

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 19, 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 Vice Chairman Cason.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders  
Vice Chairman Michael Cason  
Commissioner Leigh Rivers  
Commissioner Kristian Kelley  
Commissioner Kevin Hartke

Absent and excused:

Commissioner Stephen Veitch  
Commissioner Christy McClendon

Also present:

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

4. APPROVAL OF MINUTES  
**MOVED BY VICE CHAIRMAN CASON**, seconded by **COMMISSIONER HARTKE** to approve the minutes of the August 5, 2009 Planning Commission Hearing. The motion passed 5-0. Commissioners Veitch and McClendon were absent from 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 was one action item – item G.

A. DVR09-0012 CHANDLER REGIONAL MEDICAL CENTER

**Approved.**

Request rezoning from Planned Area Development (PAD) to PAD Amended with a mid-rise overlay for additional building height, along with Preliminary Development Plan approval for a five-story, 85-foot tower and for expansions of the existing Cath Lab and Central Plant. The subject site is located at the southeast corner of Dobson and Frye Roads.

1. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER REGIONAL MEDICAL CENTER", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0012, except as modified by condition herein.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The site shall be maintained in a clean and orderly manner.

B. DVR09-0013 1ST BANK

**Approved.**

Request rezoning and Preliminary Development Plan approval for a bank with a drive-thru on an approximate 0.77-acre site. The subject site is located at 2025 N. Alma School Road, at the northeast corner of Alma School and Warner Roads.

1. Development shall be in substantial conformance with Exhibit F, Development Booklet, entitled "1<sup>st</sup> BANK", kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0013, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. 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.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
8. Raceway signage shall be prohibited within the development.

C. DVR09-0018 CAC CELL TOWERS

**Approved.**

Request to amend the Planned Area Development (PAD) zoning to revise a condition prohibiting communication towers on Lot 13 of the Chandler Airport Center. The subject parcel is located on the north side of Yeager Drive approximately 300 feet east of Cooper Road and immediately south of the Loop 202 Santan Freeway.

1. Substantial conformance with application materials kept on file in the City of Chandler Planning Services Division, in File No. DVR09-0018, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3673 in case DVR04-0037 CHANDLER AIRPORT CENTER, except as modified by condition herein.

D. DVR09-0023 CHANDLER AIRPORT CENTER

**Approved.**

Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) Mixed-Use Business Park (Chandler Airport Center) on approximately 1.14-acres located north of the northeast corner of Germann Road and the Consolidated Canal. In addition, request rezoning from PAD to PAD Amended to expand the list of permitted uses within approximately 134-acres of the Chandler Airport Center mixed-use business park located at the northwest, northeast and southeast corners of Cooper and Germann Roads.

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3673, case DVR04-0037 CHANDLER AIRPORT CENTER, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CHANDLER AIRPORT CENTER ZONING AMENDMENT " kept on file in the City of Chandler Current Planning Division, in file number DVR09-0023, except as modified by condition herein.
3. Adult Vocational/Educational uses are only permitted within any parcel identified for Office uses. Other school/educational institutional uses such as public or private grade schools or other non-adult programs are not permitted on any parcel.
4. Public Assembly commercial entertainment and instructional uses within Parcel 15 shall incorporate the six (6) design elements/criteria contained within the Development Booklet titled Chandler Airport Center Zoning Amendment in case DVR09-0023 CHANDLER AIRPORT CENTER.

E. DVR09-0026 RIGGS LDS

**Approved to withdraw for the purpose of re-advertising.**

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 5.27-acre site located at the northwest corner of Riggs and Riggs Ranch Roads. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

F. PDP08-0027 CANDLEWOOD SUITES

**Approved.**

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 54<sup>th</sup> 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.

H. UP09-0028 ROBINSON FAMILY CHILD CARE

**Approved.**

Request extension of Use Permit approval to provide residential child care for up to 10 children in a single-family home. The subject property is located at 731 E. Los Arboles Court, north and west of Warner and McQueen Roads.

1. Use Permit approval for operating Residential Childcare shall be applicable only to the applicant and location identified with this application, and shall not be transferable to any other person or location.
2. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit application and approval.

I. UP09-0029 MICHAELS & ASSOCIATES, INC.

**Approved.**

Request Use Permit extension approval to allow for the use of a residential home as a commercial business. The subject site is located at 200 N. Nebraska St.

