

**CITY OF PHOENIX
PLANNING COMMISSION MINUTES
FOR REGULAR MEETING - MONDAY, MAY 13, 2013**

NOTE: The SONY digital recorder was not on until Commission deliberations on Item IV.A regarding a condition of approval requiring that security lighting at the communications facility site be downward illumination that will not spill outside the communications facility site boundary.

I. CALL TO ORDER/ROLL CALL/INTRODUCTION: Chairman Summerhays called the Planning Commission meeting to order at 6:30 p.m. In attendance were Chairman Micki Summerhays, Vice Chairman David Lewin, Commissioner George "Ike" Eisenhower, and Commissioner John Wallace. Absent was Commissioner Judy Grillo. There was a quorum. Staff in attendance was Dale Schulze, Planning Director.

II. CHANGES TO THE AGENDA: None

III. APPROVAL OF MINUTES: There were no draft minutes for Commission review.

IV. NEW BUSINESS:

A. Verizon Wireless Services Major Modification of CUP97-2 and SP97-3 – Public Hearing (File Number MAM13-01)

NOTE: During staff presentation and Commission questions on Item IV.A, Commissioner Judy Grillo arrived at the meeting at 6:55 p.m. Chairman Summerhays asked Commissioner Grillo not to participate in the deliberations on this item since she missed part of the presentation.

Chairman Summerhays made introductory remarks regarding conduct of the public hearing as a Type III Procedure (quasi-judicial) consistent with Phoenix Land Development Code 4.1.5.D entitled **Conduct of the Public Hearing**. Chairman Summerhays asked the Planning Director to make his staff report.

Mr. Schulze stated that the request is to modify AT&T Wireless plans (Final Plan Check 12-9-1997) entitled PHOENIX CELLULAR SITE to allow Verizon Wireless LLC to co-locate its wireless communications facility at the AT&T site. The AT&T

Wireless communications facility has been constructed in a 50' x 50' leased area at 4401-A S. Pacific Highway, Map Number 381W15B, Tax Lot 800-A1. The communications site is adjacent to and on southeasterly side of a long driveway that is part of city-owned land for Blue Heron Park, Map Number 381W15B, Tax Lot 300. The communications site is within the C-H, Commercial Highway Land Use District. The Comprehensive Plan designation for the communications site is Commercial. On July 28, 1997, the Planning Commission approved Conditional Use Permit 97-2 and Site Plan Review 97-3 with seventeen conditions of approval.

According to the Verizon Wireless MDF PHOENIX set of drawings for MAM13-01, the existing improvements on the communications facility site consists of a 121-foot height steel, painted monopole; AT&T panel antennae at top of monopole, vertically extending to 124' above grade; 8' x 24' AT&T equipment shelter; 41' x 45' security fencing enclosure and double-swing access gates to city-owned driveway; power pole, meter, and overhead power line; coaxial cable ice bridge from shelter to monopole; landscape buffer inside the security fencing on the NE side, but plant specie(s) not indicated on plans; and paved parking area for vehicles.

Verizon Wireless is proposing per plans, application, and March 1, 2013 cover letter by Ed Fournier of Land Services Northwest to co-locate wireless antennae on existing monopole under the AT&T panel antennae, vertically extending to 103' and 104' above grade and painted to match the monopole color; erect a second power pole, meter, and overhead power line; install pre-fabricated 12' x 26' equipment shelter with internal generator and flush louvers for generator venting; install ice bridge between new equipment shelter and existing monopole; and replace landscaping on NW, SW, and SE sides to the conditions reflected in original approval. Mr. Fournier's letter stated that the original approval was for 5-gallon photinia to be planted 5' on center.

