The site was already graded for the corner. It dishes down just a little bit and it is virtually a flat piece of land. It is only ½ of 1 acre. It is a very small piece.

COMMISSIONER PRIDEMORE said he is intrigued by this project but one of the questions is why here? Why this site? He could list proposed uses and this probably wouldn't have been on his list – in the top 10 at least. Why this site and this location in Chandler? Mr. Jackson said this is a remnant piece from what they had from the subdivision plus all the utilities are already there. They are right at the point of consumption to put the electric back into the grid. There are no transmission costs for SRP to buy the power. They don't really want power generated about in the middle of nowhere. It costs a fortune to get into town. This is leading of many projects to come. They are infill locations of a single axis rotating system with a very flat very good neighbor and you will see them happen elsewhere. **COMMISSIONER PRIDEMORE** asked if there is a minimum size they need to see to make it worth their while. Mr. Jackson said economically this is not the best size. Much larger would be better of course. It is a minimal size. **COMMISSIONER PRIDEMORE** asked in terms of maintenance how often does someone visit the site. Mr. Jackson said they have scheduled maintenance once every six months to come out and dust the panels - they rotate and the dust falls off of them. **COMMISSIONER PRIDEMORE** has toured the APS facility off of University several times and more often than not their rotating panels aren't rotating the way they are supposed to be. Assuming one of these 500 panels isn't doing what you think it is supposed to do you may catch it every six months? Is there any way to know a failure has occurred prior to that time? Mr. Jackson said they are all interconnected so they all move at one time. They have a gear shaft that connects them together which is not the system that APS has in Tempe. **COMMISSIONER PRIDEMORE** said so if one of those gears fails then now a whole row is out not just a single one. Mr. Jackson said you would know that day from the lack of power generated. **COMMISSIONER PRIDEMORE** said so there is some other outward sign that there is an issue with the array. Mr. Jackson said they are all connected. **COMMISSIONER PRIDEMORE** said he understands that. If one goes out, now they have a bigger problem than before. His concern is that if no one is visiting this site except once every six months, if there is an issue that isn't readily apparent from whatever they are monitoring remotely or just say weeds, he knows they are going to spray it initially but a lot can grow in six months here in our climate. His concern is he doesn't want to have the neighbors every few weeks call and complain to say the weeds are back. That is not their job. What mechanisms are in place? If it is one visit every six months, he has an issue with that. Can he address that? Mr. Jackson said the first issue is weeds. When you install stabilized granite, it basically has a very hard composition. Weeds don't grow in stabilized granite. **COMMISSIONER PRIDEMORE** said he should visit his house then because he has weeds and he has stabilized granite. Mr. Jackson said stabilized

granite has a specific chemical bonding composition that is put into it and most likely isn't used in residential application. **COMMISSIONER PRIDEMORE** said he is aware of that but he also knows that can degrade over time. **COMMISSIONER PRIDEMORE** said so your answer is you have someone visit the site once every six months and that's it. He is just trying to figure out if that is their daily routine. Again, he is concerned about neighbors if there is a problem how quickly can it be addressed or does he already know it beforehand so he can send someone out so someone doesn't have to call the City and complain. Mr. Jackson said the inverter system has computer monitoring and on a daily basis you are watching the output of the system because if there is any change in the output of the system, they are naturally going to send a technician out there. **COMMISSIONER PRIDEMORE** said so unless something shows up that way you will automatically send someone out once every six months just to take a look no matter what. Mr. Jackson said the panels need to be cleaned for dust. **COMMISSIONER PRIDEMORE** asked how often they are cleaned? Mr. Jackson said once every six months. **COMMISSIONER PRIDEMORE** said in going back to the rotation as they have mentioned, if they are passed 45 degrees it doesn't really help you and is not as efficient. Is the system set up in such a way that they can restrict it to 45? Mr. Jackson said yes. They have a gear shaft between each one of them and they are all interconnected. They act as one and move as one. **COMMISSIONER PRIDEMORE** asked if he can restrict it to 45, it doesn't keep tracking passed that mark and while it is less efficient, it is still rotating? You can restrict it to 45 degrees? Mr. Jackson said yes.

CHAIRMAN CASON said he brings up some great points because he hadn't thought about it before. Since he is going to be monitoring it remotely, aren't they going to have some security cameras to look at where they can go on-line and check out that everything is going o.k. on their property? Mr. Jackson said yes. **CHAIRMAN CASON** said if somebody jumps the fence and goes back there then they would never know it unless they just happen to do it just before they came by every six months. Mr. Jackson said there will be no security cameras. **CHAIRMAN CASON** said then there is no real security on the property that they could site to except for the fact if there power output drops and you can't explain it because it's cloudy that day. That is the only time they would notice something is amiss on the property? Mr. Jackson said the power output is the number one measurement of if the system is operating properly. **CHAIRMAN CASON** asked if that would be the only thing that would allow you to know if there were any security breaches or anything else like that on their property? Mr. Jackson said right. **CHAIRMAN CASON** asked him if he would consider doing any security measures or anything else like that because that way they would be able to use that for weed monitoring. Then he thinks generally in the overall cost of putting all this together, he doesn't know if a remote security camera would be that big of a deal – in the whole cost of everything. That would give them an opportunity when they look at the reports every day to turn on the internet and do a quick scan and make sure that everything is o.k. there. That somebody is not living in there or somebody is growing their marijuana in there because they know nobody is going to show up for every six months or whatever the case might be. That there is nothing going on in there that would impact the neighborhood. Is that something he would consider? Mr. Jackson said he thinks there are security cameras

at the intersection already - City security cameras. **CHAIRMAN CASON** said he wouldn't suggest it is the City's job to monitor your property and he thinks they would have some civil rights issues by turning their cameras into their property to look at it. He doesn't think that it would be something that he would be willing to do? Mr. Jackson said he is sure they could put a security camera on it if needed. **CHAIRMAN CASON** asked if he would be willing to stipulate to that. Mr. Jackson replied yes.

COMMISSIONER PRIDEMORE asked where the remote monitoring is taking place. Is it here in the state? Mr. Jackson said it is anywhere where you have a computer. **COMMISSIONER PRIDEMORE** asked on a daily basis where is he monitoring this proposed system from? Is there not a permanent person sitting in front of a monitor checking that this is o.k.? Not that it requires somebody to sit there and stare at it 24/7 but again he is trying to get an understanding here of how often somebody is paying attention to this site. Mr. Jackson said as often as they would open up their e-mail.

VICE CHAIRMAN RIVERS said he is a little confused. He thinks it would behoove any property owner in the city to keep track of the happenings on their property more than every week or every month or every six months. He thinks this is an on-going thing. He looks in his backyard every day, quite often actually. He thinks if they are going to have ½ acre with mechanical devices running with no supervision for weeks at a time, he doesn't think that is a good idea. He thinks there should be something in place where they can monitor the happenings on their property to make sure someone hasn't hopped over the fence and gotten themselves impaled on one of their devices and that is just a radical idea. He thinks he needs to keep an eye on their property all of the time to make sure it is in compliance with ordinances and anything else that may happen. He is confused that he doesn't see that. Can he explain to him? Mr. Jackson said he just stipulated that they would put security cameras on. **VICE CHAIRMAN RIVERS** said who would monitor them and where are they? Mr. Jackson replied he doesn't know. **VICE CHAIRMAN RIVERS** said that troubles him a lot.

CHAIRMAN CASON said it probably goes through some circuitry where it is drawn off into the power network and there are some types of capacitors that monitor the flow. What if those devices fail and cause a fire? Or what if the equipment that puts it into the network fails, can there be a short circuit or something that causes the fire or if the rectifiers fail coming in the back end, can electricity go into the equipment and cause a fire? Mr. Jackson said each solar panel goes into a DC disconnect. They go into an inverter that would fall off. There is an SRP remote disconnect that is a radio disconnect - many different systems. **CHAIRMAN CASON** asked if those circuits are fused. Mr. Jackson said of course. **CHAIRMAN CASON** said so if there were any current issues then the circuit breakers would break and there would be no risk of fire on the property by the electrical connections. Mr. Jackson said that was correct. **CHAIRMAN CASON** said so consequently they don't monitor it for fire or burglary or somebody getting into the equipment or anything else like that. By only having the cameras which he has already stipulated to and he thanked him for that, this is the only way they can monitor it short of the power output maintaining what they expect on any given day. This is the

