

UNOFFICIAL

Info #1

Jan 11, 2007

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, December 20, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:33 p.m.
2. Pledge of Allegiance led by Commissioner Creedon.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Michael Cason
Commissioner Mark Irby
Commissioner Dick Gulsvig
Commissioner Angela Creedon

Absent and Excused: Commissioner Brett Anderson

Also Present:

Mr. Jeff Kurtz, Assistant Planning and Development Director
Mr. Kevin Mayo, Senior Planner
Mr. Bill Dermody, Planner
Mr. Erik Swanson, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CREEDON, SECONDED BY COMMISSIONER CASON to approve the minutes of December 6, 2006.

Minutes were approved 6-0. (Commissioner Anderson was absent.)

5. ACTION AGENDA ITEMS
CHAIRMAN FLANDERS explained to the audience that prior to the Commission meeting, Planning Commission members and Staff met in a study session to discuss each of the items on the evening's agenda. He further stated that Staff would read the consent agenda for the record. At the conclusion of the reading, Commission would be voting on the Consent agenda items. Consent items on the agenda were highlighted by an asterisk. He said that the audience would have the opportunity to pull any of the items for discussion.

MR. JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR, stated the following items were for consent agenda approval with a stipulation for item C. There were two action items, items E and F.

A. DVR06-0059 VILLAS AT LONE TREE

APPROVED.

Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) amended, to eliminate a zoning condition requiring copper supply plumbing for a multi-family residential development located on approximately 20 acres at the southwest corner of Lindsay and Riggs Roads.

B. PDP06-0020 ERICKSON CONSULTING

CONTINUED TO THE JANUARY 17, 2007 PLANNING COMMISSION MEETING.

Request Preliminary Development Plan (PDP) approval for site layout and building architecture for two industrial buildings located at 2350 N. Nevada Street, Lots 11 and 12 of the Westech Corporate Center.

C. PDP06-0040 COOPER CROSSING PHASE II

APPROVED.

Request Preliminary Development Plan approval for Phase II of the Cooper Crossing development. The request is for an office and retail center with a bank and restaurant. The subject property is approximately 14 acres and is located at the northwest corner of Ray Road and Cooper Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "COOPER CROSSING PHASE II", kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0040 COOPER CROSSING PHASE II, except as modified by condition herein.
2. All conditions kept on file in the City of Chandler Planning Services Division, in File No. PDP04-0017 COOPER CROSSING shall apply, except as modified by condition herein.
3. All raceway signage shall be prohibited within the development.
4. 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.
5. The applicant shall work with Staff to implement traffic calming measures at the rear service drive.
6. *The applicant shall work with Staff in order to provide for an outdoor eating area for Building K.*
7. *The applicant shall work with Staff to provide landscaping around the bank foundation.*

D. UP06-0044 CHIP PRO, INC

APPROVED.

Request Use Permit approval to continue the operation of an automotive re-conditioning and collision repair business within an I-1 zoned district for property located at 7061 W. Galveston Street, east of the southeast corner of Galveston Street and 54th Street.

1. Substantial conformance with the attached Site Plan, and Landscape Plan.
2. All automotive reconditioning, minor spot/chip, dent and full collision repair work shall occur within the building.
3. The overnight storage of customer vehicles and company service trucks shall be within the building or behind the block wall and gate.
4. The Use Permit is effective for a period of five (5) years from the date of City Council approval. Operation of the business beyond the five-year time period shall require re-application to and approval by the City.
5. 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.

G. UP06-0067 BLUE SKY MANOR
APPROVED.

Request extension of existing Use Permit approval for an adult care home with 10 residents at 2202 N. Santa Anna Court.

H. PPT06-0032 CHANDLER PIAZZA
APPROVED.

Request preliminary plat approval for a mixed-use development including hotel, retail, restaurant and office uses on approximately 21 acres, located at the southeast corner of Frye Road and Ellis Street.

I. PPT06-0034 LUMIERE CHANDLER CONDOMINIUMS
APPROVED.

Request preliminary condominium plat for a condominium conversion of an existing multi-family community in West Chandler. This plat establishes the units to be sold as individual dwelling units and identifies the commonly owned spaces.

J. CANCELLATION OF JANUARY 3, 2007 PLANNING COMMISSION MEETING.
APPROVED.

CHAIRMAN FLANDERS stated that staff has read into record each of the items that will be on the consent agenda. There are two action items, items E and F. He inquired if any member of the audience would like to pull any of the Consent items other than E and F. There was no response from the audience.

COMMISSIONER CASON asked Mr. Kurtz that on item A where they are eliminating the zoning condition requiring copper plumbing, did the property owner select the pex plumbing product rather than the copper by choice? Mr. Kurtz answered that was

correct. He also stated for the record that it seems kind of ironic that this particular property owner has a choice to use pex whereas a typical homebuyer in Chandler does not.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved 6-0. Commissioner Anderson was absent.

ACTION:

E. UP06-0056 WARNER/101 MONOPALM

Request Use Permit approval to install a 50-foot monopalm wireless communication facility within an Agricultural (AG-1) zoning district. The property is located north of the northeast corner of Price Road (Loop 101 Freeway) and Colt Road, about 1,000 feet north of Warner Road.

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.

MR. BILL DERMODY, PLANNER, stated that this is a wireless facility that is disguised to look like a palm tree and will be 50 feet high. They are recommending a stipulation that two live palm trees be planted along side this at heights 20 and 25 feet to step up to the 50-foot monopalm. The applicant is agreeable with this stipulation. Also, through a discussion that happened in Study Session they have a third recommended stipulation that has to do with landscaping. It reads, "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". As alluded to in the study session there are a number of outstanding issues that have not been fully addressed by the applicant having to do with access, water and power to the site. These are issues than can be discussed by planning commission, although they would be addressed anyway through the building permit process. The big issue is access.

Mr. Dermody showed the site area. The subject site, the two north of it and the one south, are all remnant properties that were left over after Price Road was turned into the 101 freeway. There area also two very small parcels adjacent to Colt Road and El Alba Way that are still owned by the state. They are not part of the Colt Road right-of-way. An issue with this site is getting access to it. City codes require that a commercial type facility like this have paved access. They would ask for proof of any easements across the adjacent properties to get down to Colt or up to El Alba Way before a building permit was granted. They have asked for that information ahead of this meeting, but haven't gotten it. We would need to have an easement and a paved, all-weather surface that

services this site. The applicant has already indicated that they don't think an access is necessary to this site because it is only serviced once per month. Staff is in disagreement with this. This is a waiver that they would probably not grant and it's something that they anticipate holding up the building permit process.

Also, there was a question during study session about how water and electric is going to get to the site. This is something they will need provided by the applicant. The landscape plan in the packets does indicate there will be water provided to the site. At this time, the applicant has indicated they aren't going to be requesting a generator. There is electricity and water available at least up at El Alba Way, if not at Colt. The exact location of hook ups is something that has not been identified. Mr. Dermody said that they do recommend approval with three stipulations.

