



MUNICIPAL OFFICE COMPLEX  
8401 W. MONROE STREET  
PEORIA, AZ 85345

**PLANNING & ZONING  
COMMISSION:**

Veda McFarland, Chair  
Marc Melbo, Vice Chair  
Bill Louis, Secretary  
Greg Loper  
John Gerard  
Nancy Golden  
Michael Worlton  
Anne Wojcik, Alternate

Department Liaison  
Glen Van Nimwegen

***Accommodations for  
Individuals with Disabilities.***  
*Alternative format materials, sign  
language interpretation, and  
assistive listening devices are  
available upon 72 hours advance  
notice through the Office of the  
City Clerk, 8401 West Monroe  
Street, Room 150, Peoria, Arizona  
85345 (623)773-7340, TDD  
(623)773-7221, or FAX (623) 773-  
7304. To the extent possible,  
additional reasonable  
accommodations will be made  
available within the time  
constraints of the request.*

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, MARCH 5, 2009  
6:30 P.M.  
COUNCIL CHAMBERS  
8401 W. MONROE ST.**

**CONVENE:**

**ROLL CALL:**

**OPENING STATEMENT:**

**FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:**

**CONSENT AGENDA**

**CONSENT AGENDA:** All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

**CONSENT – New Business:**

- 1C** **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Vice Chair Melbo, Commissioners Loper, Louis, and Worlton from the February 19, 2009 meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held February 19, 2009.
- 3C** **CU08-31:** Shaw & Associates, P.L.C on behalf of Verizon is requesting a Conditional Use Permit to allow a monopalm (approximately 70 feet high) wireless facility within an Intermediate Commercial (C-2) zoned property. The site is located on the southwest corner of 91<sup>st</sup> Avenue and Olive Avenue.

- 4C** **CU08-35:** The Kart Company is requesting a Conditional Use Permit to allow a golf cart reconditioning establishment which includes a retail showroom and limited outdoor display within the Intermediate Commercial (C-2) zoning district. The property is located on the southwest corner of 96<sup>th</sup> Avenue and Peoria Avenue.

## REGULAR AGENDA

### NEW BUSINESS:

- 5R** **PUBLIC HEARING:** RE: Conditional Use Permit.

**PUBLIC HEARING – CU09-01:** A Design Invision, LLC, on behalf of AEO Powersports is requesting a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs in an Intermediate Commercial (C-2) District. This use would occur in conjunction with retail sales of associated products. The property is located south of the south east corner of 77<sup>th</sup> Ave. and Deer Valley Rd.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from A Design Invision, LLC, on behalf of AEO Powersports for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs in an Intermediate Commercial (C-2) District. This use would occur in conjunction with retail sales of associated products.

- 6R** **PUBLIC HEARING:** RE: Text Amendment to the Peoria Zoning Ordinance.

**PUBLIC HEARING – TA08-07:** The City of Peoria is proposing an amendment to Article 14-34 entitled "Signs", to modify current standards regarding grand opening and special event signage as well as set in place standards for sign walkers.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from the City of Peoria to amend Article 14-34 of the Peoria Zoning Ordinance entitled "Signs" to modify current standards regarding grand opening and special event signage as well as set in place standards for sign walkers.

### **CALL TO THE PUBLIC: (Non-Agenda Items)**

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards

and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

**Reports from Staff:**

**Reports from the Planning and Zoning Commission:**

**ADJOURNMENT:**

**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

\_\_\_\_\_  
Mary Jo Kief, City Clerk

Date Posted: \_\_\_\_\_

**DRAFT  
PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
FEBRUARY 19, 2009**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

**Members Present:** Chairman Veda McFarland, Commissioners Nancy Golden and John Gerard, and Alternate Anne Wojcik.

**Members Absent:** Vice Chair Marc Melbo, Commissioners Bill Louis, Michael Worlton and Greg Loper.

**Others Present:** Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Chris Jacques, Planning Manager, Ed Boik, Planner, Monique Spivey, Associate Planner, Dawn Boyer, Council Assistant, and Bev Parcels, Planning Assistant.

**Opening Statement:** Read by Chris Jacques, Planning Manager.

Final call for speaker request forms.

**Audience:** Seventeen.

**Note:** The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

**CONSENT AGENDA**

All items listed with a "C" are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

**1C** **DISPOSITION OF ABSENCE:** Approve/excuse the absences of Commissioners Loper and Worlton from the February 5, 2009 meeting.

**2C** **MINUTES:** Approve the minutes of the Regular Meeting held February 5, 2009.

**COMMISSION ACTION:** Commissioner Gerard moved to approve the Consent Agenda items. The motion was seconded by Commissioner Golden and upon vote, carried unanimously.

**REGULAR AGENDA**

**NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:**

**3R** **CU08-13:** Tait and Associates on behalf of Fry's requested a Conditional Use Permit for a Fry's Gas Station on property zoned C-2 (Intermediate Commercial). The site is generally located south of the southwest corner of 83<sup>rd</sup> Avenue and Deer Valley Road.

**STAFF REPORT:** Presented by Ed Boik, Planner.

**PUBLIC COMMENT:**

██████████ representative for Fry's spoke on the following issues.

- Fry's store was built 6 years ago with no plans for the pad in question.
- Fry's has the option to put another use on that pad without consent from the City as a matter of right that could be less desirable to the neighbors.
- There will be no convenience store associated with fuel center.
- Primary access for fuel center will be off 83<sup>rd</sup> Ave. and when reviewed by City was determined that no additional traffic would be produced than any other use that could go on that pad.
- Fry's has complied with all codes and conditions required by the City.
- The applicant has held five public meetings with the neighbors and Fry's listened to their concerns, let the neighbors make a list of stipulations, agreed to move the fuel center farther north on the pad, and addressed other concerns the neighbors had.
- Fry's has gone the extra mile and believe that they deserve recommendation of approval for this request.

██████████ stated the following concerns about the fuel station

- Was told when she bought her house that there were no plans for a fuel center on the Fry's site.
- Police have been called a number of times regarding sweeping of the lot at night.
- Concerned about extra traffic, lighting, and teenagers hanging out at the gas station.

██████████ voiced concerns relating to

- Originally being told empty parcel was planned for a grocery and shops.
- There are too many gas stations in that area; there are three at the intersection.
- Concerned about the possibility of the station closing and being boarded up and the blight that this would cause.

**COMMISSION COMMENTS:**

Commissioner Gerard

- Other cases similar to this case.
- Who was first to open the Fry's or the Circle K?
- Concerned about two gas stations on the same side of the street, the environmental issues that are involved, and questioning whether this is a good move or best use.
- Questioned the traffic flow in the parking lot and whether a barrier was being considered to separate the gas station from the grocery store and the other businesses.

Commissioner Wojcik asked what happens if stipulations are not met and what would happen to the building if it does go out of business.

Chair McFarland

- Concerned about safety of teenagers and the impact the fuel center will have on the area.
- Inquired about location where trucks would be refueling and the hours that they are allowed to refuel.
- The height of the fuel canopy and whether it was tall enough for large RV's to go under it.

██████████ on behalf of Fry's addressed all of the commissioners concerns and questions.

**COMMISSION ACTION:** Commissioner Golden moved to recommend approval of Case CU08-13, to grant a Conditional Use Permit to Fry's for a Fry's Gas Station on property zoned C-2 (Intermediate Commercial) under staff's stipulations. There was not a second to the motion so the motion failed. Commissioner Gerard moved to recommend denial of Case CU08-13 to grant a Conditional Use Permit to Fry's for a Fry's Gas Station on property zoned Intermediate Commercial. Alternate Wojcik seconded the motion, and upon vote, passed 3-1.

- 4R PUBLIC HEARING – GPA08-06:** World Gospel Mission requested a minor amendment to the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Neighborhood Commercial.

**STAFF REPORT:** Presented by Chris Jacques, Planning Manager.

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Gerard moved to recommend to the City Council approval of Case GPA08-06, for World Gospel Mission's request for a minor amendment to the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Neighborhood Commercial under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

- 5R PUBLIC HEARING – Z06-18:** World Gospel Mission requested to rezone approximately 5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development.

**STAFF REPORT:** Presented by Chris Jacques, Planning Manager.

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Gerard moved to recommend to the City Council approval of Case Z06-18, for World Gospel Mission's request to rezone approximately 5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

- 6R PUBLIC HEARING – Z98-09A.9:** Copper Hills Community Church requested to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site.

**STAFF REPORT:** Presented by Monique Spivey, Associate Planner.

**PUBLIC COMMENT:**

██████████ applicant for Copper Hills Community Church stated that the site plan being presented was not the original one submitted due to architecture firms being changed. He also stated that the church was working with the City to create an agreement for overflow parking with the city park that is planned next to the church property.

██████████ Pastor for the Church brought up the following issues.

- Discussion regarding the philosophy of the church and the needs of the community.
- The desire to share their facility with the community to be a multi-purpose facility.
- The church fulfilling an artistic need in the community.
- Design the church site to flow into the city park.

██████████ neighbor to church site mentioned the following.

- Church had been very respectful to neighbors.
- Planned site so that views of the mountain were not obstructed to the homeowners.
- Church has shown concern about neighbors at all community and HOA meetings.
- Thinks church will be a wonderful addition to the community.

**COMMISSION ACTION:** Commissioner Gerard moved to recommend to the City Council approval of Case Z98-09A.9, to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

**CALL TO THE PUBLIC: (Non-agenda Items):** None

**REPORT FROM STAFF:** None

**REPORTS FROM THE PLANNING AND ZONING COMMISSION:** None

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:44 p.m.

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Veda McFarland, Chair

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Date Signed

# REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NO.:** CU08-31

**DATE:** March 5, 2009

**AGENDA ITEM NO.:** 3C

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**Applicant:** Verizon Wireless on behalf of Jade II Enterprises, LLC

**Request:** Obtain a Conditional Use Permit to allow a wireless facility within an Intermediate Commercial (C-2) zoned property.

**Proposed Development:** Verizon Wireless: A 70' tall foot monopalm with associated ground equipment.

**Location:** The site is located at the southwest corner of 91<sup>st</sup> Avenue and Olive Avenue.

**Site Acreage:** Approximately 780 square feet of leased area within a gross area site of approximately 1.03 acres.

**Support /Opposition:** No written comments in support or opposition have been received.

**Recommendation:** **Approve**, with stipulations.

Existing and Surrounding Land Use and Zoning: (Exhibit B)

1.

	LAND USE	ZONING
<b>Subject Property</b>	<b>Undeveloped</b>	<b>Intermediate Commercial (C-2)</b>
North	Gas Station	Planned Area Development (PAD)
West	Interstate Highway & Storm Channel	ADOT Right-Of-Way (Loop 101)
South	Commercial Retail Center	Intermediate Commercial (C-2)
East	Commercial Retail Center	Intermediate Commercial (C-2)

### Project Description:

2. Verizon Wireless is proposing to construct a 70' foot tall monopalm within an enclosed lease area of 780 square feet at the southwest corner of the site. The wireless facility will be located approximately 220' feet from Olive Avenue and approximately 202' feet from 91<sup>st</sup> Avenue. The wireless enclosure proposes a zero lot line along the south and west property lines. The pole of the wireless structure will be positioned approximately 10 feet from the south property line and 6 feet from the west property line.
3. The subject site is approximately 1.03 acres and is currently undeveloped and located on the southwest corner of 91<sup>st</sup> Avenue and Olive Avenue. Adjacent land uses include a gas station to the north, a commercial retail center to the east, an adjoining commercial center to the south, and interstate highway to the west (Loop 101).
4. Primary access to the facility would be provided from an access drive on 91<sup>st</sup> Avenue provided from the development to the south through an access easement. As part of the Verizon's lease agreement with the property owner, access and utility easements will be obtained to construct, operate and maintain the facility. Staff notes, the parcel to the south is under common ownership of the subject site.