1. The Use Permit shall be effective for three (3) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.

2. Any expansion or modifications beyond the approved exhibits shall void the Use Permit.
3. The Use Permit is non-transferable to any other location.
4. Increases in on-site employment over that represented (6), or the expansion of the home to provide additional office space, shall require Use Permit amendment and approval by the City of Chandler.
5. Parking on the property to the east is not permitted until that property develops with a paved parking lot.

J. UP09-0030 HAMPTON INN & SUITES

**Approved.**

Request Use Permit approval to sell beer & wine within a new hotel (Series 10 Beer & Wine Store License) located east of the southeast corner of the Loop 202 Santan Freeway and Price 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 10 license only, and any change of license 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.

K. UP09-0031 HOMEWOOD SUITES

**Approved.**

Request Use Permit approval to sell and serve beer & wine within a new hotel (Series 7 Beer & Wine Bar License) located east of the southeast corner of the Loop 202 Santan Freeway and Price 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 7 license only, and any change of license 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.

L. UP09-0036 VIEN MINH BUDDHIST TEMPLE

**Approved.**

Request Use Permit approval to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District). The property is located at 285 North Comanche Drive, west of Alma School Road and north of Chandler Boulevard.

1. 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 re-application to and approval by the City of Chandler.

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. 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.
4. Building permits shall be filed and issued by the City of Chandler for the home's patio cover, the accessory building, and its patio cover; however, building permits will not be finalized/issued pending the site being in compliance with the maximum lot coverage for the SF-8.5 zoning district regulations.
5. The property shall be in compliance with the maximum 40% lot coverage as defined in the SF-8.5 zoning district.
6. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
7. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
8. Worship services shall occur only within the single-family residence and cannot occur outside. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
9. The site shall be maintained in a clean and orderly manner.

**COMMISSIONER RIVERS** said thank you to the developer of the Candlewood Suites item. Their project went through Design Review committee and they listened very carefully to everything they asked them to do and they used all their suggestions in their new presentation. He said it looks wonderful and congratulated them.

**MOVED BY COMMISSIONER RIVERS**, seconded by **COMMISSIONER KELLEY** to approve the consent agenda as read into the record by Staff. The consent agenda passed unanimously 5-0. (Commissioners Veitch and McClendon were absent.)

**ACTION:**

G. UP09-0023 CAC VERIZON

**Approved.**

Request Use Permit approval to install a 65-foot monopalm wireless communication facility on Lot 13 of the Chandler Airport Center. The subject parcel is located on the north side of Yeager Drive approximately 300 feet east of Cooper Road and immediately south of the Loop 202 Santan Freeway.

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

2. There shall be two live Date Palm trees installed and maintained adjacent to the monopalm. The trees shall be of 25' and 30' in height at the time of planting and shall match the monopalm's appearance.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.

**BILL DERMODY, SENIOR CITY PLANNER**, stated this is for Use Permit approval to install a 65-foot monopalm just south of the 202 and east of Cooper within the Chandler Airport Center. They had a little discussion during the Study Session about the appropriate height. That seems to be the main issue. This would be located in the northwest corner of Lot 13 up against the freeway. The applicant would like the chance to make the case for 65-feet in height. Staff does recommend approval at 65-feet at this point in time.

**CHAIRMAN FLANDERS** asked if there were any questions of Staff on this item. There were none. He called up the applicant.

**CARL TASKES, 1349 E. TODD DRIVE, TEMPE, ARIZONA 85283**, said he wanted to go over why they need 65-feet as opposed to 55-feet. The original location of this site as everyone knows was north of the 202. They are moving it 600 feet away. That distance itself pulls away some of the coverage that they are trying for. He knows in the packet they have the areas they are trying to look in. They have coverage maps of the 65-foot versus the existing coverage that is there. They come across the freeway and they start dropping because of the way the freeway comes through there plus that overpass. There is some height there they are going to have to clear. These propagation maps are also computer-generated models, not real life every day representations of what the in-building coverage is going to look like at the end. He actually talked to the RRF Engineer who is responsible for this site and he feels the 65-feet is really what they need to best serve his objectives along 202 and in the four target areas that are noted on that coverage map. He has a color photo simulation. He said they probably have one in black and white. He showed the photo on the ELMO. He showed the proposed monopalm at 65-feet. He said as they can see, the elevations and everything of the overpass as the 202 cuts under there. It is barely getting over the geography itself at 65-feet. Dropping that another 10-feet is going to have some negative effects on their proposed coverage. There are a few other trees in there that are planted at various locations that are as tall and taller than other their proposed location. They would really like to have it as 65 feet. If it is going to be a yes or no type thing, maybe 60 is the compromise that they come to. He understands there are some aesthetic concerns they have. The location of this particular site along the interstate with the fact that it drops down underneath, he thinks the visual nature of this one is going to be a little more limited than some of the others that are just kind of stuck out there.