only way if somebody was messing with his equipment? Mr. Jackson said his understanding is the SRP disconnect is monitored by them. The electricity goes into a meter which is monitored by SRP and SRP has the ability to turn off the system remotely. **CHAIRMAN CASON** said his head is spinning now. He is thinking if he lives next door could he run an extension cord in there and get his electricity to run up his house. None of those types of issues with vandalism or any of those types of things have ever been noticed in previous applications of this type of installation that he is aware of? Mr. Jackson said there hasn't been another application in the city for this. **CHAIRMAN CASON** said Chandler is the first for a lot of stuff but he wouldn't think this would be the very first place this is done at. Mr. Jackson said normally when you see these out at airports they will have razor ribbon on the top and they would be more than happy to put that around. **CHAIRMAN CASON** said so like the SRP substations? Mr. Jackson said yes. **CHAIRMAN CASON** said he thinks there is something that says that they can't have that on a wall that is that short. There is some health issues associated with that.

COMMISSIONER FLANDERS stated the nice thing he likes about this is that they have integrated it with the residential and they have provided the commercial design standards. He asked David when they are in the ordinance writing of this and they get more of these sites, he would like to see consistency with where these are located with adjacent properties so it almost blends in with everything else. He thanked Mr. Jackson for providing that – wall treatment, landscaping and everything else. It helps him with this application. As far as some of the technical stuff and as he mentioned before, they are doing some of that in his office right now and there are a lot of different technical things but with everything that he has said he feels pretty confident that this site will be monitored with the security cameras and somebody coming on-site. He is sure SRP would have somebody if they have to monitor the site too. That would make sense if they have equipment on site that they would want to go down there on a regular basis.

CHAIRMAN CASON said he doesn't want to leave him with the impression that they are negative on it or anything else. He could look at it like he is the guy that is running down the path first, so you have the arrows in your back, if you will. Other people are glad that they are allowing him to take that position. Of course, a lot of their questions are based on the curiosity and the novelty of the item. Staff, he is sure is taking notes about the things they were concerned about so that the next person who comes up already has those things already addressed – security and how they are controlling weeds and those types of things. He said it seems like a very encouraging project so congratulations and he thanked him for bringing it forward.

CHAIRMAN CASON opened the floor to public speakers.

JOHN PINE, 1328 S. LINDLE DR., CHANDLER stated this address is adjacent to the property that is being discussed this evening. He noticed on the card that it says they are 'opposed or for it' and he would like to tell them conceptually the HOA, of which he is a board member of the 391 homes, are not opposed to it. They would like to see something there. The reason they would like to see something there is for very selfish reasons. Not

necessarily because it is a solar farm or anything else but because it is just an ugly piece of property. He can think of nothing else to say. It is nothing but weeds and trash has been on it. It has just been an unpleasant piece of property to look at. When they heard that a 6-foot wall was going to go up, they figured they could hide all of that stuff. Unfortunately, and it is not the applicant's fault, it really doesn't get rid of all of the eye sights there. He is only here to mention some of the things that the applicant has. Part of the reason they even have questions is the fact that no one contacted their HOA. He understands they were supposed to be registered but he assumed that since they had 5 accounts with us that they pay every month that there was a way to get in touch with them.