### Land Use Background:

5. On February 10, 2009 the Board of Adjustments approved variance case (V08-05) to allow a zero (0) lot line along the west property line.
6. With the exception of the site plan submitted for the wireless facility, no formal commercial development plans have been submitted for the subject property as a whole. The dashed conceptual campus plan layout has been provided so that staff may better understand the rationale behind the selection of this location on the property.

### Discussion/Analysis:

7. Pursuant to Section 14-3-13-C of the Zoning Ordinance, a maximum 80 foot high wireless facility is permitted subject to Conditional Use Permit approval within a non-residential district, providing the facility is not located within 75 feet of a residential district.

8. Section 14-3-13 of the Zoning Ordinance outlines the applicable criteria for evaluating wireless communication facilities as Permitted Principal or Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.
9. Section 14-3-13, outlines the intent of the wireless communication provision which is to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.
10. To meet the intent of the wireless communication ordinance, the applicant has implemented stealth design techniques to increase the compatibility with the existing site by utilizing the proposed design. The monopalm design is an acceptable stealth design, as live palm trees are common species often seen from interstate highway (Loop 101). Therefore, staff does not believe the project will present any negative impacts to the community or the environment.
11. All departmental comments will be addressed through the subsequent site plan application (PR08-39) and construction document phase of this proposal.

*Public Notice*

12. Public notice was provided in the manner prescribed under Section 14-39-10. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division on January 23, 2009. The posting was completed within the prescribed 15-days prior to the Public Hearing. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

*Proposition 207 Waiver*

13. The applicant, Verizon Wireless, has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined herein.

Findings / Recommendation:

14. Based on the following findings:

- The application notice was also forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10-F-(a) of the Peoria Zoning Ordinance. To date, staff has not received any inquiries to this request.
- The requested use is consistent with the intent of the Wireless Communications Ordinance. Wireless Facilities are permitted within the Intermediate Commercial (C-2), a non-residential zoning district subject to conditional use permit approval; and
- The proposal integrates stealth design techniques (monopalm) in furtherance of surrounding vicinity compatibility and design consistency on-site; and
- The applicant, T-Mobile, has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

It is recommended that the Planning and Zoning Commission take the following action:

**Approve CU08-31, subject to the following conditions:**

1. The development shall substantially conform to Exhibit A (narrative), Exhibits C (site plan) and Exhibit D (elevation), and Exhibit E (enlarged site plan) as contained in the staff report to the Planning and Zoning Commission dated March 5, 2009.
2. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit must be obtained within 18 months of the date of CUP approval.

Attachments:

Exhibit A	Narrative
Exhibit B	Aerial Photo
Exhibit C	Elevation
Exhibit D	Site Plan
Exhibit E	Enclosure Dimensional Plan

Prepared by:            Monique Spivey  
                                 Associate Planner

**Shaw & Associates, P.L.C.**  
6501 E. Greenway Pkwy  
Suite 103-643  
Scottsdale, AZ 85254  
[REDACTED]  
Fax: (480) 483-3991  
[REDACTED]



October 22, 2008

City of Peoria  
Development Plan Review  
8401 W. Monroe St.  
Peoria, AZ 85345

Re: Narrative for Site Plan Application for a Wireless Communication Facility

Applicant: [REDACTED] on behalf of **Verizon Wireless** (Verizon)

Site Information:

Address: 8914 N. 91<sup>st</sup> Avenue, Peoria, AZ 85345  
APN: 142-55-014M  
Owner: Jade II Enterprises, LLC  
Zoning: C-2  
Current Use: Vacant Land  
Surrounding Uses: Commercial and 101 Loop

1. Purpose of facility: Verizon is requesting to construct a wireless communication facility at the above address that will consist of a 70-foot monopalm and associated ground equipment on vacant land owned by Jade II Enterprises, LLC. The owner and Verizon have agreed in principle to a twenty-five (25) year ground lease for the facility, the primary objective of which is to provide much needed business, residential and commuter coverage for this developing area of Peoria and to provide capacity offload for Verizon's Litchfield Alpha site (which is currently at full capacity).

2. Description of Project: The project is further described as follows:

- a. 70-foot monopalm: As indicated, the facility will be disguised as a monopalm. The monopalm looks remarkably like a real palm tree and will be located in the SW corner of the lot adjacent to the ADOT right of way for the 101 Loop (see attached aerial photo). Disguised behind the palm fronds will be six wireless antennas. The coaxial cables that connect the concealed antennas to the associated power and telco conduits will be invisible and entirely enclosed within the trunk of the monopalm. The monopalm will be constructed in accordance with all structural and building requirements of all applicable local, state and federal building regulations for telecommunication sites.

Exhibit A

- b. Equipment Shelter and Screening Wall: Verizon's radio equipment and generator will be housed in a new self-contained 12'x 20' prefabricated equipment shelter. The entire facility will be located inside a 21' x 37' (approx.) lease area and will be fenced off by an 8-foot tall CMU screen wall. The shelter has sufficient space for expansion of radio equipment and contains a back up emergency power generator so that the site will remain operational in the event of a power outage. With regard to back up power the FCC has enacted rules mandating all telecommunication sites to have a minimum of 8 hours back up emergency power following the events of 9/11 and Hurricane Katrina.
- c. Access and Utility Easements: As part of its lease with Jade II Enterprises, LLC, Verizon will lease access and utility easements to construct, operate and maintain the facility. The utility easements will all be underground and the access easement will be overlaid on the proposed asphalt driveway detailed in the present site plan for the entire lot.
- d. General Information: The facility will be unmanned and will generate no refuse. It will have no impact on traffic, water, or sewer services and will not produce any noise or odor. The facility is isolated from other buildings thereby minimizing any fire dangers. There should be no demand for police services.

3. Justification for the site:

- a. Compatibility: This site blends well with the surrounding uses and is the best possible stealth design for a telecommunication site in this area. The facility will be located in a commercial district surrounded by commercial uses and the Loop 101. The nearest residential structure to the site is at a healthy distance of over 800 feet and on the opposite side of the Loop 101. Given these facts it's reasonable to conclude that there will be no adverse aesthetic impact to the area and that site is very compatible with its surroundings.
- b. Setbacks: Verizon will comply with all setbacks for the monopalm structure, but will not be able to comply with the twenty foot rear setback for the equipment shelter. This is because compliance with this setback will result in the shelter encroaching into the proposed driveway access to the remainder of the site. A rear setback variance is being requested for this site in conjunction with this application.
- c. Height: The height limit for a monopalm in this district is 80 feet (top of fronds) if seeking a Conditional Use Permit. Verizon is only requesting a 70 foot monopalm (top of fronds) which is the minimum height necessary for the site to "see" over all of the commercial structures in the area and to ensure sufficient geographic coverage for the area. A Conditional Use Permit is being sought for this monopalm as Verizon can't meet the tower setbacks for

a “permitted by right” project nor the building shelter setback as mentioned above.

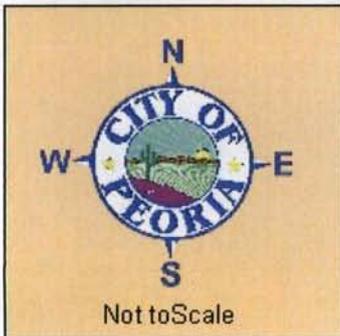
- d. Co-locatable Structures: All potentially co-locatable structures were considered but none were found to meet all of the objectives for the site. Most notable, the nearby flagpole and stealth steeple sites were too far east and did not have sufficient tower or ground space for Verizon’s antennae and equipment building.

4. Summary: The approval of this site will not be a detriment to adjacent properties and will have no adverse effects to the public. On the contrary, it will greatly advance public safety, morale and welfare by promoting safety, commerce and convenience for all persons living, working or traveling in the vicinity. This site meets an important network coverage objective and was placed in the least intrusive location given the availability of potential sites in the area. Further, it was designed with state-of-the-art concealment technology to best conceal its identity and blend it with the surrounding zoning classifications and land uses. On behalf of Verizon Wireless I respectfully ask for approval of this project and thank you for your time and consideration of this matter. Please contact me if you have any questions at all about this submittal

Sincerely,

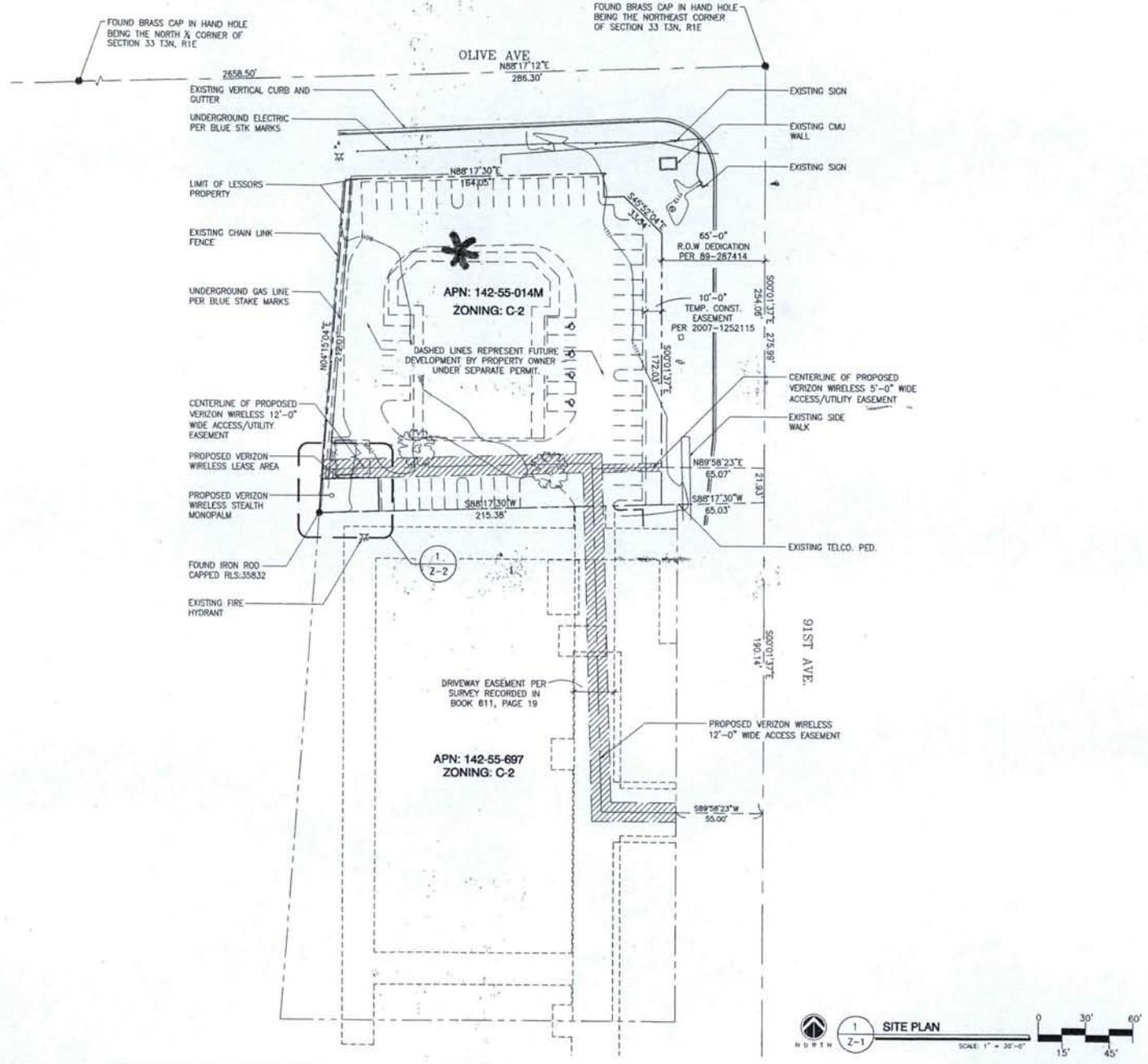


# CU08-31 Location Map



**CU08-31 Verizon Wireless**  
A request to allow a 70' foot tall monopalm

**Exhibit B**



**verizon**wireless  
128 W. GEMINI DR., TEMPE, AZ 85283

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
WF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE

**ER**  
Design Inc.

6052 E. BASELINE RD., #104 MESA, AZ 85206  
PHONE: (480) 204-1412 FAX: (480) 830-8353

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PROJECT NUMBER  
09019

REVISIONS	
107.08.08	ISSUE TO CLIENT
108.11.08	ISSUE FOR SUBMITTAL
108.11.08	CLIENT COMMENTS

SITE NAME

**PHO MISSION**

SITE ADDRESS

8014 N. 91ST AVE.  
PEORIA, AZ 85345

SHEET TITLE

**SITE PLAN**

SHEET NUMBER

**Z-1**

**Exhibit C**

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE



8032 E. BASILENE RD., #104 MESA, AZ 85206  
PHONE: (480) 204-1412 FAX: (480) 830-8303

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PROJECT NUMBER  
00019

REVISIONS	
07.28.08	ISSUE TO CLIENT
08.11.08	ISSUE FOR SUBMITTAL
08.21.08	CLIENT COMMENTS

SITE NAME

**PHO MISSION**

SITE ADDRESS

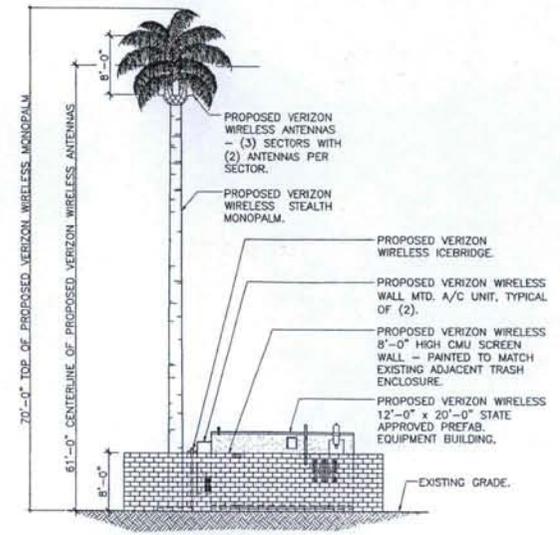
8914 N. 91ST AVE.  
PEORIA, AZ 85345

SHEET TITLE

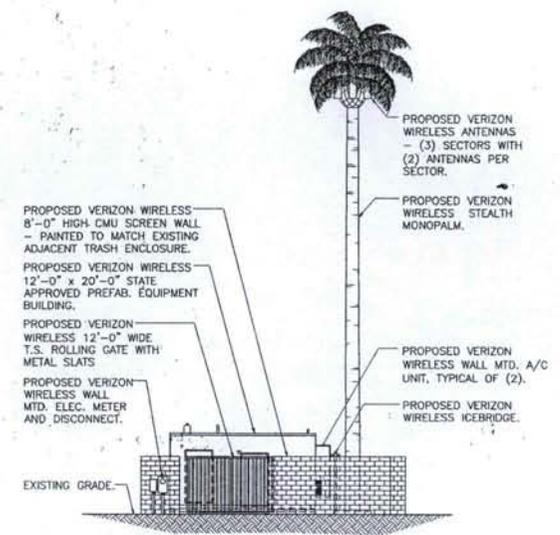
**PROJECT ELEVATIONS**

SHEET NUMBER

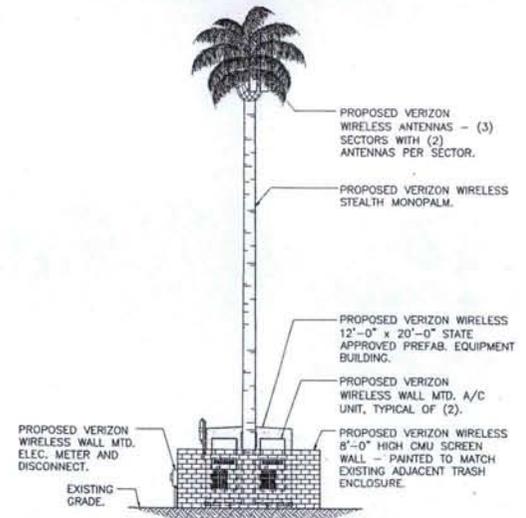
**Z-3**



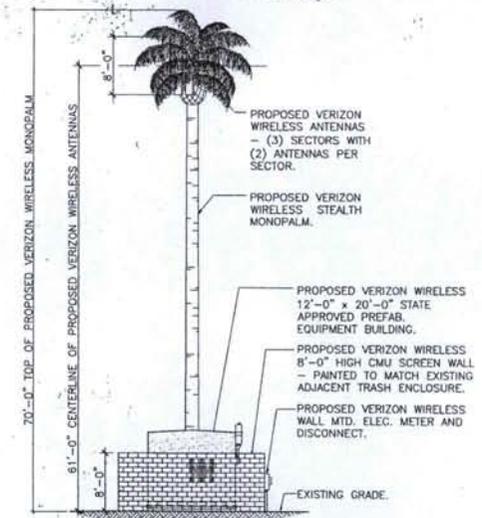
3 SOUTH ELEVATION  
Z-3 SCALE: 1/8" = 1'-0"  
0 2' 4" 10'  
1' 3' 5"



1 NORTH ELEVATION  
Z-3 SCALE: 1/8" = 1'-0"  
0 2' 4" 10'  
1' 3' 5"



4 WEST ELEVATION  
Z-3 SCALE: 1/8" = 1'-0"  
0 2' 4" 10'  
1' 3' 5"



2 EAST ELEVATION  
Z-3 SCALE: 1/8" = 1'-0"  
0 2' 4" 10'  
1' 3' 5"

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE



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PROJECT NUMBER  
00019

REVISIONS	
07.28.08	ISSUE TO CLIENT
08.11.08	ISSUE FOR SUBMITTAL
08.21.08	CLIENT COMMENTS

SITE NAME

**PHO MISSION**

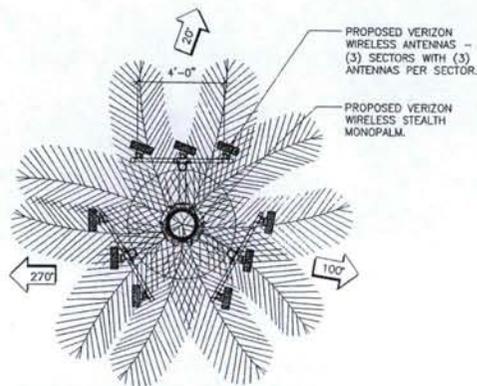
SITE ADDRESS  
8014 N. 91ST AVE.  
PEORIA, AZ 85345

SHEET TITLE

**ENLARGED SITE PLAN**

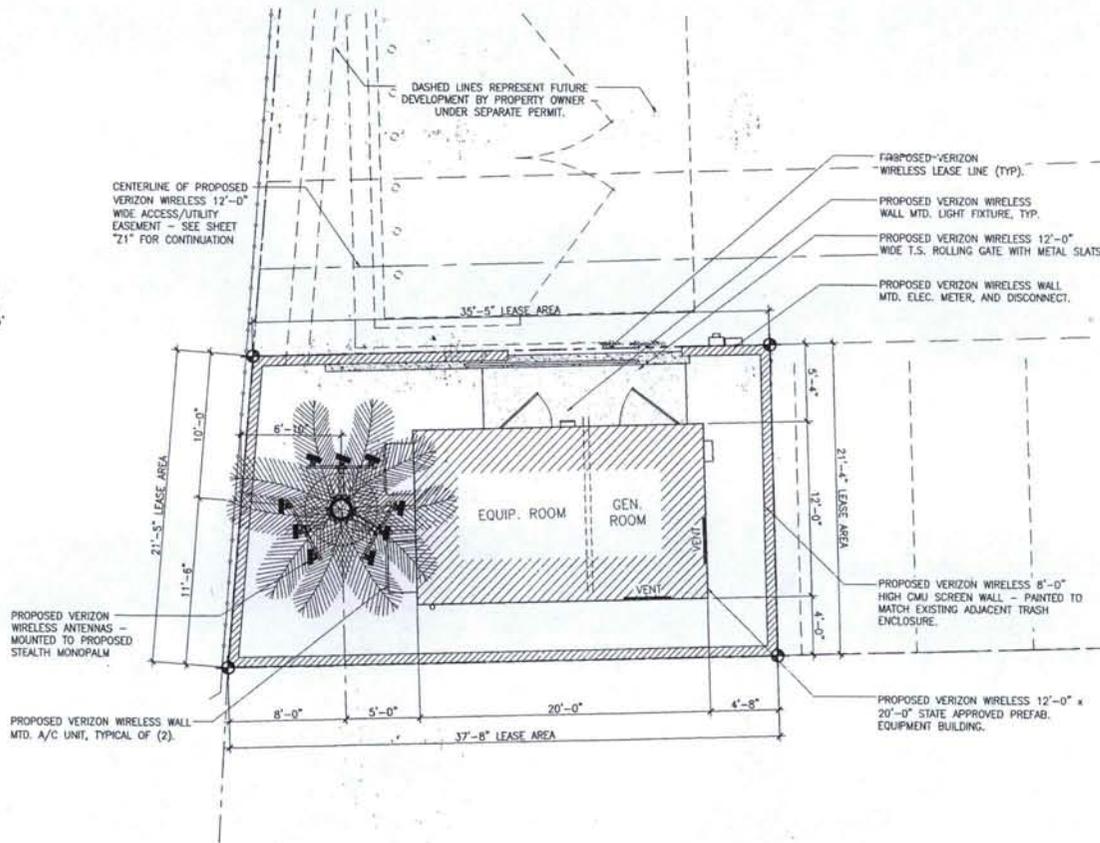
SHEET NUMBER

**Z-2**



**2 ENLARGED ANTENNA PLAN**  
SCALE: 3/8" = 1'-0"  
NORTH

COAXIAL CABLE TABLE					
SECTOR	AZIMUTH	LENGTH	NO.	SIZE	TYPE
ALPHA	20°	+/- 80'-0"	(4)	7/8"	AVAS-50
BETA	100°	+/- 80'-0"	(4)	7/8"	AVAS-50
GAMMA	270°	+/- 80'-0"	(4)	7/8"	AVAS-50



**1 ENLARGED SITE PLAN**  
SCALE: 1/4" = 1'-0"  
NORTH

# REPORT TO THE PLANNING AND ZONING COMMISSION- REZONING

**CASE NO.:** CU08-35

**DATE:** March 5, 2009

**AGENDA ITEM NO.:** 4C

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**Applicant:** The Kart Company

**Request:** Approval of a Conditional Use Permit to allow the operation of a golf cart reconditioning establishment within a 1,200 square foot suite at the Sun Air Plaza, located on the southwest corner of 96<sup>th</sup> Avenue and Peoria Avenue.

**Proposed Development:** The Kart Company: Purchases and reconditions used golf carts for resale. The establishment includes a small retail showroom and limited outdoor display.

**Location:** 9635 W Peoria Avenue, Suite 116 (SWC 96<sup>th</sup> & Peoria).

**Site Acreage:** The suite is located within the 16,093 square foot Sun Air Plaza. The overall site area is approximately 1.51 gross acres.

**Support /Opposition:** No written comments in support or opposition have been received.

**Recommendation:** **Approve**, with stipulations.

Existing and Surrounding Land Use and Zoning: (Exhibit B)

1.

	LAND USE	ZONING
<b>Subject Property</b>	<b>Retail Shopping Center Sun Air Plaza</b>	<b>Intermediate Commercial (C-2)</b>
North	Retail Shopping Center	Intermediate Commercial (C-2)
West	RV Storage Facility	General Commercial (C-4)
South	Condominiums	Multi-Family Residential (RM-1)
East	Retail Shopping Center Sun Air Plaza	Intermediate Commercial (C-2)

### Project Description:

2. The Kart Company is proposing to operate a 1,200 square foot golf cart reconditioning establishment which includes a retail showroom and limited outdoor display area within the Sun Air Plaza.
3. The Sun Air Plaza is a multi-tenant commercial building of approximately 16,093 square feet. The plaza is located on a site of approximately 1.51 acres located on the southwest corner of 96<sup>th</sup> Avenue and Peoria Avenue. Primary access to the site is provided from Peoria Avenue, as well as 96th Avenue. Adjacent land uses include retail development to the north, residential condominiums to the south, retail development to the east, and RV storage to the west.
4. The applicant proposes to purchase 1 and 2 year old golf cart trade-ins, then recondition them for resale (Exhibit A). The golf carts are disassembled and the parts are sent out for repainting and new upholstery. The main frame of the vehicle will be transported next door to Arrowhead RV. Upon receipt of proper State issued dealer plates, the applicant proposes to drive the golf carts via the street to the RV storage facility. The finished inventory will be displayed within an indoor showroom, as well as a limited outdoor display area to be made available for sale. All excess golf carts that cannot be stored within the establishment during the day and when the facility is closed will be maintained at Arrowhead RV storage facility.
5. The proposed hours of operation are Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday 9:00 a.m. to 1:00 p.m., and closed on Sunday.

### Land Use Background:

#### *Site Plan*

6. The Sun Air Plaza received Site Plan approval on August 17, 1995 (Case PR95-22). The applicant is seeking a Conditional Use Permit for a suite within this existing development.

### Discussion / Analysis:

7. The proposed Kart Company is located within an Intermediate Commercial (C-2) zoning district. Pursuant to Section 14-9-3 (Land Use Matrix), staff has classified the proposed establishment as a *Commercial Service Establishment combining retail, showroom with workshop*. Accordingly, such uses are subject to the approval of a Conditional Use Permit. The purpose of the use permit for such uses in the C-2 District is to ensure that the workshop activities are limited in scale and intensity. The specific limitations are analyzed below and are

intended to maintain the commercial "character" of the C-2 District and promote compatibility with neighboring dissimilar uses, such as residential. Operations in which workshop activities occupied a predominant portion of the floor plan would be more appropriate in business park and industrial districts.

8. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.
9. Section 14-9-5-H of the Zoning Ordinance provides the following limitation on *commercial service establishments combining retail, showroom with workshop* in the C-2 District. Staff responses are in *italics*.
  - A maximum size of building shall not exceed 15,000 thousand square feet. No more than fifty percent (50%) of the usable floor area shall be used for workshop activities.

*The applicant is proposing approximately 1,200 square feet of leased building area, which limits workshop activities to a maximum floor area of 600 square feet. As illustrated in (Exhibit D Floor Plan), the shop area shows a total of 680 square feet, which includes bathrooms and storage area. When subtracting the restroom space and storage room area from the 680 square feet of shop area, staff estimates the shop area will be less than 600 square feet in area. Given this information the usable area will account for less than 50% of the leased space.*

10. In addition, the following General Provisions apply to uses within the C-2 District. Staff responses are provided in *italics*:

*Section 14-9-4-B*

- Outdoor storage of goods and materials shall be prohibited.

*As indicated in the narrative (Exhibit A), the golf carts will be disassembled and the parts will be sent out for repainting and new upholstery. There will be no outdoor storage of unfinished golf cart components. All parts will be stored within the indoor storage area illustrated (Exhibit D Floor Plan).*

*Section 14-9-4-A*

- All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.

*The refurbishment of the golf carts will be conducted within the shop area. However, as part of this request it is the applicant's intent to display a limited number of golf carts outdoors. The remaining finished golf carts will be stored*

*at Arrowhead RV storage facility. Section 14-9-5-H-2 governs the outdoor display area prescribed below.*

#### *Outdoor Display Requirements*

11. The applicant proposes limited outdoor display. Outdoor Display and Sales Area shall be subject to all the following requirements prescribed in Section 14-9-5-H-2 of the Peoria Zoning Code:

- *Outdoor Display shall be limited to an area equal to 10% of the gross floor area of the principal building. Based on the floor area of 1,200 square feet, the outdoor display area is limited to 120 square feet. The average dimension of a golf cart is approximately four (4) feet in width x eight (8) feet in length x six (6) feet in height. Based on this information, staff determined approximately 4 golf carts can be placed side by side into two (2) parking spaces. A stipulation will require the applicant to stripe the designated area of 15 feet in width by 8 feet in depth and marked "golf cart display only". Staff notes the applicant has requested the allowance of 5 golf carts within the outdoor display area. Based on the information above, any additional carts above 4 would require a variance.*
- *No merchandise shall be located beyond eight (8) feet from the principal building of the business. The applicant has requested alternative locations as shown in Exhibit C (alternative locations A and B). Given the nature of the product being displayed, staff is in support of alternative A. (See condition 1 and 2)*
- *Merchandise used in outdoor display area shall be removed and stored inside the retail building at the close of business. The applicant will store golf carts at Arrowhead RV storage, as well as within the limited interior space of the establishment.*
- *A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times. The existing development provides adequate walkway space and vertical clearance leading to the outdoor display area.*
- *Outdoor display area shall not be located in or interfere with any landscaped area, setback area, required yard, required parking space, parking aisle, easement or drainage facility. The recommended location of the outdoor display area will not interfere with the requirements described above. Pursuant the parking and loading standards, a total of 3 parking spaces will be required for the retail component of this establishment, plus an additional 2 spaces to accommodate the outdoor display area. The required parking for the entire retail development is approximately 45 spaces. Fortunately, the site was designed to accommodate 105 spaces, which is a surplus of 60 spaces.*

*With this said, subtracting the reserved spaces for the golf cart facility would result in 55 additional spaces to accommodate future uses within the center. Therefore, parking availability can sufficiently accommodate the needs of the proposed facility, as well as future retail uses within the commercial development without negatively impacting the site.*

- Outdoor display shall be limited to products and services sold or provided inside the principal building. *The outdoor display area will be limited to golf carts only.*

*Transportation of Golf Carts to storage facility*

12. The applicant indicated that it is their intent to temporarily transport the main frame of the golf carts to Arrowhead RV from the existing sidewalk while seeking proper dealer plate from the Arizona Department of Transportation. Upon receipt of the dealer certification, the golf carts will ultimately be transported to and from Peoria Avenue. In an effort to ensure this operation is conducted in a safe and prudent manner, staff pursued a better understanding of ADOT requirements regarding golf carts as follows:

- After conferring with a representative from the Arizona Department of Transportation Vehicle Licensing Unit, it was determined that for the purposes of obtaining proper dealer plates the proposed operation falls within the classification of a Used Motor Vehicle Dealer. ADOT does not differentiate between electric golf carts versus motorized vehicles due to the fact golf the carts to be sold will be used. Therefore, staff is confident that the applicant can obtain proper licensing.
- As defined by ARS 28-101, "Golf cart" means a motor vehicle that does not have less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver. The speed limit fronting the site on Peoria Avenue is 35 miles per hour. Based on this information staff believes with proper ADOT permits golf carts can be safely transported to the adjacent RV storage facility. (See Condition 4)
- *Arizona Revised Statute 28-904* states that a person shall not drive a vehicle on a sidewalk area except on a permanent or duly authorized temporary driveway. In this case, there is no available temporary driveway that provides access to the RV facility. As a general note, wheelchairs, electric personal assistive mobility devices, security vehicles, and authorized emergency vehicles are exempt from this statute. Therefore a stipulation will restrict vehicle access to and from the sidewalk.

13. As indicated by the Building Safety Division, a stipulation will require the

applicant to seek approval of a Certificate of Occupancy (Tenant Improvement).

*Public Notice*

14. Public notice was provided in the manner prescribed under Section 14-39-6-H. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division on February 13, 2009. The posting was completed within the prescribed 15-days prior to the Public Hearing. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

*Proposition 207 Waiver*

15. The applicant, the Kart Company has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions contained herein.

Findings / Recommendation:

16. Based on the following findings:
  - The request is consistent with uses permitted in the Intermediate Commercial (C-2) zoning district.
  - With recommended stipulation, the proposed use complies with all requirements prescribed in Section 14-9-4 and 14-9-5 of the Peoria Zoning Code and as described above. Accordingly, staff does not believe the proposal will result in any negative impacts to the community.
  - The application notice was also forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received written comments on the proposal.
  - The applicant, the Kart Company has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

It is recommended that the Planning and Zoning Commission take the following action:

**Approve CU08-35, subject to the following conditions:**

1. The development shall substantially conform to Exhibit A (narrative), Exhibits C (site plan alternative A), and Exhibit D (floor plan) as contained in the staff report to the Planning and Zoning Commission dated March 5, 2009.
2. The applicant shall stripe the outdoor display area within a designated space of 15' feet in width by 8 feet in depth marked "golf cart display only".
3. The transportation of golf carts to and from Arrowhead RV storage via the sidewalk is restricted.
4. The driving of golf carts to and from Arrowhead RV via Peoria Avenue shall not occur until the applicant has provided evidence of proper dealer permits from the

- Arizona Department of Transportation. Until such time, the applicant shall transport all golf carts via trailer or truck.
5. The applicant shall obtain a Certificate of Occupancy.
  6. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit (Tenant Improvement) must be obtained within 18 months of the date of Conditional Use Permit approval.

Attachments:

- |           |              |
|-----------|--------------|
| Exhibit A | Narrative    |
| Exhibit B | Location Map |
| Exhibit C | Site Plan    |
| Exhibit D | Floor Plan   |

Prepared by:           Monique Spivey  
                                  Associate Planner

The Kart Company located at 9635 West Peoria Ave. (previously known as All Star Golf Carts) in the Sun Air Shopping Plaza, purchases 1 and 2 year old golf course trade-ins, then reconditions them for resale. During the reconditioning process the golf carts are disassembled and the parts are sent out for repainting and new upholstery. The main frame of the vehicle is driven next door to Arrowhead RV via the sidewalk area and cleaned in the wash bay. Also the used carts traded in and unable to store overnight in the shop are stored at a rental bay at Arrowhead RV. I have recently been approved for bonding, and beginning the process of fingerprinting and an F.B.I. background check. Upon completion I will be issued a dealer plate from the state, in which the carts can then be driven via the street. Defective batteries will be returned to the battery wholesaler for recycling. The process is the same for tires purchased. Scrap vehicles will be taken to a scrap/recycler in south central Phoenix. Also customers will have the opportunity to sell their vehicles on consignment. The inventory to be displayed outside, under the current revisions, (my calculations show 4.69 units) --- I am seeking approval for 5 units.