CHAIRMAN FLANDERS asked the applicant to please come forward and state his name and address for the record.

RULON ANDERSON, 3523 E. Presidio Circle, Mesa, Arizona 85213, representing T-Mobil. He stated that he will have to break this down into little pieces. He stated that they have provided a landscape plan that was provided to staff sometime after the 11th of December. This basically shows the elevation of the three palm trees showing the two additions. He showed the landscape plan that shows the detail of where those trees will be planted. He also showed the irrigation plan which shows where the water will come from to irrigate those trees. Typically, they don't bring water to a site or maintain trees and they don't have space within their compound for trees. The landlord in this case has agreed to provide the water and maintain the trees, so they didn't have an issue with planting two additional trees. Mr. Anderson is a little perplexed by the fact that it's stated that they don't know where the water is coming from, because they do know where the water is coming from. They have provided this.

Mr. Anderson stated that as far as access goes he believes that they have addressed this issue. The access comes from the South off of Colt Road. He showed a copy of their lease document with the landowner and they have researched through the surveyor. The property owner has access to Colt Road and there is an access gate there. ADOT does not own the parcel between that access gate on Colt Road and this parcel. It also shows a transformer and a Telco pedestal. While they believe that's where the power is going to come from, that is always up to the power company and Qwest as to where they are going to bring power or Telco from. They could assign this Telco pedestal to us and they would then bring Telco from there to our site. He believes SRP is the utility provider and this transformer is sufficient for your use to this site. They could also say there is a transformer over to the east where they want you to come from and they would address that at the time. Their utility plan is subject to zoning approval before they go to SRP. Mr. Anderson is, again, a little perplexed by the fact that we are saying they don't know exactly where their Telco and power is going to come from because they are actually premature in the process to know that. He said that they are subject to the requirements

of the utility companies involved, so their access is through the access gate to the south. The same property owner owns the south and the north property and they are across their parcel. Their objections to paving this access road across these parcels is based on the fact that this is an agricultural use and will retain agricultural nature. Their intent was to park and walk in the access to maintain those sites. On the odd occasion when they would have to run across there, it would happen once a year, if that. This hardly justifies a paved road through a pasture. Basically, what's happening is the property owner to the north owns both of these parcels (picked them up probably from ADOT at a surplus land auction), but has title to both parcels. They are intending to get a special use permit through Maricopa County for a riding stable horse facility at this location. So once again, he believes that a paved access would be counter to the intent of the property use. He said they placed this site as far north on this property in accordance with what the landowner wished them to do. They have moved it to the corner to get it as close to the 14-foot freeway sound wall as they could without impairing the use of this pastureland. He feels they've done everything that they need to do. One of the issues he is going to address is the height of the pole.

Mr. Anderson stated they design their sites based upon the surrounding cell sites because they talk to one another. When you pick up your cell phone, that cell signal will go to the nearest tower and it will either go down to a landline and to a switch and from that switch to another location to pick you up on your cell phone or at your home. Everything is depended upon landlines and that's why they have Telco at every site. If you're driving down the freeway, it's not possible for that to occur and come back, so it switches from tower to tower. It's a handoff from one tower to the next. In order to handoff, you have to be able to communicate, talk, receive and send functions with every antenna to the antennas to the north. Their antennas are configured in a zero 120 and 240 configuration. This means they have one pointing north, one pointing to the 120, which is south and east, and 240 degrees, which is south and west. They all communicate with each other and they space their towers.

Height is determined by an engineering design of the site. Here they were able to drop the height and have it aesthetically next to the freeway and in close proximity to the residential area. They thought that would be better and in fact, technically it works. They get over the freeway and they are able to cover the neighborhoods at issue here. The real problem that cell companies globally have is that ten years ago they chose to do business corridors and commercial areas with cell coverage. They did that because that's the customer that they were servicing. Today, they have a different customer. Their paradigm has had to shift to match what customers want. Mr. Anderson stated that he has four married children and none of them even own a landline. They live and die by their cell phones. When you do that, you have to have in-home coverage of your cell phone. In order to do that, you have to put towers in residential neighborhoods or as close to residential neighborhoods as you can to carry the traffic. There are two things that affect them; coverage and capacity. He could put up a 6000-foot tower in the middle of Phoenix and cover the entire metropolitan complex. Unfortunately, only 3 people could

use their phone at one time. As the quantity of users goes up, the height comes down and the increase in quantity of cell sites happens. Here they have a gap in coverage and they have a capacity issue also driven by the freeway that has newly been built. You need to cover the freeway traffic and you need to cover the community that's there. This is a needed site wherever it goes.

Mr. Anderson stated that they could have chosen to locate on ADOT existing property and put up a monopole. He is a fan of palm trees and he thinks they do the community a service and not a disservice. They look much better than what they have had in the past. He stated that he needs to address co-locatability just so we understand what T-mobile's position is relative to co-locatability. He then showed a picture on Power and Broadway where it shows two sets of palm fronds that don't occur in nature so it looks a little bit out of place. The other way to co-locate on a palm tree is on a picture he showed at Gilbert and McKellips. Basically, you have a carrier on top and is a Mexican fan palm with a carrier located on a tree. What they've done is create a cell tower with palm fronds. Today, if he were to retake this picture, there is another tower just to the north of this, which is another palm tree (that happens to be a date palm), which is their preference, and the only tree that they have built. To give an idea of what a good-looking co-location is he show a picture of multiple trees at Desert Ridge marketplace at Tatum and the 101. He pointed out the different sizes of the trees, which allows the staggered look, which is what they are proposing here with Staffs recommendation to add the two trees.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER CASON thanked Mr. Anderson for clearing up the co-location issue. He agreed that having multiple trees is better looking than having all sorts of array down the front of it. He asked if the landowner that he is leasing property from is going to grant him a walking easement from Colt up to the property and if they are putting up a gate through the existing wall to the property north? He also asked how they are getting from the property next to Colt to the property where they are going to place their monopole. Mr. Anderson said they would walk through an access gate. **COMMISSIONER CASON** was also wondering about the cinderblock wall. Mr. Anderson said the wall is to the north of the site and that this is open pasture. **COMMISSIONER CASON** said that on the vicinity map they show the project site is not in the hatched area but the area south of that. Mr. Dermody answered that he could clear this up. He stated that there are four remnant parcels along the freeway. There is only one east/west wall within that and it is in between the two parcels on the north and the two parcels on the south. That is the only east/west wall within that area. Mr. Anderson said that the vicinity map is a little in error because it shows a tiny parcel that doesn't exist. **COMMISSIONER CASON** said that if we look at his drawing then the property line is the property line underneath the thatched area. He asked if the property owner is going to water the palm trees and are they are going to take full responsibility for that? Mr. Anderson replied that T-Mobile is taking responsibility for it, but the owners have assured them that they will. **COMMISSIONER CASON** also asked if they