**CHAIRMAN FLANDERS** asked Mr. Dermody is the freeway itself in comparison to where this site is higher, lower or the same? Mr. Dermody replied that he is not sure if

it's not that much different. The picture they have up is Cooper Road. Cooper Road is certainly higher. He would have to site verify to be able to answer that question. **CHAIRMAN FLANDERS** said he was curious to see what it is like coming down the freeway because they know they have another situation further to the west along the 202 where is transitions into the 101. That monopalm is right up against the freeway and that is 65-feet.

**MR. TASKES** asked the Chairman if that is the one right behind the hotels? **CHAIRMAN FLANDERS** it is behind the church. The church is on the north side. You can look at it and you can see it. Eventually, what will probably help with that is the palm trees and everything but it is still 65-feet of tower. In some of the other applications for cell towers within Chandler, they were going to the 55-foot with the additional palm trees and that seemed to have worked out really well. He is not understanding why they have to have the additional 10-feet when they are on a freeway interchange where there really isn't any obstruction as far as other landscaping or buildings. It is just wide-open spaces. He is having a little bit of a hard time understanding that. Mr. Dermody, Senior Planner, said the photo before him partially answers the question. This is from the site towards the freeway. They can see the houses that are north of the freeway. It appears to be about the same elevation. **CHAIRMAN FLANDERS** asked so where there is a white line that is going across there, that is the freeway itself? Mr. Dermody said yes or a freeway wall. Mr. Taskes said essentially if they lower the height of this, the northern target 1 and 4, essentially that is what is going to get hurt by dropping the height. These sites can only transmit so far. The lower you go obviously the less distance they cover. Lowering it 10-feet will have some effect on those outer portions. He doesn't have a map that shows the coverage at 55-feet to present them tonight.

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

**VICE CHAIRMAN CASON** stated he had a color map. He asked if the relocation from the previous application that was north of the freeway, if the difference is around 600 feet? Mr. Taskes said yes he thought it was 670 feet. **VICE CHAIRMAN CASON** said they are talking more like 700 feet then. Being 700 feet further south it looks like their coverage area is only going perhaps the maximum of a half mile north of there. If he understands him correctly, just lowering it 10-feet causes them a problem 2000 feet away. Mr. Taskes stated if they look on the map they would see the Norton's Corner site just to the north and Commonwealth just to the northwest. The objective of these sites is not coverage. If you went in these areas, you could probably use your Verizon phone right now. The objective is to provide in-building coverage and capacity for the amount of users that they have now. Because buildings by nature block the signal as it comes, the further away they get the less likely they are to get that in-building penetration that they need so customers can use their phone indoors. That's is why these sites are so close together. It's not just where they are trying to provide general coverage to start. They have coverage and they are trying to enhance it and improve it and make it a little bit better. **VICE CHAIRMAN CASON** asked how large are each one of those pixels? Mr. Taskes said he has no idea. **VICE CHAIRMAN CASON** stated he would venture a

guess of 200 feet. He was looking at one that is sticking out in the middle of the square at McQueen and Pecos.

**COMMISSIONER RIVERS** said on the picture being displayed he has a copy of that labeled 'before'. Is there an 'after'? Mr. Taskes said yes there is. He gave Commissioner Rivers one. **COMMISSIONER RIVERS** said looking at his before and after photo from the north of the freeway, if they lowered that height 10 feet, the actual palm part of the monopalms would be down at the level of the freeway wall. Is that correct? **COMMISSIONER RIVERS** said he was just comparing it to the one next to it, which looks to be about 10-feet short. Mr. Taskes replied that all of those trees are across the freeway. If they went down 10-feet, he would say that the bottom of their palm fronds would probably be roughly at the top of that other tree on the other side. **COMMISSIONER RIVERS** said so visually it would look about like that. Mr. Taskes said yes. **COMMISSIONER RIVERS** asked if there was a freeway wall on the south side of the freeway at that point? Mr. Mayo, Acting Planning Manager, said no there is not one. There is a protective wall at the on-ramp at Cooper Road but it is just a short vehicular. You can't drive over the edge and get down into there. After that he believes is all chain link fence or nothing. **COMMISSIONER RIVERS** asked if there are any residences south of this, correct? Mr. Mayo said that is correct. **COMMISSIONER RIVERS** asked if it is true that this is a commercial center area south of the freeway. Isn't that true? Mr. Mayo said it is a business park. **COMMISSIONER RIVERS** asked are the buildings on that park likely to be 50 feet high? Mr. Mayo said they could be up to 45 feet high since there is no mid-rise overlay except for at that actual intersection of the 202 and Cooper. He believes it is 85 feet in the mid-rise overlay approved as part of the Chandler Airport Center Master plan for a hotel and on either side of the freeway there could be things up to 85 feet tall. **COMMISSIONER RIVERS** stated from past discussions on this subject, the 45-foot height of the building doesn't include the masking of all of the items on the roof. Mr. Mayo stated by practice it would. If there happened to be at the entrance some type of architectural embellishment, sometimes those kick up above the 45 foot. **COMMISSIONER RIVERS** said you could say 45 to 50 feet. If those buildings were in this photograph that he was looking at, they wouldn't pretty much be able to see this thing at all from this vantage point. Mr. Mayo said from a line of site and practicality standpoint, it would be entirely screened. **COMMISSIONER RIVERS** said while it looks like it is sticking out like a sore thumb currently he is not sure. While it is the only thing there and it is very visible and it sticks out like a sore thumb, he thinks once this is developed, which hopefully won't take very much longer, it is not going to be sticking out like this. As far as driving down the freeway, the freeway is depressed at this point, is it not? Mr. Mayo said the freeway is more or less at grade. The only places where it really goes under is at Dobson and down near the Loop 101 interchange. For the most part it is more or less at grade. It has a few little v's in it for drainage reasons. **COMMISSIONER RIVERS** stated McClintock is 19'6" down. Mr. Mayo said that is correct as you go farther west. Out here in the east it is more or less at grade. **COMMISSIONER RIVERS** asked that below this bridge there has to be at least 16 feet before the road bend. Correct? Mr. Mayo said correct. At this point, the drivers are

down below grade. They are not going to see this tree at all. Mr. Mayo replied that actually at this point they are pretty much at grade. **COMMISSIONER RIVERS** stated they are 16 feet below the bridge in this picture. Mr. Mayo replied that is correct but that bridge goes up over the freeway. That bridge is Cooper Crossing not the road. That is not the freeway; it's Cooper going over it. **COMMISSIONER RIVERS** asked how much of the tree does he think they are going to see from the road? Is it going to stick up very blatantly and it is going to be real close to the freeway or what? Mr. Mayo said if you were heading westbound, you would see it. There is nothing in your field of vision. If you are coming eastbound, more than likely the Cooper Road Crossing will screen that visibility. **COMMISSIONER RIVERS** said as far as the residents are concerned, they are going to see what he is looking at in this 'after' picture that is showing the freeway bridge. From the southern side there are no residences and when the commercial portion is built out here, they are not going to see this thing at all, even at 65 feet.

**CHAIRMAN FLANDERS** asked Mr. Dermody that on the north side of this everything is developed out, isn't it? There is single story and two-story residential. Mr. Dermody said the residential is all built out. The northwest corner of 202 and Cooper is a vacant site. **CHAIRMAN FLANDERS** asked what that is designated for? Mr. Dermody said that will probably be commercial of one kind or another. It is eligible for consideration for commercial and they have had an application in their office for that which is not moving forward at this time. **CHAIRMAN FLANDERS** asked if there was anything that would be a mid-rise overlay or a shopping center/office? Mr. Dermody said it is possible that there would be a mid-rise overlay. It is tough to predict what uses there would be at this point because none of them are feasible today. **CHAIRMAN FLANDERS** stated as he has said before, coming down the freeway he is not seeing anything within this package that would show that view. He understands what is going on here. He is trying to get a good idea from the applicant why it couldn't be 55 feet. They have indicated that he is willing to go to 60 feet. What is the difference between five feet then? Mr. Taskes said these maps are never going to show that. These are computer generated models. In the real world that might be the difference between an extra set of customers that live in the far end getting in-building coverage and not. He couldn't tell you standing there what it is going to do, but five feet will make some difference. Ten feet will make some difference.