No banners or flags or dealership paraphernalia will be used. The parking area for these carts will be located on the northwest corner of the building (marked site A), yet the tenants prefer me to use the spot located on the northwest corner of the parking lot, (marked site B) this area is unused due to the fact that the parking is the farthest point from the store fronts and not convenient for the shoppers. No alterations need be made to the landscape or property to park the golf carts. This area makes it beneficial to all tenants at the plaza.

Business hours are 9 am to 5 pm Mon - Fri and 9 am to 1 pm Sat. (closed Sun.) Golf cart accessories will also be sold during regular business hours. Here is a 360 degree list of our neighbors...To the west of us is Arrowhead RV and storage, to the north of us is the Antioch church and just north of the church is K.L.M. Motors (a used car dealer). To the north and just east of us

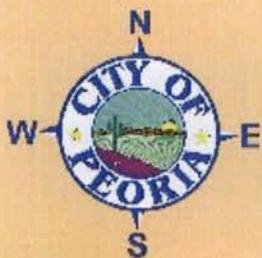
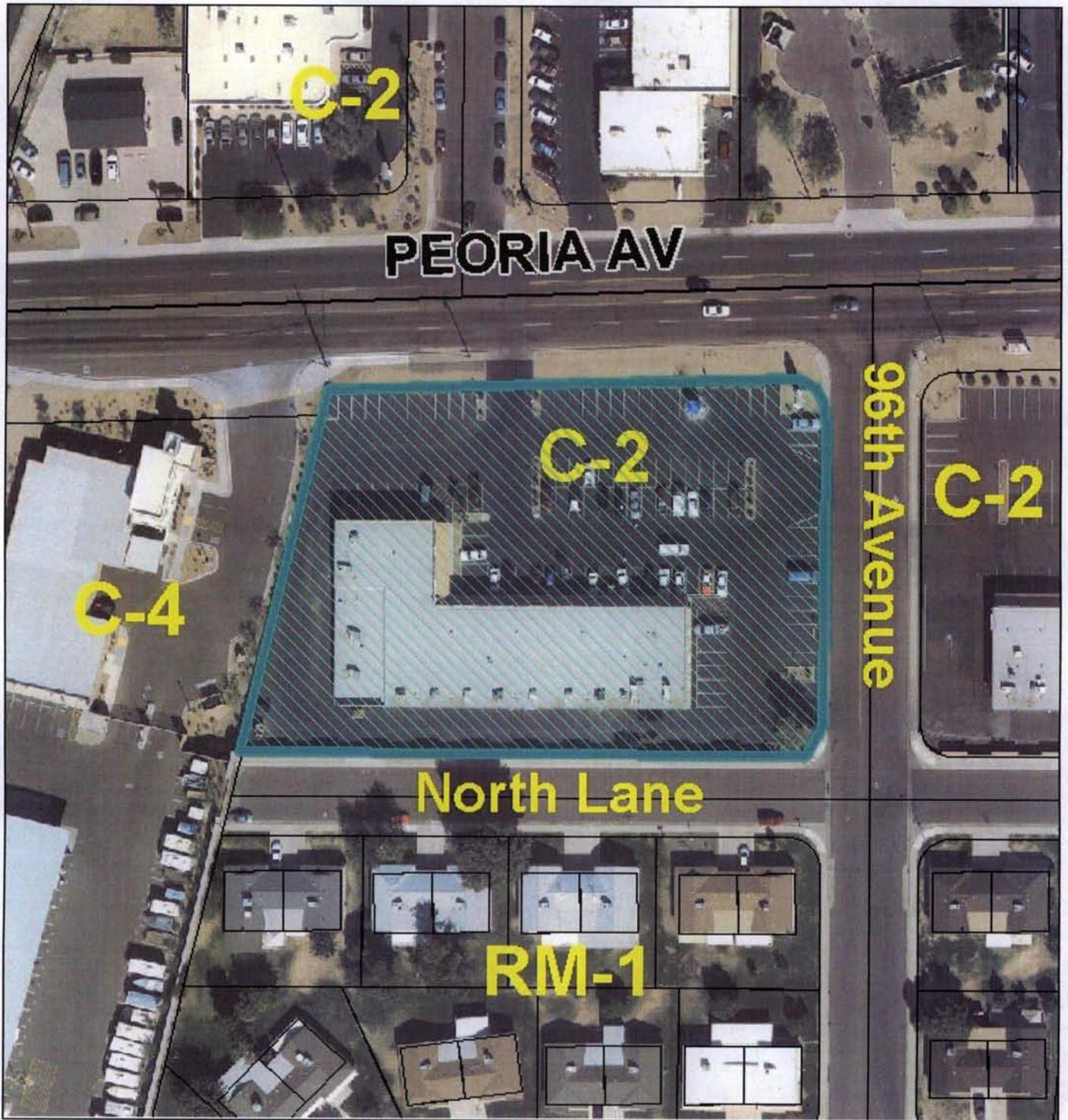
Exhibit A



is the Moose lodge and Peoria RV storage, Directly east of us is another strip mall similar to the Sun Air Plaza and to the south of us is a housing community.



# CU 08-35 Location Map



Not to Scale

## CU 08-35 The Kart Company

Applicant: The Kart Company

Request: Conditional Use Permit (CUP) to allow the operation of a golf cart reconditioning establishment.

Exhibit B

NOR ↑

702 KAZAR  
602 978 8850

UN-SUBMITTED NEW RIVER

C.P. N13°15'03"E 227.27'

6' HIGH GOLF  
WOOD FENCE +  
GATE

TRASH AREA

5' CONC. FLOOR  
TALL 6'-0" HIGH

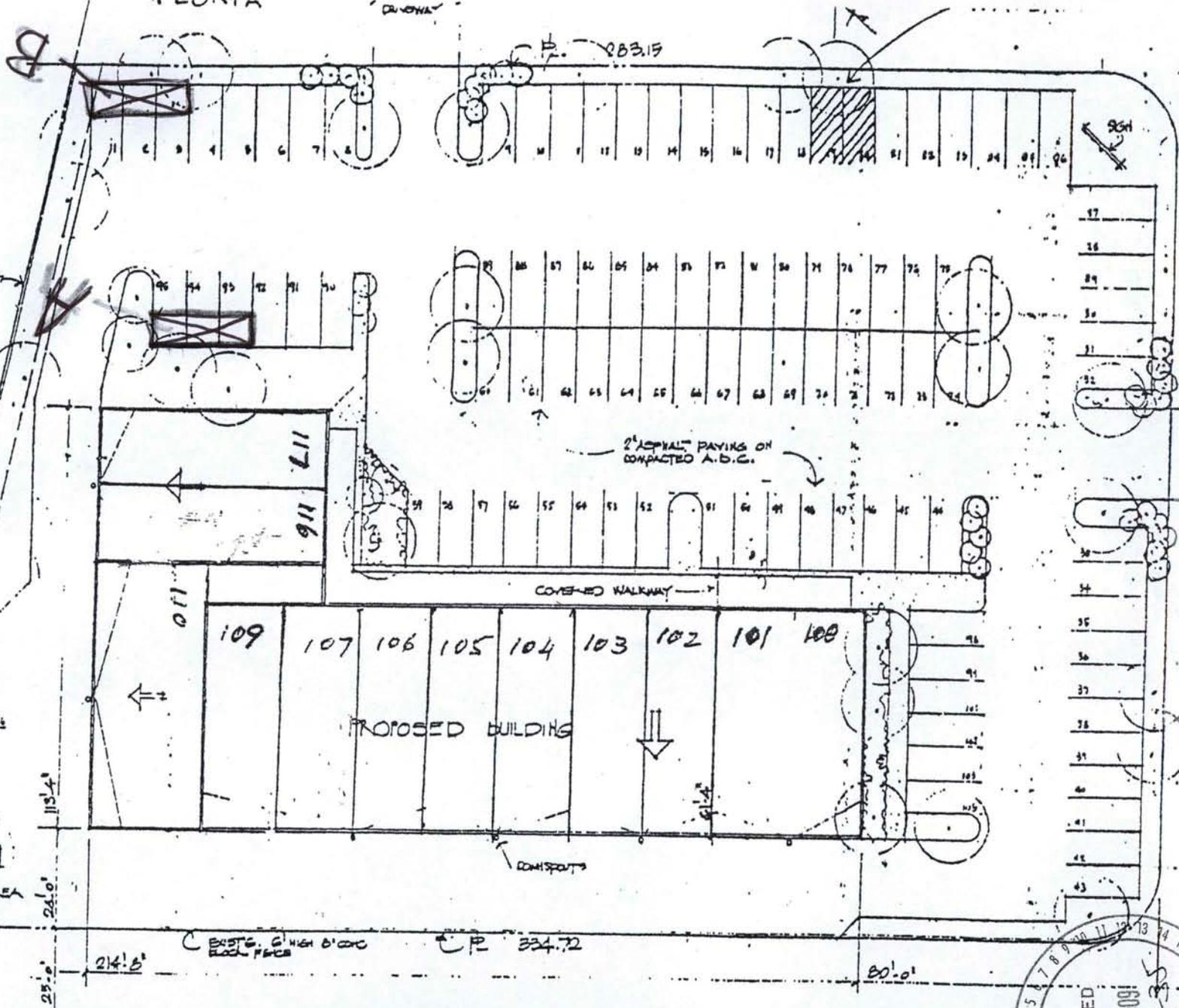


Exhibit C

96TH AVE

E NORTH LANE  
EXHIBIT A



WORK SHOP ENTRANCE

WORK BENCH

OFFICE RESTROOM

SHOP RESTROOM

SHELVES / STORAGE

(SHOP AREA)  
Incl. Disassembly  
Reassembly

SHELVES

SHELVES

TOOL BOX

WORK TABLE

SHELVES / STORAGE

SHOP PHONE

OFFICE / CUSTOMER  
SERVICE  
AREA

MAIN WALKWAY

SHOW ROOM

SHELVES / ACCESSORIES  
BEING DISPLAYED

SHOW ROOM ENTRANCE

OVERALL DIMENSIONS  
20' x 60'  
(1200 SF)

SHOW ROOM  
16' x 20'  
(320 SF)

OFFICE / CUSTOMER  
SERVICE  
AREA  
10' x 14'  
(140 SF)

SHOP AREA  
Incl STORAGE +  
RESTROOMS  
20' x 34'  
(680 SF)

UNUSED SPACE  
(60 SF)



Exhibit D

# REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

**CASE NO.:** CU 09-01

**DATE:** March 5, 2009

**AGENDA ITEM NO.:** 5R

**Applicant:** A Design InVision LLC, for AEO Powersports

**Request:** Approve a Conditional Use Permit (CUP) to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD

**Proposed/  
Development** AEO Powersports

**Location:** South of the SEC of 78<sup>th</sup> Ave and Deer Valley Road

**Site Area:** AEO Powersports is proposing to occupy a suite with approximately 4,469 square feet of interior space and approximately 2,770 square feet of enclosed yard space.

**Support/  
Opposition:** At the time of printing, the City has received one letter of opposition to this request (Exhibit G)

**Recommendation:** **Approve**, with stipulations

Existing and Surrounding Land Uses and Zoning (Exhibit A & B):

1.

CU 09-01	LAND USE	ZONING
<b>ON-SITE</b>	<b>AEO Powersports Planned Tenant Improvement</b>	<b>Deer Valley Service Center PAD</b>
North:	Arrowhead Ranch Office Park Retail/service businesses	Deer Valley Service Center PAD
West:	Arrowhead Ranch Office Park Retail/service businesses	Deer Valley Service Center PAD
East:	Riverwalk Professional Center	Deer Valley Service Center PAD
South:	Single Family Dwellings	Riverstone Estates PAD

### Background / Project Description:

2. The applicant is proposing a tenant improvement within an existing multi-tenant building to allow an automotive diagnostic and repair facility for motorcycles, quads, and UTVs. The facility will occupy a suite with approximately 4,469 square feet of interior space and an exterior yard of approximately 2,770 square feet within the Deer Valley Service Center PAD. Customer vehicles (motorcycles, quads, and UTVs) will be stored within a fully-screened, rear parking area. There are a number of multi-tenant buildings within the PAD housing approximately 80,544 sq ft of commercial tenant space (Exhibit E). The existing uses range from offices to swim and dance schools.
3. The suite location is within the Deer Valley Service Center PAD. This PAD consists of approximately 30 gross acres and was originally entitled in 1996 (Ordinance 96-20). The PAD was structured as a commercial and business park/industrial center and was consistent with its Community Commercial and Business Park/Industrial land use designation at the time of entitlement.
4. An amendment to the PAD was later approved by City Council in 2005 (Ordinance 05-47). The PAD Development Plan delineates the 30 acres into a "Parcel 1" and "Parcel 2". The suite in question is located within "Parcel 2" of the PAD.

### Findings/ Analysis:

5. For Parcel 2, the Deer Valley Service Center PAD allows permitted and conditional uses according to the Intermediate Commercial (C-2) and Business Park/Industrial (BPI) Zoning Districts.
6. The Zoning Ordinance does not contain a specific use classification for diagnostic and repair facilities for motorcycles, quads, and UTVs. Per Section 14-9-3, in such circumstances, the closest associated land use classification is selected based on the provisions of this ordinance. Accordingly, staff has deemed *Automobile Diagnostic and/or Service Establishment, including engine & transmission overhaul, repair facilities & similar services* as the closest associated use. Therefore, a Conditional Use permit is required for the subject use.
7. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility. Residences are located approximately 150 feet to the south and 550 feet to the west of the facility.
8. In addition to the CUP criteria, there are additional limitations on

automotive/diagnostic facilities (Section 14-9-5 of the Zoning Ordinance):

- a. *No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage, or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.*
  - b. *All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.*
  - c. *Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.*
9. The applicant has stated that all of the Zoning Ordinance requirements for the proposed use (as described above) will be met (Exhibit C 1&2). Outdoor display will be limited to business hours and only to merchandise normally sold on the premises as permitted in Section 14-9-5 of the Zoning Ordinance. All activities will be conducted within the facility; the engines of customer vehicles will not be started or run outside of the tenant's enclosed suite inside of the building. No additional paving is proposed as the application is limited to tenant improvements.
10. The residences to the south will be buffered from the proposed use by an existing landscape tract that is approximately 60 feet wide located directly north of the residential properties.
11. The tenant will conduct all business activities within the facility and the 6-ft tall screening wall surrounding the storage yard will obscure vehicles awaiting repair. The PAD was intended for uses such as the one that is proposed, and the enclosed outdoor areas were designed and developed with proper permits for these types of outdoor storage purposes. The screened storage of vehicles waiting to be serviced in the storage yard is an appropriate use based on previously approved zoning and site plan cases for this development. Furthermore, vehicles being serviced at this facility will not have their engines started outside. The engines will only be started once the vehicle is inside the building, reducing potential impacts from noise or exhaust fumes. These measures will help ensure the use will be compatible with adjacent tenants in the development and with the adjacent residential neighborhood.
12. In order to address the potential impact of noise from this use on the adjacent suite, staff is recommending that the business suite be modified through the Tenant Improvement Permit to achieve a Sound Transmission Control Value of 50 or greater, and could be permitted along with the other building improvements

that will be required by Building Safety prior to occupancy. The STC value of 50 is consistent with the Zoning Ordinance limitation on Pet Grooming uses, which are also required to meet the STC value of 50 or greater.

13. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has received one letter of opposition to the proposed request. The primary concerns stated by the individual voicing opposition are listed below, staff response follows in italics:

a. Motorcycle and quad repair is not the same as automotive repair.

- *The use in question has been determined to be most closely associated with the use described in the Zoning Ordinance as Automobile Diagnostic & or Service Establishment. As motor-driven vehicles with internal combustion engines; motorcycles, quads, and UTVs have been interpreted as automobiles for the purposes of Section 14-9 of the Zoning Ordinance.*

b. The business in question, AEO Powersports currently operates in another location where they allow employees to drive the vehicles being serviced throughout the commercial complex in which the business is located and also into the nearby open space wash.

- *The stipulations of this Conditional Use Permit would require the business to perform all maintenance activities within their tenant space inside of a fully enclosed building. This will mitigate potential noise impacts and eliminate the potential for reckless operation of customer vehicles by AEO Powersports employees in and around Arrowhead Ranch Office Park. Any activities such as test driving vehicles throughout the Arrowhead Ranch Office Park would be deemed a violation of this approval and would allow the Planning Manager to recommend that the Conditional Use Permit be revoked, modified, or suspended as provided in Section 14-39-10 of the Zoning Ordinance. In addition, the Planning Manager may recommend that the Conditional Use Permit be revoked, modified, or suspended if its use creates detrimental impacts on neighboring properties. The case would then be brought back to the Planning & Zoning Commission for further consideration.*
- *Operation of vehicles as a business activity within a natural wash would also be in violation of this Conditional Use Permit. In addition, this activity would likely violate state and/or federal laws and would be open to law enforcement action as such.*

14. A signed Proposition 207 Waiver has been submitted by the applicant. The waiver will be forwarded to the City Clerk's Office for signatures and recordation

pending the outcome of the Conditional Use Permit application.

15. Staff recommends approval of case CU09-01, based on the following findings:
- The proposed automotive repair/diagnostic facility meets all use-specific limitations and CUP requirements as described in the Zoning Ordinance and PAD Standards and Guidelines Report.
  - The proposal will mitigate potential negative impacts to the adjacent properties and land uses.

### Recommendation:

It is recommended that the Commission take the following action:

**Approve the Conditional Use Permit requested under case CU09-01, subject to the follow stipulations:**

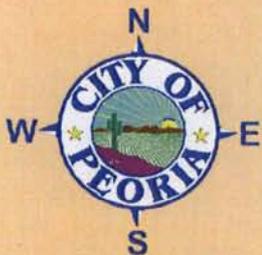
1. The use shall substantially conform to the Project Narrative and Floor Plan, attached as Exhibit C and Exhibit D respectively.
2. The use shall be limited to the extent of the Floor Plan. No activities, including but not limited to, the starting or running of engines or the operation of customers' vehicles shall occur outside of the building in question. This includes employee "test driving" of customer vehicles within the larger commercial center in which the tenant space is located, as well as the open space wash located to the east of the site. The occurrence of any such activity shall be deemed a violation of this permit.
3. The business suite in question shall be designed through the Tenant Improvement Permit process to achieve a Sound Transmission Control Value of 50 or greater.

### Attachments:

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Floor Plan
Exhibit E	Site Plan
Exhibit F	Landscape Plan
Exhibit G	Letter of Opposition

Prepared by: Melissa Sigmund  
Planning Technician

# CU09-01 Location Map



Not to Scale

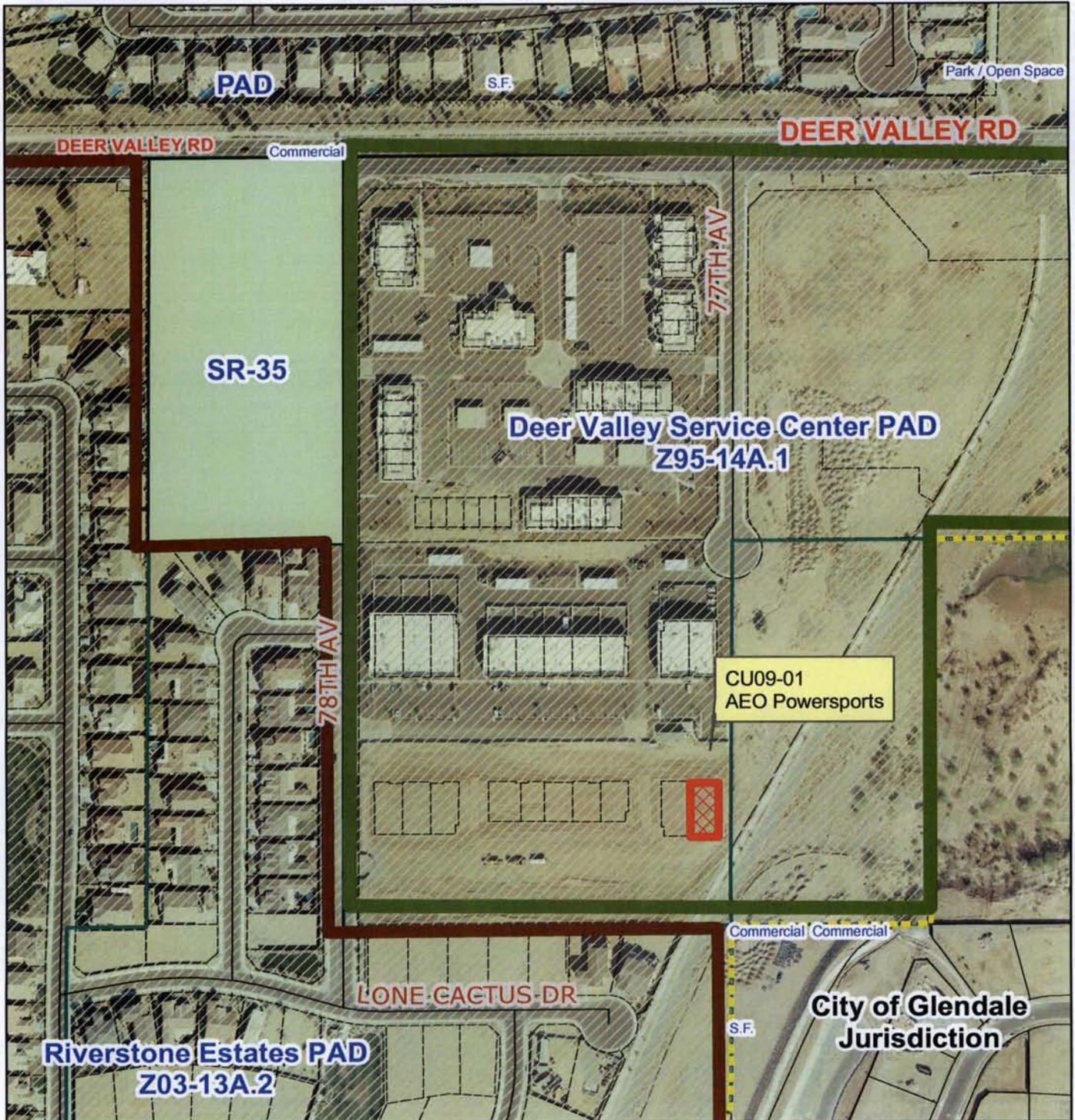
## CU09-01 AEO Powersports

S/O SEC 78th Ave. & Deer Valley Rd.

Request for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD.

**Exhibit A**

# CU09-01 Zoning Map



Not to Scale

## CU09-01 AEO Powersports

S/O SEC 78th Ave. & Deer Valley Rd.

Request for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD.