He welcomes the opportunity to address some of the concerns that they have. One of them is as you look at the piece of property and it is a pretty depressed piece of property. He guesses that is what is going to take care of the self-drainage on it. You will also notice that the townhomes (115 of them) are on that side of the property and there are 4 buildings that are adjacent to the property and will be looking down into it. They didn't have any issues with site or reflection. Some of the issues they did have and it again comes from not having an opportunity to speak with the applicant. Two of those walls that they would use to enclose their property belong to them and it is going to be closed off. How do they have access to their own wall when they have to do things to the wall, especially when they are coming every 6 months? It is not an easy thing to get into. The other thing they had a concern with is the whole security of that. When you build a piece of property like that and you wall it off, he said he could tell you that the kids in that neighborhood are very inquisitive. They have jumped the walls in their pools and they jump the walls between the communities. They have concerns on security. He is happy to hear that maybe a camera would go up. They would be very disappointed to ever think that someone would put razor wire up but at the same time they believe that something needs to go on top of the wall, shepherd hooks or shepherd fencing, where it comes backwards so it makes it virtually impossible to climb into the wall. Something they think should be done and if it is going to be done, it is also going to be done on their fencing.

There was one display that they showed up there which was the Qwest building. They had always thought that was part of that lot until they find out about this project going on. They find that is a stand-alone little bitty building on a little bitty piece of property that won't be landscaped and they also question the fact if it will be landlocked now. How will Qwest be able to access that at all? It just seems like it now is going to sit there. Are they going to have to jump the sidewalk to get in? Is it going to impact any of their operations?

As far as the zoning goes, their board representing the community is fine with that. They would like to make sure that as this moves from any form of preliminary planning on down the line to final plans that the applicant would involve them. Inform them so they have an opportunity prior to an hour or so before a meeting to put something together and come down and speak to them. That is their major concerns with the project.

CHAIRMAN CASON thanked him for coming down. He asked if there were any questions for the speaker. He asked Mr. Pine if they are able to get the property monitored, then they would still like to have something on top of the fence that would dissuade people from going in there? Mr. Pine said he doesn't want to say the applicant has to spend money unnecessarily. He thinks the camera won't keep them out, it will only tell them that they have come in. So if there is some type of issue, if there is a way that they have the authority to go back and say there is an issue there and they have to put something up other than razor wire, they are o.k. with that. As it goes on their fence, they want to have a say on it also. **CHAIRMAN CASON** said he understands what he is saying and thanked him for speaking. Mr. Pine said they also need some type of assurance that this building isn't landlocked and their trucks are going to be using the pedestrian sidewalk to access it. **CHAIRMAN CASON** said he is going to let David de la Torre, Principal Planner, address that because he probably has a drawing he can use to speak to that issue.

KEVIN MAYO, PLANNING MANAGER, stated the Qwest piece is a stand-alone piece and is owned by Qwest and it is very typical of Qwest to do by probably 100 square feet less than they truly need and build on it. That is there today and they do not park on this property and the access is backward, the cabinet doors actually open on the other side towards Norman Way. They have had issues with Qwest forever but they will just drive across the sidewalk, stop, service the switching equipment and then leave. It has nothing to do with this property. It isn't landlocked because their parcel physically connects directly to Pecos and Norman Way and they have access to both of those streets. **CHAIRMAN CASON** said it looks like there would be room for them to park on the property if they had to. **MR. MAYO** said it isn't entirely on their property but they can pull the truck up in there, they just choose historically to drive over the sidewalk. Unfortunately, this doesn't have anything to do with this property. That's Qwest and their operations and such and it is not a new issue with them. He said he wanted to offer one thing in terms of the landscaping and weed control. There is right of way landscaping and private property landscaping that is part of this piece that the applicant is installing outside of the wall. That has to be maintained by the applicant, it isn't maintained by the City. He will be having a landscaper coming to this property probably bi-weekly to trim the landscaping and clean the landscaping. He asked the applicant is it appropriate for them to have access to that gate at the northern end and have them just go through the property, remove any debris that may have blown in there and ultimately check it for weeds and then as they do the pre-emergence spraying, they just make that part of it. The applicant said absolutely. They can craft a stip. that somehow captures that from a landscaping maintenance standpoint and property management standpoint, there has to be a company coming out and maintaining that landscaping. That condition already exists in the ordinance for the adjacent right of way landscaping. **CHAIRMAN CASON** asked if he could address the fence issue and is there something that can be put on the fence on the ones that don't face the houses. **MR. MAYO** said it is a delicate balance. When you try to make this feel like a seamless extension of a neighborhood you start to defeat that purpose by putting anything that constitutes a wire. Sometimes even