**VICE CHAIRMAN CASON** asked if he could tell him the sites that they have looked at that are west of this? Mr. Taskes replied that they did take a look at the location of the two existing Auto Park signs and then there are a couple marquis signs that are there for the mall at the next intersection. **VICE CHAIRMAN CASON** said those would be east. Mr. Taskes said he was right he needed to go west. Mr. Dermody said he could answer that since he has been through this with the applicant. To the west there were no verticality's to consider. Just slightly west, but more south is an existing monopole at the National Guard site. That is the closest thing to being west of here. If you go almost a mile northwest, there is the water treatment plant on the south side of Pecos and that was deemed to be outside of the search area. **VICE CHAIRMAN CASON** said what he was curious about was some of the other areas that were in the industrial park. The reason he

was asking is that because it looks like if you shift it a little bit to the west, you could possibly get better coverage in that area they are having trouble with if they drop down 55 feet. He was just curious if they could move that. He doesn't know if they would gain anymore – if you got close to the canal, you would probably gain 2 or 3 feet. He doesn't know if that is the best place for it. All he is saying is that has he looked at anything west to see if they could get better coverage over that. It looks like everything in his target 3 area would be covered even if they did shift west. It looks like it is more of a target 4 area that is causing them problems. As a matter of fact, it looks like even at this rate they are still going to have a problem over there. The fact that they are 10 feet shorter – is this really going to solve their problem in that area because even at 65 feet they still have coverage problems in that target zone. Has he really found the best place or is it just because it is just south of where they were at or could they go a little bit further west?

**MR. TASKES** replied that when they originally researched this site almost a year and a half ago, they looked at the property that is on the northwest corner (the one that is undeveloped). At that time they had said they don't know what they are doing with it. That is when they went to the ADOT property. They did preliminarily research at all of the properties that are in Chandler Airpark and were originally told no, there is nothing there that can be leased. When they presented the ADOT property, they were asked by City Council to look south. They went back through all of those parcels. The parcel that they have is the only one that would agree to lease this. They did talk to those guys on the west side of the interstate and they weren't willing to do anything. This was the only option.

**COMMISSIONER HARTKE** said in looking at this map, do they know the height at Norton's Corner and Commonwealth? Mr. Taskes said the site at Commonwealth, the RAD center is 55. If you flick back one page, it shows the depicted cell location that tells you what the RAD center is. He doesn't know if they are co-located on that or if that is their pole. But their RAD center is 55 feet there. The only one he knows for certain is Norton's Corner and that is a monopalm and that is theirs. That is a 52-foot RAD center so that is a 55-foot monopalm.

**CHAIRMAN FLANDERS** asked the audience if there was anybody that would care to speak in regards to this item. There was none. He stated that if the applicant doesn't have any additional items that he would like to discuss, he would go ahead and close the floor for discussion and motion. He said he would be interested to see what the other Commissioner views of this are – 55 feet versus 65 feet.

**COMMISSIONER RIVERS** said he thinks that the applicant has done what they were requested to do after their location north of the freeway was turned down. They have moved to the south side of the freeway, which is what they were asked to do. He doesn't think looking at their exhibits that this is going to be a visual problem. He thinks it is something new that they will be looking at and he thinks these things are appearing not only within our city but also all over their state. He doesn't think the 65-foot height is an

issue as compared to say 60. He doesn't think five feet either way is going to make that much of a difference. He knows the palm fronds have to go up from where their control center is. That being said he would like to make a motion to recommend approval.

**MOVED BY COMMISSIONER RIVERS**, seconded by **COMMISSIONER HARTKE**, to approve UP09-0023 CAC VERIZON subject to the conditions recommended by Staff.

**VICE CHAIRMAN CASON** stated he is kind of sensitive about the height as well but what always ends up messing with them when it comes to these palms is that the RAD height is always so much less than the height of the pole. In this particular case if it wasn't a palm, then 55 feet would probably be appropriate. But if it gets down to 55 feet then they are looking at the actual height of the towers which is considerably less and it would actually be a lot less than anything else on this list; especially when you consider the actual height of the antennas or the center of the antennas of this site compared to the rest of them is actually lower than any of them. If these statistics are accurate, then he doesn't think the tower would work at all if they came down to 55 feet. It would put them in a situation to where they would have to listen to another application for a new pole in an area where they get a whole bunch of these and they are starting to run out of places to have them. Up around Chandler Boulevard and Cooper they have had several around there and Cooper Road seems to be a real big place for towers these days. He can appreciate the height in the fact that he is going to see it all of the time when he is on that section of the freeway. He guesses in this case from a technical standpoint he doesn't know that they could lower it anymore for it to do any good.

**COMMISSIONER KELLEY** stated he had just one comment. He is not sure what anybody else thinks about this. When these towers get to be a certain height and they add the palm fronds, it becomes this unnaturally high palm tree. It just seems so out of place. He was wondering if they would be better off just doing the tower without the palm fronds. Does anybody have an opinion about that?

**CHAIRMAN FLANDERS** said he thinks he would rather see a monopalm than a regular cell tower even though they know what it is. He would prefer that or a pine tree. He thinks a pine tree is a little bit out of place as a result of the developments in the adjacent area and the overpass and that treatment with the palm trees.

**VICE CHAIRMAN CASON** asked Staff if the multi-story buildings around there are 45-feet at the top of the parapet? Mr. Mayo said yes they would be since there is nothing really around it at this time. Directly west of this site it is permitted for consideration of buildings up to 85 feet tall as part of that mid-rise overlay included with the Chandler Airport Center, but there is nothing there today. The existing buildings southeast of it and then on the west side of Cooper he thinks that is the OPUS building – those are in the 40 to 45-foot high range. Most of them are a single-story with just a very tall clear height – industrial buildings and office buildings, but they do 2<sup>nd</sup> floor mezzanine. They can go no taller than 45 feet. They are in that 38, 40 to 45 foot tall range. **VICE CHAIRMAN**

**CASON** said sometime in the future when they have taller buildings there then they might have an alternative to poles, but that certainly won't help them today.

**COMMISSIONER HARTKE** said he thinks he is just sensitive to this case because he remembers both at P & Z and City Council what was asked of them and he thinks they have done what was asked of them in terms of relocating and making it work that came from Council last year.

**CHAIRMAN FLANDERS** asked Staff what would be the site across the freeway, what was the height of that? Mr. Dermody answered that was proposed at 55 feet. **CHAIRMAN FLANDERS** asked if there was any indication from Council that they would o.k. a 65-foot palm if they moved? Mr. Dermody said he doesn't remember height being mentioned – just the fact that they moved south of the freeway. **CHAIRMAN FLANDERS** said what was approved through Planning Commission and suggested to City Council would be in keeping with moving across the freeway and also maintaining that 55-foot height. Mr. Dermody said that would be true although it was his sense that Council did not think to much about that and trusted the process and Planning Commission coming back forward the next time to take care of any issues, like the height and design. **CHAIRMAN FLANDERS** said what he would like to do is see if the motion maker and the second would agree to a stipulation to restrict the monopalm to 60-foot. They have already heard from the applicant that he would be agreeable to that.

**COMMISSIONER RIVERS** said he wanted to address Commissioner Kelley's question. As someone who has what must be a 60-foot cell tower totally undisguised near his home, the monopalm is lots better. He has seen both of them up close and if he had a choice that is what he would go for. As far as their Chairman's request, he said he would like to take a vote on the motion the way it is and then if that fails, they can look at changing to the shorter height and maybe someone will make a motion that way.

**GLENN BROCKMAN, ASSISTANT CITY ATTORNEY**, stated essentially he wants to vote on the motion. If the motion fails, then another motion can be made.

**CHAIRMAN FLANDERS** said he had a motion to second (Commissioner Hartke) for approval of UP09-0023 CAC VERIZON. The item passed 3-2 as suggested by Staff (Commissioners Veitch and McClendon were 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 September 2, 2009 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT  
The meeting was adjourned at 6:06 p.m.

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Michael Flanders, Chairman

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Jeffrey A. Kurtz, Secretary