**Exhibit B**

# AEO Powersports Business Narrative



## Project Scope

AEO Powersports is a tenant improvement within an existing unoccupied gray shell building. When completed this space will serve as a retail store and small engine diagnostic and/or repair service establishments. Services could include small engine repair, oil changes, installing new parts, and changing tires. There will not be any vehicles sales occurring at this location. This tenant improvement is located in Building "D" in the Arrowhead Ranch Industrial Park, Warehouse Condominiums. Building "D" has a gross square footage of 9,300 square foot. The proposed tenant improvement will occupy 4,469 square feet. The building was constructed as a Type V-B building with an automatic fire sprinkler system throughout. The existing zoning for the parcel is C-2, PAD. Occupancy types for the building were assumed to be B and S-1 as indicated in the shell building documents. The proposed occupancy for this tenant space is M and S-1. The front 3,000 square feet retail area will be used as showroom for accessories, apparel and parts sales. The back 1,469 square feet will be used as the repair service facility for motorcycles, quads and UTV's.

This tenant space will be constructed within a shell building that is part of a two phase, six building complex. Each of the buildings is similar in height and exterior finish materials and features. Building facades include a mixture of Founders Finish masonry, split faced, and smooth concrete masonry units; exterior insulation finish system (EIFS); glazed aluminum store front window and entries; and painted steel shade canopies. The buildings form a double loaded streetscape at the building entries with all service areas and overhead door oriented to the rear.

Buildings in adjacent developments are of similar heights and exterior finish materials. This similarity provides for a general rhythm of scale, materials, and user functions while maintaining specific detailing to avoid over repetition. Integral building base courses of contrasting finish materials, expressed structural masonry piers, placement of exterior lighting fixtures and lower window mullions help maintain a human scale throughout the development.

## Planning

The existing zoning for the parcel is BPI/C-2, PAD. Per the Land use table in Article 14-9, Automobile Diagnostic and/or Service Establishments are a permitted conditional use and require a Conditional Use Permit. In Section 14-9-5 Limitations on Uses for Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and

alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following requirements:

- a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

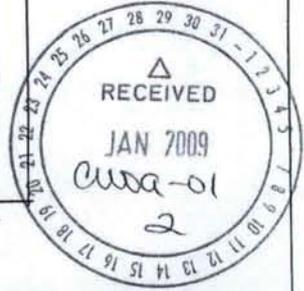
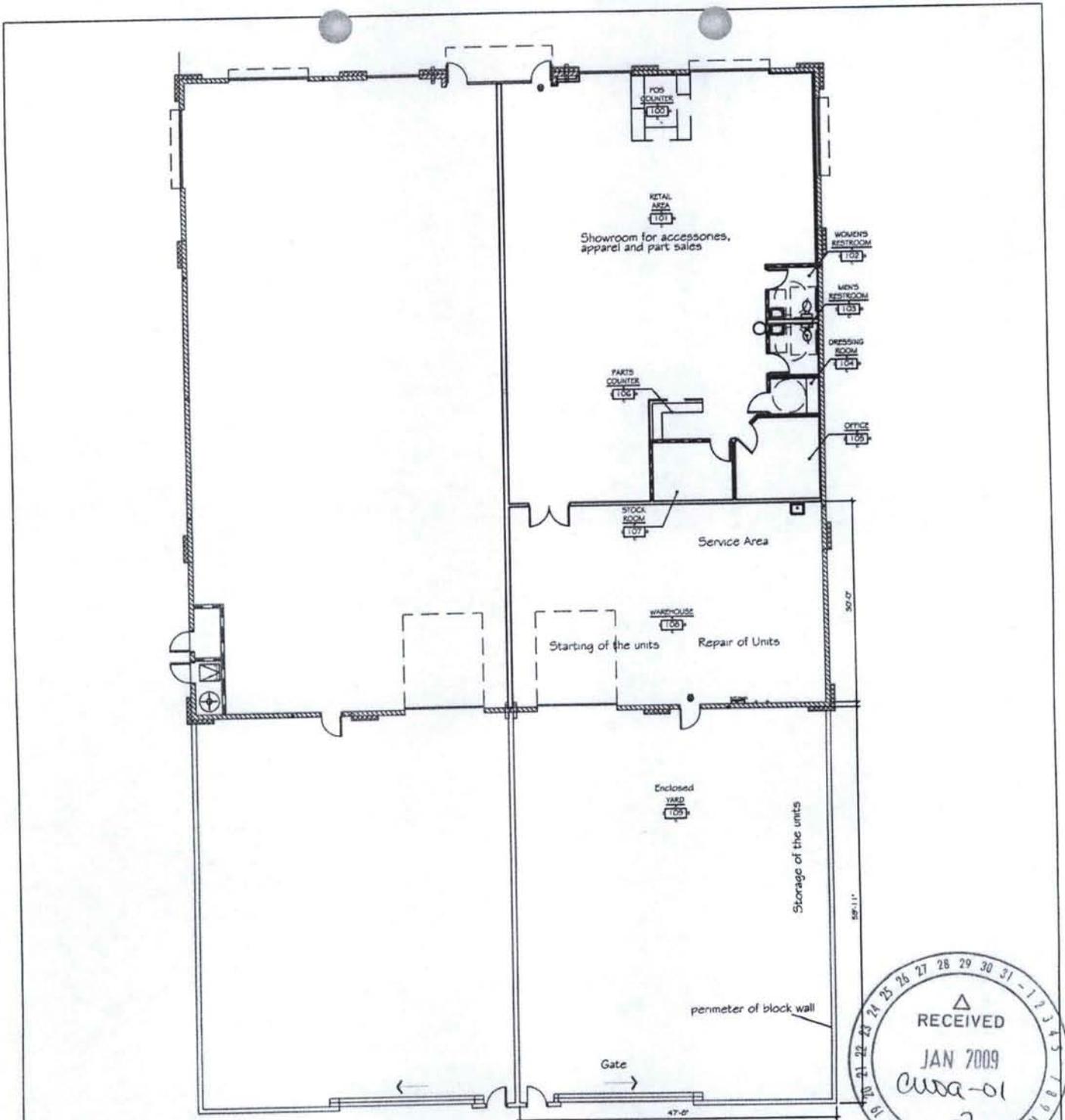
Any outdoor displays will be limited to merchandise normally sold from the premises during normal business hours. Vehicles waiting for repairs will be parked in the repair garage or within the existing screened yards at the rear side of the buildings. These yards are screened with a 6'-0" high masonry walls with hollow metal man door, and solid sliding gate.

- b. All activities shall be performed entirely within an enclosed building. High speed washing, body repair, machining of auto parts, painting, and vehicle or trailer rental shall be expressly prohibited.

All activities will be performed with in the enclosed building. The facility will not engage in vehicle washing, body repair, parts machining, painting, or rentals.

- c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior shall be compatible with surrounding developments.

All paving is existing and was previously approved as a part of the shell building documents.



# FLOOR PLAN

SCALE: NTS

DATE: 1/6/08	ISSUED FOR: USE PERMI	REVISIONS:
SHEET:  SK-2		

**AEO POWERSPORTS**  
21469 N. 78th Ave Peoria, AZ

Prepared by:  
**K. AMEN**  
Checked by:  
**K. AMEN**  
Reviewed by:  
**A.VOTE**  
Project Number:  
08124

A Design  
**InVision LLC**  
tenant improvements  
interior architecture  
interiors  
14583 W. Windsor Ave  
Goodyear, AZ 85338

Exhibit D





1-26-2009

Melissa Sigmund;

I am responding in reference to Case Name "AEO Power Sports", case number CU09-01. I had talked with you briefly at the counter a short time back. You had informed me I should put in writing my concerns. I am the property owner directly to the East of the Rencor Development in which AEO desires to be a part of. My complex, zoned C-2 intermediate, as well as Rencor's, is planned for 60,000 SF of office space. I currently have two buildings with a Certificate of Completion, and all pads certified, with all utilities to remaining pads. I have invested approximately \$6,000,000 dollars in this project. I object for the following reasons;

1. Motorcycle and Quad repair is not the same as automotive. You have them requesting under the Automotive Diagnostic category for their conditional use. AEO Power Sports is currently my tenant in another PI-1 complex. They are a difficult tenant to deal with. Unlike automotive, where problems are solved with computers, motorcycles need to be test driven. At their existing location, 18-22 year old men drive the bikes and quads around in the complex to test their work. They drive too fast and sometimes recklessly. They even drive off my property, trespassing across Beebe Plumbing's property to access the New River Wash. Yes, the same wash that backs up to their desired new location. There is a gate and eight foot sidewalk, that is for pedestrian use, that they will be running motorcycles and quads up and down. This extreme noise will be directly next to my new 60,000 foot office complex. These office dwellers will not appreciate the noise and nuisance created by these motorcycles.
2. Motorcycle repair must not be compared on the same scale as automotive diagnostics.
3. There are homes directly south and butting up against the proposed location of AEO. You will be receiving unlimited complaints from these Peoria citizens about noise. The employees "ref" up the throttles continuously in the process of determining if they are repaired.

Motorcycle repair needs to be in an industrial zoning. Placing this noisy and busy business in a C-2 Zoning is inappropriate. I will be fighting this all the way through the process. I would like to be on the schedule to speak at the public hearing.

Sincerely,

██████████ / JGS Development LLC, 77<sup>th</sup> Avenue River Walk LLC

**EXHIBIT G**

# REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING CODE TEXT AMENDMENT

**CASE NO.:** TA 08-07

**DATE:** March 5, 2009

**AGENDA ITEM NO.:** 6R

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**Applicant:** City of Peoria Planning Division

**Request:** Amend Section 14-34-8.A, Sign Types and Requirements/Permitted Signs, of the Peoria Zoning Ordinance as follows:

- Modify current requirements for Special Event Signage;
- Modify current requirements for Grand Opening Signage;
- Create standards for sign walkers.

**Support /Opposition:** None as of this writing

**Recommendation:** **Approve** proposal as requested

## Introduction:

1. The Planning Division has initiated this text amendment to several specified sections within the Sign Code of the Zoning Ordinance. Principally, the purpose of the amendments is twofold: Provide temporary relief to businesses pertaining to temporary signage; and provide new time, manner, and placement controls to address recently mandated State legislative allowances for "sign walkers."
2. The proposed amendments to Article 14-34 (entitled "Signs") of the Zoning Ordinance are contained within Exhibit A. In developing the proposed amendments, Planning staff have partnered with its Neighborhood Services Division, Legal, and Economic Development Departments.

## Analysis and Discussion:

### *Special Event / Grand Opening Signs*

3. Special event signage is a temporary sign type that allows a business to advertise for special promotions or activities conducted by the business for a limited time. Grand opening signage is also a temporary form of signage that

allows for a business to provide additional signage in order to attract customers to the new establishment.

<b>Special Event Signage Comparison</b>			
<i>Current Standards</i>		<i>Proposed Standards</i>	
Number of Displays		Number of Displays	
4		2	
Display Period	Down Time	Display Period	Down Time
14 Days	30 Days	60 Days	60 Days

4. This amendment is largely in response to the current economic climate and the respective visibility and marketing needs of businesses within the City.
5. Staff has proposed a “sunset date” of April 1, 2011 that will effectively remove the allowances within approximately two (2) years of potential action on this amendment and at a time when some expect the economic climate to rebound. The sunset period also allows staff time to observe and assess the resulting conditions and determine if permanent changes to the Sign Code in this regard are warranted.

*Sign Walkers*

6. A “Sign Walker” is essentially a person who wears, holds, or balances a sign that conveys a commercial message. Occasionally, the Sign Walker will be outfitted in attire that is integral to the conveyance of the commercial message. Currently, the Sign Code outright prohibits signage of this type.
7. Recently, new legislation was enacted by the State of Arizona that recognizes Sign Walkers as a form of commercial free speech and mandates that all municipalities allow the posting, display and use of such signs. However, like other sign types, the regulating municipality may develop and implement “time, manner and placement” restrictions. A.R.S. 9-499.13 (A) and (B) read as follows:

A.R.S. 9-499.13. Sign Walkers; regulation; definition

- A. From and after December 31, 2008, notwithstanding the authority to regulate signs pursuant to section 9-462.01, and as a matter of statewide concern, all municipalities shall allow the posting, display and use of sign walkers. Municipalities may adopt reasonable time, place and manner regulations relating to sign walkers.

- B. For the purposes of this section, "sign walker" means a person who wears, holds or balances a sign.
8. To this end, staff has proposed limitations (Exhibit A) that provide for reasonable accommodations in a manner that is in alignment with public safety and aesthetic objectives. Although the proposed amendment makes a clear distinction between commercial centers and residential subdivision application, there are general objectives and location requirements that apply to all Sign Walkers. Accordingly, staff finds that the proposed amendments contained in Exhibit A accomplish the following:
- a. The proposed regulations regarding Sign Walkers are in place in order to preserve public safety for not only those holding the signs, but also traffic and pedestrians passing by.
  - b. By limiting the location, numbers of sign walkers, and size of signs the City of Peoria is able to ensure that such signs will not become an overwhelming distraction to motorists; and the safety/walk-ability of our public sidewalks will not be compromised.
  - c. Standards limiting the location and number of such signs will ensure that there will not be an overabundance of this sign type. An excess of this sign type would detract from the surrounding aesthetics that the City of Peoria strives for when reviewing developments.

Findings / Recommendation:

9. Based on the following findings:
- The proposed amendment constitutes an improvement to the Zoning Ordinance by enhancing allowances for promotion of businesses; and
  - The amendment aligns the Sign Code with recently enacted State allowances for Sign Walkers in a manner that provides for reasonable accommodations without displacing public safety and aesthetic objectives of the City.
  - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.



4 **ARTICLE 14-34**  
5 **SIGNS**

6  
7 (Page 34-9)  
8 14-34-8 SIGN TYPES AND REQUIREMENTS  
9

10 A. Permitted Signs. The following signs are permitted, subject to the criteria listed  
11 under each sign:

12  
13 (Page 34-11)

14 4. Banner Sign/Promotional Display Sign. A temporary sign which is painted or  
15 displayed upon cloth or other flexible material, used for the promotion of goods or  
16 services for a specified period of time. (Ord. No. 02-56)

17  
18 a. Special Events. A sign used for a special sales event or product promotion.

19  
20 1) For the purpose of this regulation, special event signs shall include sign  
21 banners, balloons, flags, streamers, and pennants. Vehicle mounted  
22 signs, flashing lights, search lights and portable signs are prohibited,  
23 except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

24  
25 2) Signs used to promote special sales or product promotions shall be  
26 limited to a maximum total square footage of twenty-four (24) square feet.

27  
28 3) Signs shall be allowed four (4) times per year for a maximum period of  
29 fourteen (14) consecutive days. A minimum of thirty (30) days shall pass  
30 between each such sale.

31  
32 a) For a period extending no later than April 1<sup>st</sup> 2011 the following time  
33 frames for special event signage shall apply.

34  
35 1) Signs shall be allowed two (2) times per year for a maximum  
36 period of sixty (60) consecutive days. A minimum of sixty (60)  
37 consecutive days shall pass between each such sale.

38  
39 4) All such signs shall include wind cuts to reduce sign billowing or sailing  
40 and shall be securely fastened to a the building or other permanent  
41 structure attached to the building containing the subject establishment.  
42 Such signs and/or banners shall not be mounted to trees or other  
43 landscaping elements.

44  
45 5) Individual balloons and balloon arches/clusters shall be allowed provided  
46 they are securely fastened to permanent structures and setback from all  
47 streets and driveways a distance equal to the tether of the balloon.

48  
49 6) Sign permit required for each display period.

50 (Page 34-21)

51 17. Grand Opening Signs. A sign used for the introduction or promotion of a new  
52 business, store, shopping center, office or the announcement of an established  
53 business changing ownership. (Ord. No. 98-07)

54  
55 a. All businesses shall be permitted to display Grand Opening Signs, on a one  
56 time basis, for a maximum of thirty (30) consecutive days;

57  
58 1) For a period extending no later than April 1<sup>st</sup> 2011, the following time  
59 frames for grand opening signage shall apply.

60  
61 a) All businesses shall be permitted to display Grand Opening Signs on  
62 a one time basis, for a maximum of sixty (60) consecutive days within  
63 the first six (6) months upon receipt of a valid business license.

64  
65 b. For the purposes of this regulation, Grand Opening Signs shall include sign  
66 banners, balloons, streamers, search lights, flags, pennants, inflatable  
67 structures, merchandise or other attention attracting media and devices.  
68 Vehicle mounted signs, flashing lights and portable signs are prohibited;

69  
70 c. No sign permit required.

71  
72 (Page 34-30)

73 31. Sign Walkers. A person who wears, holds, or balances a sign that conveys a  
74 commercial message, including a costume sign. A "costume sign" is defined as  
75 clothing that is integral to the conveyance of a commercial message. Commercial  
76 logos and other commercial identification on shirts, hats and other aspects of  
77 personal appearance are not costume signs.

78  
79 a. General Provisions:

80  
81 1) Signs shall be held, worn or balanced at all times.

82  
83 2) The following elements shall be prohibited: Any form of animation or  
84 illumination, including flashing, blinking or rotating lights; mirrors or other  
85 reflective materials; and attachments, including but not limited to,  
86 balloons, ribbons or speakers.

87  
88 3) Sign walkers may only operate during the hours the business, event or  
89 sales office is open.

90  
91 4) No sign displayed by a sign walker shall exceed six (6) feet in any one  
92 direction and twelve (12) square feet in area per sign face.

93  
94 5) Sign permit required. Said permit shall be renewed no later than one (1)  
95 year upon receipt. A copy of the approved sign permit must be held on  
96 person during use.

97  
98 6) Signage displayed for charitable events shall meet the general and  
99 locational requirements contained herein (Sections 14-34-8.31.a/b. No  
100 permit is required for charitable events.

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b. Location:

- 1) Sign Walkers shall not operate within thirty (30) feet from any street intersection, and at least thirty (30) feet from any vehicular ingress or egress point into a complex/center, establishment or residential development. No Sign Walker shall be permitted to display within a median or on a street. Sign Walkers may be located within the public right-of-way, but may not obstruct pedestrian/vehicular traffic.
- 2) Sign Walkers shall not locate or operate in drive aisles, parking stalls, driveways or on sidewalks in a manner that provides less than a minimum of four (4) feet free and clear for pedestrian passage and/or causes a hazard to pedestrian traffic.
- 3) Sign Walkers and any accompanying display shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities or any structure.

c. Non-Residential Centers / Districts

- 1) Signage may be located on the frontage(s) upon which the business public entry is oriented to. In the event that a business is interior to a center/complex and does not front immediately on a street, that business may place a sign walker within the frontage for the complex/center.
- 2) A maximum of one (1) such sign shall be permitted per establishment. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

b. Residential Development

- 1) Sign Walkers shall be located on the nearest arterial roadway of the residential subdivision or multi-family development to which the sign pertains.
- 2) One (1) Sign Walker shall be permitted per subdivision or residential development. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

34 32. Temporary Event Sign. A sign not intended or designed for permanent display. Signs established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period. Temporary Event Signs shall include but shall not be limited to Yard Sales, Garage Sales, Open House, Christmas Tree and Pumpkin Patch sales lots, and signs identifying the premises of, or announcing the activities conducted by a religious institution, school, civic organization, or similar institutional facilities. (Ord. No. 02-16)

- 152 a. Such signs may be located in the public right-of-way but shall not be placed  
153 on a street, on a median dividing a street, or in a manner that obstructs  
154 pedestrian or vehicular traffic. Such signs, which may included "A-Frame"  
155 and other removable signs shall not be affixed to or otherwise obstruct the  
156 use and visual identity of any landscaping, natural features, telephone poles,  
157 utility poles, fire hydrant, traffic barrier, or traffic control devices. Such signs  
158 shall be secured or weighted so as to resist displacement by wind,  
159 inadvertent contact by passerby and similar disturbances;  
160
- 161 b. Such signs shall not exceed three (3) feet in height and six (6) square feet in  
162 area, except as may otherwise be provided in this Ordinance. However, one  
163 (1) banner sign not exceeding twenty-four (24) square feet in area and eight  
164 (8) feet in height may be permitted on the premises to which the event  
165 pertains. All such signs shall include wind cuts to reduce sign billowing or  
166 sailing and shall be securely fastened to a building, wall or fence on the  
167 premises; (Ord. No. 03-01)  
168
- 169 c. A maximum of four (4) signs shall be allowed per event;  
170
- 171 d. Temporary Event Signs may be installed no sooner than forty-eight (48)  
172 hours prior to the event and must be removed within twelve (12) hours upon  
173 the completion of the event;  
174
- 175 e. Such signs shall not be illuminated, animated, or emit any artificial light,  
176 except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)  
177
- 178 f. Such signs shall only be located within a two-mile radius of the premises to  
179 which the event pertains;  
180
- 181 g. No sign permit required.  
182

183 ~~32.~~ 33. Window Signs. A sign or signage placed in windows so as to attract the  
184 attention of persons outside of the building where the sign or signage is placed.  
185

- 186 a. Window signage shall be limited to twenty-five percent (25%) of the total  
187 window area in which it is placed;  
188
- 189 b. Window signage shall not be placed above the ground floor of the building;  
190
- 191 c. No sign permit required.  
192

193 **(Page 34-31)**

194 B. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited.  
195 Prohibited signs include, but are not limited to the following:  
196

- 197 1. Any non-public signs in existing and future public right-of-way, as defined in the  
198 Peoria General Plan Comprehensive Plan or the Peoria Street Classification  
199 Master Street/Right-of-way Map, whichever is more restrictive, or on public  
200 property, except as may otherwise be provided in this Ordinance. The City may  
201 install signs on its own property to identify public buildings and uses, and to  
202 provide necessary traffic control;

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- ~~2. Sign permits required for signs as specified in Section 14-34-8;~~
- ~~3. 2. All roof-mounted signs;~~
- ~~4. 3. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)~~
- ~~5. 4. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned parking space, a minimum of fifteen feet (15') from any street right of way line; (Ord. No. 00-30)~~
- ~~6. 5. Flag-mounted signs, except as otherwise provided;~~
- ~~7. 6. All signs having intermittent or flashing illuminations, signs having animated or moving parts or which may be carried or worn by a person or animal, or that emit sound, except as may otherwise be provided in this Ordinance; (Ord.No. 03-01)~~
- ~~8. 7. Freestanding wall changeable copy/marquee signs:~~
- ~~9. 8. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;~~
- ~~10. 9. Any sign imitating an official traffic control sign, device, or obscuring such signs or devices, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)~~
- ~~11. 10. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;~~
- ~~12. 11. Any sign placed on private property without the property owner's written approval;~~
- ~~13. 12. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)~~
- ~~14. 13. Signs that are illegally displayed on City right-of-way or on City property; and,~~
- ~~15. 14. Any sign which interferes with or confuses traffic, or presents a traffic hazard. (Ord. No. 98-07)~~