

Meeting Minutes

Design Review Committee

Regular Meeting

December 7, 2022 | 4:00 p.m.
Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 4:00 p.m.

Roll Call

Committee Attendance

Chairman Rick Heumann
Vice Chairman David Rose
Committee Member Erik Morgan
Committee Member Sherri Koshiol
Committee Member Michael Quinn
Committee Member Jeff Velasquez

Staff Attendance

Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Ben Cereceres, City Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Absent

Committee Member Kyle Barichello

Discussion

1. **PLH22-0005 Crown Castle Wireless**

Request Use Permit approval to install a wireless communication facility. The property is located at 2055 S. Stearman Drive at the southeast corner of Germann Road and Stearman Drive.

CHAIRMAN HEUMANN welcomed everyone to the Design Review Committee meeting and clarified this is not a voting situation and the Item on the Agenda this day is for discussion only. He explained this meeting is a chance for the Applicant to get some ideas from the Committee and staff in terms of what they are looking for, then the Applicant can take that under advisement and design accordingly before coming back for a Planning and Zoning Hearing. He reminded the Applicant if this is not up to standards the Planning and Zoning Commission, they can continue this item again.

BEN CERECERES, CITY PLANNER gave a brief presentation regarding the request Use Permit approval to install a wireless communication facility. He stated the property is located at 2055 S. Stearman Drive at the southeast corner of Germann Road and Stearman Drive. He further stated the City Code and FCC requires a use permit for wireless communication facilities that are not co-located. He pointed out the site location and stated they are proposing a broadleaf tree with the total height being 80-feet for three carriers. He presented elevations of the current site and changes. He stated staff recommendations are to reduce height from 80-feet to 65-feet as all approved facilities are at a maximum height of 65 feet measured to the top of the antennas and modify the design of the tree to appear more natural and as the proposed is visually obstructive and resembles a pipe cleaner. He presented an inventory of structures within a two-mile radius of the property and advised of their height and location. He explained staff has been processing quite a few of these facilities, but there are none currently built within the city of Chandler to show what these will look like in real life. He presented statements regarding public outreach and notification, he stated staff is not aware of any opposition to request. He explained staff's recommendation are to continue this item to the January 18, 2023, Planning and Zoning Commission Hearing for review.

COMMITTEE MEMBER asked what is driving the extra height and if it is the third carrier?

BEN CERECERES, CITY PLANNER would like to refer that question to the Applicant.

DECLAN MURPHY, APPLICANT introduced himself and gave background information as to his perspective. He explained he has been working on wireless sites for over twenty years and has assisted different jurisdictions by giving feedback from an industry standard. He stated the primary reason for the height is to address T-Mobile's gap in service. He further stated because the tower is located further into the property for aesthetic reasons, they are not able to get as much bang for the buck as they would if this site was closer to Germann Road. He stated a significant reason for the height is that Chromecast who owns the property is interested in this type of site and height.

COMMITTEE MEMBER MORGAN asked if they have the technology to make the site look more tree to at least cover the antennas.

DECLAN MURPHY, APPLICANT replied absolutely and stated there is an image he would like to show the Committee. He stated the City of Chandler's ordinance is slightly outdated compared to other jurisdictions, as monopalms were good stealthing options in the past, but now due to technology shifts, the antennas are larger, and carriers need large radios near the antennas. He explained the monopalms fronds once concealed the smaller antennas, but they are no longer able to cover the radios and larger antennas. He further stated this design also restricts access to the tower and limits the amount of equipment and fronds that can be mounted.

COMMITTEE MEMBER MORGAN stated the equipment sticks out on monopalms and they are not concealing much or anything.

DECLAN MURPHY, APPLICANT presented the Committee with images of monopalms from around the East Valley. He stated the first image is from Cooper Road and the San Tan Loop 202, he pointed out the equipment is not concealed and a typical carrier like T-Mobile would not be able to use this site due to the size of their equipment. He presented another image from Queen Creek and stated these are single carrier sites and they have three or four monopalms together because they are using a monopalm instead of newer designs. He explained this is not good for the carriers, neighborhood, or jurisdiction as the equipment is still visible and they need to have multiple sites because of the use of monopalms. He presented an image of a pine tree site and stated this is not what they are proposing, as it would look odd, and it has a cleaning brush effect. He presented an image of a broad leaf site and stated this configuration appears to be the best option to conceal three carriers as they can use antenna sleeves with leaves to conceal the equipment. He explained at the proposed site, they have many options with a broad leaf including branch configuration and color. He stated this is a better option to carry multiple carriers and work with staff.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY asked how tall is the broad leaf site in the image presented.

DECLAN MURPHY, APPLICANT stated this site is approximately in the 60-foot range, but he is not sure of the exact height as its common to be 10 feet to 15 feet off. He further stated on paper the difference of 65-feet and 85-feet sounds like a lot but in person, one cannot tell the difference. He mentioned with the branches a broad leaf will not look as tall as a narrow pole monopalm.