on the backside they will have this stuff sticking out the side or that kind of reverse arched medal. It starts to feel much more like Fort Knox. In all honesty, people when they drive by and they see that type of security, obviously you have put that type of security to secure something and it attracts eyes to 'let's go see what is back there'. When it is just a 6-foot wall, can people scale it easily? Yes. But they can also get out of it easily. So it's either that they go in there to do some illegal act but there isn't a whole lot of things in there aside from just physical destruction of the panels that ultimately becomes the applicant's issue. There are not a whole lot of things inside that property for a kid to do aside from just sit back there and break something. Again that comes down to their issue. It isn't any different than the church that is a little bit further down the street that kids can get all the way behind that thing in the back, be screened from street views and at nighttime when the church isn't opened, kids get into those various things too. It is a delicate balance of making sure the site is secure but not securing it to the point that if somebody happened to make it in, they don't have a chance of getting out. Then it is a police issue as well as trying to maintain that neighborhood appeal and not make it feel like there is Fort Knox here. **CHAIRMAN CASON** said those are good points and asked Mr. Mayo if he could address the public's concern of not being notified. The standard is to send the letters out. **MR. MAYO** said they went out 600 feet and to all registered neighborhood organizations within a ¼ mile. As he indicated and at the time they did the neighborhood meeting, they were not notified. Thankfully, through our process, they typically do 4 things; the neighborhood meeting notice (1st one), the public hearing notification mailing (2nd one) and it is the same mailing list for those two. They also advertise in the newspaper (3rd one) and they post the site (4th one). Thankfully, that notification net caught him. It was probably the orange sign that caught them. Thankfully that worked and ultimately they weren't registered with the City and they can't force a neighborhood to register. The opportunity is there and the neighbors just have to choose for themselves. **CHAIRMAN CASON** said certainly the 2 homes that are west of this site would have been notified as part of the 600 feet. **MR. MAYO** replied that was correct.

VICE CHAIRMAN RIVERS said he would appreciate a stipulation having to do with the landscaping folks coming into the property and just checking and making sure there is no debris and big bags blowing over the wall in a windstorm or whatever. He would appreciate a stipulation for that as well as one about the security cameras.

COMMISSIONER FLANDERS said in regards to the Qwest trailer, he takes it that is a permanent fixture. **MR. MAYO** said they don't have a mechanism in our City Code to make it go away. He would have to direct that question to Qwest. It's permanent as long as they want it there. **COMMISSIONER FLANDERS** said he guesses his question is can Qwest maintain a little bit better. It looks like it needs to be re-painted. He thinks of Qwest as a good corporate neighbor of Chandler that they would take care of their facilities and make sure that their sites are taken care of and clean. This one has been neglected for a while. **MR. MAYO** said they have a Staff Liaison with our utility partners throughout the City and they will have them call. **COMMISSIONER FLANDERS** said he knows the security is important and he thinks it is in the best

interest of the applicant to provide the required security for his site. This is quite an investment not only going through the zoning process, but with construction and everything else and he would want to protect his interests to make sure that there is security cameras. Also, maybe a schedule of his people out there on a monthly basis to go ahead and make sure everything is in order.

CHAIRMAN CASON said so in the stipulations they could go ahead and add ‘maintain landscaping and the property in a clean and orderly manner’. Then they are going to stipulate for the cameras. Can they stipulate that the cameras have to be monitored regularly? Is that beyond our scope? **MR. MAYO, PLANNING MANAGER**, said he guesses he can stipulate anything they want to. At some point it becomes questionable on how you would enforce it. They don’t have the manpower to continually check it. They can have that in there to where there is a series of incidences that happen and there is somehow documentation that the system is down. He doesn’t know. It starts getting pretty far-fetched. Requiring a security camera system is appropriate. Requiring the monitoring and then start to specify the monitoring gets out there. **CHAIRMAN CASON** asked if that will be the 6th and 7th stipulation on this?

VICE CHAIRMAN RIVERS said we can put in the stipulation that the landscaping will be looked at every 2 weeks. Correct? Or can we not do that either? **MR. MAYO** said it is tough and especially on an ordinance, he doesn’t feel comfortable adding stip. that get down to dictating landscaping maintenance schedules because let’s say that during weed times they have to be out there every 3 or 4 days spraying or whatever might not be enough. **VICE CHAIRMAN RIVERS** asked so the ‘clean and orderly’ landscape would pretty much suffice? **MR. MAYO** replied correct.

DAVID DE LA TORRE, PRINCIPAL PLANNER, stated the following stipulations that he had so far:

The landscaping shall be continuously maintained in a weed free manner and kept in a debris free manner at all times.

A security camera system shall be installed on the property.

COMMISSIONER PRIDEMORE said the way stip. no. 2 reads right now is all open spaces. The fact that this is enclosed by a fence kind of negates it being an open space. He just wants to make sure because he doesn’t equate granite with landscaping. He knows it is ground cover. Is there a way they can qualify it to make sure they are not only discussing the landscaping outside the fence but the area within the enclosure as well? Mr. De la Torre said they could change the wording to read:

The landscaping and property shall be continuously maintained in a weed free manner and kept in a debris free manner at all times.

He asked the Commissioner if that would work. **COMMISSIONER PRIDEMORE** said that works for him.

CHAIRMAN CASON asked if there was anything they would like to add before he closes the floor. There wasn't anything. He closed the floor. He asked if there was any further discussion on the dais.

COMMISSIONER VEITCH said there was one other potential additional stipulation that was raised by Commissioner Flanders having to do with insuring that all of the equipment be fully screened from view. Perhaps they could word that with something like a solid wall at least 6-feet in height or whatever Staff might suggest. He didn't think they wanted to lose track of that.

DAVID DE LA TORRE, PRINCIPAL PLANNER, thanked Commissioner Veitch for reminding him. He did write that one down as well. It would read:

All mechanical devices shall be completely screened from view.

COMMISSIONER PRIDEMORE said going back also to the angle that they discussed, do they need another stip. that basically restricts it to 45 degrees? **CHAIRMAN CASON** said it would make him happy but he didn't know.

VICE CHAIRMAN RIVERS said he thinks if they have a stipulation that says it cannot be visible above the wall he doesn't know that it matters whether it is 45 or 50 degrees. He thinks the physics of it are that as was said by several different people, at some point the shadow of the adjacent wall is going to block the first row, which would then block the second row in shadow. He thinks that 45 degrees is probably about as much as you are going to get.

CHAIRMAN CASON asked if there was any other discussion on the dais.

COMMISSIONER PRIDEMORE said he wanted to make the comment that he is in favor of in-fill projects so to him this was thinking outside the box. Without the stipulations that he thinks they are going to put on it he would have some serious reservations. He would still like to know that the site is being looked at by someone more than once every 6 months. With the cameras and hopefully the stip. covering the weeds, he is o.k. with it. He also understands they all keep looking at the picture on the front of the booklet they were given. In an ideal world it's pushed somewhere out remote and you don't have to fence it then, it can just do what it needs to do. Obviously, the cost to then bring that power into the grid is expediently higher than when it is sitting basically on top of it. He can get by that but without those stips. he would have had some serious reservations. It is also looking forward since Staff is looking to craft something to amend the ordinance, maybe think outside the box themselves. This could be positive but because they are in the infancy, it is still in the learning curve.

VICE CHAIRMAN RIVERS stated he also had reservations about the monitoring and about the weed control and about the physically being aware of what's happening within the property but he thinks the stipulations that they have added do temper that issue largely. He also would feel more comfortable with more specific monitoring information but he thinks they have taken some big steps in the right direction with the additional stipulations so he hopes they make it through to the end.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER FLANDERS** to approve DVR11-0001 RDR SOLAR FARM subject to the conditions recommended by Staff including the additional stipulations read in by Staff. The motion passed 6-0.

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN CASON announced that the next regular meeting is April 6, 2011 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 6:42 p.m.

Michael Cason, Chairman

Jeffrey A. Kurtz, Secretary