The Verizon Wireless proposal requires a Type III procedure which is a major modification of approved plans because the new equipment shelter will be 62.5% larger than the existing AT&T equipment shelter. The limit for a Type II minor modification procedure is 10% larger than the existing equipment shelter. Modifications of approved plans and conditions of approval are regulated by Phoenix Land Development Code Chapter 4.6. Planning Commission review of the proposed modifications is limited in scope to the modification request, and subject to the approval criteria used for initial project approval. Mr. Schulze added that although current Phoenix Land Development Code Section 3.10.1 contains design standards for wireless communication facilities, those standards do not apply to this review and approval.

Public Hearing Chairman Summerhays opened the public hearing. Ed Fournier of Land Services Northwest and Project Manager, P.O. Box 302, Bend, Oregon 97709 testified. Mr. Fournier stated that structural review of the monopole is underway to make sure that the Verizon Wireless antennae can be accommodated on the monopole and withstand loads per Conditions 2 and 13 of CUP97-2 and SP97-3. He was not sure if the exterior of the pre-fabricated equipment shelter would have an anti-graffiti sealer per Condition 3 of CUP97-2 and SP97-3, but security for the site should prevent graffiti activity. Mr. Fournier stated that the shelter exterior would be river rock style that would be painted to match the exposed river rock exterior of existing shelter. He mentioned that there is a 5' buffer either inside or outside the perimeter security fencing. Mr. Fournier stated that the equipment shelter will be pre-fabricated according to engineering design and made available from any one of several Verizon suppliers. He explained that an ice bridge is cold weather protection for cables. He emphasized that there are priorities for location of new wireless facilities on existing facilities, and co-location is the highest priority. Mr. Fournier explained that there will be an emergency diesel generator and batteries in the new shelter. The generator would be run approximately ½ hour per week including an air conditioner fan. He said that the generator noise would be equivalent to a diesel truck inside the building. He stated that there will be exterior lighting with motion sensor for the new shelter. Mr. Fournier said that there are several hazardous materials placards on the existing equipment shelter and would be on the new shelter, but these shelters are very secure.

There was no other testimony. Chairman Summerhays closed the public hearing.

Commissioners' Deliberations: The Commission reviewed the 17 original conditions of the July 28, 1997 Planning Commission approval of CUP97-2 and SP97-3. The Commission considered staff's eight recommendations and the picture of a Verizon equipment shelter that Mr. Fournier provided as an example of a typical shelter in a May 7, 2013 e-mail included in Attachment 5 of staff report. Applicant proposed to meet all outstanding conditions of the original approval.

Commissioners agreed that Conditions 3 and 4 should be modified to require that the exterior finish of the new equipment shelter be as shown in Mr. Fournier's example, and the exterior color shall match the color of the AT&T equipment shelter.

Commissioners discussed whether to remove Condition 7.b that requires a drip irrigation system on an automatic timer for the perimeter landscaping. Commissioner Wallace thought it was a condition that should remain.

Commissioner Lewin thought that whoever maintains the communications facility site should determine a method of watering, such as by tanker truck. The Commissioners decided to remove Condition 7.b of Condition 7.

Commissioner Wallace asked Mr. Fournier what was the landscaping, and Mr. Fournier said that the AT&T landscape plan showed *Photinia fraseri* at 5' on center and 5-gallon container size. Commissioners decided to modify Condition 7.a regarding a dense hedge to be planted on the outside of the fenced area to create a landscape screen. The modification was to require that landscaping be planted, maintained, and replaced if necessary. There was discussion whether there was water on the communications facility site. There also was discussion as about landscaping inside or outside the perimeter. Mr. Fournier clarified that there is Photinia on the inside of the fence on the self-storage side, and it has grown, survived, and creates a dense hedge. Commissioner Eisenhauer added that whether on the inside or outside of the fence, Photinia will create a dense hedge.

Commissioner Lewin asked if Photinia is a good choice. Commissioner Wallace said that it is a good choice for this climate zone. Mr. Schulze asked the Commission if the requirement is for a dense hedge on all sides [The AT&T landscape plan only shows Photinia planted along the southeasterly and southwesterly sides.] Commissioners affirmed.

The Commission agreed to delete Condition 15 regarding a garage structure that did not conform to Zoning Ordinance. However, Commissioners directed staff to contact the property owner and check the garage for compliance with Phoenix Land Development Code.

MOVED BY COMMISSIONER EISENHAUER TO APPROVE THE REQUEST FOR A MAJOR MODIFICATION OF THE AT&T WIRELESS COMMUNICATIONS FACILITY PLANS BY THE ADDITION OF VERIZON WIRELESS COMMUNICATIONS FACILITY PLANS, AND MODIFY THE SEVENTEEN CONDITIONS OF APPROVAL OF CONDITIONAL USE PERMIT 97-2 AND SITE PLAN REVIEW 97-3 BY: A) CHANGING CONDITION 4 TO REQUIRE THAT THE EXTERIOR COLOR OF THE VERIZON WIRELESS EQUIPMENT SHELTER BE COMPATIBLE WITH THE EXTERIOR COLOR OF THE AT&T EQUIPMENT SHELTER; B) REMOVING CONDITION 7.b, BUT ADDING TO CONDITION 7.a THAT LANDSCAPING BE PLANTED OUTSIDE OR INSIDE THE FENCED AREA, MAINTAINED, AND REPLACED IF NECESSARY; C) DELETING CONDITION 15; AND D) ADDING A CONDITION OF APPROVAL REQUIRING THAT SECURITY LIGHTING AT THE LEASED SITE BE DOWNWARD ILLUMINATION THAT WILL NOT SPILL OUTSIDE THE 50' X 50' LEASED SITE BOUNDARY, SECONDED BY

COMMISSIONER LEWIN, AND UNANIMOUSLY PASSED WITH COMMISSIONER GRILLO ABSTAINING.

V. OLD BUSINESS: None

VI. PUBLIC COMMENTS: Ian Horlacher, Senior Planner, Oregon Department of Transportation, 100 Antelope Road, White City, Oregon 97503, spoke about where the Department is on the Phoenix Transportation System Plan (TSP) Update. He said that he believed that the City adopted its TSP in 1999, and some minor amendments since then. He said that the plan needs update to comply with revisions in the state's Transportation Rule, as well as updating the city's street system plan, goals, policies, and objectives for the next twenty years, especially as it pertains to the city's downtown. Mr. Horlacher said the Department went out for an RFP, and there were several consultant teams that responded. He mentioned that Dale Schulze was part of the consultant selection team, and overall the team chose David Evans and Associates because of their presentation and they had been working on the Oregon 99 Corridor Plan which coincides with the TSP. Mr. Horlacher said that at this point, they have been going through the scope of work with the City of Talent which also is doing a TSP update, and revising the cost to a point where the Department is comfortable with the cost and the level of effort that the Department is going to get out of that. He said that they have not yet issued a notice to proceed with David Evans and Associates, and conferencing with Dale regarding the level of expectation.

Mr. Horlacher said that the Planning Commission probably would serve as the citizen advisory committee, which would be his recommendation to Dale. Chairman Summerhays responded that Commissioners have done that before. Mr. Horlacher said that a Commission works better for citizen input than a separate citizens advisory committee which was done for the Oregon 99 Corridor Plan, although he said that the Phoenix citizens advisory committee had more participation than Talent.

Mr. Horlacher stated that he knew it had been a long process, and awarded last fall (late September, early October), but it has been an ongoing process as the Department has been going back and forth with the scope of work and level of effort. He said that they wanted to be responsible for the dollars that they receive from the state and federal government.

Commissioner Lewin said that since Phoenix had an active Urban Renewal Agency, he wondered if the agency would be part of the citizen advisory

committee. Mr. Horlacher said that he would not have a problem with that, although he suggested that Urban Renewal be part of a Technical Advisory Committee. Chairman Summerhays said that the way the Planning Commission has done it is to have a citizen advisory committee meeting prior to the Commission meeting.