CHAIRMAN HEUMANN stated one can tell the difference when there is a 45-foot building next to the wireless site, especially when the site is 15-feet to 20-feet above the building. He further stated when there is nothing else around the site, it stands out and looks like a beacon. He asked staff to present the image of the 80-foot proposed site and explained it will be standing so far from everything else out there and that is a challenge. He further stated he has also has twenty years of experience with these and due to the City standard of 65-feet and we have tried to come up with lots of things over the years like putting extra palm trees next to them, but the height is usually biggest challenge. He explained if there were a bunch of mature pine trees in this area it would not be an issue because the site would blend, and mentioned the three single site monopalms in Queen Creek almost looks more natural than just one.

COMMITTEE MEMBER VELASQUEZ stated color is also a factor in this. He presented statements regarding the images as they look very lush like the tree belongs in the Willamette Valley. He recommended tint on the leaves and branches to be more sundrenched as trees in this landscape are more yellow green or olive color. He further stated if a broad leaf is chosen the coloration

needs to appear more desert adapted. He appreciated the Applicant tucking the site away from the streetscape and mentioned once the trees grow, they will provide screening.

CHAIRMAN HEUMANN asked if there is an image of the trees and what their eventual height will be.

COMMITTEE MEMBER QUINN asked how far away the site is located from drivers on Germann Road. He explained if there is something 80-feet tall but 700-feet away, they are not going to notice the difference between 65-feet and 80-feet in height.

DECLAN MURPHY, APPLICANT stated the site is 524-feet from Germann Road.

CHAIRMAN HEUMANN asked how far is the site away from Gilbert Road.

DECLAN MURPHY, APPLICANT stated he does not have that information, but it is further than the distance from Germann Road due to where it is positioned.

VICE CHAIRMAN ROSE asked if the height has been approved by the airport.

DECLAN MURPHY, APPLICANT stated it was approved as 80-feet is the max.

COMMITTEE MEMBER KOSHIOL asked if that was the FAA clearance.

DECLAN MURPHY, APPLICANT replied that is correct.

CHAIRMAN HEUMANN stated the Applicant is facing a combination of challenges, the city's maximum height is 65-feet and while he appreciates the applicant putting the location further back, but there are a couple of things that need to be worked on. He further stated the Applicant is working with staff, but the look of the tree needs to be improved. He presented concerns that once the door is opened on increasing the height, it sets a precedence for the rest of the city and asked the Assistant City Attorney to elaborate.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY stated something to consider is that under federal law once a tower is established, they have a right to co-locate an additional amount above that, so we can start with an 80-foot pole and by right they can add another 20-feet and we cannot do much to prevent that.

DECLAN MURPHY, APPLICANT asked the Chairman with an approved 65-foot height, could they add that much height.

CHAIRMAN HEUMANN replied, yes.

DECLAN MURPHY, APPLICANT asked if it was easier to start with 80-feet in height.

CHAIRMAN HEUMANN responded if 80-feet were approved than it could be 100-feet.

DECLAN MURPHY, APPLICANT stated there is assurance that we will not go over 80-feet due to the location being so closed to the airport.

CHAIRMAN HEUMANN reminded if 80-feet is approved than a precedence is set and for the rest of the city. He stated this is a city standard they are do no wish to set a precedence lowering that standard.

DECLAN MURPHY, APPLICANT stated there is an exception in the ordinance that supports the co-location of two or more service providers and states the maximum height of the facility shall not exceed 85-feet.

CHAIRMAN HEUMANN stated that is the 65-feet plus the 20-feet versus the 80-feet plus the twenty.

KEVIN MAYO, PLANNING ADMINISTRATOR stated he believes that section of code was intended more for industrial areas, he further stated the intention was to put limits on what can be done administratively in industrial areas.

DECLAN MURPHY, APPLICANT stated they are trying to do the right thing. He explained they are proposing an expensive multicarrier site and located it far from residential and they are attempting to conceal them better by using the broad leaf than using three standard monopalms. He further explained that next to Chandler, Scottsdale has the most stringent wireless ordinance and they have approved their first project this year to get away from monopalms. He stated they are attempting to use the latest in stealthing and within the past five years there more options available. He further stated they can change the colors of the leave, the color of the bark, and placement of the branches. He mentioned the difference between 65-feet and 80-feet is difficult to identify, even for himself who sees these sites on a regular basis. He explained an 80-foot broad leaf tree has not been approved here before, but this one could be the exception with good design and collaboration.

CHAIRMAN HEUMANN asked the Assistant City Attorney, hypothetically if the height was allowed and could a stipulation be added to state they cannot go higher than the 80-feet.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY responded Federal Communications law is very complex and not an area he normally practices in, but from his understanding that would not prevent it because federal law would have authority. He explained if they have a tower there, they can co-locate, there would be a fight over whether the additional 20-feet disrupts the stealth nature of the original design and that might not be a fight that the city wants to get into.

CHAIRMAN HEUMANN thanked the Assistant City Attorney for clarifying and stated if 80-feet was approved it would set a precedence for 100-feet. He stated they would not be able to add a stipulation to say no more than 80-feet or it would allow 100-feet, especially if it ownership was changed.