are supplying them with access to water and is T-Mobile going to be responsible for maintaining the health of the additional trees on the site? Mr. Anderson said that as the use permit applicant and receiver they are ultimately responsible, but they have agreed to maintain those trees for them. **COMMISSIONER CASON** asked in regards to having a generator at the site and if power goes down in the area, are there other sites that are on standby power to take over or how does that work? Mr. Anderson said he wanted to avoid the generator issue because they have made a bigger deal of it than it is. The Federal government is contemplating a change in their requirements that would require them to selectively place back-up generators on sites. He said he thinks that the experience they had in New Orleans under a massive “everybody’s down” situation started this. T-mobile had 80% of their sites back up in New Orleans within one week. The biggest problem they had there was communication. Nobody could communicate because the cell sites went down. They were hauling generators in from five states into New Orleans to run those sites. He said he’s lived here most of his life and doubt that will ever happen here, but what may get mandated by the Federal government is that cell companies put back up generators permanently installed on sites. They currently don’t plan that here, but it doesn’t mean that they won’t be back someday if that mandate comes about, and it won’t be that every cell site that’s built will be mandated to have that. You pick your key so that you can maintain basic service in the event of a statewide power outage. **COMMISSIONER CASON** wanted to know how they would maintain their coverage? Mr. Anderson said that’s a problem. They have a huge diesel generator back up at their switch facility for that very purpose. Hospitals are on back-up generators and permanent installations. He thinks they may be seeing that. Their problem specifically in Chandler, has been when they apply for an administrative use permit for a generator, they get little to no response. He went on to say that recently he applied for one and has not yet received a response and it has been almost three months. Now that they have permanent power he doesn’t need a generator any more. He spent \$500 on an administrative use permit for no good reason and couldn’t even get a response. Verbally, he was told that we’re not going to approve this, but he never received a denial letter which would have let me go to the next step. Last time he was here he had two generators and they were an issue. City Council approved that with a generator that they never used. Mr. Anderson said he thinks the recognition from City Council was that you might need it. Unfortunately, the stipulation said “30 days after City Council approval”. He couldn’t get a building permit in 30 days. It didn’t do any good to have that generator stipulated to, because he couldn’t use it.

COMMISSIONER CASON asked if the property owner of the two parcels that Mr. Anderson is going to lease to, live in any of the adjacent properties to the east? Mr. Anderson replied that they live to the north and they are now negotiating with the property owner for these 2 parcels. In the event that would occur, they would go to Maricopa County because this is in Maricopa County for a special use permit for a horse riding stable. **COMMISSIONER CASON** said that when you talk about having selected sites to keep activated or on standby if you have an emergency, is this site one of those sites that would be eligible from an engineering standpoint to remain on standby

power? Mr. Anderson replied that because the requirement hasn't come to T-Mobile, no effort has been made to assess which sites those would be. Hence, the confusing answer, "No not now, we're not requiring one". It doesn't mean that later they won't come back. If in fact we have to add a generator, we will come back. It's not something we're just going to go deploy. **COMMISSIONER CASON** wanted to know if he had any intention of building their facility before they have commercial power to the site and are they using a generator as a temporary power supply to the equipment. Mr. Anderson stated they had no current plan for that.

CHAIRMAN FLANDERS asked if there were any other questions for the applicant.

VICE CHAIRMAN HEUMANN wanted to know if this was a land lease. Mr. Anderson said it was. **VICE CHAIRMAN HEUMANN** pointed out to Mr. Anderson that he was going to get access to this from the south and the person they are leasing the land from doesn't own those two parcels. Mr. Anderson replied that they do and pointed out the parcels they own. He also showed where their residence is. He showed the parcels they are seeking to acquire. The access comes from Colt Road. **VICE CHAIRMAN HEUMANN** thought that ADOT owned that little corner at Colt. Mr. Anderson stated the surveyor indicates there is no separate parcel there. They have no access issue with ADOT. **VICE CHAIRMAN HEUMANN** asked staff to clarify this. Mr. Bill Dermody stated that they disagree with that assessment. Staff's research into the Maricopa County records indicate that the small parcel does exist and is owned by the State of Arizona.

VICE CHAIRMAN HEUMANN stated that Mr. Anderson talked about walking into that site once a year. How do they plan to build the site and how are they going to get there without a road? Mr. Anderson replied that they would be driving on. **VICE CHAIRMAN HEUMANN** said that Mr. Anderson had talked about potential Federal rules of having a back-up generator and do most of their sites have that proper access as well in case something would happen with the tower? Is there a dirt road? Mr. Anderson replied that it is a horse pasture. **VICE CHAIRMAN HEUMANN** said that the first time you go through, you are going to drive through the pasture which is SRP irrigated. If you need to get in there, how are you going to have any kind of emergency access? For instance, if it's summer monsoon season and the tower gets hit, how is the Fire department going to have access to get in there? Mr. Anderson replied that they are going back through the pasture. Having a paved road there is not going to provide anything that's going to get you there any faster. **VICE CHAIRMAN HEUMANN** replied that if you have a 20 ton fire truck that needs to get through there and it's wet, it's going to be a lot harder to get through that than a proper access road. He also said that he has an issue with going through a pasture, as this is not proper access. If the Fire department would look at this application, they would wonder how to get there. This would be a concern. If that pole would get snapped or if there is a fire from the power source, there has to be proper access. He has a concern about not having a durable road

go in there. He also has questions on the ownership, but said he has a speaker card and would hold his questions until then.

CHAIRMAN FLANDERS went to the audience and said he had one speaker card for a Robert Dixon. He asked him to please step forward and state his name and address for the record.

ROBERT DIXON, 2819 W. El Alba Way, Chandler, Arizona, which is the property on the northeast corner. He wanted to start out with the ownership issues. The property to the immediate north of the subject property (ADOT remnant) was purchased by his wife and himself from ADOT a few years back. It was transferred unknown to him to his wife's mother, although he has a legal claim to that property. Her letter in support of the application should be struck from the record because she stands to benefit from the installation of the tower. The owner of the subject property's intent was to use the proceeds in support of Beverly Carpenter's grandmother.

His objections are that when he moved into the home, the freeway wasn't there and he didn't think at the time it would be an opening for other commercial uses. If it had remained someone's back yard, he said we wouldn't be here now proposing to put a cell tower in. It's only because of the freeway that it was zoned agricultural although it's never really been used as agricultural. It's a very narrow strip of property and it doesn't really have much application. The other objection he has is that the tower is going to be a lot higher than the existing vegetation. He's happy to hear there is going to be a couple of other palm trees next to it, but they are going to be only about half the height. It will stand out above the sound wall and the lighting from the freeway, so it's going to be fairly conspicuous. One thing he doesn't understand is that T-mobile normally puts cell towers on non-profit or commercial locations. They also like the proceeds from the leases to go into the community not to an individual. On the Price and Warner intersection, the northeast corner is the only residential corner. All the other three corners are commercial; the medical center, SRP well site and a lot at ASU that is currently undeveloped. It seems that one of these could have been a suitable site and more appropriate. The applicant stated that one of the reasons for the cell tower was to serve the residents. Primarily, the cell towers that T-mobile are presently putting in, are there because of the broadband they want to use throughout the city and because the large number of users. The service area is really going to be the area to the south of Warner Road. The area where the cell tower is proposed is very, very low density. He wouldn't justify the cell tower to serve those residences. It seems a better location would be a half-mile further south where the real customers of the cell tower area. If ASU developed its area further and creates a lot of users, then it needs to put a tower up on the west side of the freeway. This same structure was also proposed a third of a mile east of Price Road further down Warner Road. The neighbors there objected strongly to the tower at that location. So now they've moved the application down the street and are pushing it through again at a different location. It's really all in the same neighborhood. He doesn't know much about the proposed riding stables, but the lot is very narrow and not much use for anything.

CHAIRMAN FLANDERS asked Mr. Dixon on the four remnant properties in question if he was connected in anyway as far as ownership with those properties. Mr. Dixon said the properties to the north that he bought with his wife some years ago have been transferred to his wife's mother. **CHAIRMAN FLANDERS** wanted to clarify if he had ownership in any of these properties. Mr. Dixon answered he has joint ownership with his wife on the property to the northeast. **CHAIRMAN FLANDERS** also wanted to know if the four properties were owned by his mother-in-law? Mr. Dixon showed on a map where his residence is and the two properties owned to the west of where he lives are owned by Beverly Carpenter. **CHAIRMAN FLANDERS** asked who owns the subject site and the parcel to the south of that. Mr. Dixon said Paul Kilpatrick who is a business associate of his wife, owns it. He is not involved with this property. The property to the south of the subject site is in the same situation.

CHAIRMAN FLANDERS asked if there were any questions of the speaker.

VICE CHAIRMAN HEUMANN wanted to clarify that there is an ownership dispute with the two properties to the north, and that Mr. Dixon does not have ownership where the project itself is going to be. Mr. Dixon said "not directly". The ownership came about through the effort of his wife. As his wife, he has an interest in it through that. Mr. Kilpatrick owns the parcel where the project site is. He owns the site to the north and lives in the parcel immediately to the northeast of the site. **VICE CHAIRMAN HEUMANN** asked Mr. Dixon if he was contacted about supplying the water or maintaining the trees. Mr. Dixon answered that he had not been contacted at all.

CHAIRMAN FLANDERS asked the audience if there was anybody else that would wish to speak regarding this item. Sandra Carpenter-Dixon said she wished to speak. He asked her to please step forward and state her name and address for the record.

SANDRA CARPENTER-DIXON, 2819 W. El Alba Way, Chandler, Arizona, stated that the monopalm site was chosen because it was furthest from the homes but Paul Kilpatrick would be agreeable to have the palm at any place. If access were a strong issue, placing it closer to Colt Road might be a good option. She has talked to her husband about putting it on their property. He didn't want any part of it. Her mother owns the two north little sections. The other two parcels are up for sale. She has talked to her husband and other business people about buying them. She personally would like to have a healing, therapeutic writing center and assisted living in-home center that would go in conjunction with the hospital here and the agricultural, rural and residential. She would like to have an oasis in the whole corner of Chandler and Tempe.

CHAIRMAN FLANDERS asked Mrs. Dixon if she was the owner on the subject property site and the parcel to the south? She answered she was not. **CHAIRMAN FLANDERS** said then there is a totally different owner for those two properties that

would provide the access and the water to those sites. Mrs. Dixon said she has talked to SRP about water to two of the parcels and has not followed through on it. They use the property as though it is theirs and they have a couple of horses there and they bring water over from there. She would have no problem in assisting in this, but in asking SRP about the possibility she has been told that it's easy. The water and power come from the street. The property is so narrow and hard packed because it hasn't had water on it in years. She has not had clarity from SRP to get irrigation rights operating. The trees that are on this property have been irrigated from the excess irrigation from the rest of the neighborhood. Because she lives at the end, any excess irrigation water just flows into this. There are four palm trees and their height ranges from about 15 feet to about 30 feet. There are already living palm trees very near the proposed site. The previous owner used to run trucks in because he had two huge storage containers, so he had gravel there. There already exists hard packed. It's not pasture like you think of lush Tennessee pasture. It's more like desert pasture than soft ground.

VICE CHAIRMAN HEUMANN asked Mrs. Dixon if she owned the parcels to the south? Mrs. Dixon said she does not and does not own the two parcels next to the site.

COMMISSIONER IRBY asked her if she ever owned the subject property and the property to the south of it? Mrs. Dixon said she did not.

CHAIRMAN FLANDERS asked if there were any more questions of the speaker or if anyone in the audience would care to speak regarding this item. He also asked the applicant if he had any comments or questions for Commission.

The applicant answered he did not have any other issues. He did say that when he says pasture, it's not pasture he would use, as it's very hard. If you turn it into a horse pasture facility and you water it, you have to represent what it's going to be not what it is today. You can drive in there with a 50-ton fire truck today and it would not be impacted. It's never wet because it doesn't get irrigated. In the future they plan to do that which is why they've decided to do walk up access. Walk up access for them is very normal. It's rare when they pave access to a site, here or in Maricopa County. There are many sites that are up that don't have paved access to them, but they have hard dirt and it's rare when they have to access those sites with a truck or anything else. When you pave it, you limit its use, which is not what they want to do. They could move if farther south, but when they placed this facility they placed it as far away from current houses as they could. If they moved it south against Colt Road, it would work. It's closer to power and Telco for him, so it's cheaper. They thought it would better where it was against the two walls with existing trees to the north of us. They've agreed to put two additional palm trees in and they've made arrangements for their maintenance. They have bent over backward to do the right thing.

VICE CHAIRMAN HEUMANN said that Mr. Anderson has an agreement to water the two parcels to the north and they aren't owned by anybody here tonight. In regards to

the parcels to the south, Mr. Anderson was going to come through this access that is somebody's property as well. Mr. Dixon showed the current irrigation plan that is in the city's possession. This is the irrigation line on the existing parcel that they are bringing over to water these two trees. If irrigation exists, that's where they're coming from. It's a wall mounted electronic controller that doesn't control irrigation, it controls water. When you have two trees, there's no sense in relying on irrigation.

CHAIRMAN FLANDERS asked about the three other commercial corners at Warner and the 101. Why hasn't T-mobile chosen one of those sites that have better access and possibly better water? Mr. Anderson said they had an application in at a church one-third of a mile to east. The neighbors were very adamant against them. The property owners to the south, west and southwest have all not been willing to enter into an agreement with them. In their case they have to have a willing landlord as well as an engineering design. If they can't get either one, it doesn't work. They do like to go to churches and schools and his record is pretty replete at the City of Chandler with the siting that he's done. He's done the police evidence building that was a city lease. They also did Erie Elementary and Sirrine Elementary and they go where they can when they have a willing landlord. Here they have a willing landlord and a situation where it works. There are no objections from the neighborhood.

COMMISSIONER GULSVIG said it seems to him that the issue here is paved access and has a question for Staff. How many other sites have we had where somebody has put up a tower and had paved access? Mr. Dermody said it is in their general practice to require paved access, although he couldn't give them a number. They don't have many sites in residential neighborhoods so this sort of situation doesn't come around very often. Often times cell towers are on school sites and paved access is already there. He didn't have an exact number due to the rarity of this particular circumstance.

COMMISSIONER CASON said that based on everything he's heard this seems like the only objection to the site right now. The Use Permit for this will be paved access, so he just has a concern about that. If we can't provide some degree of evidence and if we have a similar situation like this, our criteria may say we have to have paved access for use. How many other situations are like this where we've had a requirement to have the applicant put in paving for access? Mr. Dermody said he would have to do some research to see if there is another situation like this.

VICE CHAIRMAN HEUMANN asked how many places in the city do we have monopoles or cell towers in the middle of a residential? This is an AG-1 site and do we have that in Chandler and other places? Mr. Dermody said unless you count schools as residential, we can't think of a single case. **VICE CHAIRMAN HEUMANN** said this is kind of an oddity and potentially the first one of it's kind in the city. Mr. Dermody said that was correct and usually we discourage people from applying. The only reason that Staff is supporting this particular case is because we have a freeway and remnant parcels. **VICE CHAIRMAN HEUMANN** stated the big issue for him is the access and thinks there is an issue with the water, but the stipulation that they have to maintain it ends up

being their problem. If the trees start to die, they have to figure out how to bring in a water truck, which gets back to access and a proper way of getting in there.

COMMISSIONER CREEDON asked the applicant if they had explored the site just to the south that would have eliminated this access problem and have they explored that fully? Mr. Anderson replied that it is closer to residential physical houses than farther to the north. We were just putting it up out of the way as best they could. They could certainly move it south. He thinks the landlord would be amiable to doing that. They were just trying to do the right thing. He also said that he would like to answer the other question from the T-mobile's perspective regarding the paved access issue. He stated that zero of their sites have been required to have paved access. **VICE CHAIRMAN HEUMANN** asked Mr. Anderson if the sites that they have in the City of Chandler do not have paved access? He answered that was correct. **VICE CHAIRMAN HEUMANN** also asked if all of the schools they put up poles on don't have paved access? Mr. Anderson said that was correct. **VICE CHAIRMAN HEUMANN** asked if there is concrete there to get to the sites? Mr. Anderson said in some cases there is and in some cases there is not. Erie Elementary is a prime example. They are on the north side of the school and to access it they must go across the fields. There is paved access behind Erie Elementary, but they don't access their site through that property. They access it through the school. Another prime example is the monopalm where they put a generator on the north side of the 202 (Wellspring Church). There is no paved access to it. It has never been a requirement. This is the first time.

COMMISSIONER CASON asked Mr. Dermody on the waterline on the irrigation plan, sheet no. L2, who's main are we tapping into? Mr. Dermody answered that an evaluation of what main this is and how practical that irrigation plan is, has not been done by our experts in this area. **COMMISSIONER CASON** stated that when he went out there it looks like phones in joint trench running north and south just a couple feet west of that property line. So we don't know if power is in that joint trench area and the applicant hasn't provided that information? Mr. Dermody said no.

CHAIRMAN FLANDERS closed the floor. **VICE CHAIRMAN HEUMANN** said he had questions that have gotten answered to his satisfaction. The question of the access is very important. The church site on the 202 is dirt not a pasture as Mr. Anderson brought up. He stated he would like to get some answers on some of these things where there is a problem with the Fire Marshall or the Fire Dept. If we are doing this first one in a residential area, we're setting a legal precedence saying you don't have to do this. He would like more information on other sites and how they access those kinds of things before he'd like to vote. He stated he would like to make a motion to continue this for 30 days and get some answers on those issues that are acceptable to him.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG to continue Item E, UP06-0056, Warner/101 Monopalm to the January 17, 2007 meeting and to get some answers on access questions, any water issues and clearing the ADOT access. If ADOT owns that land, theoretically unless you

have an easement, it's trespassing. Commissioner Gulsvig seconded the motion for the same reasons.

COMMISSIONER CASON commented that he agreed with the motion. Finding out where the power is a real simple thing to do. All you have to do is call Arizona Blue Stake and ask for an engineering locate and they can tell you where everything is. It should be very easy for the applicant to come back and tell them where the power is going to come from, where the water is coming from, does the water pass somebody's property or come from somebody's property that may not be in favor of this. They might be shutting off the water and all sorts of other issues that need to be addressed. He also agrees with access and he thinks if the place catches fire we will need to get a fire truck there.

Motion to continue Item E was approved unanimously 6-0 to the January 17, 2007 meeting. (Commissioner Anderson was absent.)

ACTION:

F. UP06-0072 CHEVRON MONOPALM

Request Use Permit approval to install a 65-foot monopalm wireless communication facility within a Community Commercial (C-2) zoning district. The property, which contains a Chevron service station, is located at the southeast corner of Cooper Road and Chandler Boulevard.

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. Landscaping shall be installed along the ground equipment screen wall nearest to the Consolidated Canal. As necessary, the ground equipment shall be moved away from the canal in order to accommodate the landscaping.

Mr. Bill Dermody, Planner, stated this a request for a use permit approval to put in a 65-foot monopole behind a Chevron that's located on parcel C-2 at the southeast corner of Cooper Road and Chandler Boulevard. The palm would be located behind the service station along the Paseo Canal that runs diagonally across the southeastern border of the property. At issue, particularly, is a stipulation prompted by Planning Commission and recommended by Staff to them tonight to install some landscaping along the canal in conjunction with this monopalm. Also, there was discussion during study session about other landscaping besides just shrubs being added. Staff would not be in disagreement with more landscaping. They are in favor of making the Paseo Canal a nice place to walk. There is landscaping on the site and there are trees on the site. They are not as tall as this monopalm will be. It is worth noting that they do have 65-foot monopalms and monopoles in other parts of the city. Erie Elementary, which they have a photograph of in their packets for the Warner case, is a 65-foot monopalm. Staff does recommend

approval with several conditions. Two of them are in their packets; the third one was added after study session. It reads the following:

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.

Mr. Dermody said there is one other item about the site plan. The applicant has indicated that the ground storage of equipment is too close to the Chevron Station to really move it around. The closest point of that outdoor equipment is about 11 feet from the Chevron Station. Staff does recommend approval with the three stipulations and does note that there seems to be enough room to move that outdoor equipment.

CHAIRMAN FLANDERS asked if there were any questions for Staff.

VICE CHAIRMAN HEUMANN asked Mr. Dermody if he could clarify the last part about moving it or show them on a map. Mr. Dermody showed close ups of the site, monopalm and outdoor equipment. The nearest point between the Chevron building and the wall is approximately 11 feet according to the application materials provided by the applicant. **VICE CHAIRMAN HEUMANN** inquired if there is any reason for a truck to get back there or is there any reason there has to be access to the back for the Fire Department or for the monopole? Mr. Dermody replied that there is a parking lot very close to it so there is already paved access. **VICE CHAIRMAN HEUMANN** said he was wondering about the south side because with 11 feet you can't get much through there. Mr. Dermody said there are other ways to get around if you needed to. There's access to the south side of the Chevron building from Cooper Road and there's access from the Paseo over a short wall.

COMMISSIONER IRBY wanted Mr. Dermody to clarify that on the large site plan there is an existing split faced CMU wall. Is that an 8 foot or 6 foot wall? Mr. Dermody said the wall along the canal for the most part is a low wall. It his understanding going back in history there was some concern about gasoline from the service station getting into the canal. That's why a low wall was put there to act as a sort of barrier to keep the gasoline and water separate. **COMMISSIONER IRBY** asked if the low wall was 36" tall or in that range? Mr. Dermody said it was about 36" tall. **COMMISSIONER IRBY** said in looking at the enlarged site plan it appears it's only clipping that existing wall less than 20% of the area there. However, is it being replaced with an 8-foot wall? Mr. Dermody said that is correct. We do require that the equipment be screened which will require a taller wall. **COMMISSIONER IRBY** asked if it's dirt or a paved pathway along the property line? Mr. Dermody said the proposal would be to have the ground equipment and the wall be right up to the property line. East of that, the Paseo has a gravelly type of dirt surface along the side of the canal there. **VICE CHAIRMAN HEUMANN** said it would be paved, as it is part of the Parks Dept. **COMMISSIONER IRBY** said that was his concern whether it's entirely paved or is there going to be a landscape strip along there. **CHAIRMAN FLANDERS** said the parcel to the north, the

Pollack's parcel, there was a 10-foot landscape easement along the Paseo. Does that continue through this and is it landscaped or is it part of the improvements of the Paseo?

Mr. Jeff Kurtz said we have historically required a 10-foot easement. This was one of the very, very early ones and does not recall if it was a requirement for an additional 10-feet there. **COMMISSIONER IRBY** wanted to know if we are moving this thing to the east or are we just adding more landscaping? This has an impact on how he judges the aesthetics of this.

COMMISSIONER CASON inquired if the building can't be moved closer to the existing convenient store? Mr. Dermody said it is Staff's opinion that this could be done. The applicant has indicated that it can't be done and that Chevron would be hesitant to grant something that came closer to the building. **COMMISSIONER CASON** wanted to know if there has been any discussion with the applicant about placing the communication equipment behind the Chevron? Mr. Dermody stated that there hasn't. Staff did analyze that possibility, but south of the Chevron is retention that would, in their opinion, greatly complicate the issue. That retention would have to be replaced. They feel that the proposed location or something close to it would be far better than displacing retention and having to re-engineer the entire site.

RULON ANDERSON, 3523 E. Presidio Circle, Mesa, Arizona 85213 representing T-Mobile. He said he would address the issues that he's listened to both in study session and here. Basically, here is his dilemma. They go out of their way to try and do the right thing in his opinion. They try to site these and make them look as good as they can given the alternatives which he believes are unacceptable alternatives. This is what they end up with if we can't do some kind of stealth. He showed a picture of a power pole configuration done elsewhere. They are trying to get away from that. T-Mobile is making great strides at that. This is probably the eighth or ninth palm tree they have put in the City of Chandler. He personally has already been involved in 30 to 40 of these in the last two years because the technology has evolved itself to make them look better. Here's the basic problem. There is the 300-foot circle and they are two feet into what is designated residential. If he could move that pole two feet they wouldn't be here having a discussion. But because he can't do it, they are here.

Mr. Dermody said Staff disagrees with that assessment. It would be true if the zoning were industrial but since it's commercial, a use permit is necessary regardless. Mr. Anderson believes that it's a 300-foot setback per our own ordinance. However, what they've done is placed it as far to the north as they can. The problem he has with moving the site over two or three feet is we have approximately 10 to 11 feet and they have a three-foot door swing. When it swings open, you have to have access into that door. The real problem they had is when this gas station has its air-conditioning units serviced. The service truck has the potential to go around to the back of the station. This is his access. If a truck is going to access it, he has to go through the phones. There is a bike rack so it would pretty much pre-empt their ability. The big air conditioners are right around the back of the building. One of the reasons they didn't locate to the back of the building

was because of those air conditioning units on the ground. The landlord asked them to preserve an eight-foot width for access in the event he needed it. We believe this site some day in the future, according to the landlord, is going to be revised. There is a large portion to the south in a triangular fashion which the landlord asked them initially to come down into. The problem with that is ultimately they are going to propose doing a car wash. This will end up going through somebody else and they will have to redo all of this, so they didn't want to impair their ability to do that with this cell site. It also put them closer to residential than they wanted to be. They placed it at the most opportune place they could. The split-faced block wall is three feet tall. On their site plan they show where the current dip in the wall is and the concrete sidewalk that's next to it with the asphalt on the canal. They are merely replacing this three-foot CMU wall with an eight-foot wall so they are going up five feet higher. Staff is requesting them to move two feet in so that they can put some kind of landscaping in which doesn't make a lot of sense to him. One, it takes away his ability to have that eight foot access between the building and them and two, it's two feet between a three foot split-faced block wall and an eight foot CMU wall for their equipment.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER CASON in referring to the photograph asked if that wall is going to be eliminated and if somebody is on the canal, is that their access to the convenient store? Mr. Anderson said it was. **COMMISSIONER CASON** stated that they are eliminating the access from the canal to the convenient store without having to walk all the way around the front of the fencing. Mr. Anderson said they don't really change the access. He said that instead of the crook in the wall it would be straight to the end. The wall continues past theirs and comes out straight. The access to the gas station from the canal would be the same. **COMMISSIONER CASON** said that the sidewalk that goes past the phone bank will just go straight out into the canal. Mr. Anderson said that is basically what it does right now. **COMMISSIONER CASON** stated that they can't go closer to the building because they utilize the access against the side of the building to run a truck through there. Mr. Anderson said the landowner requested them to keep at least eight feet for him to access this area. They wanted to actually come right against the building. Unfortunately, they have a landlord who states that we do not impede his ability to alter his facility until that point in time that he decides to do that.

COMMISSIONER CASON asked him if they have any sites in the metropolitan area where the equipment is in a controlled environmental vault. Mr. Anderson said no and they would not consider it in this location because it is cost prohibitive. It would be air-conditioned and noisy for starters. **COMMISSIONER CASON** said it seems if you could capitalize a controlled environmental vault at this location, all of the issues associated with the building and the wall that abuts right up to a city park, would be eliminated because they would put all that structure underground. Mr. Anderson said it's a canal bank. They abut the canal bank and they go up five feet. **COMMISSIONER CASON** asked again if a controlled environmental vault would be a solution to the

building issue; could he not capitalize for that and put that in their rate of return on the investment and capitalize that additional cost over a longer period of time. Therefore, they would not have that building to look at the site of our park or canal. Mr. Anderson replied that if they put a controlled environmental vault at this location, you would still have no landscaping because you can't plant plants on top of the vault. It still sticks up three feet. Again, it's air-conditioned and it's noisy. **COMMISSIONER CASON** said those are other issues they would have to deal with but we wouldn't have the wall up there. Once again he asked if this is something that could be done in this situation? Mr. Anderson said he had a hard time answering that question but it could be done. It is not a preferable thing; otherwise they would have proposed it. **COMMISSIONER CASON** asked if they did switch to a controlled environmental vault and placed it on the backside near where the air conditioning units are, then all the air conditioners would be together. Mr. Anderson said the landowner wouldn't allow it. **COMMISSIONER CASON** pointed out that he hadn't discussed it with him yet. Mr. Anderson said they had. They had discussed locating the site there whether the site is buried or on top of the ground; it doesn't change his position. **COMMISSIONER CASON** stated that he hadn't proposed it as an underground site to the owner. Mr. Anderson said that next to the building nothing is acceptable and he has met with the landlord personally.

VICE CHAIRMAN HEUMANN said he considers it a park and agrees with Commissioner Cason. The city has designated the whole Paseo Trail as one of our trails, which is a park. He also said that one of the questions that came up was why the 65-foot pole is going here when we were talking about one 50 feet along the freeway; he would like that answered. The second comment is on the staff stipulation of putting landscaping around the equipment. He would like an answer about the 65-foot issue and why he has an objection to the staff stipulation no. 2. Mr. Anderson said technically 65-feet works better than 50-feet in this location. All of these towers talk to other towers. The more calls you get, the lower the towers; the closer the towers together, the shorter they can become. You could ultimately end up with 30-foot towers everywhere a quarter of a mile apart, but they're not there yet. Nobody has that kind of density unless you get into downtown Phoenix where you're very dense. He showed a copy of all of the sites in Chandler provided to Staff and the surrounding communities. It lists them all and their antenna heights. Antenna heights don't always mean tower height but it is important. Chandler-Gilbert Community College is 65-feet; Commonwealth Center is 65 feet; Erie Elementary 63 feet; residents just north of the mall, 41 feet. **VICE CHAIRMAN HEUMANN** said to Mr. Anderson that he stated the case for him. He said the more towers you put in eventually the sizes go down. So why at this point why wouldn't it start going down and this one be 50 or 55 feet and not 65 feet? Mr. Anderson responded that he is not to that point yet. **VICE CHAIRMAN HEUMANN** asked how many more towers are they planning on putting in Chandler over the next 2 to 3 years with another 30,000 people? Mr. Anderson said we are going to see 10 or 15 more of these sites in Chandler based upon Chandler's growth. **VICE CHAIRMAN HEUMANN** said if you had 10 or 15 more sites in Chandler, which gives you 25 sites totally, is there still a need to do 65-foot towers around town. He answered that today there is. However, 65-feet

would still be optimal. **VICE CHAIRMAN HEUMANN** asked him if he could move this to 50 feet? Mr. Anderson said he could.

COMMISSIONER CASON stated that on his stipulation no. 3 (1-mile inventory list) that you can't co-locate at the community congregational church parking lot because it's too far south. How far is too far south? Mr. Anderson said he believes that's a half-mile to the south, but don't hold him to that. **COMMISSIONER CASON** said there's a single tower that's co-located at the substation at the end of Frye Road and the Consolidated Canal. That's not usable for him? Mr. Anderson replied that it was not workable in this design. That commercial corner basically is the area of maximum technical coverage.

COMMISSIONER CREEDON wasn't sure if she understood the landscaping question that Vice Chairman Heumann asked him earlier, so could he repeat it? Mr. Anderson said basically they have a 3-foot split block wall that's currently there. If they maintain that existing 3-foot split-faced block wall and moved their site in two feet and put up an eight-foot CMU wall, you create a two-foot space in between the existing wall and the new wall. For what purpose. **COMMISSIONER CREEDON** inquired if there is an existing tree that is going to remain? Mr. Anderson said there is. **COMMISSIONER CREEDON** asked if he could do some other type of landscaping outside of that which could exist alongside that tree? Mr. Anderson said everywhere but on the east side because the east side is the issue. It's not the north, it's not the south or west even though that's access and they already have landscaping. It's the east wall that would be the issue and that is what Staff is requesting; landscape something on the east. You have an area to the east that's part of that park that could easily be landscaped. Right now there is no landscaping against that wall all the way down the canal.

CHAIRMAN FLANDERS said he had a question for staff. He stated that there was a reference made earlier about a possible car wash at the rear of this facility. If that application comes before us, is Staff going to say we need to provide landscaping along the Paseo. Would that be part of it? If we do the landscaping, would this continue now because this seems a small area to do landscaping with nothing else going on there? Mr. Dermody stated that applications that come forward here on out we'll be asked for some sort of landscaping along the Paseo. **CHAIRMAN FLANDERS** also asked if this is for commercial or residential application? Mr. Dermody said that if they needed a new zoning or new development plan approval from Council we would be asking for that.

CHAIRMAN FLANDERS went to the audience and asked if there was anybody that would like to speak in regards to this item.

VICE CHAIRMAN HEUMANN said to Staff that in regards to the 2-foot landscaping he was still confused. He asked if the 3-foot wall that is there now would be replaced by an 8-foot wall? Mr. Dermody said that is correct unless you explicitly wanted the 3-foot wall to stay. **VICE CHAIRMAN HEUMANN** also asked if the 3-foot wall has landscaping

to the east of it? Mr. Dermody answered that he doesn't believe that it does. Mr. Dermody said the wall is approximately on the property line. **VICE CHAIRMAN HEUMANN** asked Staff if they feel there is enough room to get that landscaping because we did a lot of work on the Pollack property north of here to make that accessible and looking good. Mr. Dermody said the proposal regardless of stipulations that the applicant brought forward is to have an 8-foot wall right on the property line. There would be no room for landscaping unless it was moved. **VICE CHAIRMAN HEUMANN** asked if we normally allow walls right up to the property line? We do occasionally; it's more out of the norm now unless it backs up to a dead area and this isn't a dead area. Mr. Dermody stated it would be a case-by-case basis. Ordinarily, for the most part we would want it to remain open to the Paseo. **VICE CHAIRMAN HEUMANN** stated that normally we approve something along the railroad tracks north to the property line, but there is nothing there.

COMMISSIONER IRBY wanted Staff to clarify something because when he looks at the site plan, there is currently a wall running along the property line that dimension wise looks like every 15 feet or so it notches back to the west and creates a little planter area, so that way it's not one straight little wall. Are any of the areas where it notches in landscaped? Mr. Dermody said he wasn't certain of that. **COMMISSIONER IRBY** said he feels the reason there are wall notches is so that it's not one big straight wall. It's probably just an architectural feature. He thought those notches could be landscaped. What we are really talking about in this particular project, is part of that little notch at the beginning is going away. According to the photograph he saw that little notch right now is concrete so it is not landscaped. He understands the logic with landscaping along a pathway, but he thinks with an existing condition like this there will be plenty of opportunity to add landscaping if this ends being paved to the property line. That issue goes away and if need be, when the pathway gets put in, add the stipulation that these niches become landscaped. He feels that we're splitting hairs on a pretty minor issue. He also stated that he would prefer not to have it as an 8-foot wall and he would prefer to see it a little lower. We also have a building that's more than 8-feet tall just to the west of this one. There is a lot of attractive landscaping between here and there. He doesn't see the big issue on trying to push this another 2 or 3 feet to the west, take out landscaping, and try to slip it over to the other side. He was a little disappointed that we don't have a little more information on what's happening on the canal. Maybe it's not designed far enough to know that. That would have made this issue go away or actually make it a bigger issue.

COMMISSIONER GULSVIG was contemplating talking about the same issues. He has a real problem with an 8-foot wall right on the property line especially in the area of the Paseo. We've had other cases that we held other applicants to maintain some aesthetics on the Paseo and putting an 8-foot wall on the property line is going to be counter to that effort we've put in the past. Obviously, we can't move it farther in and put any landscaping in as the applicant says it won't work. He has a dilemma, because he doesn't really appreciate the 8-foot wall there.

COMMISSIONER CASON said in looking at the site the wall is just a component of the overall landscaping scheme at that site. You can't take each other out of context because they are one and the same of the beauty of the landscape there. Because of the walls height you can see the landscaping behind it and they go hand in hand. As you're traveling north on that path and that wall is to the west of you, the way the wall juts in and out and the way it's associated with the landscaping, it has a look about it that's enjoyable. If we go ahead and place this large 8-foot wall in the middle of this, we're going to destroy all of that well thought out architecture at that location. Can the city put landscaping there to cover that? They could, but he can't think of any other places where the city's responsible for maintaining landscape for a commercial development. He thinks that the person bringing the application is responsible for not only the cost of placing the landscaping but also the requirement of maintaining it. If we allow that 8-foot wall to come up and then the city has to come in and put in the landscaping, now the city is carrying that burden. He knows that there are other things the applicant is able to do to mitigate this situation. They can move to a different location, they can move to the back of the property, they can use a CEV as suggested, and they can also move two feet and place landscaping there that could dampen the starkness of that wall. He would hope that the applicant can show an appreciation to the city for the fact that they do have a park there and that it's everyone responsibility to protect that park for the citizens of Chandler and not dismiss its potential beauty for a commercial endeavor.

VICE CHAIRMAN HEUMANN stated that there are questions on the Paseo and would like some of the issues answered; the 8-foot wall, the 3-foot wall, and what's on the Paseo because that bothers him as it bothers a lot of the other Commissioners. He would like to find out more information on that from the Parks Department what's going on there. We have a parcel to the North where we held the Developer to a pretty high standard. Since he is doing so well on continuances tonight, he wants to make a motion on UP06-0072, the Chevron Monopalm, to continue to our January 17, 2007 meeting to enable Staff to get some answers from Parks and bring drawings on the Paseo. We can get some clear definitive answers and maybe some alternatives to an 8-foot wall to make this work, versus sitting here and trying to do this tonight. This will give the applicant a fair chance to get some more information. He is hearing that from three or four Commissioners that this is the concern.

CHAIRMAN FLANDERS said he had a motion for a continuance by **VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG**. He said he didn't have a problem with the stipulation proposed by Staff. It moves it off of the property line, provides some kind of screening device there and they can work with Staff regarding that. He was going to go ahead and propose another stipulation that the maximum height of the monopalm is 50-foot. He likes that dimension. 65-feet seems a little too high to him. As far as the continuance goes, he's not sure he is in favor of that even though he understands what the Vice Chairman is trying to get answers for.

VICE CHAIRMAN HEUMANN said as a note the applicant is not willing to do the one stipulation. To pass this onto Council when he won't do it, he is trying to be fair to the applicant and some of the Commissioners to get some answers. From what he was hearing, that wasn't an option. From the applicant I heard that he can't move it two feet and there's no room for landscaping. If the applicant said he would work with this, great, but that wasn't what he heard tonight. **CHAIRMAN FLANDERS** said he understands that.

COMMISSIONER IRBY said he doesn't have a problem with the continuance and would like some additional information. His whole decision on this really rests on what the overall plans are for the canal and landscaping. He's just guessing, but if they are going to landscape that all the way across, it's going to get landscaped and then it's a moot issue. However, if they're not, then he does have a little bit of a problem. He thinks it gives the applicant some time where he can analyze whether he can do this as an underground environmental vault. If that's an option, he can analyze it on a cost level or an owner preference and come back to us.

COMMISSIONER CREEDON also supports the continuance but she would like to comment that she agrees with the Chairman's comments regarding moving this and had the applicant been willing to work with staff on that stipulation, she would have been comfortable with that. It's unfortunate that wasn't the case and now we'll just be looking at a continuance.

CHAIRMAN FLANDERS called for a vote on the continuance. Item F was approved 5-1 for a continuance to the January 17, 2007 Commission meeting. (Commissioner Anderson was absent.)

6. DIRECTORS REPORT

Jeff Kurtz thanked the Commissioners on behalf of Staff for all their volunteering over the past year.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is January 17, 2007 at 5:30 p.m. Chairman Flanders wished his wife Suzie a happy anniversary and Happy Holidays to everybody. Commissioner Gulsvig said he and his wife just celebrated their 45th wedding Anniversary.

8. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary