

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, July 15, 2009 held in the City Council Chambers, 22 S. Delaware Street.

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

Chairman Michael Flanders
Vice Chairman Michael Cason
Commissioner Leigh Rivers
Commissioner Kristian Kelley
Commissioner Stephen Veitch
Commissioner Christy McClendon

Absent and excused:

Commissioner Kevin Hartke

Also present:

Mr. Kevin Mayo, Acting Planning Manager
Ms. Jodie Novak, Senior Planner
Mr. Bill Dermody, Senior Planner
Mr. Erik Swanson, City Planner
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY COMMISSIONER RIVERS, seconded by **COMMISSIONER VEITCH** to approve the minutes of the July 1, 2009 Planning Commission Hearing. The motion passed 5-0 unanimously with one abstention (Commissioner McClendon). Commissioner Hartke was not present at the meeting.
5. ACTION AGENDA ITEMS
CHAIRMAN FLANDERS 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. There were three action items; Items E, G, and H.

A. DVR09-0006 MAPLEWOOD COURT

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 Agricultural District (AG-1) zoning. The existing PAD zoning designation is for a 15-acre, 32-lot single-family residential neighborhood. The subject site is located at the southwest corner of Maplewood and Vine Streets, which is located south and east of the southeast corner of Alma School and Willis Roads.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for an additional three (3) years with all of the conditions in the original approval remaining in effect.

B. DVR09-0009 BLUE STAR GATEWAY

Approved.

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a new 2-story office building. The 1.1-acre site is located at 99 E. Willis Road, approximately 400 feet east of Arizona Avenue.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Blue Star Gateway", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0009, except as modified by condition herein.
3. 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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. Completion of the construction 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. 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.

7. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. 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.
9. **The applicant shall work with Staff to vary the parapet roofline on the east and west elevations.**

C. PDP08-0004 NOAH'S

Approved to continue to the August 5, 2009 Planning Commission Hearing.

Request Preliminary Development Plan approval for a 12,490 square foot commercial multi-purpose building on an approximate 2.8-acre site. The subject site is located east of the northeast corner of Cooper Road and Yeager Drive. **(REQUEST CONTINUANCE TO THE AUGUST 5, 2009 PLANNING COMMISSION HEARING.)**

D. PDP08-0027 CANDLEWOOD SUITES

Approved to continue to the August 19, 2009 Planning Commission Hearing.

Request Preliminary Development Plan approval for a four-story hotel on approximately 1.1 acres. The subject site is located south and west of the southwest corner of Chandler Boulevard and 54th Street.

1. Development shall be in substantial conformance with Exhibit F, Development Booklet, entitled "CANDLEWOOD SUITES", kept on file in the City of Chandler Planning Services Division, in File No. PDP08-0027, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. Compliance with original conditions adopted by the City Council as Ordinance No. 2543 in case Z94-129, except as modified by condition herein.

F. UP07-0101 SAN MARCOS GOLF RESORT

Approved.

Request Use Permit approval to continue a golf cart storage and maintenance yard use on San Marcos Golf Course property near the southwest corner of Chandler Boulevard and Dakota Street, approximately ¼ mile west of Arizona Avenue.

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

2. Use Permit approval does not constitute Final Development Plan approval. The site must conform to all applicable City regulations.
3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
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. Storage shall be contained within the confines of the existing chain link fence. Non-compliance with this condition shall void Use Permit approval.
6. Building permits shall be obtained for any structure or assembled object used to shelter material from the elements that is placed upon the property.
7. There shall be no maintenance-related deliveries between the hours of 10:00 p.m. and 6:00 a.m.

I. UP09-0017 AMERICAN LEGION POST 35

Approved.

Request Use Permit approval for an extension of premises to sell liquor as permitted under a Series 14 Club License for on-premise consumption only within an outdoor area. The property is located at 2240 West Chandler Boulevard.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 14 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. There shall be no live entertainment outdoors including acoustic groups, bands, background music, speaker/audio systems, and the like other than provided for a special event as described in the Narrative.
6. Noise from outdoor areas shall be controlled so as to not cause a nuisance for nearby residences.

J. UP09-0022 MIMITA'S CUBAN CAFÉ

Approved.

Request Use Permit approval to sell liquor (Series 12 Restaurant License) for on-premise consumption only indoors and on an outdoor patio at a new restaurant. The property is located at 1950 North Arizona Avenue.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.

4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

K. UP09-0025 SANDBAR MEXICAN GRILL

Approved.

Request Use Permit approval to sell liquor (Series 12 Restaurant License) for on-premise consumption only indoors and on an outdoor patio at a new restaurant. The property is located at 7200 West Ray Road.

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.

L. UP09-0026 BUONO'S PIZZA

Approved.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing restaurant. The subject site is located at 2820 S. Alma School Road, Suites 6-8, north of the northwest corner of Alma School and Queen Creek Roads.

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. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

M. UP09-0032 KILEY'S GRILL

Approved.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing restaurant. The subject site is located at 2394 N. Alma School Road, approximately ½ mile north of the northwest corner of Alma School and Warner Roads.

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. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.

N. UP09-0033 AIM HIGH INSTITUTE

Approved.

Request amendment of Use Permit approval to allow additional grade levels in a charter school located at 1375 N. McClintock Drive, approximately ½ mile north of Ray Road.

1. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require a new Use Permit application and approval.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The Use Permit shall be for a charter school grades Kindergarten through 12th. The maximum number of allowed students is 400 and maximum number of employees is 30.
4. The applicant shall preserve and maintain the fence and gate located north of the northeast corner of the building that closes off the north drive aisle to prohibit access to the east parking area. The gate is intended to control and limit traffic access to the east side of the property during the school's off hours. The gate is subject to Fire Marshall approval.
5. During the school year, the applicant shall have no more than 20 outside student activities after 6 p.m. Monday through Friday and on Saturday or Sunday.
6. No outdoor speakers, buzzers, or whistles shall be permitted except for mandatory fire and security alarms.
7. Existing area along the south side of the building shall not be used as a playground.
8. Outside student activities on the east side of the property line shall be limited to areas of 30 feet from the east property line, 20 feet from the north property line, and 20 feet from the south property line.
9. Outside physical education classes and wellness/fitness programs on the east side of the property are not to exceed 60 children at any set time.
10. Stairs on the west side of the south wing of the building shall be designated as Emergency and Fire Exit, subject to Fire Marshall approval, with all principal ingress and egress to the school to be focused on the center of the building.
11. Vehicles dropping off and picking up children shall be limited to only the west side of the main building.
12. The site shall be maintained in a clean and orderly manner. Any dead or missing landscaping shall be replaced by similar landscaping.

MOVED BY VICE CHAIRMAN CASON, seconded by **COMMISSIONER KELLEY** to approve the consent agenda with stipulations as read into the record by Staff. The consent agenda passed unanimously 6-0. (Commissioner Hartke was absent.)

ACTION:

E. PDP09-0011 CULVER'S RESTAURANT

Request Preliminary Development Plan (PDP) approval for a 4,000 square foot restaurant on a 1.3-acre pad site within the Park at San Tan development. The site is located approximately 450 feet west of the Loop 101 Price Freeway along Ray Road.

1. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3622, case DVR04-0048 SANTAN MIXED USE AMENDED, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "Culver's Restaurant" kept on file in the City of Chandler Planning Services Division in File No. PDP09-0011, except as modified by condition herein.
3. 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 equipment, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
5. Raceway signage is prohibited.
6. 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.
7. The building and site lighting shall reflect the wall-pack and light pole designs already established in the Park at San Tan development. The Development Booklet's representation of a curved wall light design shall not be used.
8. A signed and notarized Consent to Conditions waiver shall be provided to Planning staff within three weeks of City Council approval of the PDP in order for the approval to be valid.
9. **The applicant shall work with staff to create a pedestrian connection to the retail to the west.**

BILL DERMODY, SENIOR PLANNER, stated this request by Culver's Restaurant for PDP approval for site layout architecture, landscaping and signage for a PAD site at the southwest corner of Ray Road and Price Road within the park at San Tan Development. It has a large 5-story office building on the east part of the site, some in-line retail in the northwest, in-line office in the southwest, a parking garage and then three vacant pads. This will be the first one that gets built up. Mr. Dermody showed the proposed site plan upon that PAD. Generally speaking with the site plan and the architecture landscaping, Staff is very pleased with this and finds it a high-quality project including the layout of the drive-thru. It streams for the most part by the restaurant. Culver's does have a

special feature with its drive-thru where they have a waiting area past the window for people to wait for their food to be prepared and brought to them. They also have a patio area, which encroaches just slightly two or three feet into the minimum 50-foot setback area. They do support that slight encroachment. Landscaping exists already out there along Ray Road. It's Olive trees and live Oak trees. These will remain and the rest of the landscaping will match what they have out there. Mr. Dermody showed a couple of elevations on the building. There is multi-tone stucco, metal awnings, use of the faux stone and the smooth faced scored CMU, all features that you find on other buildings already existing on the site. Staff does support that architecture in general. There is also a sign that is meant to mimic pan channel letters in that it is not a cabinet but rather the letters are raised five inches for the Culver's portion and for the frozen custard and hamburgers portion of the sign, 1 inch. It is meant to mimic pan channel letters. Staff does have an issue with this and we do have a recommended condition. One of the three items that the applicant and Staff disagree on is the building signage. They request a stipulation that the blue portion of the sign be unlit and the applicant does not agree with that.

There are two other items. One is the monument signage. Generally speaking they are pleased with where this has come. It uses many of the same materials as existing signage. It has a black background and generally white lettering with the same materials. They have the faux stone and the column, all meant to mimic that although it is a shorter sign. It will be the third monument sign along Ray Road right between the other two basically. The one issue that Staff has with this is the blue again. As you notice on one sign (he showed it on the Elmo), there is an established color palette with just black with the white letters upon it. They do feel that this is a very important facet of this site. It is office-oriented signage and there are 8 tenant panels. This isn't like a retail type of shopping center with 3 or 4 tenant panels. To allow something different would stand out from this sign and to allow another color with the intent on allowing colors on this sign in the future would in their opinion litter the Ray Road landscape/streetscape as your driving by. There are just too many tenant panels out there to be introducing color and they feel that simply removing the blue color would still allow Culver's to have their presence out on the road and still uphold the general style that has been established with the black and the white.

The final item is the lighting on the building. There isn't much lighting on the building but there are a few of little hook lights above the windows. That is a part of the architecture that Culver's feels very strongly about. It also does exist on the site. There are a couple of lampposts along Ray Road that have that curve type of feature. Most of them that are internal to the site do not. Generally speaking they see these little triangular wall types of lights on the other buildings. Most of the parking lot does not have that curve type of lamppost. It has a straight up one with a little decorative feature on top. They recommend the curved lights upon the building be removed with something that mimics what is already out there in general on the interior site – replace it or have no light there at all. There are 3 differences of opinion. The blue on the building signage being lit up, having blue on the monument sign period and the little hook lights on the

facades. Other than that Staff does recommend approval and Mr. Dermody said he would be glad to answer any questions that they have.

CHAIRMAN FLANDERS asked if the stone and brick material match the rest of the development? Mr. Dermody replied that it does. He said that he could show a couple of sample pictures. **CHAIRMAN FLANDERS** said he didn't see anything in the packet and that is why he is asking. He asked if the colors, masonry and everything match what they already have established out there? Mr. Dermody stated the colors do match with one singular exception that they have deemed minor and therefore o.k. in this case. The awnings are blue. That is the corporate colors for Culver's. They are happy that they came a long way. They normally have much larger canopies over the windows. They really did want more blue on this. Overall, 90% of the color on the building is what matches the other buildings. They are comfortable with this. **CHAIRMAN FLANDERS** said he agrees with the light fixtures. They should match the wall mount lights that have already been established out there. That follows through with the entire development. On the east and west elevations, which would be along the drive-thru and the other one at the main entry of the restaurant, there are a lot of blank walls. There are planter areas along both sides of those elevations. He suggested some type of a wall trellis feature and that can either be a steel tube or a green screen product that allows some vegetation that will grow up there. He suggested the vegetation be either a little larger size as it does mature quicker to provide a nice colored element. This would kind of fill up the elevation. As far as the elevations go, he didn't think they were exceptional. It is stuff they see every day but he is glad to see that they used the building materials colors and everything else with the rest of the development. With the addition of the trellis maybe that will help and fill those gaps. He knows they use that same thing over at the Raintree Ranch, which is over on the eastside of the 101 on Ray Road. Those are just little suggestions he would make on this.

VICE CHAIRMAN CASON asked Mr. Dermody if their picnic or patio area is covered? Mr. Dermody said it was and he said by mistake the latest version of the booklet did not have a representation of that. He said it does use some of the materials and colors that you find on the building. You can see that it is not just sticks coming down. They have the fuller columns that you find on the building. **VICE CHAIRMAN CASON** asked what the roof looks like? Is it like a standing seam solid underneath or lit or is it just sun reflective. How would he describe the roof? Mr. Dermody said it is a solid roof. Generally what they will see from the side is the stucco or EIFS. There aren't any metal features upon that. **VICE CHAIRMAN CASON** asked they don't want the blue lit up? That is Staff's main issue? It is o.k. for the blue to be there but it can't be internally illuminated? Mr. Dermody said with regard to the building signage that is correct and that would be consistent with the rest of the center. He showed some signage on the ELMO. **VICE CHAIRMAN CASON** asked if the monument sign can't be blue at all even if it is not illuminated? Mr. Dermody said that is Staff's recommendation.

COMMISSIONER KELLEY asked on the drive-thru if that was in the original PDP of the Park at San Tan? Mr. Dermody said there were conceptual ideas for drive-thrus and

where it would be on this site. Originally, the idea was actually one PAD to the east of there having a drive-thru. It was shown as a bank but it could have been anything. It wasn't really approved through that PDP. This is a drive-thru that has been generally approved for the site. If somebody else came in next-door and wanted to have a drive-thru, certainly they would have to come before Commission and Council. Staff wouldn't generally be opposed and it is pretty far from the neighborhood and as long as it is not a auto type of shop they would find the impact minimal as long as it was designed well. **COMMISSIONER KELLEY** asked if they were approving the drive-thru on this application or is it already just assumed that they ought to do one? Mr. Dermody said they are approving the drive-thru on this application. **COMMISSIONER KELLEY** said one thing that just might be an oversight in terms of a site plan condition is the in-line retail that comes from the west and then sort of dead-ends into this restaurant doesn't continue that pedestrian access across the entry drive. He was hoping to see they could actually walk from the in-line shops across to the restaurant-still being in a pedestrian environment. What is required at this point is to walk across an entry drive through the landscaping and parking bays to get to the front door of this restaurant. It seems to him the site plan has really taken away the original concept of connecting all the stuff together. He is looking for that connectivity brought back to the site plan. He also said it might be an elimination of a couple parking spaces that allows this connectivity to come right across and just be a seamless part of this whole development.

COMMISSIONER VEITCH asked if the logo as it appears in its size is o.k. in terms of Staff's recommendation? Mr. Dermody said that is correct. **COMMISSIONER VEITCH** asked so only the blue is at issue such that logo if it was in black and white at that size would have Staff's recommendation? Mr. Dermody said that is correct. Originally, they had an issue with the logo size but after thinking about it a little bit keeping in mind this is a single tenant they thought it would look out of place if they forced them to have 4" high than just having a single tenant with a panel of this size.

CHAIRMAN FLANDERS went to the applicant and asked him to please step forward and state their name and address for the record.

MICHAEL MONROE, ARCHON ARCHITECTS, 4041 N. CENTRAL AVENUE, PHOENIX, stated he wanted to introduce them to Culver's. There are only 3 or 4 restaurants that are currently operating. One in Mesa, Surprise and one in Phoenix. They have developments at this time that are coming on line in Goodyear, Peoria and hopefully here in Chandler. Culver's was born in a small town in Sauk City, Wisconsin and the very first store actually opened up in July of 1984. In that particular location was actually an old A & W Root beer that the Culver Family, Craig Culver, started this new concept of butter burgers and frozen yogurt. Since that time, to date, there are 402 existing Culver stores that are in existence and one thing he would like to point out is all 402 stores are currently operating. Even the very first store that opened up in July 16 of 1984 although it has been remodeled a couple of times. It is still opened and operating. They believe Culver's is a cornerstone to every community that they belong to. The reason why he says that is they offer a percentage of their sales to charity, they offer a

percentage of sales to schools, non-profit organizations and have become leaders among other representations within the communities. With that, they believe that when they look for people they employ, they employee people that are going to be leaders within the community. People that are going to uphold to their standards. Being a part of Culver's isn't being a part of any normal restaurant, it is being a part of a very slow process in being able to develop a Culver's. To be a franchisee of Culver's and in fact, Craig Culver's is deeply involved in every restaurant. As a matter of fact, he intends every grand opening and/or he will attend every groundbreaking ceremony, which is something that is kind of unheard of.

He said he would like to bring up topics that were brought up here to answer the questions by the Chair and the fellow Commissioners here and go through a couple of things. He said he would start with the covered canopy area. That area is actually a covered roof. It will be exterior grade Gyp board with a knock down finish on the interior of it so it will be beautiful. The actual fascia of that matches the fascia of the building and so do the column structures. They are actually going to be supplying that area with misters and also with heaters. At most of their Culver's locations the patio is an intricate part of the exterior part of their store. The reason why they put a great deal of time and energy into that is because every one of their patrons enjoys having that covered patio. That is in fact a covered area on the inside. He somewhat disagrees that what they see in their elevation is what you see everyday. They have gone to great strides and before they even submitted anything in here to Staff and for our presentations here, they went through a great deal working with the developers who are both here this evening and making sure that the integrity of what they have established in 2005 was adhered to. It was a very long process to make sure they did that both with color, both with materials and matching column bump outs and matching all the tower roofs. The standing seam roofs, for instance is typically a corporate blue. They switched that to adhere to the center. There are a few things which they differ within the elevations but one of the nice things that he likes about this is it is not what you see everyday. That is the reason why Culver's is so successful. They don't have a lot of blue on their building but what they do have distinguishes them from other people. They believe that working with Staff they have developed and this is the first they have heard having plain elevations. There is a lot of architiculation within the elevations that are present. He showed them on ELMO. The elevation in particular they were talking about is the drive-thru. On this particular corner in plan that bump out actually is about a foot and a half out from the building. The adjacent two smaller bump outs are about 8 inches from the building. Not only are they matching the particular center in color and style but they also do match the bump outs that occur there currently. If they are looking at this dark process here this is actually 8 inches out from this elevation. Not only did they raise the parapet in through here and lower this but also there is a lot of differentiation within the movement of the building as you pass along here. They also have a lot of landscaping that occurs there (he showed photos). If you look at their landscape plan, you aren't going to see much of the elevations across here with all of the landscaping that occur along the driveway entrance. They do have 2 very large trees that are there, which are in harmony to the growth of the trees that are there existing. It gives you an idea of the size of the trees. They do, not

immediately along the side of the building because it is a very small area in order to accommodate their drive-thru, didn't really feel the need to have landscaping there. He has done trellis' along buildings and quite frankly after 2 or 3 years they actually become kind of a disaster with the upkeep and overgrowth and the potential problems they have 3 years down the road with regards to water and water that close to the foundation will require more water. With all the archification that happens through there he doesn't see the need of adding any additional elements to that particular part of the building. That would really make them stand out from the rest of the development because that doesn't appear anywhere on the entire development for any elevations with the trellis feature. To him that would be adding an element that is not there in the entire development at this time.

In regards to the wall mount lights he said he wanted to take them back in time with some photographs that he has and then proceed into what they are talking about which are the key items that they disagree on with Staff. He showed the existing Culver's in Mesa off of Country Club and Baseline. In looking at this concerning the awnings, this is their typical awning with the blue stripe. The other typical awning and the gooseneck lights, which are a part of the awning is up here in Surprise. It just opened a couple of months ago. He said you can see the gooseneck awnings, which are white and are above each and every awning. The reason why they have this is because the corporate color blue is a pretty significant color for Culver's. As a matter of fact, he attended the grand opening of Culver's in Surprise and a lot of people came by and they said if they had not seen the corporate color blue, they wouldn't have known it was there. They are actually from back east where he is from in Chicago and his wife in Minnesota and their facilities in Wisconsin. Everyone recognizes the blue. Their goose necked lights light up the corporate color blue on the awnings. He will go through some of the demonstrations with regards to what their corporate standards are and what they did to work with the developer before they presented their case to Staff and where they are at today concerning what they have done to work with Staff. They think they have done a lot of different things to their building to be different because they realize they can't do what they do in Chicago and Minnesota. Here it is a completely different environment and completely different look..

The last item dealt with the walkway. They actually have continued the walkway exactly where it was meant to be in the original development. Mr. Monroe said what they have done and what the development has done for their pedestrian walkways into every PAD and into the whole center is further south. He showed where the entrance was and he said there must be some other sidewalk that is off their sheet that takes you down over there. This is what they continued and they haven't changed it from what has been approved in 2005 to what is out there today. They did in fact continue that sidewalk to connect to all the pads. There is a connection that comes across here and you have to walk around the public sidewalk and you come across and unfortunately the only way to get down is walking down here (he showed this on the site plan). This was a connection that was established. They didn't delete any connections off of this area and quite frankly, that is a pretty busy intersection and potentially they pulled the pedestrians back in the interior

part of the lot with the traffic flow and the traffic of cars coming in and out. It might be a little difficult especially with the drive thru. If they were to add a pedestrian crossing, which would mean they would have a pedestrian crossing that would stop at their property line that would never ever be continued on the other property.

Mr. Monroe stated they have worked with Staff and they have had meetings with Staff and with the Economic Development dept. to adjust their corporate image but still remain the development standards that have been established by Staff and the developer back in 2005 to what exists today. What they have done here for this particular site for the first time in Culver's history, they have established a new identity for Culver's for this particular store. Before they made their final submittal into the City of Chandler they needed their developer's approval for this. Not only did they receive the developer's approval on the building signage, the building colors and the building color on their metal awning which is different than their corporate standard, they also had their neighborhood meeting. To their surprise they actually had 2 families and 3 other people in which one individual was actually an owner within that same development. They all truly enjoyed the elevations. They thought it brought a new flavor to their development and they were looking forward to their project and they answered their questions. No one had a problem with either the monument sign or the blue awnings they had proposed. The one individual who actually owns a piece of property in there for his business had absolutely no problem with the steel awning being blue as well.

With that they only have three requests that they are asking for tonight with regards to stipulation item 7, 8 and 9. As he mentioned to them before on these four elevations, in order to keep their corporate elements in harmony and tied together not only within the site signage but their building elevations signage for their corporate image, they believe their monument sign logo needs to remain consistent. In other words, they really need to have their corporate blue on the monument sign. They believe this ties their whole site together. This is not the only signage they actually have on site with the building signage. They also have the monument signage and directional signage on their site as well. Everything all matches. Look at what they have in Surprise, Mesa and a nighttime shop, which will become relevant when they get to item no. 8 and how that works. They also have monument signs at Country Club and at Culver's of Deer Valley. When you take a look at their monument sign that they have currently, he will show them monument signs that are corporate standard. Some are extremely large monument signs because they are off of a freeway but most of the monument signs no matter where you are – Missouri, Minnesota or South Dakota, all of the signs all match. If you take a look at what they are proposing, it is completely different. What he means by different, he means that no matter where they go this top portion remains a constant with our reader board. They felt the need and they had to get approval through Culver's Corporate not their franchisee with regards to the signage to match the signage that is out there. This means 'lets match the architectural elements' that exist so they remain in harmony with the rest of the center. Staff approved that, economic development liked it and economic development is not opposed to their color blue. This particular monument sign although it is small is actually smaller than the smallest monument sign that they currently have in existence in

any one of the 402 Culver's stores. What he means by that is this particular sign is 16 square feet. The smallest monument sign that Culver's has is 58 square feet for more than triple less than what they require and are completely different in design. This particular sign does not have any bump outs to it. It is a flat panel sign so they don't believe they will be anything different. Everything out there is flat panel with flat panel letters for the rest of the sign. This particular sign is if you look in your packet on the site plan, they are 275 feet away from the nearest monument sign. In the other direction towards the freeway they are about 300 feet away. They are almost right in the middle. He wouldn't think even if they match this particular signage that the blue is going to hamper or cause any kind of disruption within this particular development. If that were the case, they would have heard that from the developer, which they did not hear. They are very much opposed to not having the blue on the monument sign. They think architecturally speaking as he said earlier, they really want to have not just the monument sign but everything maintained with the same identity. It would be awkward if they had a black and white Culver's sign on a monument sign and then their building sign and signage to move them around the lot, completely different. It wouldn't be in harmony. They are trying to keep a consistency to keep the corporate identity with the blue.

They have made a lot of concessions they think on their building elevations. He showed the old prototype with Culver's. What you see there is a lot of blue standing seam roof. This actually became more of a deterrent when presenting in front of Commissions and Boards. This is extremely old. They developed from this to what they have today to their new corporate standards, which are shown with the awnings and the gooseneck to kind of remove the standing seam roof. However, they kept the blue parapet cornice around the buildings and in some locations they actually still have all the standing seam roofs. They don't think looking at what they proposed in the square footage of blue that they have compromised on. The awnings as they have seen in other pictures are equivalent to about 800 square feet of blue that you would see on the buildings. If you were to add all of these up, that would be 800 square feet of blue. They went from 800 square feet of their typical corporate standard down to 150 feet visible blue on all the elevations that you see. On top of that square footage they have lost all of the blue for the standing seam roof, they have lost the blue in the cornice in order to match the developers planned agenda that was established in 2005. Overall, their total loss of their corporate blue is about 1800 square feet. They have actually reduced their building signage to a smaller square footage of signage for their elevations as well. They truly believe with all the concessions that they have made in design, color and corporate identity that they are not asking for a lot of hardship, if you will, with their monument sign. They believe their monument sign is important. As a matter of fact, it is so important there are 402 existing Culver's. Six of those existing Culver's do not have monument signs. Those six Culver's out of all 402 stores minus their six is 30% less in their overall reduction. That is a huge number not having that monument sign and not having that monument sign as they are proposing here tonight with the blue. That is why they feel that if you are to remove the last item in stipulation 7, 'the color blue shall not be allowed in the monument sign' they would not have an issue at all with item no. 7.

He said he wanted to move on to Item no. 8, 'blue background shall be unlit'. As he said earlier, they have the blue during the day. If that blue sign is unlit, they will be like every other center that is out there and they will not have any corporate identity on the building at night at all. The only thing they are going to see is a Culver's white letters, which will be somewhat mute in the background and in the back lighting. In addition to not having a blue monument sign, they would have no blue whatsoever at night. He said it is not like their corporate blue color is obtrusive (too bright). You can imagine what they have done to change because they don't have any of the awnings anymore. They are steel canopies, which are not lit. The only thing they have is that one sign facing the road. That is why they feel strongly that they really need to have backlit blue light. They are not asking for anything out of the norm. You see the blue during the day and he doesn't understand why they couldn't have the blue at night. They respectively ask that this item be removed from the stipulations, as he really doesn't see any negative impact to allow their color to backlit at night.

Item no. 9 is an item for them that could potentially go either direction. You saw Staff put up a light pole, which is there along the frontage currently. They aren't asking for anything that is different. The parking lot lighting is a square rectangular light fixture. They saw this element and they are going to match the color. They only have 2 goosenecks in the building which face the front and which are over the little windows in this location, which are extremely similar to what is already out on site. They are not really re-inventing the wheel. He is saying they really want to have a gooseneck light fixture on the building. As a matter of fact, there are 15 gooseneck light fixtures that should be on the building. They have taken all those out and just left 2 in the front that had a little bit of light on the frontage. They really don't believe what Staff showed you with the triangular light fixtures. He doesn't have a copy of that there. It doesn't really fit into the flavor and the architecture of what they have and it would just be an added element just to toss it on to match the center. They do in fact do not need any lighting on the building in order to meet their proper requirements because they can light the site with the lights they are going to be providing in the parking lot. There are lights that are underneath their steel canopies that shine down but that doesn't shine enough to allow their blue color to be there. They disagree with Staff on the gooseneck lighting because there is gooseneck light that is out there currently. With that he believes he made all of his points hopefully. He would like to state this is a very important case before them this evening because it is not just about this particular site in Chandler but if they pursue other sites within the Chandler limits. They believe they have subtracted so much corporate identity from their existing building that they don't want to lose any more identity. They also believe that Culver's is extremely successful. If you look at all their operations that they have, to not have one store every close since 1984 that they are doing something right and their corporate identity is definitely something that is extremely important to them. If their identity becomes too dissimilar to the corporate image that they have and certain things are removed within that corporate image, Culver's corporate may not pursue this particular site regardless of the franchisee wants to pursue the site. That is what is so unique about this. Craig Culver is involved in this project and he has the say of what is going to happen and how the due diligence works. That is why there are 402

sites since 1984. It is very slow and it is not easy to become a franchisee of Culver's restaurant.

VICE CHAIRMAN CASON said he wanted to talk about the lights in the front. It seems like in all the rest of these presentations the gooseneck lights, they are mainly there to support the blue awnings and especially in the nighttime scene that they have showed them that was instrumental to that type of building design. In this particular case, these gooseneck lights are doing nothing but shining on a plain window not blue or anything else like that. Does it seem like they are pursuing something or using a lot of our things they have to do tonight, when they could just either minimize those lamps or make them match what was already on the property. To leave them there just because they are gooseneck when they really contribute to the rest of the corporate logo, does that seem like it is worthwhile and something that they should concentrate a lot of energy on? Mr. Monroe replied 'no' and that as he has said before they could go either way in item no. 9. It wasn't like they re-invented the wheel. The light fixture out there that is similar to gooseneck was in fact to light the blue awning. They don't have the blue awnings, they just wanted to have some light on the building on the front and that is why they left those two fixtures there for that. Like he said, they could go either way. **VICE CHAIRMAN CASON** asked then if no. 9 was o.k. then? Mr. Monroe replied that they don't have a problem with no. 9. As they move forward, they are going to just go ahead and leave that on there and they can talk to Council about as well. **VICE CHAIRMAN CASON** asked if he could show the picture of the restaurant in Mesa. He asked if he could help him with what direction are they looking in. Is this the north elevation of the building? Mr. Monroe said this would actually be facing Country Club. The monument sign is actually facing Country Club. He said he was sorry but it is Baseline Road. **VICE CHAIRMAN CASON** said so it is on the south side of Baseline? Mr. Monroe said Stuart Rayburn would know that.

STUART RAYBURN, RCC DESIGN GROUP, 11022 S. 51ST STREET, PHOENIX, stated the Mesa store is on the north side of Baseline and Country Club. It is not on the hard corner, it is in the Wal-Mart Shopping Center. The patio faces Country Club. So this would be the south elevation and this would be the west elevation (he pointed this out on the picture). **VICE CHAIRMAN CASON** said the reason he brought this up is because of the tilt of their patio. Will there be a tilt on the Chandler restaurants patio? There actually isn't a tilt on that patio. Mr. Rayburn said the roof is sloped. Theirs is not sloped. Theirs will have an interior slope-it is completely straight. What they did there is they had a little less expensive patio so they decided to slope the entire elevation in order to drain the roof that they have enclosed. That is what he is referring to. **VICE CHAIRMAN CASON** asked so it wasn't an architectural reason or to create more shade to reflect more sun? Mr. Rayburn said yes they just angled that for the roof and in fact, that is one of the worst patios because it is not really shaded very well. There are no misters in that patio that are currently working. **VICE CHAIRMAN CASON** said so the patio proposed for this site is going to be completely level.

COMMISSIONER RIVERS said he wanted to look at the Mesa one as well. He found the gooseneck lights on this building because he couldn't see them before. He also wanted to talk about the walkway that Commissioner Kelley is talking about. In the original design which is shown on the third page of their narrative which shows the sidewalk leading from the office building to the restaurant nest, the line of single shops on the west side of this property contain several restaurants and a couple of them have already closed from lack of business. The idea was to get people from the office building to those restaurants in the first place. There was nothing on the north side of this development to speak of at that time and he guesses that they are depending on them to bring the people from the other places of this center into their property. To bring them into their property at the backside of their drive-thru aisle isn't ideal for their business or for this center. He thinks Commission Kelley has it pretty well under control when he asks for some pedestrian path from the edge of the northwest corner of this development into their property below their entry aisle on the northwest side of their property. If they can extend that sidewalk or pedestrian crossing/access point for them in their parking lot to get across at that point rather than if you work in the building that is at the northwest corner of this property. If they want to come to their restaurant and if they have to do that in the prescribed manner of the site, which is walk all the way down to that sidewalk that goes across the parking lot and then it is silly. He would think they would want to create an access for pedestrian traffic into their site and he thinks that is the ideal place to put it. He asked if the monument sign illuminated at night? Mr. Rayburn said yes. **COMMISSIONER RIVERS** asked him how is it illuminated at night? Mr. Rayburn said it is illuminated from the back. The letters are cut into the aluminum. **COMMISSIONER RIVERS** asked so they are requesting to have their sign panel have blue around their letters? That way it would match the signs on the building? Mr. Rayburn said that was correct. **COMMISSIONER RIVERS** stated he favors the blue on the monument sign and he favors the illuminated signs on the building at night because if you are inviting a restaurant into this center you shouldn't object to them wanting people to know that they are there. There are several restaurants in this center that have already closed; Maui Wowi was one of the first restaurants in that center to close. They apparently disappeared for lack of business. There is another one that has been closed. If they want a restaurant to come in to this area, especially one of this caliber, they shouldn't object to having it be known that they are there day or night. He thinks having the illuminated blue in their signs and the monument sign is a good way to do that. He really thinks they should investigate how to get that pedestrian path open.

COMMISSIONER KELLEY asked Staff if they have a copy of that PDP from the original Park at San Tan? Mr. Dermody said they do in general but they don't here. They do see in the development booklet one of the existing signs. Since they don't have that exact exhibit he would speak from memory. He recalled that we did have an original site plan where it was part of the site plan and access across the in-line to this next parcel. There was also the one that went through the parking lot as well. There were many different pedestrian access points.

KEVIN MAYO, ACTING PLANNING MANAGER, said that case was back in 2004 and cannot remember for certainty if there was. If there wasn't, it is appropriate to look at doing it now.

COMMISSIONER KELLEY stated he wanted to make sure if he is asking for something he thought he saw that he is asking for something he should be asking for. Mr. Mayo said it could very well have been there he just doesn't want to say for certainty yet. **COMMISSIONER KELLEY** asked on the concessions that they have given up in terms of the corporate identity, is that because it is yet at the Park at San Tan or is it because it is in the City of Chandler? Mr. Dermody, City Planner, said both depending on what item they are talking about. The color on the building sign and the color on the monument sign are not citywide issues. That is the Park at San Tan conformity. The lights and corporate colors and corporate architecture are forbidden citywide by the code and it is sort of a judgment call. They have decided to say that the little bit of blue on the awnings doesn't necessarily make this corporate architecture but that is a judgment call they will have to make. **COMMISSIONER KELLEY** said but in terms of the illumination of the blue on the sign on the building, is that city of San Tan? Mr. Dermody said that was San Tan. **COMMISSIONER KELLEY** asked if the blue on the monument signage was San Tan as well? Mr. Dermody said yes.

COMMISSIONER VEITCH said there are a number of directional signs to help people get around on this site. He spotted two of them and there are probably more. How many of those are there and are they lit? Mr. Monroe said there aren't that many but he doesn't know if they are lit or not. He said their owner is indicating that there is only two. He inquired if they were lit. He said they were lit. **COMMISSIONER VEITCH** said they have already lit some blue signs. He concurred with Commissioner Rivers even before but he does so more now. He really is kind of struck by the amount of concessions that have already been made with respect to the corporate architecture and he is still sensitive to Chandler's concerns about getting carried away with that sort of stuff. He thinks they have struck a pretty good balance here, however. He said he has relatives in Wisconsin who someday will be inducted into the Culver's Hall of Fame if one is ever created. He has not eaten there but they tell him it is terrific and again, he thinks a lot has been done here to bring this into the style and spirit of Chandler and indeed the development. To go much further would do harm to the development's success.

VICE CHAIRMAN CASON asked Staff if they were to move the entrance to the restaurant down to align with the parking lot below Retail D1 what would that do to the circulation of the restaurant? Would that be a problem? Mr. Dermody said that is a question for the applicant because that has to do with the interior of the restaurant. **VICE CHAIRMAN CASON** said he was looking at the entrance to the restaurant and if they were to move that down south so that it would accommodate a walk-thru to the front doors and create that main restaurant entrance and walkway, would that cause them circulation problems on the site? They would be aligning up their driveway entrance to your site with the driveway with the buildings to the west of them. Mr. Monroe said to answer the first part of his question no that is not going to hamper our drive for vehicles

on this particular site. However, what is does hamper is harm to their patrons. All their particular Culver's exits for the drive-thru, which has a considerable amount of business, would be then driving through the main door area in order to do that. They typically as a corporate entity remove that harmful situation from the pedestrians that are crossing over the parking lot. In this particular case the potential of adding a sidewalk they are creating more pedestrian traffic for problems. This is a safe place to put this for the drive thru traffic because it does not take the drive thru traffic through the site crossing over a major pedestrian crossway. **VICE CHAIRMAN CASON** asked if he was open to discussion on somehow getting some connectivity between these two properties, the one to the west of them from a walking standpoint? Mr. Monroe said they are. They wouldn't be opposed to losing this particular parking space that is proposed here to create a pedestrian walkway here. Please keep in mind they can include an ADA ramp in this area because that would be required. They would get rid of the parking space to add a sidewalk and then they can connect up with the area in through here in order to get into their building. However, they are not responsible for anything to do from this property line, which is already paved in order to create an ADA access from this point here (he showed where on the ELMO) on this existing lot in order to do that. That needs to be an ADA accessible ramp. You are imposing something on an existing development that is already done. They are not opposed if that what is make the Commissioners at ease with the pedestrian traffic flow other than what has been provided in the original PAD back in 2005. As he said earlier, they are going to have connectivity to an area that doesn't allow ADA access for an existing sidewalk and curb that is not already built.

CHAIRMAN FLANDERS stated he thinks from the standpoint of ADA the best solution is to get the person from the public way to the building that they are going to be a short amount of distance as possible. That is the way he understands ADA. Even though you do provide ADA access to the site, it is kind of a long way from the driveway to the east of them, come up that way and then take it around the back and then into the site. When he first saw that he thought that was a little long of a hike for somebody that is either sight problem or in a wheelchair. At least if they are coming off of Ray Road they are coming straight south and then directly over. At least they understand that and can see that or sense that. He is in agreement to provide that as far as connection to the existing shop and something would have to be worked out between them and the existing building owner. He is not sure how that would work.

VICE CHAIRMAN CASON asked if they could have some type of decorative asphalt or something like that in order to be able to delineate that space through the parking lot in some form other than just painting a crosswalk? Mr. Monroe said there is already an established decorative paving, a different colored concrete. As a matter of fact that is part of ADAG. When you cross over a driveway or road you have to have a different type of color. He showed them a picture showing a decorative paving pattern, which they would by code have to do that same thing across this driveway if they remove that parking space. **VICE CHAIRMAN CASON** says in regards to the sign this is an unusual situation in that the particular signs are the logo. That is basically what they are. They deal with logos all of the time and they had logos they have approved and had to

size down and everything else but logos more commonly used are ones where they have a logo and then you have the name on the side of it or underneath it. As long as the logo is intact, the part that people respond to the applicant is a little more lenient on what you do with the name and those types of things. In this case, they are looking at a logo that has the name included in the logo and it is all one big logo. He thinks to try to change those would cause them to enter other situations where you want to tell people that you have to change your logo. He knows that other logo issues that they have had before them they have had a tendency to go ahead and let the logo holder manage their logos. They might define the size and those types of things. It sounds like the size issues have already been worked out. Therefore, he agrees that the logos on the building and the logos on the monument signs should match what you present as a logo. He was trying to think of different ways to be able to mitigate the blue on the street signage. He is more concerned about that than he is the building. Having blue on the building doesn't bother him at all and quite frankly he thinks it will be a nice contrast. He couldn't come up with anything like its black during the day but then they have blue LCD lights at night or something like that. All in all it just seems especially since they have toned down the size of the sign that it just doesn't seem to make sense. He would support the size packages as presented by the applicant.

COMMISSIONER RIVERS asked them on their primary landscape plan at the south end of their development they are showing a good diagram of where there colored concrete would be, and it would be that same exact design that they have running across the parking lot on the north side, correct? Mr. Monroe said yes sir.

CHAIRMAN FLANDERS asked the audience if there was anyone that would care to speak regarding this item.

JOHN MCKINNEY FROM J.F. MCKINNEY & ASSOCIATES, stated he was the development team that developed San Tan Corporate Center on Ray Road back in 1998 and then the Park at San Tan starting in 2003 through 2007. The Commission's predecessors and Staff were very good to them on their development and they work very hard to make these projects work. He wanted to set the record straight on the Park at San Tan. They have only had one retailer go out of business and that was Maui Wowi. He would contend that it more about the operation of what they did rather than the business. They are both linked together. Everybody else is successful thus far. This has been a difficult time for the retailers as you know. However, the Maui Wowi location has become part of the store next to it. They have taken that space and are going to expand. The subway shop owner is off the charts - \$85,000 a month. They track all of the revenues every month. They just signed up Lucky Lou's for a restaurant at the corner of the site. They are 93% occupied with retail sites. They are doing o.k. They can have a real great mixed-use corporate office center at the Park at San Tan. They try to have all these little buildings they have and some big buildings all work together, the same DNA, the same family and still have unique characteristics. He met with Culver's 18 months ago to work on this. He ate their last Friday night in Chicago. They are a fabulous operator and they are going to love having them here. However, he told Stuart Rayburn it

had to really fit the center but he wanted it to have character. It couldn't just blend all in. It had to be distinctive. Just like their children are distinctive. He wants it to be in the same family but be distinctive. He thinks they have done that. They had Toyota ten years ago and they had to get a special permit to use their color red that matches their logo. When it came to Pearson they approved it with amber light background to match with their needs from a corporate standpoint. Hanjin is the same way. He said these folks have a corporate logo and he thinks it is imperative that you let them express their identity as you mentioned tonight and let them use that. He knows they have these black monoliths with silver. That was their design five years ago to try and create something to an open field. They had no tenants and no ideas. Now Culver's comes along and they have modified it to a 16 square foot sign and they want to put blue in it. It is a great compliment. He has four sons, three with brown eyes and one with blue eyes. He is delighted that he is the one that looks a little bit different. They have worked very, very hard and they support them. They have made a lot of changes for them throughout this project. They do have walkways through in the Park. They designed that five years ago with their help to make sure they did have connectivity. It really works. It is hard to look at an 8-1/2 x 11 piece of paper and say where are the street signs, etc. If you come out and look at it you will see it really does flow and it is going to work out.

CHAIRMAN FLANDERS said in relation to the access point is that something he would work with to go ahead and make that connection between your retail building to the west of this site. Mr. McKinney said the west side has been sold to a bank. They don't own that site any longer. The bank bought that site 2-1/2 years ago. The banking business is not doing so well right now. That was Marquet Bank out of Minneapolis, Meridian Bank, the subsidiary here. They have it for re-sale. It will hopefully come back to them soon as something else. At that time, they will have their chance, we all will, to match those things up.

COMMISSIONER RIVERS stated the existing building to the west of this property is currently a bank? Kevin Mayo, Acting Planning Manager, said the building to the west is Firehouse Subs - right on the corner of that inline retail. **COMMISSIONER RIVERS** asked if they would be willing to work with Firehouse Subs to get that curb cut to allow a walkway across to Culver's. Mr. McKinney replied that they would examine it. They will look at the whole plan and what it is going to cost to get that done. They want to be a safe access pad. The connectivity is really important. They have 5,500 people between across the street and who use this place hopefully every day. Between the Park at San Tan and what they have there are over 5000 people in the area coming into our center. Through Pearson they are 95% leased in the office building, almost 100% across the street. They have a lot of people coming in not only as tenants but guests and visitors. They are very concerned about safety and use and making our retailers work. He is glad to look at it with him to see if they can make that access between Firehouse Subs and Culver's. He wants to put a ramp in and make sure they do it right and it is reasonable in cost.

KEVIN MAYO, ACTING PLANNING MANAGER, said that PAD for this specific site was actually planned as a single 7000 square foot building. It was set in a landscape setting up along the street. The intention was that actually the front door faced towards the 5-story at the time garage, now 4-stories towards that garage and the internal end of this site, which is why the pedestrian link was shown and built where it was. It was supposed to be quite a large building right there with taking parking from the piece to the east. The evolution of this isn't that the developer forgot to put a pedestrian crossing at that Firehouse Subs because it was supposed to be a dedicated drive aisle landscaping with no pedestrian access. As this has evolved, it now kind of begs to have that access. They did plan that pedestrian circulation system. They talked about it for a long time and he just finally remembered it. It was planned before but just from the evolution it needs to be re-examined.

CHAIRMAN FLANDERS asked if the applicant had any closing comments.

MR. MONROE said he just wanted to talk about stipulation no. 7 and 8. At this point, if you read the vocabulary that's listed there, item no. 7 should be completely stricken. The reason why is we are talking about size. What is there per size now is 4-inch letters. They are proposing 5 inch and that is o.k. with Staff. In regards to colors, what's there and they are going back and amending the PDP process to include the blue on the monument sign, there is no need for that to be listed in there. Secondly, the last element to that is the color blue should not be allowed on a monument sign, which obviously they really want the color blue and from consensus it seems that they all want together. That is why he feels item no. 7 should really be stricken. Item no. 8, depending upon what their feeling is once they take their vote, they believe that could be potentially stricken as well but it actually talks about the building signage which they would like to have their building signage backlit in the evenings to match the monument sign. Item no. 9, they would like to leave that particular item as is with regards to their discrepancy.

CHAIRMAN FLANDERS closed the floor for discussion and motion.

COMMISSIONER RIVERS moved to approve PDP09-0011 CULVER'S RESTAURANT subject to the conditions recommended by Staff and amending to strike stipulations 7 and 8 and create stipulation 10 that would become stipulation 8 and stipulation 9 becomes stipulation 7, having to do with creating a pedestrian access across the development at the point so indicated.

Mr. Dermody said the suggestion wording on that would be:

The applicant shall work with Staff to create a pedestrian connection to the retail to the west.

COMMISSIONER VEITCH seconded the motion.

CHAIRMAN FLANDERS asked if they were going to keep item no. 9? **COMMISSIONER RIVERS** said yes and that stipulation 9 would become stipulation 7 and the new stipulation Mr. Dermody read would become stipulation 8.

COMMISSIONER KELLEY said regarding the blue color on the monument sign, he likes the way Staff wrote this up that they weren't going to have the blue on the monument sign just so it matched the development as a whole. He is concerned that they are going to let these new parcels come in and have their own identity and then this center starts to evolve into something it wasn't before. His opinion is that the monument sign really shouldn't be there at all because they should just have the tenant panel like everybody else has. If they have anything, it should still match the context of the development.

CHAIRMAN FLANDERS said that brings up a good point. He asked Staff about the other two Pads that are in this development. Are they entitled to a separate freestanding sign or is this it on this development? Mr. Dermody said that will be up to Commission and Council if an application comes forward. They understand that the bank interested in the site to the east doesn't want a monument sign. Staff would not support an additional monument sign along this frontage. They are approximately spaced by about 300 feet which is what they are looking for and so in their eyes this would be the last one. **CHAIRMAN FLANDERS** said that was going to be his next question. Are they within the dimensions per code and from it sounds like they are and everything that was in the Staff report indicates so.

COMMISSIONER KELLEY said he would like to attempt to amend the approval request to leave in stipulation 7 and see if he can get a second.

COMMISSIONER RIVERS said he thinks they have to vote on the motion the way it was made.

KEVIN MAYO, ACTING PLANNING MANAGER, stated it was his understanding that a motion can be made and as long as it is seconded, it can be discussed and it can have an amendment proposed that would have to also have a second. You have to first vote on the amendment. If that fails, then move on to the original motion. You can amend a motion prior to voting on it because if you vote on it then you don't have a chance to amend it. It just has to have a second and you have to vote on that amendment.

CHAIRMAN FLANDERS stated he had a motion for an amendment to keep stipulation 7 by **COMMISSIONER KELLEY**. There was no second and the motion failed.

CHAIRMAN FLANDERS asked for a vote on the original motion. The item passed 6-0. (Commissioner Hartke was absent.)

G. UP08-0072 SHUMWAY ELEMENTARY MONOPINE

Request Use Permit approval to install a 65-foot monopine wireless communication facility on the campus of Shumway Elementary School at 1325 N. Shumway Avenue, north and east of Ray and McQueen Roads.

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. **The monopine shall be relocated to the southwest of the shelter labeled “15’ shelter” on the site plan.**
4. **Two additional live pine trees shall be planted near the monopine. The live pines shall be 12’-high at planting.**
5. **There shall be a mesh cover upon the equipment shelter at an angle so that balls do not become lodged upon it.**

BILL DERMODY, SENIOR PLANNER, stated this is a request for a 65-foot monopine to be located near the Shumway Elementary School north and east of McQueen and Ray Road. Monopine is a cell tower disguised to look like a pine tree. This particular site is mostly the school and there is also a contiguous part to the south. The applicant requests permission for this. Whenever you are not in an industrial district and you are not replacing a light pole or some other verticality, you need a Use Permit to be able to put in a new cell tower. That is why they have this request. It is located a few hundred feet south of the school building itself. He showed on a site plan the playground. Just to the east of the subject site is a basketball court and the trees are generally all pine trees. He showed a photo simulation. He showed a tree, which the monopine is proposed to look like. He said you could see that surrounding it are mature pine trees of approximately 45 feet in height compared to the monopine, which is requested at 65 feet. In the area they do have residences in all directions from the school site although over 300 feet from the cell tower in all directions, generally over 400 feet. In this situation where a Use Permit is required for the cell tower, the zoning code requires the applicant to look at all other verticality’s in the area of equal or greater height. They have also asked this applicant to look at some other logical solutions for verticality’s that are even shorter. They looked at the SRP poles along McQueen Road and the shopping center to the southwest anchored by Safeway and they couldn’t find any location in Safeway that would provide the coverage they need. In regard to SRP, they weren’t able to get access to any of their poles on McQueen Road. They looked for this location and Staff does support this request finding that this is about as good as you can do when those other options aren’t available. Being over 300 feet from houses is something they try to do. It is in a grove of mature pine trees. Besides what is in the Staff memo, he said he should also mention something that came up in Study Session. There is a new condition that would be added. He hasn’t had a chance to the applicant about it. They would them to add a couple of live pine trees. Most of the live pine trees are mostly to the south and west of this requested site. It would be a couple more to the east of 12 feet high at planting to help make it fit in from that direction also. When the Staff memo went out on Friday, they hadn’t had any neighborhood opposition at that time but they have since

heard from neighbors. A couple of them are here this evening. They don't find this location a good one in the middle of a residential area. They have aesthetic problems with it and they also have problems with the potential health effects although on that note he should mention that the city does not have jurisdiction of the health effects. They cannot take that into account. They also feel that the applicant should work harder to find a commercial location rather than locating it in this residential area. Staff recommendation is for approval for the 65-foot high monopine.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

VICE CHAIRMAN CASON asked Mr. Dermody if the entire building has to be within the zoning designation line or just the tower? On his plat it says they have a zoning designation line. He is presuming that for some particular reason this has to be north of that line. Mr. Dermody said he was looking at the property line. It doesn't have to be by zoning code or any other city regulation. You just would be dealing with a separate property owner. **VICE CHAIRMAN CASON** asked so the City of Chandler owns south of the line and the school district owns north of the line? Mr. Dermody said that was correct. **VICE CHAIRMAN CASON** asked when the application came in, was this the original location? Mr. Dermody said yes it is. **VICE CHAIRMAN CASON** asked if they had any discussion about moving it around? Like moving it to a different site a little bit west or something like that. Did they have in depth discussions about relocating it? Mr. Dermody said yes but not on the site. They talked quite a bit about going to SRP poles or to commercial centers but on this site looking at it they found it is about as far from all the residences as you can get and close to the pine trees. It is about where they were looking for and did not ask them to move it within the site.

SCOTT QUINN, CRICKET, 3655 W. ANTHEM WAY, ANTHEM, thanked Commission for the opportunity to present this case to them. As Staff pretty much summarized everything, this was by far the best site location they could possibly come up with. They feel they have taken every effort to do everything they possibly can in mitigating any kind of visual concerns. The imitation pine tree was chosen for obvious reasons because of the pine trees in the area. It also sits down and lower than the school because the school is a little elevated. From the west it will be even more screened. From the south because of the existing vegetation it will be completely screened from the neighbors to that area. Unfortunately from the east is where you will be able to see a little bit more but it is still probably in the best possible location because it is 400 feet from the east neighbors. This particular location was a result of existing network coverage that Cricket already has in place. This particular site if you look at your coverage map, basically shows that Cricket has a deficiency right in this particular neighborhood to where it has good coverage if you are outside. As soon as you get in building, in-building penetration isn't there so it needed to this specific location at this specific height. In fact, they worked with Staff on a higher imitation pine tree originally and they asked them to reduce them in height. They got back with their radio frequency engineer so they did reduce the height by about eight feet. With respect to one of the questions earlier about the equipment, they use cabinets rather than buildings or shelters

so there will be very minimal ground cabinets that are needed. Basically what they call 4.0 cabinets that are about the size of a real small refrigerator and a power cabinet next to that and that will be placed behind a masonry screen wall that matches the school. Getting back to the alternative site locations, they did pursue other sites. In this particular bill, Cricket had 60 of these types of sites that they had to build throughout the valley because of infill coverage need and to go back into areas where they had deficiencies. Of those 60 sites, 23 of those are utility poles and a good percentage of those in Chandler where they are locating on SRP utility poles. They have another 27 sites that are collocations where it be on ball field light poles or existing towers, which means that there are only 10 of those 60 sites that they have to find some kind of alternative means by which to construct them, like a fake pine or palm tree. Once again, they feel that they have done everything they possibly can to help mitigate concerns. It is unfortunate for a neighborhood to where they can't appease everyone. They try everything they possibly can to help them out but also continue to provide Internet phones and Internet coverage to the area. If they were to reduce the height on this imitation pine tree they would have coverage deficiencies again. They are trying to cover in-building coverage. The other issue they have is because there is existing live vegetation at 45-feet in height, the pine trees also acts as a buffer from the signal. If they were to have a shorter pine tree, their signal would go through those pines and that would block the signal, so it basically negates what their purpose is here. They feel they have gone as low as they possibly can as far as the height of the structure to make the signal still work and propagate to the community.

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

VICE CHAIRMAN CASON said his concern isn't so much with the fact that they want to put the tower in the park. He thinks all in all it is probably a fairly good design. His concern is the actual location of the footprint of the building. They will call it the building because it is the cinderblock wall, the footprint of the lease area. His concern is the proximity of the building to both the swing set and the basketball courts. If he is scaling this out right and he was trying to pace everything out when he was out there, they are only 2 feet away from the swing sets and they virtually have to be right up against the end of the concrete and the basketball courts. It would mean they are putting up a commonly 6-foot tall wall then they have actually just put up a wall at the end of the basketball courts whereas now it is open. The swing sets then come within 2-feet of it. It seems in a lot of cases when they are working with schools especially, they just try to cram that equipment right in where everything else is. He doesn't know why they don't try to go a little bit further away but has seen this a couple of times. What he is curious about is could this footprint be moved southwest of the 15-foot shelter and actually move that footprint there because then they will have about 20 feet from the 15-foot shelter. They will have all of these buildings in line. Actually, putting that there will have more pine trees in that area to support because they are going to be closer to where that grove is. He is especially concerned where it is at because there are actually already pine trees there and the location of this building they would have the canopy of one of the pine trees hanging over the building. It seems like it is in the wrong location and if they could

shove it over to southwest of that shelter, he doesn't know what it does to the dimensions of the spacing between all the houses and what kind of changes it makes to that. It certainly would be from an aesthetic standpoint and from a usage of the swing set and the basketball courts a far better location to place that so they don't infringe on the people and the students and the people in the neighborhood that have come to use those as park amenities. Mr. Quinn replied that he understands the concerns and their direction was given to them from the school district. They want to as he stated to cram everything into one corner or however it may be to get it out of their facilities to be separated. Cricket does not have any reservations about moving it 20 to 25 feet. That is not a problem from their perspective. If they deem that necessary that is fine. If it is coming more from the city's perspective stating their concerns, he thinks that it will be better received by the school district rather than coming from them. They originally wanted to be located on the upper part of the school closer to their main entrance. That was their preference. They chose 3 other locations and actually have gone through 4 different design locations before they got to this one. This is where the school ultimately wanted them. They don't think 25 feet would cause them a lot of heartburn on their end. That is obviously something that Cricket can definitely work with. **VICE CHAIRMAN CASON** said he would like to hear what some of the other Commissioners say. He knows other people went out and looked at it.

CHAIRMAN FLANDERS asked if there were any other questions to the applicant or if anyone wants to comment in regards to the Vice Chairman's suggestion.

COMMISSIONER VEITCH stated he agrees with it. It makes sense.

COMMISSIONER RIVERS said he too agrees with it. In looking at the scale on the drawings, if the height of this basket in this diagram is to scale, the block wall would be 10 feet from the end of the basketball court and that is not a really safe place for it to be.

COMMISSIONER KELLEY said he thinks it is a great idea. The one thing he is looking at right now is if Vice Chairman Cason was suggesting it was to the west of the 15 foot shelter or to the south of the 15 foot shelter? Mr. Quinn said it would be southwest. **COMMISSIONER KELLEY** said he was look at the slope coming down making sure they weren't trying to go to the west. It wouldn't go there anyways.

CHAIRMAN FLANDERS went to the audience as he has one speaker card. He asked them to step forward and state their name and address for the record.

ROLAND LATUALA, 1272 N. BEDFORD DRIVE, CHANDLER, stated he is a homeowner and his property is immediately adjacent to the Shumway Elementary property just to the west and about 460 feet from this proposed site. He talked to their homeowners association and they specifically wouldn't get involved because it is not an HOA property but they gave him permission to knock on his neighbor's doors and find out how people felt about this proposed site. He has submitted a petition to the board that he has gone to all of the neighbors on the west and the southwest side and

overwhelmingly over 90% of the homeowners don't want this massive 65-foot structure going in our residential park. His kids went to school there and there is concern for the RF radiation and property values can go down. This is 65-feet and this is huge. Additionally, it is going to be an eyesore. He spoke with Mr. Dermody, the school board and the representative from the wireless company and he has visited other artificial tree cell sites. There is one at the I-10 and the Broadway curve that is a big pine tree like this. From what he could tell visually it looked to be about 45 feet. He didn't know if that was the exact height, but it was 20 feet less than what is being proposed here. He is an engineer himself and he is not against technology but even in that site it looked like a gray application for an industrial area. This tree is going to be 20 feet taller and let's keep in mind this isn't a tree it's make believe to fool people driving by. As homeowners, they will know this is a cell tower. Let's call it for what it is. It is not a pine tree. He is asking the board to vote against it. Don't approve this Use Permit. In the petition he has submitted and the homeowners in the immediate vicinity have signs. They are asking to have Cricket Wireless and go to the peripheral of the neighborhood. Stay on the one-mile grid, McQueen to the west, Cooper to the east, Ray to the South and either Highland or Warner to the north. Highland is the closer boundary. Look at other alternatives. Try harder to work with SRP and come up with solutions that would work. He has lived in his home for 10 years and they have had several service providers. Self-service is not hard to get there. They have had good reception on other carriers. Cricket Wireless is one provider. Obviously, they want to increase their market share and support their customers but there is no monopoly on cell phones in Chandler. He is asking them to revisit their plans. They could have smaller sites at the four corners and still reach the middle. They don't need to put this massive 65-foot tower right into their residential space. He is asking seriously go back to the drawing board. There is nothing that says they have to think inside the box and just pick this solution. There are light poles just a mile to the north of them at Highland and Cooper. There is one that has cell tower infrastructure on it but adjacent to it across the street it is completely empty, which is on their side of Cooper. That may be a suitable alternative. There is a Safeway Shopping Center just ½ mile to the southwest. It has cell tower infrastructure on the SRP light poles right at the corner of Ray and McQueen and additionally something may be able to be proposed in the shopping center of Safeway. If they go to the four corners they don't need to go 65 feet. They can probably get the same smaller radius and get good coverage that way as well. He is asking Commission to make them work harder. This is a huge structure. It is not a tree and it will be visible. It is going to be 20 feet above everything there and people are going to see it and it is going to be an eyesore. There is also the issue of the RF radiation. He knows that is not going to be discussed here but as a parent and homeowner that concerns him. He asked them to take into consideration the voice of the homeowners. All of the homeowners on the west and southwest sides of the park with the exclusion of one have endorsed this petition and ask that you have Cricket pursue other alternatives. There is some small wireless on light poles. That is what he sees in the interior of their one-mile square grid neighborhood. They have had several service providers over the years and none of them have required a 65-foot tower in their neighborhood. This is just a little extreme. He means no disrespect to Mr. Quinn and to the school board. He has looked at those artificial tree sites that they have had. There is

one at Erie Elementary and Knox Elementary. These are the palm tree varieties. They are not as offensive and not nearly as large. Perhaps 4 of those strategically placed would be a much better alternative to this 65-foot monster. The big pine version he saw over at I-10 and the Broadway curve that is not very well suited for an industrial area near a freeway. A low value property area would be fine. This tree was full of cell tower antennas. He doesn't want to see that in the park. He is only 460 feet to the west and he looks out his kitchen window and he is going to see this monstrous cell tower and that is not something he wants to see. His neighbors agree and the homeowners association also encouraged him to canvas the rest of the HOA there. He can do that given some time. Given the few days he had to prepare for this, he spoke to those people in this immediate 600 square foot radius or vicinity from the west and southwest side of where they live. He asks their support and to reconsider. Let's think outside of the box and come up with a solution that is agreeable to the homeowner's in the area and also meets the needs of the wireless provider.

COMMISSIONER RIVERS asked to see the aerial showing the site and the homes surrounding it. He asked Mr. Latuala if he has a cell phone? Mr. Latuala said he does. **COMMISSIONER RIVERS** asked if he would point out on the diagram where it is that he lives. Mr. Latuala showed where he lives and showed where the homeowners he talked to and signed the petition live.

KIRA BOORTH, 1430 E. JASPER DRIVE, CHANDLER, showed where she lives on the diagram. She said she didn't know about this monster cell tower until the sign was put up for this meeting here. She didn't know if they made an announcement but she didn't know about it or she would have been there. She has lived there since January of 1999 and both her kids went to Shumway. There is a property on the northwest corner of Cooper and Ray that use to have a gas station there. Why couldn't they put something there? There are other businesses there. People have other choices and they don't have to use Cricket. She uses Cox and Verizon and they work just fine for her. The six and half stories cell tower seems a lot taller than 65 feet. It's taller than anything in that area. Most of the houses are one-story and there are a few 2-story homes. Sixty-five feet is huge and those trees, which they say are 45 feet she says are 35 to 40 feet at the most. She agrees with Mr. Cason that what they have on there is way too close to the basketball course and swings. She has other concerns. There is supposed to be an 8-foot wall around it that is supposed to match the school, which is great but is there going to be a covering over the top? Because she guarantees in that area where there are children playing that things will end up inside. If things go inside, the children will go after those things. There needs to be a cover at least or something on top. She wanted to know how the proposal is going to help reduce district cost in the area? Beside the 600 square foot blocked in there is also going to need to be a 9 x 18 foot parking stall. It's not just the 600 square feet; it is that as well, which is another 162 square feet. She doesn't know if anybody has lived in that area that whole area basically fills up with water by the school. She is not sure if that is a problem with cell towers. I'm not sure how far cell towers go but there seems to be numerous other cell towers around – Verizon and ATT. She is not sure why Cricket has not been able to find a suitable cell tower area within 4 miles. She

is wondering if they build this cell tower is there going to be a problem with the other trees? She would like to keep them there. She doesn't want them to die if there is a bunch of digging. She doesn't want them to cut into any of the roots? Will Shumway benefit in any way from this? Is Cricket going to do something for the children at Shumway? She noticed it is going to take 4 to 6 weeks to build this and she is wondering when this is going to take place? If it happens is going to be during the school year or summertime? She is unhappy that it has even been proposed for their park. She can actually see the school from her front window when she washes dishes and she is pretty sure that monstrosity will be seen from her window once it is up.

CHAIRMAN FLANDERS asked her if it is the height that really bothers her? Is that the only problem she is having with it? Ms. Booth said where it is located in the park in general. Her kids have played in that park for many years. Her kids went to that school. She just sees it as being an obstruction not just the fact that it is huge and monstrous. Just an obstruction for playtime.

COMMISSIONER RIVERS said she pointed to where she lives and he asked her if she can even see this where it is going to be from where she lives? Ms. Booth said she can see the school but she is not sure if she will be able to see the actual tree. She is not sure until it is actually built or if it is built. She would rather it not be built. She can see the playground from her window. **COMMISSIONER RIVERS** said he had not been to her neighborhood but from the angle she is showing him it doesn't look like she can. What concerned him was when she said the park fills up with water. Is she talking about the irrigation that happens? Ms. Booth said yes it fills up with water in this area. **COMMISSIONER RIVERS** said they would need to make sure that water doesn't get into their cell tower.

MR. QUINN, CRICKET WIRELESS, said he would try the best he can to answer each one of the questions and concerns. As he stated earlier, it is never easy to come to a happy consensus for everyone. At the same time too they are trying to provide infrastructure to the community. This is an imitation pine tree. It is not perfect by any means. It is the best possible solution they have for this particular area. It will provide the opportunity for multiple wireless carriers to be on the site too if in the future the school district deems o.k. on their park, maybe a broadband Internet company might come along or another wireless provider that provides infill coverage for them. With the respect to the coverage's, he stated earlier on the coverage map this shows the existing coverage and the site. It kind of outlines where the actual park is and the school. That is referred to as Site No. 322. You will see the lighter green area is the existing coverage and that is if you are outside and you have o.k. coverage outside. The darker areas are the in-built and penetration. That means this particular area has no in-built and penetration. As you look around, Cricket has sites surrounding this particular location and this was a network that was designed a few years ago to support the community. Obviously now they have deficiencies and holes and a lot of customer complaints in this particular neighborhood. As a result, that's why this particular site was selected. The ideal location would have been about a block to the north. That is smack dab in the

middle of residential homes and they are not going to use someone's home. They felt this particular location was the best location because it provided over 300 feet from any direction from any residential neighborhood. With respect to the westerly neighborhood, this is area lower and does sit down where the neighbors to the west with the existing vegetation in all likelihood they are probably not even going to see the top of this imitation pine tree.

With respect to the flood irrigation area, it is flood irrigated so yes they have to be concerned with that. They have already taken that into consideration with the design. They are actually going to be elevating their cabinets on the inside of their enclosure. Our cabinets are 5 to 6 feet in height at the most so they have an 8-foot wall. Everything will still be contained within there but they will be elevated off the ground level a foot to two feet. With respect to covering the enclosure, they do that at all of their school sites because they obviously know those concerns with the balls bouncing in there. It is typically a shade mesh that is put over the top of it – a chain link backing and a mesh with it. You won't be able to see it at 8 feet in height. With notification, they did hold a neighborhood meeting on a Sunday afternoon and they also stated in the flier that went out to everyone that this is per the City of Chandler's guidelines. They also stated in the flier that if they cannot attend the meeting or if they had questions or concerns, to please call or e-mail them at the number that was on the flier. They didn't have any responses from that. They had no one in attendance at the neighborhood meeting. They had 3 people post it on the outside to make sure they had all their bases covered from the main school entrance from the backside and the south side of the property. It was an hour-long meeting they held there on a Sunday afternoon at 3:00 p.m.

The parking stall is a standard requirement that most jurisdictions have. They are o.k. not even having a parking stall. They just put that in all of their drawings because it is an unmanned wireless facility. No one is going to be operating it. They do have a tech that comes out once a month to do routine maintenance on it. That parking stall can even be at the front part of the school. It could be one that is already an existing parking stall that they use to pull into for the 15 to 30 minutes that they are going to be servicing the site. From their perspective it is not a concern. They can put it anywhere they need to or remove it off of the drawings if that helps matters.

With respect to the 4 to 6 weeks of construction time that is just what they put as their window based on the city's eligibility to do inspections. Typically these sites take 2 to 3 weeks but this is a more intricate involved site. They do try to work around the school's schedule. It will be up to the school to dictate as to when they can and cannot work. The safety of the children comes first with this and then it will be the utmost interest of the school district to be concerned with that. He is sure there is going to be strict guidelines.

With respect to reducing costs to the area and an economic benefit, this surely does benefit the Chandler School District. Without disclosing what they are paying them, it is a healthy fee and he thinks it will help benefit the school there and the community. It

will help reduce costs overall and we are in an economically challenged time right now and things like this will help this particular school district.

He knows radiation is something brought up time and time again and it is not really something that part of the forum but he hates to come into these meetings and have people concerned and then walk away from this. With respect to radio frequency it is a non-ionizing radio frequency, which is the same thing you get in your AM/FM car radio, your home radio and the same thing you get in your television, your baby monitor. All those are non-ionizing frequencies. Ionizing frequencies are X-rays and things like that. That is what people constantly get this confused with. When you look at the wattage difference, a cell phone signal transmits anywhere from 10 to 100 watts while a AM/FM radio that you have going through your car transmits 100,000 watts. If you look at a television frequency, that transmits 5,000,000 watts. When you compare that, you have rays that are constantly bombarding without you really knowing it. When you compare the spectrum of things, cell sites are on the lowest end of the spectrum. Everything else is above it. They are almost equivalent to a baby monitor in someone's house. If you have a wireless landline in your house, that also emits a radio frequency. It's just trying to educate everyone because he thinks there has always been this big misunderstanding. They have had AM/FM radios for almost 100 years now. They haven't really seen any after effects from that. Again, that's 100,000 watts to opposed to their 10 to 100 watts. He said he believes he has answered all the questions and he apologizes that there is never a happy ending for some people in this. In the long hall, this help to provide additional services and infrastructure for their community and over time they aren't going to even notice because it is a very impressive stealth application to where these things keep getting better and better and he thinks they have finally perfected it. By far, he thinks this is the best solution.

VICE CHAIRMAN CASON asked Mr. Quinn if he could zoom out on the picture in the ELMO right now? He said if he understood him correctly, he was saying the highlighted or the light green is where you have good service now and it is the dark green where you don't have good service. Did he misunderstand him? Mr. Quinn said the dark area is where they have basically existing sites. There is a site 225, 222, 244, 243 and 322 is the site in discussion that they don't currently have coverage. The light area is actually where they just have outside coverage. If you are walking around your phone somewhere, you can pick up a signal or an Internet signal if you doing an Internet. He showed an after picture. **VICE CHAIRMAN CASON** asked what would the after picture look like if they were only 55 feet? Mr. Quinn showed an example for that. It showed it at 45 feet and as you can see as you get around the periphery, you end up with that same issue. **VICE CHAIRMAN CASON** asked him if he could zoom out so they can have a perspective of what they are looking at over a larger area. Mr. Quinn said that example was at 45 feet and keep in mind that is not taking into consideration the exiting vegetation. Vegetation also blocks the signal. That is the other thing they were concerned with here. They don't need 65 feet. The problem is that they have to do the stealth thing on it. The antennas are actually at 57 feet. In order for any of this to look like a true imitation pine trees, the pine needles have to go up another five feet because

the top of the antennas is 60 feet. The center line where the signal truly comes from is at 57 feet. So that is part of the issue here too. If they lower this down anymore, the antennas at 45 to 50 feet, they are shooting them right into the pine trees. **VICE CHAIRMAN CASON** so do they have a 55 foot coverage? They can figure out the difference between the two then. The top one is the service at 65 feet and the bottom one is a service at 45 feet. Mr. Quinn said that is correct. They did that analysis at 65 feet but they have lowered it. That was the original study and what they are at now is 57 feet. These are considered center lines. They are actually at 57 feet now so they have already come down from the original 65-foot center line. **VICE CHAIRMAN CASON** said so then the top one then is at 74-foot tree. Mr. Quinn said it would be at 72 feet. **VICE CHAIRMAN CASON** on the first drawing showing the hole in their service area, it looks like they could capture most of that area at the corner of McQueen and Ray. What conversations did you have with the owner of that shopping center about placing a tower there? Mr. Quinn said it wasn't so much the discussion with the owner. What happens in this particular area because the terrain topography doesn't change as a result of the vegetation and also the way they have landscaped area. This area is like a retention area the way it has been contoured to look aesthetically appealing to the community. It has presented challenges. That truly is where this hole is – in this particular community. That is what this coverage map kind of reflects. If they were to go on the periphery they are then going to still have issues with that in-building penetration in the center plus they are also then possibly interfere with some of the surrounding sites because they are getting to close to those sites. They are detracting from the other coverage so then something has to happen with the signal. As he stated earlier too, Cricket does everything they possibly can to find existing vertical elements. Over 95% of their sites valley wide are co-locations. It is not profitable for them to build a new site like this. They actually lose money. The overall network obviously they make the money off of it then. They do this more to provide coverage in an area where people have complaints. **VICE CHAIRMAN CASON** stated that he said before that other providers could co-locate with them on this tree. Explain how that would happen if they are taking the 57-foot height, where would the other panels go? Mr. Quinn said typically there is a 10-foot separation, the 10-foot center line they call it. So if there is at 57-feet, the next one would probably be at 47 feet and they would do an inter-mod study that allows them to put the antennas closer to the Cricket antennas. As you mentioned earlier, as you get lower on that you have to be concerned with vegetation as a factor. Carriers have their own network design. They have three sectors, an Alpha, Beta and Gamma sector. It is like a triangle to where the antennas shoot in those different directions to cover a 360-degree area. The next carrier that comes along might not have to be as concerned with the existing pine trees. **VICE CHAIRMAN CASON** said so they can only go lower on the pole, they couldn't go any higher.

COMMISSIONER RIVERS said they brought up putting a cover on this enclosure, he is still concerned about the kids and if there basketball bounces up there. If it is not down inside that's good. If it is on a flat surface they are still going to climb up and get it. Is that a safety issue – can they tilt that at the top or to allow the balls to roll off on its own so they don't have to climb up there? Mr. Quinn said that was a very good question

because they have had to do that at a number of the school sites. That is not a problem at their end either. They have angled it and that is actually a better design. If they don't angle it sometimes because of aesthetics and they try to prevent that. The mesh material they have now is pretty convincing to where it looks like it is part of the structure. Typically that won't be an issue. **COMMISSIONER RIVERS** asked if it would only have to be raised in the middle 2 inches, 3 inches? Mr. Quinn said that was correct.

CHAIRMAN FLANDERS said he was going to go ahead and close the floor for discussion and motion.

COMMISSIONER RIVERS said he would like to add a stipulation to this as far as tilting that mesh to allow any stray balls that would get up there to roll off on there own so that it would prevent climbing.

VICE CHAIRMAN CASON said he wanted to talk about how they are going to stipulate the movement of the footprint away from where it is now. How are they going to verbalize that as a condition of the application? Mr. Dermody replied that the language would read:

The monopine and associated equipment shall be moved southwest of the structure labeled 15-foot shelter on the site plan.

CHAIRMAN FLANDERS asked if that should be worked out between the applicant and the school? Is that something that needs to be in there? Mr. Dermody said that is dependent on whether Commission wants to give them the option. If you tell them it has to be moved and the school doesn't want it to be moved, they could always apply for another Use Permit to come back to this original location. It depends whether you want to give them a demand or an option. **CHAIRMAN FLANDERS** asked if that is a demand or an option? **VICE CHAIRMAN CASON** said that is a demand.

VICE CHAIRMAN CASON said they have done several of these before where they have limited them to 55 feet. The part he is having a problem with is that when they did it at 55-feet before, was it just because they were palms and you could be the array higher on the pole? Is that what the issue is here? When they say 65-foot, they are actually talking about the peak of the tree in this particular case. Correct? Mr. Dermody replied correct on both counts. With the palm trees in the past monopalms it has been the opinion of Planning Commission in particular and City Council that anything above or around 55 feet is unnatural. Staff looked at that situation and cut down the height on this from 75 to 65 foot or at least the applicant agreed to at their request. That question is still out there. They haven't processed these. There is the question of what is a natural looking height. They felt with 40 to 45 foot live trees around it the 65 would natural. Of course, that is up to Planning Commission and Council.

CHAIRMAN FLANDERS said from what he remembers from the discussion the arrays are about 7 feet from the actual top of the tree itself. He knows he mentioned 65 feet.

They said the top of the tree was at 72 feet. If that is the case, they need to make sure that the 65 foot is to the top of the tree which means the arrays are going to be down around 7 feet or less than that. **KEVIN MAYO, ACTING PLANNING MANAGER**, said that is how it is represented. The peak of the tree is 65 feet and the centerline as the applicant indicated is 57 feet.

COMMISSIONER RIVERS said if you have surrounding vegetation that is already at 45 feet you can't bring the antenna down any closer to that than 10 feet. Of course, the trees that are really growing are going to get taller and would have to be trimmed at a height that would not interfere with this equipment. They have already come down 10 feet and he thinks they have to be careful as to what they are requiring there.

COMMISSIONER VEITCH stated it has been referenced a couple of times that the site even after the enclosure is moved to the location they stipulated is at an elevation lower than the street grade of say Shumway Avenue. Do they know how much lower? Mr. Dermody said they do not. **COMMISSIONER VEITCH** said you can see that as you drive by. I think that and the location on the land of the pines west of the monopine will obscure it completely or almost completely from the western view.

VICE CHAIRMAN CASON asked do we have the stipulation for the additional two trees? Correct? Mr. Dermody said the suggested language on that is:

Two additional live pine trees shall be planted east of the monopine. The live pines shall be 12 feet high at planting.

Mr. Dermody said actually he didn't know if he want them east or what direction? It was clear in the old location, perhaps the word east should be dropped? So it would say:

Two additional live pine trees shall be planted near the monopine.

CHAIRMAN FLANDERS stated out of all of the monopalms that they have seen and come through Planning Commission, this seems to be one of the ideal locations just from the fact that there are adjacent trees that are high enough to absorb the height of this. The site is lower and the distance from the existing residents and the school is a lot more than they have seen. From what he has seen so far this seems to be the best they could possibly get. With moving the tower itself it really helps that too.

COMMISSIONER RIVERS asked if they had the stipulation on the cover. Mr. Dermody said the suggested language for that stipulation might be:

There shall be a mesh cover upon the equipment shelter at an angle so that balls will not become lodged upon it.

VICE CHAIRMAN CASON made a motion to approve UP08-0072 SHUMWAY ELEMENTARY MONOPINE subject to the conditions and the stipulations as read in by Staff, seconded by **COMMISSIONER KELLEY**. The item passed 6-0. (Commissioner Hartke was absent.)

CHAIRMAN FLANDERS told the residents that this will go to Council on Thursday, August 13.

- H. UP08-0073 HILL ACADEMY WIRELESS FACILITY
Request Use Permit approval to install a 52-foot wireless communication facility on the campus of the new Hill Learning Academy at 290 S. Cooper 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. The site shall be maintained in a clean and orderly manner.
 3. **The pole shall be painted to match the building behind it.**

BILL DERMODY, SENIOR PLANNER, asked since there are no neighbors present, does Commission want a presentation on this? **CHAIRMAN FLANDERS** said **VICE CHAIRMAN CASON** had questions regarding it. They will listen to his concerns.

VICE CHAIRMAN CASON stated his primary concerns were that he wanted to hear an explanation all the factors surrounding couldn't use the existing tower that is on the church site just north.

SCOTT QUINN, CRICKET, 3655 WEST ANTHEM WAY, ANTHEM replied with respect to other locations their first and primary location was the SRP substation across the canal. As they have stated in the last hearing, they give a list of sites to SRP to analyze to see if they could locate on this particular site. This site was one of those sites that they had an existing carrier and they had no other space for it to locate on that tower. That eliminated that selection. The one at the church they had discussions with the carrier and also the church with locating there. There were too many restraints with the ground space available and also with the lease rates that they had with also the structure itself. There was going to be too many site modifications in order for them to locate there. It didn't make any sense from a business perspective.

VICE CHAIRMAN CASON said he would like to talk through those issues associated with that pole. For instance, the structural issue and the co-location issues so that he can get a full understanding of why that can't be used. Mr. Quinn said the first item being the carrier themselves; they wanted the top centerline of the radio frequency signal. They were expecting Cricket to locate at the height that the existing carrier is at, which he believes is at about 30 feet, which is far lower the required radio frequency design is. **VICE CHAIRMAN CASON** asked that they couldn't make that pole any taller? Mr. Quinn replied they could make it taller but that the problem is that the existing carrier

wanted the upper position and they wanted them to pay the cost to replace that existing tower and have the higher radio frequency height. **VICE CHAIRMAN CASON** asked if that was cheaper than building a new tower? Mr. Quinn said it would be cheaper. The problem was they weren't going to give them the radio frequency height they needed as a trade off. **VICE CHAIRMAN CASON** asked if the pole stands now 45 or 50 feet? Mr. Quinn said he didn't believe it was that tall. It is a very short pole. He apologized that his real estate dept. is there tonight but he remembers on the original analysis it was a very short pole. He's going to say it was probably 35 feet to the top. **VICE CHAIRMAN CASON** said so their center is probably 33 or 34 feet? Mr. Quinn replied that it is probably 31 to 32 feet. **VICE CHAIRMAN CASON** asked how high would he have had to build a pole for them to be at the height? How high would that pole have been? Mr. Quinn said for it to work for at least 2 carriers that pole would have been about 65 feet in height. Once again, that is stating that they would get the lower centerline of the structure. **VICE CHAIRMAN CASON** asked but if they did get the lower line that would still be o.k. for you? Mr. Quinn said no, his apologies, in order to get the same height they need right now and have them have the upper location, they are showing there center line on this at 50 feet so they would have had to been a minimum center line of 60 feet, 64 feet overall height.

VICE CHAIRMAN CASON said then let's talk about the co-location of equipment. There was some issue where there wasn't enough footprint for equipment of something like that available at that pole? Mr. Quinn said yes based on the way the master lease agreement with the carrier and property owner and the way it was structured, they didn't have the sublease rights and they could not come to an agreement where they would have additional ground space and also with the carrier too to work out between the two parts. **VICE CHAIRMAN CASON** asked so they can only right a contract with the other carrier, you can't have a third party contract with the property owner? Mr. Quinn said they can do the third party but the problem was because of the costs associated with the additional ground space and the structure itself, the enclosure. It limited their ability to do that. They did talk with the church and based on the discussion with the real estate department it sounded like they weren't coming to an agreement with what was going to work for both parties. **VICE CHAIRMAN CASON** asked if the existing tower was made to 65 feet and they were able to negotiate proper location on the property for their equipment, how much percent would that be over their costs of putting in their applied pole now? Are they looking at 10%, 15%? Mr. Quinn stated that what happens here is it goes into a different development cost expense. When it comes to considering a new raw land bill, it goes into a different budget for Cricket. When it is a co-location, there is a different mechanism for funding to where there are a lot of things that prohibits them to go outside a cost threshold because by that time they would have had to put in a new tower and also stealth it, plus put in a new infrastructure for two carriers they would have exceeded the cost of a new raw land site plus they also don't have the flexibility as a co-location as they do with a new raw land bill. **VICE CHAIRMAN CASON** so it is a matter of return on their investment then? It doesn't meet their internal criteria? It is too expensive for them to get a return on within a certain particular time? Mr. Quinn said that is one factor. The bigger factor was just the meeting of the minds and having

different parties all make it work. That was becoming challenging and as he stated earlier, there were over 60 sites they are working on, 50 of those became co-locations in one form or another whether it be utility pole or on an existing carriers tower. Over 95% over the Cricket sites are co-locations throughout the valley out of the 400 some odd sites they have. In this particular case this is another one where they tried to co-location route first with SRP, SPR being the primary choice for the available height and the church was the secondary choice on there.

VICE CHAIRMAN CASON asked if he could share with them the discussions that you might have had with the lights on the ball field at the LDS ball fields. Mr. Quinn said that LDS is about the only church organization in the country that will not deal with Wireless providers. If you look throughout the country, you will not find a wireless provider on any of their properties. They do that because of taxation purposes so they decided to not enter into that business. **VICE CHAIRMAN CASON** stated earlier during Study Session they discussed the painting of the pole so it matches the building. Is he o.k. with that up to the top of the building? Mr. Quinn said that was actually their preference to match it with the trim or whatever color it needs to be – whatever the City deems as a better color, they are fine that. **VICE CHAIRMAN CASON** asked if that was an actual scale representation of what that is going to look like? Mr. Quinn said yes that is pretty close. The perspective is a little off, but that is real close to what it is going to be. In this case they are using the smaller 4.0 cabinets, which means it is about 4 feet in height. The battery cabinet is roughly 5 feet. They are smaller cabinets so it will be easier to screen them. That is real close to what this one is going to look like. **VICE CHAIRMAN CASON** said so that is the proposed screening even there isn't really official screening in the documentation as he understands it but that is going to be something that it can only go there if they provide screening that is adequate.

BILL DERMODY, SENIOR PLANNER, stated that is correct. The screening shown there is not adequate for our normal enforcement of the code. **VICE CHAIRMAN CASON** asked if it would be more rectangular, match the roof and the have same coloration or what is the difference between what they see here and what they will approve? Mr. Dermody stated their code requires that screening be equal to or above the height of the equipment, which it is and an integral part of the architecture. In their normal enforcement of this having a new bump out, a new architectural feature does not meet that code intent and so they usually require to them to have a larger parapet around all or most of the building so as to not create this new feature. **VICE CHAIRMAN CASON** asked if they were in this corner because that is where the building is structurally capable of holding their equipment? Mr. Quinn said correct. They started off when the school was under construction as an imitation pine tree in the far northeast corner of the property. That site location moved two or three times during our construction and then when they ended up on the rooftop, they ended up there as a result of them having limited ground space. They had to put us into this corner because of the structural element. The only other place that would work is where the air conditioning units are in the center of the building. That is a possibility. It is the engineers that were out at the school site when it was under construction when they did their site visit there.

They strongly recommended for us to go over to that corner based on their experience and knowledge of the building. There is certain weight already where the air conditioning units are and they wanted to stay away from that. **VICE CHAIRMAN CASON** asked if they were to put the equipment on the ground it would go where the pole is up against that particular wall? That was their original design and then because of that being a walkway as you come out of the school there is a back door underneath those stairs and there is also another exit from their kitchen. It was ingress and egresses being affected it a little bit by them. That is still a possible consideration but the school is pretty adamant about trying to get the least amount of space as possible. As Staff knows, that was a last effort that they were trying to go back to the ground and locate somewhere there but they have reservations about it. They could have that as a possible alternative location based on their recommendation again so if he goes back to the school he can have further discussions to say your preference is they do locate on the ground. **VICE CHAIRMAN CASON** asked if they prepared a new parapet all the way around the top of the building. Mr. Quinn said no the school would not be receptive of that but it is going to change the aesthetics of their design. The one thing they can do if it is something Staff thinks would be supported is do something more like the faux chimney type look because the cabinets are so small they basically just put a cap over top of those. **VICE CHAIRMAN CASON** can't that equipment be put in a standard 5-foot equipment rack, 19" wide? Mr. Quinn said in this case they are using the 4.0 cabinet. It can be located in as small of an area probably 6 x 10 but you still have to have access to the side and into the front of the cabinets. You could get by with this theoretically if you took the access part out and you were able to get around it, you would only need a 3-foot x 6-foot footprint for the equipment. So it is 3 foot wide x 6 foot in length. You have the space of the 2 cabinets and then you have a separate meter and disconnect and those can often times be put on the side of the building.

VICE CHAIRMAN CASON asked where the communication room is in the building? Mr. Quinn replied that when it was under construction, they could not have access to that but it is where all their lines go in. He believes it is closer to where their site is located, almost below it and more towards the kitchen, which is the smaller building off to the side. **VICE CHAIRMAN CASON** would they have enough space in their telecommunications room for their equipment? Mr. Quinn it wouldn't. He didn't get to see that location but typically those circuit board rooms they try to do those sort of things before but the way the cabinets are and because of the access you need to have around on each of one of the panels, you typically won't have the adequate space for that. The school is pretty adamant about not having us inside their building. They also wanted to actually put the antennas and penetrate the roof at one point too and put that more in the center of the building. They discouraged anything inside the building. **VICE CHAIRMAN CASON** said he is trying to look on this site and see if there is any place he knows. He knows the site is done and will probably open up for school Monday after next. Mr. Quinn said there are actually kids already attending. **VICE CHAIRMAN CASON** said it is too bad they couldn't get in sooner but what about a CEV like in the area in this parking island over here that is west of where there antenna would be. Mr. Quinn said that was another discussion they had. They did not want them doing anything

that was going to cause us to cut asphalt or concrete and that was another reason why they kind of ended up with us on the roof. Off to the right where the smaller building is, there is a gravel area there. The latest recommendation was to go there. They said that is going to be an eventual shade area and they are going to have seeding and stuff because it does come right off of the kitchen there. This has been a painful site because they have had 12 different scenarios and designs. If they had their preference they wouldn't want to be on the roof but that is where they ended up. **VICE CHAIRMAN CASON** asked if the school district is going to let you place your equipment on the sidewalk beside your tower? Mr. Quinn said at one point that was the discussion where they were willing to work with them on that. That later changed, as they got closer to having the school finished. He thinks they realized after it is was in a functioning mode that they had challenges with that because of that ingress and egress. As he stated earlier, they were somewhat amenable to that before it might be worth having another discussion with them if the city feels that it is worth having that discussion.

CHAIRMAN FLANDERS stated he knows they have done with situations like this where they did put some equipment on a roof. There was some discussion about screening. If he remembers correctly, there was one other case. He can't remember where it was. In looking at this, if the intent is to put it on the roof, all the equipment needs to be screened from view and the screening needs to match the building color. It basically looks like it is part of the building and also, what he thinks is a great suggestion, is go ahead and paint the pole to match the building. That makes it look even more as part of the function of the building. A lot of these things as mentioned earlier, they push for either the monopine or the monopalm. In this situation it makes sense if it is this close to the building itself. Let's go ahead and integrate it, paint it. With that there are two additional stipulations that they could craft that would go ahead and make sure that at least the screening is there and the pole is painted. That way the stealth pole with the stuff at the top of it is less of an impact on the area. Mr. Quinn this is in the very southwest corner of the school and the entrance is on the east side of Cooper, so this is in the far corner of the school and behind them are these very large SRP utility poles that run through there. Aesthetically, this is a good location in respect to the overall school property. **CHAIRMAN FLANDERS** said he agrees that the height of 52 feet is one of the lowest that they have done so far that he has seen. He thinks that height is great.

VICE CHAIRMAN CASON said he guesses his issue is going ahead and improving something with the stuff on the roof when they know they aren't going to be able to put the stuff on the roof because they aren't going to be willing to build a new parapet around the building. He is stuck between going ahead and improving it when they know that your ability to be able to meet what they have approved is not very likely. Is he looking at that correctly? Mr. Quinn said he is absolutely correct. It puts them in a very precarious position themselves. They are at some point in time asking that these consolations be made. As I stated, the school was amenable to that location at one point and they are going to smaller cabinets to where there might be a way to work this out. They need city support stating that this is their recommendation that based on the criteria and the ordinances that the cabinets be located on the ground. He thinks with that being

said then that location we can literally push those cabinets along as they have access to the side and front up against the wall to where they just basically need a 3-foot enclosure. **VICE CHAIRMAN CASON** said they could also put their cabinets in that island west of the building, couldn't they? They don't want you to mess with their asphalt but if they don't have any utilities going in there, they could bore between the two locations. Mr. Quinn replied that the only drawback to that which is not a problem on their end is the diameter of that pole itself will actually increase and the antennas will be larger but then it might be a more uniform look. **VICE CHAIRMAN CASON** said there is a trade off there. If the pole gets so fat that it is bigger than the piece of equipment that would otherwise be there, then it doesn't feel like much of a trade off. Would that be the case that the diameter of the pole would get larger than the equipment actually being there? Mr. Quinn said that is correct. The problem would be then the aesthetics would fit in with the structure of the school itself where you could no longer mount it up against that. **VICE CHAIRMAN CASON** said so he would be o.k. if he let tonight saying that you are approved but the equipment has to be on the ground? Mr. Quinn said that would be his preference but they are dealing a school district and a board. He would have to go back to them and say this is what the city has approved and they are saying they need them on the roof.

CHAIRMAN FLANDERS said do we really care if it is on the roof, if it is screened. Great. It is out of the way as far as being on the grounds. If it is on the ground, it needs to be screened. The way he understands it the equipment is on the roof at this particular time? Mr. Quinn said yes that was correct. **CHAIRMAN FLANDERS** said based off of that it needs to be screened by either some type of mechanical screen wall that follows the city's requirement. Those details can be worked out with Staff when they come in for their permit and everything else. If it is from an aesthetic standpoint of being on the ground, he thinks it would be better because there is less equipment down there and there is more room to move. Their equipment is segregated which gets it away from any type of traffic from pedestrians or anybody messing around with it that way. It is up and out of the way for them.

VICE CHAIRMAN CASON said he doesn't disagree. He agrees with everything he said. If he knows that they are approving something that isn't going to work, then why not approve something that works. He said maybe he is reading more into it than it actually needs to be.

COMMISSIONER RIVERS stated as they look at this picture and they see this difference in roof height. Do they consider that screening? Are they saying they now have to raise outside walls of the entire building up to the height of that screening? The other question he has is how far is this pole from the building itself and could it be put against the building itself if it is going to be painted the same color as the building? Mr. Quinn said that was a good question. He said he guesses that is the illusion of the photo simulation. The post is actually going to be attached to the side of the building and the plate is going to be a welded plate on the ground that is going to have bolts into the ground and that is how they are able to keep a smaller size because they are using part of

the structure itself to support it. **COMMISSIONER RIVERS** said so it would be attached to the building and therefore, when they painted it to match the building it would look from any distance it would virtually disappear. Mr. Quinn said correct. It almost looks like a rain scupper. **COMMISSIONER RIVERS** thinks that is wonderful. The thing that still concerns him is he looking at the picture and he is seeing that their equipment is screened. However, if they have to increase the outside wall building height up to cover the screening of the equipment, that would be very cost prohibitive. Mr. Quinn replied that was correct. **COMMISSIONER RIVERS** asked if they are able to approve the way it is in this simulation or photograph or must they ask them to build the outside edges of the wall up to the height of the equipment?

CHAIRMAN FLANDERS asked how close are those cabinets/equipment to those outside parapet walls? Mr. Quinn stated the screening itself is 3 feet back from the edge which the cabinets themselves with the closest cabinet being about 4 feet from the inside of the parapet. **CHAIRMAN FLANDERS** said so actually you can go ahead and put the screening and they can walk around it. It's 3 feet off of that building parapet. They can walk between that and a mechanical screen of their equipment and go ahead and provide a finish that matches the building itself or the color. From the ground it looks all the same. It doesn't necessarily need to be on top of the parapet or they need to add anything. It is a freestanding screen wall.

KEVIN MAYO, ACTING PLANNING MANAGER, said the code does not permit that. It becomes more or less termed penthouse mechanical screening. Any mechanical screening has to be an integrated architectural element to the building. Typically that is done through the exterior wall parapet height and it isn't supposed to be something that is just floating. If that was the case, the majority of buildings in Chandler just bare minimum parapet but they would need to control their water flow and then they would have this interior mechanical screened penthouse. The Rocky Mountain building has penthouse mechanical screening but it is huge architectural element that is on top of it and not just what is absolutely necessary to screen that equipment. In this case this is not consistent with code. Typically the answer is rip it all the way around because the school has air conditioning units that are up there right now. The parapets on this building are sized to screen that. Typically on a roof you are going to have maybe 10% encumbered by mechanical units but the entire parapet is designed to where it looks like its built into it. The corner parapets go up and maybe it's a portion of it that looks like a portion of that building was up and that happens to be where those things are in. He could not see requiring the entire parapet to be raised all the way around the building and have that even be appropriate. Maybe there are elements that could be raised that are.

CHAIRMAN FLANDERS stated he thinks the stipulation could read:

Equipment on roof to be fully screened from view and painted to match buildings. Details to be worked out with Staff.

He put a mechanical screen around the equipment on the Arrow Pharmacy building, which was 3 feet back from the thing they turned into an architectural feature that worked really well. He thinks those details can be worked out with Staff to make sure they do follow code and everything else. He doesn't think it needs to be raised all the way around the building as a result of the location. It is a relatively small area. He thinks the applicant will probably need to provide Staff with those details and they need to work it out with the owners of the property and the building.

Mr. Quinn said one way they can improve upon this design that they really haven't explored yet is like what they do at the right-of-way sites in Scottsdale where they literally put the gates right up against it where this could literally be like a little box on it where you open up the gate and it is right up against the cabinets. They are literally looking at a space that would be 3 feet by 6 feet like they discussed earlier. That is stuff he will have to talk to Staff about as they progress.

COMMISSIONER RIVERS said if he is talking to Staff it also might help if you tried to make that as short as they can possibly make it. He thinks they need a stipulation added as far as painting the pole to match the building.

VICE CHAIRMAN CASON asked Mr. Mayo if they could raise the parapet like in a "L" just in this section and do it in a way that it matches so it looks like it was part of the original building? That would be sufficient enough to allow the equipment to stay on the roof?

KEVIN MAYO, ACTING PLANNING MANAGER, said they are, of course, talking in concept right now. The equipment would have to be screened on all 4 sides of it and maybe the option is you have a natural break in the parapet where it is reduced in the center of the building. Also, maybe where it steps back up on that other side it just grows taller. The outside of the parapet would have to grow up 4 feet. He is not really sure how far it has to go to meet the height of the equipment and that carries around the other side of the building 'x' amount of distance to where it is no longer this architectural afterthought but it looked like integrated into the building from the very beginning. That is something that sounds conceptual amenable but they just need to get it drawn down and look at it.

VICE CHAIRMAN CASON thinks that is a great solution. The north side and the east side still match the building even though nobody will be able to see it unless you are higher than the building.

CHAIRMAN FLANDERS asked if there was anybody in the audience that would care to speak on this item. There were none. He closed the floor for discussion and motion.

VICE CHAIRMAN CASON said he would like to hear the stipulations. Mr. Dermody, Senior Planner, said proposed stipulation no. 3 could read:

The pole shall be painted to match the building behind it.

Mr. Dermody said there was some discussion about screening but he didn't hear anything that went beyond city codes. That is already covered.

CHAIRMAN FLANDERS entertained a motion.

VICE CHAIRMAN CASON moved to recommend approval UP08-0073 HILL ACADEMY WIRELESS FACILITY subject to the conditions recommended by Staff, seconded by **COMMISSIONER RIVERS**. The item passed unanimously 6-0 (Commissioner Hartke was absent).

6. DIRECTOR'S REPORT

Mr. Mayo said there was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN FLANDERS announced that the next regular meeting is August 5, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Michael Flanders, Chairman

Jeffrey A. Kurtz, Secretary