Mr. Schulze said that he talked with Ian Horlacher about this effort would satisfy the State Transportation Rule and enable Phoenix to get the extra step as far as towards the regional plan as well. Mr. Horlacher responded that the consultant would be looking at the city's urban reserve areas and the 20-year time frame, so some recommendations that come out of that and future analysis for efficiencies, goals, objectives, and policies between the technical advisory and citizens advisory committees. Chairman Summerhays asked if it was the 20-year or 50-year. Mr. Horlacher responded that it is 20-year, but it would incorporate and acknowledge the 50-year. He said that there would be technical advisory, citizen advisory, a couple of open houses, and presentations to the Planning Commission.

Chairman Summerhays asked how long the process was scheduled to take. Mr. Horlacher said 12-15 months, depending on any issues. Mr. Horlacher said that if the Commission has any questions about the TSP Update, Oregon 99 Corridor Plan, or Fern Valley Interchange contact, he said that Dale has his contact information.

VII. COMMENTS FROM COMMISSIONERS: Commissioner Lewin said that at the last Urban Renewal meeting (April 29, 2013 Joint Study Session on Proposed Urban Renewal Boundary Modification), he and Chairman Summerhays thought that there should be additional areas to the south and southwest in the Hilsinger Overlay that was not shown on the Land Use Districts Map. He asked Mr. Schulze if he had a chance to check that out. Mr. Schulze said that he did not have a chance. Mr. Schulze asked if it was a separate map amendment so that he would know where to begin his research. Mr. Lewin said that the first area was to the east of Hilsinger Road between Pacific Lane and Camp Baker Road. His recollection was that when the area was annexed from the urban growth boundary, those who requested the annexation asked that it be brought into the Hilsinger Overlay. He said that he could visualize that discussion at the hearing.

Mr. Lewin said that the one to the west of Hilsinger Road is opposite to where he lives, but the Hilsinger Overlay did not exist when that property was annexed. He thought that since it was part of Hilsinger, it logically should be within the Hilsinger Overlay, but he had more of a question mark about that one. Chairman Summerhays said that it came down to big enough lots that fit the

Hilsinger Overlay to create a buffer for the high quality EFU lands outside the Urban Growth Boundary. Chairman Summerhays and Commissioner Lewin mentioned the Mahta Agreement and legalities which related to and was the precursor of the Hilsinger Overlay. Commissioner Lewin also mentioned that the State said Phoenix couldn't have large lots, it would need smaller lots, but Phoenix said that it wanted a diversity of lot sizes. Chairman Summerhays said that Phoenix was able to convince the state to allow the Hilsinger Overlay because of existing narrow lots and many mobile home parks with high density.

VIII. PLANNING DIRECTOR'S REPORT: Mr. Schulze said that in his e-mail that City Council made a decision on the Steadman House (which was to authorize demolition), but he was concerned whether the decision included the Planning Commission's recommended conditions for authorization to demolish. He said that at the Council meeting, the property owners reiterated that they wanted to take everything down and clear the land. Commissioner Lewin suggested that the Planning Director go to the City Manager to talk with the Mayor about the Planning Commission's feelings about the owner ignoring the standard zoning requirements for saving trees. Chairman Summerhays said that there might be rules about saving trees even if there were no conditions in the authorization to demolish the Steadman house. Mr. Schulze stated that there is a provision about conserving significant vegetation over six inches in diameter, and the Council did not authorize removal of trees. Mr. Schulze also mentioned that the property owners plan to demolish the house by September, and submit building plans next year. Commissioner Eisenhauer said that the property owners had said that they would only remove trees that would block the construction of their new house.

Mr. Schulze informed the Commission that he approved the repair by replacement of the rear stairs and a shed under the rear stairs of the Grange building, with the condition that everything be painted to match the building. He said that it was not clear in the Land Development Code whether the Planning Commission as the Historic Review Board needs to review repair projects of historic buildings.

IX. ADJOURNMENT: Chairman Summerhays adjourned the meeting at 8:30 p.m.

Micki Summerhays, Chairman

Dale Schulze, Planning Director