DECLAN MURPHY, APPLICANT reminded that due to the proximity to the airport they would not be able to go higher than 80-feet. He stated they would not be able to sell this tower because it located at their corporate headquarters and further stated if there was a way to cap it at 80-feet, they would be happy with that.

CHAIRMAN HEUMANN stated the meeting this date is just to discuss the item and give ideas and feedback for the Applicant to go back and work with. He further stated we have had feedback from the Assistant City Attorney and my recommendation would be to work with staff and come back on January 18, 2023 with good ideas that make sense.

COMMITTEE MEMBER QUINN explained he works in different jurisdictions country-wide, and it is not unusual to have projects that can only be built so high along the road, but when moved further away from the road it is allowed to be higher. He asked how difficult it would be, to say this is an appropriate place for 80-feet in height if 500-feet away from the road, then 70-feet in height for 300-feet away etc., he stated it seems like that is a normal planning and zoning standard that comes up in design projects. He explained he sees these kind of standards in his line of work regarding mass lighting projects.

KEVIN MAYO, PLANNING ADMINISTRATOR explained in Chandler, height has always been very protective and focused on. He stated there is a mid-rise overlay requirement in the ordinance that anything taller than 45-feet from a building standpoint, requires a pause and a higher level of community, Commission, and Council awareness and input. He further stated Chandler even doubles the distance require for notification on mid-rise overlay. He explained as you tier away from homes, height can be increase and that is normal in terms of the buildings. He further explained from the telecommunication side of it, when they first started coming around, we had more jurisdictional discretion and federally things got taken away from cities due to public safety concerns. He stated aesthetics is the one thing left to jurisdictional discretion. He further stated early stealth technologies have half the palm fronds ripped out during the monsoons, then they are not good stewards and only replace a quarter of the missing fronds. He further stated the broad leaf does a better job with concealment, but the antennas seem to go in opposite of normal technology and instead of getting smaller they are getting bigger and taking more space. He explained, I agree that monopalms are no longer effective, but at the time that was the technology. He further explained we would measure monopalms against a reasonable palm tree to determine what was natural and 65-feet was as tall as we could get as the natural palm trees would be 15-feet shorter. He stated others have tried to propose 80-foot towers and made similar statements, but aside from industrial, our code does not have language in it that gives a location with these descriptive clarifications. He further stated it could be something to consider in amending the

code to add tiered setbacks. He explained we do not currently have that, but once we do it becomes precedent, and it is difficult to deal with. He further explained since the federal government has started taking away our discretion as to telecommunications, we have been messing with the building side of it more than the communications side.

CHAIRMAN HEUMANN mentioned it has been challenging and they have tried several things over the years, including planting palm trees next to the monopalms. He pointed out with technology everything is faster and smaller but in telecommunications its getting taller and bigger. He asked the Applicant if they have a better feel for what the Planning and Zoning Commission and staff is looking for.

DECLAN MURPHY, APPLICANT replied yes and stated another challenge discovered with mono-palms is they do not stand up very well to UV and wind. He explained they do not hold up well to weather and that is a problem with that type of fixture.

CHAIRMAN HEUMANN stated the quality is in the people who maintain them and gave an example of a monopalm amongst real palm trees along Price Road, where they had to keep replacing real palm trees because they were not getting water. He further stated they finally figured it out to stay on top of them because we told them, this is what you must do to make it look aesthetically pleasing. He explained this is part of Chandler's standards of sustainability and it's important that 20 years from now it still looks good. He stated if you have good direction that was the point of the meeting this date.

DECLAN MURPHY, APPLICANT stated they are not advocating the City of Chandler to approve 80-foot broad leaf trees everywhere as every site is different, with different circumstances, but he does not see how this sets a precedent.

CHAIRMAN HEUMANN stated unfortunately it does and the Assistant City Attorney attests that it does. He explained we do not have standards like Kevin and Committee Member Quinn mentioned earlier with consequence point, so we must work with what we have to come up with the best solution. He further explained the Planning and Zoning Commission is only a recommending body to City Council, but they try to do the best job to get things right before it goes to Council because they are not city planners.

KEVIN MAYO, PLANNING ADMINISTRATOR summarized direction received; that the committee is not opposed to looking at an alternative to the monopalm, but work needs to be done on the color and branch configuration to make it look more natural. He further pointed out with the federal allowance to go 20-feet above, 65-feet in height could go up to 85-feet, but they would not be able at this site due to the FAA restriction. He asked the City Attorney if there was something they could do as this automatically goes through these two processes. He pointed out there is an 80-foot cap and if that is something we know, should that be entertain now and let it be done, so it does not have to worked out again with the design.

CHAIRMAN HEUMANN stated 20-foot is allow and however it is written up is up to staff and the Applicant. He further stated he would like there to be stipulations to ensure quality is maintained at the site and this would need to go through Airport Commission to verify FAA regulations in case there is no regulation on the height.

KEVIN MAYO, PLANNING ADMINISTRATOR thanked the Committee for their direction and stated the Applicant and staff will follow up with the Airport.

Adjourn

The meeting was adjourned at 4:37 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman