



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  
Gene Sweeney  
Nancy Golden  
Leigh Strickman

Department Liaison  
Glen Van Nimwegen

***Accommodations for  
Individuals with Disabilities.***  
*Alternative format materials, sign  
language interpretation, assistive  
listening devices or interpretation  
in languages other than English  
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, APRIL 1, 2010  
6:30 P.M.  
COUNCIL CHAMBERS  
8401 W. MONROE ST.**

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**CONVENE:**

**ROLL CALL:**

**OPENING STATEMENT:**

**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 Commissioner Loper from the February 18, 2010 meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held February 18, 2010.
- 3C** **CU10-0034:** Discussion and possible action to approve a request from Mike's Rigatoni for a Conditional Use Permit to allow an outdoor dining patio in conjunction with the operation of an existing restaurant. The site is located within the North Valley Power Center, 8215 W. Bell Road Suite 125.

- 4C** **CU10-0047:** Discussion and possible action to approve a request from Coal Creek Consulting, representing Clearwire Wireless, for a Conditional Use Permit to increase the height of proposed antennas to be co-located on an existing athletic field light pole. The site is located at Centennial High School, 14388 North 79<sup>th</sup> Avenue, Peoria, Arizona.
- 5C** **CU10-0007:** Discussion and possible action to approve a request from Sun City Elk's Lodge #2559 for a Conditional Use Permit to allow the addition of an approximately 360 square foot outdoor patio at 10760 W. Union Hills Dr. Peoria, AZ 85373.

## REGULAR AGENDA

### **NEW BUSINESS:**

**6R** **Peoria Sports Complex Urban Design Plan**

Discussion and update on the status of the Peoria Sports Complex Urban Design Plan  
(No Action).

**7R** **Multi-Modal Transportation Plan**

Presentation and discussion on various aspects of the Multi-Modal Transportation Plan under development (No Action).

### **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.

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
FEBRUARY 18, 2010  
DRAFT**

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

**Members Present:** Chair Veda McFarland, Vice Chair Marc Melbo, Commissioners Gene Sweeney, Leigh Strickman, Bill Louis, and Nancy Golden.

**Members Absent:** Commissioner Greg Loper.

**Others Present:** Ellen Van Riper - Assistant City Attorney, Chris Jacques - Planning Manager, Melissa Sigmund - Planner, and Bev Parcels – Planning Assistant.

**Opening Statement:** None Read.

Call for speaker request forms.

**Audience:** Four.

**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 the absences of Chair McFarland and Commissioner Golden from the February 4, 2010 meeting.
- 2C**    **MINUTES:** Approve the minutes of the Regular Meeting held February 4, 2010.
- 3C**    **CU09-02290:** Discussion and possible action to approve a request from First Industrial Realty Trust for a Conditional Use Permit to allow the use of a suite within an existing building for an automobile service establishment by AAMCO Complete Car Care. The proposed location is within the Arrowhead 101 Business Park at 14131 N Rio Vista Boulevard.
- 4C**    **CU09-08:** Discussion and possible action to approve a request from Quinn United Enterprises, LLC for a Conditional Use Permit to allow a wireless communication facility

consisting of a 65 foot high monopalm and associated ground equipment. The property is located at the southwest corner of 81<sup>st</sup> Avenue and Market Street.

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

## **REGULAR AGENDA**

**NEW BUSINESS:** None

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

**REPORT FROM STAFF:** Chris Jacques, Planning Manager, gave a presentation and primer on the Development Process and discussed the Planning Development Summary.

**COMMISSION COMMENT:** Commissioners inquired about dismissing yourself from a case, suggesting mitigation, regulating City decisions and complaints, and time frame for a zoning case.

**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 6:57 p.m.

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Veda McFarland, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 10-0034

**DATE:** April 1, 2010

**AGENDA ITEM:** 3C

**Applicant:** [REDACTED] on behalf of Mike's Rigatoni

**Request:** Obtain a Conditional Use Permit (CUP) to permit an outdoor dining patio at an existing restaurant.

**Proposed Development:** Mike's Rigatoni Restaurant (Outdoor Dining): The restaurant suite is approximately 3,000 square feet in area; the outdoor dining patio would occupy approximately 315 square feet.

**Location:** 8215 W. Bell Road, Suite 125, Peoria AZ, 85382 (North Valley Power Center)

**Site Acreage:** The restaurant suite is approximately 3,000 square feet. The outdoor patio will occupy approximately 315 square feet.

**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.

**Recommendation:** **Approve**, with conditions.

### LAND USE CONTEXT

*Table 1: Existing and Future Land Use / Zoning (Exhibit B)*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	North Valley Power Center	Regional Commercial	<b>PAD</b> Planned Area Development
North	Arrowhead Mall	City of Glendale	City of Glendale
South	Apartments	Regional Commercial	Planned Area Development
East	North Valley Power Center	Regional Commercial	Planned Area Development
West	North Valley Power Center	Regional Commercial	Planned Area Development

## **PROJECT DESCRIPTION**

### *Request and Development Details*

1. The applicant is proposing to construct a 315 square foot outdoor patio with seating. The existing storefront windows will be converted to three panel sliding pocket doors, which will allow direct access to the outdoor patio area. The patio area will be enclosed with 36" inch vertical wrought iron fencing. The outdoor seating patio will measure approximately 35' feet in width by 9' feet in depth located within an existing sidewalk area. Staff notes, the request will not displace required sidewalk clearance, as additional sidewalk area in excess of four feet is available outside the proposed outdoor patio area. (Exhibit C)
2. Proposed hours of operation are Sunday through Thursday 11:00am-11:00pm, and Friday through Saturday 11:00am-12:00am. (Exhibit A)

## **FINDINGS AND ANALYSIS**

### *Applicability*

3. The current zoning of the property is Planned Area Development (PAD). The regulating document Z90-23A.10, also known as the North Valley Planned Area Development, requires compliance with the regulations of the Intermediate Commercial (C-2) Zoning District. Therefore, pursuant to the Non-Residential Districts Land Use Matrix (Table 14-9-3) outdoor dining and seating areas require the issuance of a Conditional Use Permit in accordance with Section 14-39-10.D and subject to special limitations as set forth in Section 14-9-5.B.2.

### *Analysis*

4. 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 negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
5. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed restaurant use. The proposed use is consistent with surrounding land uses and the context of the area in question. A number of restaurants are located in this vicinity, many of which have outdoor dining patios. There will be no direct impact to the multi-family residences located approximately 450 feet to the south given the fact that the outdoor seating area will be oriented towards the interior of the shopping center, as well as separated by intervening commercial buildings.

6. Additionally, Section 14-9-5.B.2 identifies special limitations for outdoor dining and seating areas:
  - a. *Such area shall be located adjacent to the restaurant or establishment to which it is an accessory use.* The patio area is located adjacent to the restaurant building within a fully enclosed patio area.
  - b. *The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.* The site is an existing and developed establishment. The patio area is designed away from drive aisles and roadways. Access to the patio will be provided from the interior of the building.
  - c. *The patio area shall not exceed 25% of the gross floor area of the establishment.* The patio area is approximately 10% of the gross floor area, which does not exceed the maximum allowable.
  - d. *Planning and Zoning Commission may impose stipulations, but not limited to, a restriction relating to operating hours, screening, noise, and visual mitigation measures.* Given the character and scope of the sports complex entertainment area, staff does not believe there would be any significant impacts as a result of the outdoor dining activity due to the fact ambient noise levels are generally higher in this area due to traffic levels, stadium noise and activities emanating from entertainment establishments in the area. The closest residential development is approximately 450 feet to the south of the site (Alexan Paradise Lane Apartments).

#### *Noticing and Neighborhood Comment*

7. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

#### *Public Notice*

8. 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 by March 3, 2010. 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*

9. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

**RECOMMENDATION**

10. Based on the following findings:

- The proposal is limited in scope and an appropriate, ancillary function to a restaurant use; and
- The outdoor dining area is within a larger existing commercial development; and
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.

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

**Approve the request for a Conditional Use Permit under Case CU10-0034, subject to the following condition:**

1. The use shall substantially conform to the project narrative (Exhibit C) and floor plan (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated April 1, 2010.

**Attachments:**

Exhibit A	Project Narrative
Exhibit B	Zoning Map
Exhibit C	Floor Plan
Exhibit D	Photos

Prepared by: Monique Spivey  
Associate Planner

**Project: Mike's Rigatoni Bistro Terrace Bar**  
**8215 W Bell Road**  
**Peoria, Az 85382**

**NARRATIVE:**

Our project is to create a terrace bar below the existing canopy with 36" Height fence demarcate the area. This Fence will be provide with a simple design build with 1/2" steel bars and attached to the floor and existing columns with anchors.

We set up tables and booths inside this terrace. To serve our clients will open the front window with a three sections pocket sliding doors allow direct access to the existing bar to the new terrace. Plus an additional entry will be provide and remain open to allow passage of personnel service to the terrace from dining room, so it will allow access to the terrace without have to open the sliding doors.

The location of this terrace does not affect the movement of pedestrians because there is a front sidewalk of the building with 12' (ft) minimum to a 35' maximum width with a small square at front.

West of this terrace there isn't and adjacent suite because it is located in one of the building's corners. To the East side shares the canopy with another tenant without obstructing the free passage of their business customers or hiding their ads.

Currently existing dining hourly:

Sun - Thu	11:00 am - 9:00 pm
Fri - Sat	11:00 am - 10:00 pm

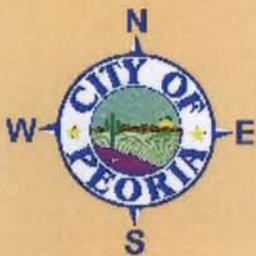
Proposed existing dining & new outside bar area hourly:

Sun - Thu	11:00 am - 11:00 pm
Fri - Sat	11:00 am - 12:00 am

On both areas will be served Food and Alcoholic beverages

END

# CU10-0034 Aerial Vicinity Map



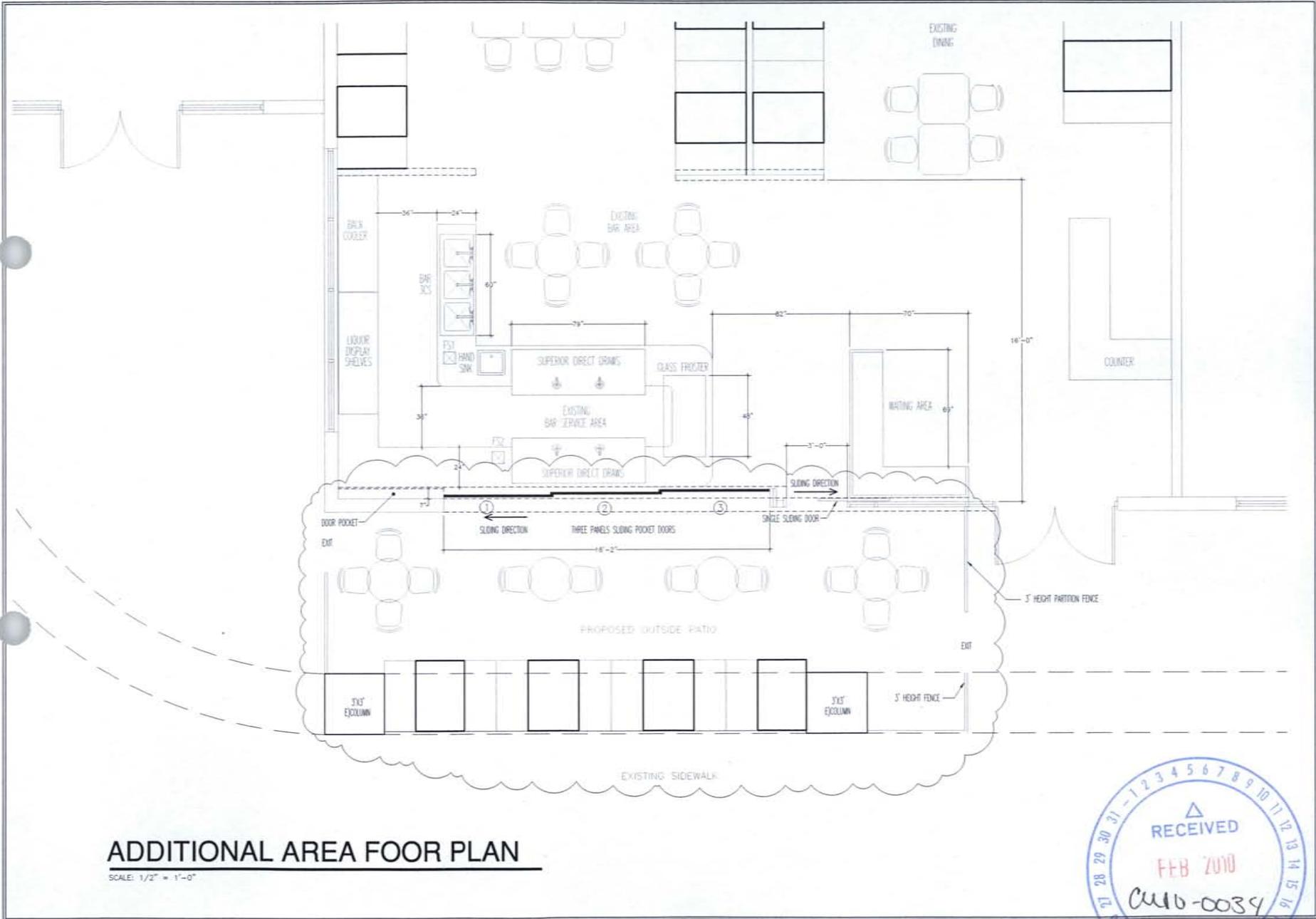
Not to Scale

**CU10-0034**

██████████ on behalf of Mike's Rigatoni Restaurant

Request for a Conditional Use Permit (CUP) for a proposed restaurant to allow the addition of an outdoor dining patio.

**Exhibit B**



# ADDITIONAL AREA FLOOR PLAN

SCALE: 1/2" = 1'-0"

\_\_\_\_\_

JORGE ALDERETE  
(602) 469-4994

\_\_\_\_\_

"Mike's Rigatoni"  
BISTRO  
8215 W Bell Rd  
Peoria, AZ 85382

REVISIONS	DATE

ADDITIONAL AREA FLOOR PLAN  
**A2**

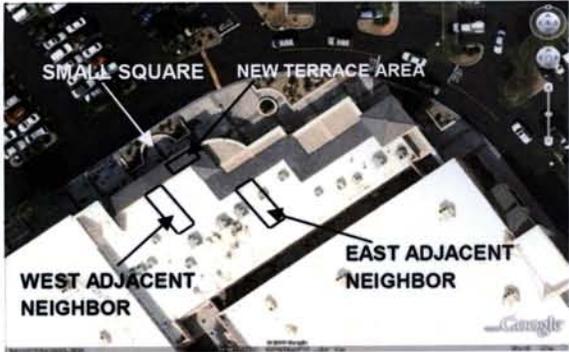


**Exhibit C**



Exhibit D





C

Exhibit D



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 10-0047

**DATE:** April 1, 2010

**AGENDA ITEM:** 4C

**Applicant:** [REDACTED] of Coal Creek Consulting, on behalf of Clearwire Wireless

**Request:** Obtain a Conditional Use Permit to increase the height of the antennas to be co-located on an athletic field light pole

**Proposed Development:** Upgrade an existing wireless communication facility on an athletic light pole with new antennas

**Location:** Centennial High School, 14388 North 79<sup>th</sup> Avenue

**Site Acreage:** The school site is approximately 37 acres; the lease area is 49 square feet

**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal correspondence in support or opposition to this proposal.

**Recommendation:** **Approve**, with conditions.

### LAND USE CONTEXT

1. **Table 1: Existing/Future Land Use, Zoning. (Exhibit B)**

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	Centennial High School	Public / Quasi-Public	R1-8 / R1-12 / R1-18
North	Single-Family Residential	Estate Residential (0-2 du/ac)	Maricopa County (RU-43)
South	Single-Family Residential / Church	Low Density Residential (2-5 du/ac)	R1-8
East	Single-Family Residential / Church	Low Density Residential (2-5 du/ac ) & Estate Residential (0-2 du/ac )	R1-8 / R1-12 / R1-18
West	Single-Family Residential / Church	Low Density Residential (2-5 du/ac ) & Estate Residential (0-2 du/ac )	R1-10 / R1-18 & Maricopa County (RU-43)

## **PROJECT DESCRIPTION**

### *Request and Development Details*

2. The applicant is proposing to upgrade an existing unmanned wireless communication facility (WCF). The upgrade includes the installation of three new antennas and four new parabolic antennas at approximately 71.5 feet high on an existing 81.5 feet high athletic field light pole. A ground based cabinet will be placed in a 49 square foot leased area inside of the existing equipment compound placed near the monopole (Exhibit E).
3. The existing wireless communication facility (WCF) is located on an athletic field light pole at Centennial High School. The light pole is situated at the southeastern property line, across the street from an existing church.
4. The proposed wireless communication facility will be unmanned.

## **FINDINGS AND ANALYSIS**

### *Applicability*

5. This proposal requires approval of a CUP because the original facility was approved prior to the enactment of the current ordinance in 1998. The height of the existing antennas (65 feet) on the pole would be required to obtain a Conditional Use Permit. While a co-location on the pole would be permitted to go 15 feet above the existing antenna, the original antenna is considered non-conforming.

### *Analysis*

7. 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 negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
8. The proposed WCF site is located on the thirty-seven acre Centennial High School campus. The site is zoned as single-family residential (R1-8, R1-12, R1-18). Certain essential and complementary uses, such as a school which are historically viewed as a non-residential use, are permitted within a residential district as a principal use. Constructed in 1985, the campus consists of multiple buildings, parking fields, a pool, baseball fields, tennis courts and a full athletic field facility with bleachers.

9. The surrounding area includes three religious institutions and single-family residential lots located to the east, west and south of the school. The properties to the north and northwest are large lot single-family residential lots within a Maricopa County island (Exhibit A).
10. The athletic field is located along the southeastern property line. The field includes four light poles, two on the north side of the track and two on the south side, approximately 75-80 feet tall. Of the four poles, three poles have approved site plans for WCF co-locations. The applicant is proposing to co-locate a WCF on an existing WCF on an athletic field light pole at the southwest corner of the athletic field (Exhibit A). This light pole is located approximately 175 feet from the closest residential property line.
11. The light pole at the southwest end of the field was approved as a WCF for Sprint in 1996 under case PR96-20. The approval of the site plan case at this location was prior to the adoption of Article 14-3, Wireless Communication Facilities ordinance which was approved in April 1998 (Ord. 98-15). The site plan included a 20' x 25' equipment enclosure located along the property fence line. The applicant is leasing a 7' x 7' area for their equipment cabinets within the approved enclosure.
12. The proposal is to co-locate three antennas and four parabolic (microwave) antennas at a height of approximately 71.5 feet. To locate the four parabolic antennas at this location, the applicant submitted for a variance to increase the number of allowable microwave antennas from one to three at this location. On March 9, 2010, the Board of Adjustment voted to approve the variance to allow three antennas at this location. However, during the drawing of the construction documents, the applicant identified an error on the plans. The site would need four parabolic antennas at this location. The Board of Adjustment will hear a request to amend the approved variance to increase number of parabolic antennas from 3 to 4 on an existing cell tower on April 13, 2010.
13. The intent of the wireless communication ordinance 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 further encourages applicants to explore all camouflaging and screening options available. Illustrated on Exhibit E is the visual result of adding Clearwire's wireless antennas to the existing vertical structure. As viewed from the west elevation, the existing athletic field lights, placed at the top of the light pole, span a total width of approximately 15' feet at an 81' foot elevation. The existing carrier Sprint panel antennas also span an approximate width of 15' feet at an elevation

of 63' feet and 6 inches. Clearwire's panel antennas and microwave dishes are a combined visible width of approximately 8 feet at an elevation of 71.5 feet. Clearwire's antennas are approximately 53% less in overall size when compared to the width of the existing athletic field lights and existing wireless carrier panels. Based on the dimensions as stated, staff believes the addition of the antennas will not visually impact the existing condition of vertical structure.

14. The equipment enclosure developed with the original site plan is adjacent to the fence next to Hearn Road. Due to the visibility of the enclosure from a public road, additional landscaping is needed along the right-of-way to screen the existing and proposed equipment.

#### *Noticing and Neighborhood Comment*

15. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written correspondence in support or opposition to this proposal. Additionally, the site was posted at least 15 days prior to the Public Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

#### *Proposition 207*

16. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

### **RECOMMENDATION**

17. Based on the following findings:
  - The proposed addition to the existing wireless communication facility meets all CUP criteria;
  - The proposal is consistent with the intent of the ordinance by minimizing the visual impact of such facilities on the community through co-location on an existing wireless facility cross functioning as an athletic field light;
  - The proposal does not result in any detrimental impacts to the surrounding neighborhood.

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

**Approve the Conditional Use Permit requested under case CU10-0047, subject to the follow stipulations:**

1. The development shall substantially conform to the Project Narrative (Exhibit C), Site Plan (Exhibit D), and Elevation Plan (Exhibit E) as contained in the staff report to the Planning & Zoning Commission dated April 1, 2010.
2. The equipment enclosure shall be screened from view along Hearn Road with additional landscaping consistent with the type and density of existing vegetation in the immediate area. A landscape exhibit shall be provided with the construction plans.
3. 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	Location Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Site Plan
Exhibit E	Elevation Plan

Prepared by: Lou Brannick  
Development Plan Reviewer

# CU10-0047 Location Map



Not to Scale

## CU10-0047 ClearWire / Centennial

Applicant: Coal Creek Consulting

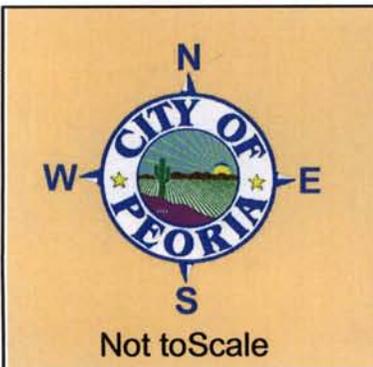
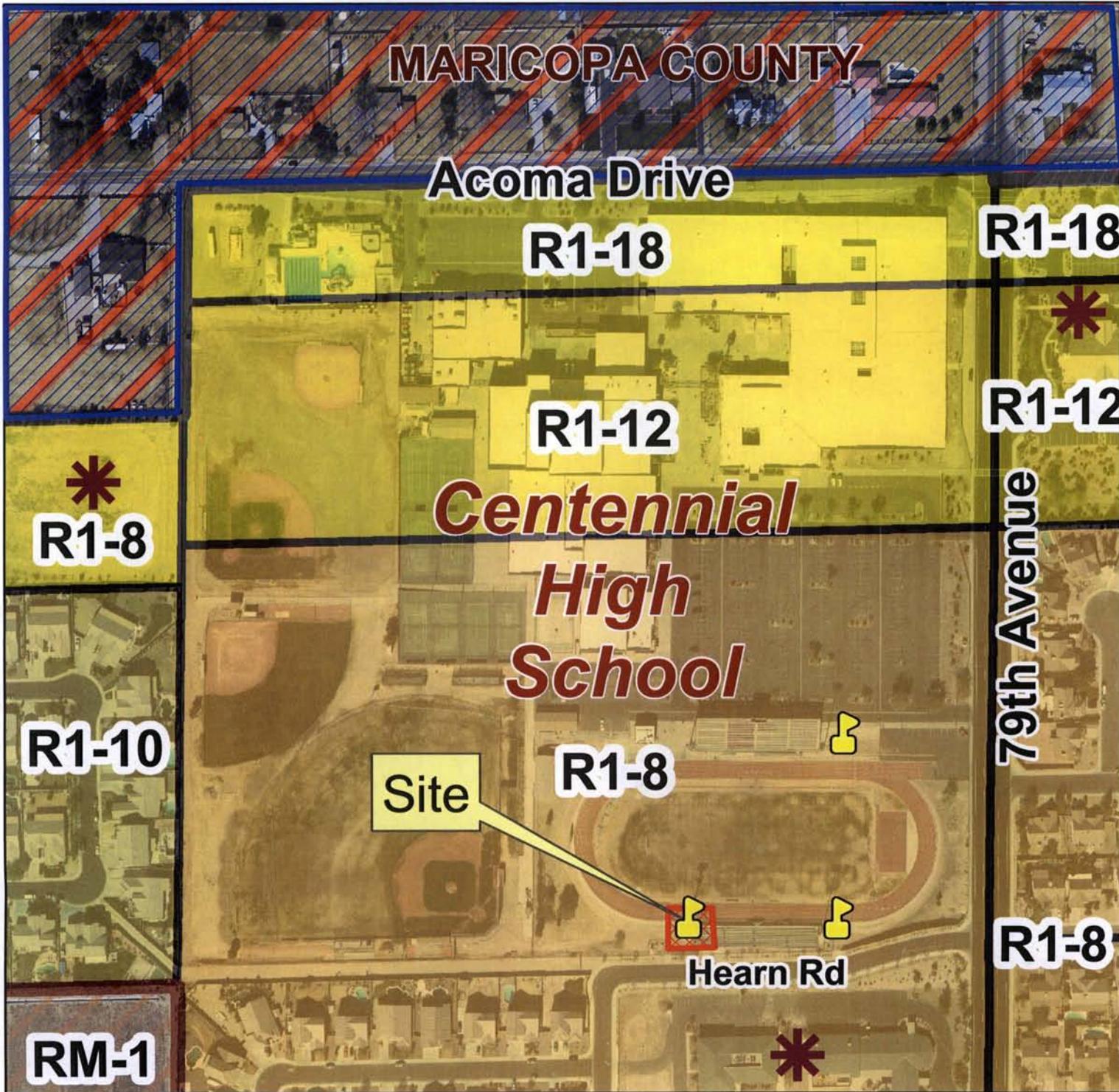
Request: Increase the height of the proposed antennas to be co-located on an athletic field light pole.

\* religious institution

📍 wireless communication facility

**Exhibit A**

# CU10-0047 Zoning Map



## CU10-0047 ClearWire / Centennial

Applicant: Coal Creek Consulting  
Request: Increase the height of the proposed antennas to be co-located on an athletic field light pole

- \* religious institution
- 📍 wireless communication facility

Exhibit B

# **Clearwire Wireless Broadband Project Narrative for Centennial High School**

## **Project location**

14388 N 79<sup>th</sup> Ave., Peoria AZ  
Centennial High School grounds

## **Description of Proposal**

The proposal includes an upgrade of an existing unmanned telecommunication facility to include the installation of (3) new antennas, and (3) new parabolic antennas (not to exceed 24") on an existing monopole. A ground base cabinet will be placed near the monopole and will be housed in its own secured area. The Conditional Use is requested because the existing monopole never received CUP approval because it was constructed prior to the requirement.

## **Relationship to Surrounding Properties**

The unmanned wireless communications facility will generate no refuse, and will use no water or sewer services. There should be no demand for police surveillance. The facility is secured inside an existing telecommunication compound minimizing any fire dangers. Emergency vehicle access is available directly to the site via existing roadway.

The project is located on a Peoria Unified School District property and the parcel is currently used as a high school.

The surrounding area is made up of residential homes and a school.

## **Location and Accessibility**

The site technician will use an existing 9X18 foot parking stall for the once a month routine maintenance visit. The existing access will be utilized for routine maintenance of the wireless communication facility as well as emergency service repairs or any non routine visits.

## **Circulation System**

The existing access will be used resulting in no change to the circulation.

## **Development Schedule**

To commence upon receipt of a building permit.

## **Community Facilities and Services**

The project property is located at a large Peoria School District parcel.

The location, size, design, and operating characteristics of the proposed communications facility will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity. This determination is supported by the following:

- The equipment associated with the communication structure operates quietly or virtually noise-free.
- The equipment does not emit fumes, smoke, or odors that could be considered objectionable.
- The communications facility is unmanned and only requires periodic maintenance that equates to approximately one vehicle trip per month.

## **Radio Frequency Emissions**

The facility will fall within the portion of the electromagnetic spectrum, which transmits non-ionizing radio waves. "Non-ionizing" electromagnetic emissions, at the low levels associated with this type of wireless technology, are not harmful to living cells. Among the items which result in non-ionizing electromagnetic emissions are police/fire/EMS radios, television broadcasts, CB radios, microwave ovens, baby monitors, home wireless phones, garage door openers, and many other items used in day to day life. Not to be confused with "ionizing" electromagnetic emissions which include ultra-violet light, medical x-rays and gamma rays.

## **Radio Frequency FCC Compliance**

The FCC has allocated a portion of the radio spectrum to be used with power required to operate a wireless communication facility. The proposed facility does not exceed 718 watts per channel and thus, the Clearwire wireless communication facility is by design a low-power system. Depending upon characteristics of the site, the actual power requirements may be reduced. When operational, the transmitted signals from the site will consist of non-ionizing waves typically generated significantly lower than the FCC standard for continuous public exposure of 900 microwatts per square centimeter.

## **Other Information**

Exhibit C2

- No Traffic Impact Study is provided due to only one trip generation per month.
- There will be no noise, smoke, dust, odor, vibration or illumination created by the proposed use.
- The site is compatible with surrounding uses.
- The proposed wireless communication facility will meet or exceed all Federal, State, Local Government agency requirements including the Federal Communication Commission (FCC) and the Radio Frequency (RF) exposure standards.
- The proposed project will be in compliance with all sections of the zoning ordinance and code requirements.
- Existing communication facilities within a 1-mile radius of the subject site were not available or lacked appropriate radio frequency engineering design requirements.
- Public utility poles lacked the available ground space needed and the appropriate height for the Radio Frequency signal.
- Other existing vertical elements were eliminated due to unwilling landlords, unavailable height, ground space, and physical site restraints.

### **Summary**

The proposed design will be engineered certified to be in compliance with the City of Peoria Zoning ordinance, International Building, Electric and Fire Codes. The proposed wireless communication facility will meet or exceed all Federal, State, Local Government agency requirements including the Federal Communication Commission (FCC) and the Radio Frequency (RF) exposure standards.

Clearwire is excited about the opportunity to bring enhanced service to the greater Peoria area. As a result, residents and tourists will benefit from the improved coverage and options available. The improvements will help to enhance E-911, City, and Public communication services.

Please refer to the drawings and supplemental information for any further clarification.

Sincerely,





3/18/2010

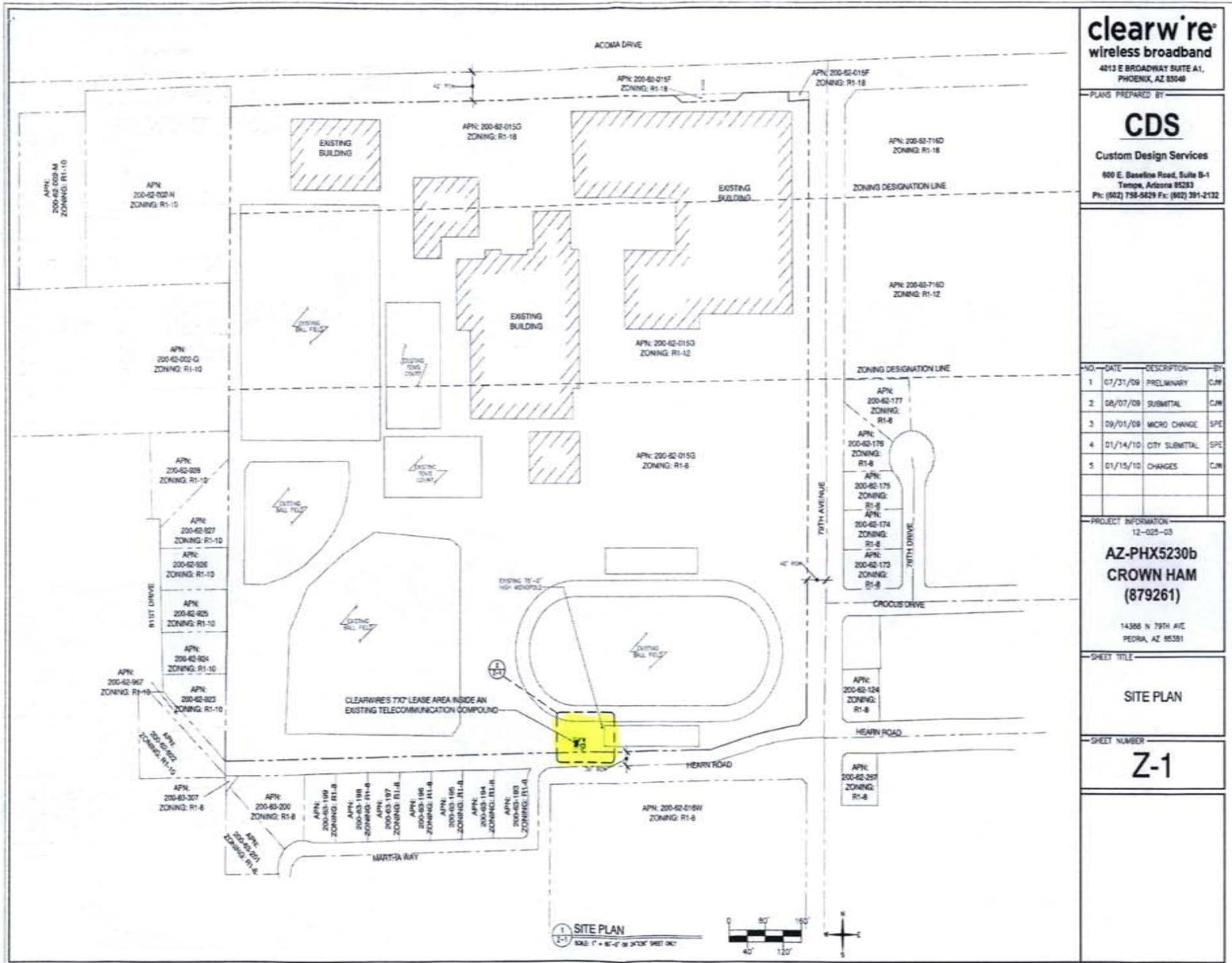
**RE:V10-0028**

On March 9, 2010 the Board of Adjustment for the City of Peoria approved three parabolic antennas for Clearwire located at 14388 N 79<sup>th</sup> Avenue. While Clearwire was developing the Construction Drawings a clerical error was discovered on the plans showing only three parabolic antennas when there should have been four. Clearwire would like to request that the Board of Adjustment reconsider this proposal on April 13, 2010 for four parabolic antennas. The property will be re-posted and an ad will be placed in the newspaper. Please reconsider this request. If you have any questions, please do not hesitate to contact me.

Regards,



Exhibit C4



**clearw're**  
 wireless broadband  
 4013 E BROADWAY SUITE A1,  
 PHOENIX, AZ 85048

PLANS PREPARED BY  
**CDS**  
 Custom Design Services  
 600 E. Baseline Road, Suite B-1  
 Tempe, Arizona 85283  
 Ph: (602) 758-9629 Fax: (602) 961-2132

NO.	DATE	DESCRIPTION	BY
1	07/31/09	PRELIMINARY	COM
2	08/07/09	SUBMITTAL	COM
3	09/01/09	MICRO CHANGE	SPE
4	01/14/10	CITY SUBMITTAL	SPE
5	01/15/10	CHANGES	COM

PROJECT INFORMATION  
 12-025-03  
**AZ-PHX5230b**  
**CROWN HAM**  
**(879261)**  
 14386 N 79TH AVE  
 PEORIA, AZ 85381

SHEET TITLE  
**SITE PLAN**

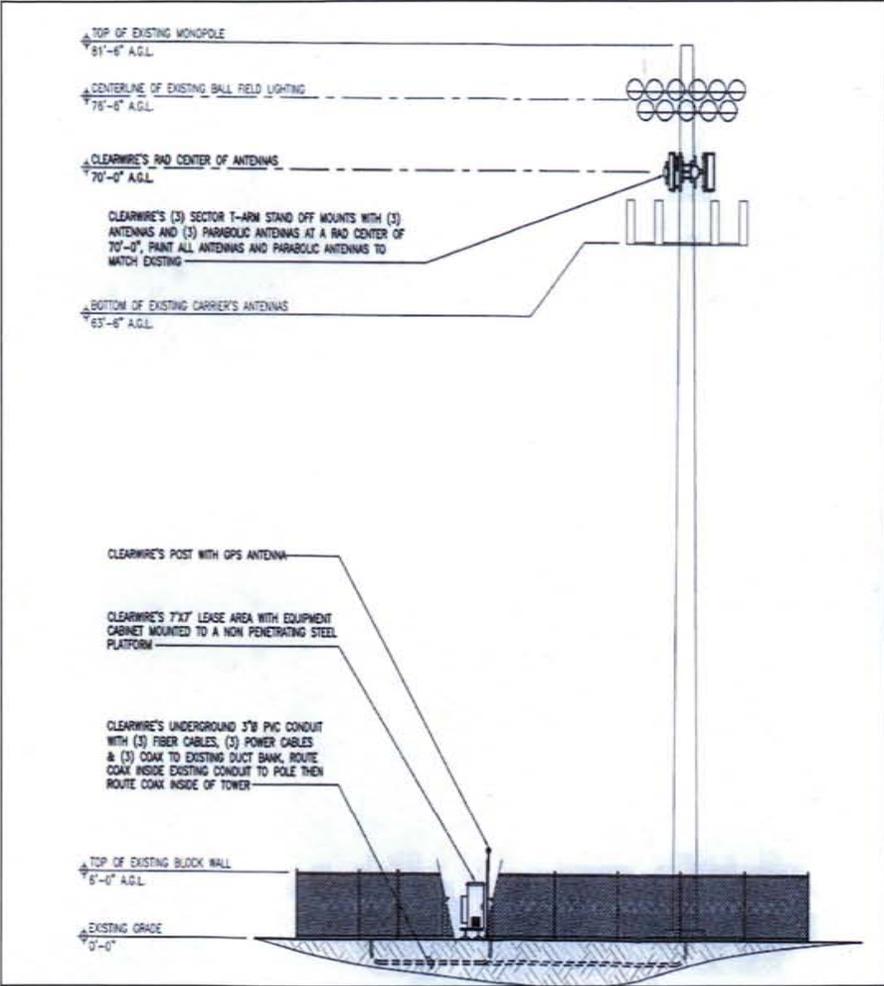
SHEET NUMBER  
**Z-1**





# CU10-0047 Centennial High School Clearwire Wireless

South Elevation



West Elevation





# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU10-0007  
**DATE:** April 1, 2010  
**AGENDA ITEM:** 5C

**Applicant:** Sun City Elks Lodge #2559

**Request:** Sun City Elks Lodge: Proposal to utilize a covered space adjacent to the existing lodge for an outdoor seating area.

**Location:** 10760 W. Union Hills Dr. Peoria, AZ 85373 – West of the northwest corner of 107<sup>th</sup> Ave. & Union Hills.

**Support / Opposition:** As of the date of this printing, staff has not received any support or opposition to this request.

**Recommendation:** **Approve**, subject to Conditions 1-2.

### AREA CONTEXT

*Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibit B)*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	<b>Sun City Elks Lodge</b>	Med-High Density Residential (5.0-8.0 du/ac)	Intermediate Commercial (C-2)
North	RV Storage Lot	Med-High Density Residential (5.0-8.0 du/ac)	Intermediate Commercial (C-2)
South	Single-family residences	Not in Planning Area	(Maricopa County)
East	Church and commercial center	Med-High Density Residential (5.0-8.0 du/ac)	Intermediate Commercial (C-2)
West	Mobile Home Park	Med-High Density Residential (5.0-8.0 du/ac)	Travel Trailer Park District (RMH-3)

### BACKGROUND

#### *Sun City Elks Lodge #2559*

1. The Sun City Elks Lodge was founded in 1977 and occupies a 2.5-acre site west of the northwest corner of Union Hills Drive and 107<sup>th</sup> Avenue. The site was annexed in 1978 into the City of Peoria (Ordinance 78-2).

### *Proposed Outdoor Seating Area*

2. The applicant desires to operate an outdoor seating area of approximately 360 square feet adjacent to the existing establishment/bar. The stated purpose of the seating area is to provide outdoor space for members to smoke or mingle (Exhibit B). Drinks or food will not be served on the patio, but rather inside in the bar. The applicant currently holds a Series 14 liquor license (Private Club). The proposed hours of operation are 10am – 10pm, all days of the week.
3. The subject establishment/bar is located adjacent to Union Hills Drive, a major arterial roadway. The outdoor seating area will be located between the the building and Union Hills Drive on the existing cement slab on the Elks Lodge property. A ramp/walkway provides external access to the outdoor seating area (Exhibits D1 & D2). The seating area is enclosed by a 3' screen wall and patio cover.

## **DISCUSSION AND ANALYSIS**

### *Applicability*

4. The current zoning of the property is Intermediate Commercial (C-2). Therefore, pursuant to the Non-Residential Districts Land Use Matrix (Table 14-9-3) outdoor dining and seating areas require the issuance of a Conditional Use Permit in accordance with Section 14-39-10.D and subject to special limitations as set forth in Section 14-9-5.B.2.

### *Analysis*

5. 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 negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
6. In staff's judgment, the proposed use is an appropriate, ancillary function to the lodge use. The proposed use is consistent with surrounding land uses and the context of the area in question. The Elks Lodge establishment has been located within the existing commercial establishment for several years.
7. Additionally, Section 14-9-5.B.2 identifies special limitations for outdoor dining and seating areas:
  - a. *Such area shall be located adjacent to the restaurant or establishment to which it is an accessory use.* The patio area is located adjacent to the existing establishment behind an existing screen wall.
  - b. *The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.* The patio area is designed away from drive aisles and roadways. Access to the patio will be provided

from the interior of the building as well as an existing ramp from the parking lot to the patio.

- c. *The patio area shall not exceed 25% of the gross floor area of the establishment.* The patio area is will not exceed 25% of the gross floor area of the existing establishment.
- d. *Planning and Zoning Commission may impose stipulations including, but not limited to, a restriction relating to operating hours, screening, noise, and visual mitigation measures.* The outdoor dining area is located approximately 145 feet away from the nearest residential lot to the west, and approximately 100 feet away from the residential lot to the south. The building itself blocks exposure to the residential to the west, and there is a screen wall and an arterial roadway to mitigate impacts on properties to the south.

#### *On-Site Parking*

8. The site currently contains 222 parking spaces. Due to the age of the establishment there are no files documenting the initial site plan. According to today's standards the site would only require approximately 67 spaces.
  - a. Current outdoor dining parking requirements are 1 space for every 100 square feet of serving area. The additional serving area would place an additional dependence of 4 parking spaces on the site. Due to initially provided spaces the site would maintain a surplus of parking spaces.

#### *Patio Structure*

9. According to aerial photos the patio structure was constructed between 2008 and 2009 (Exhibits E1-E3). No permit was submitted for the patio structure construction. Consequently, staff has introduced a stipulation into the recommendation requiring receipt of a permit for the structure.

#### *Proposition 207*

10. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the Planning & Zoning Commission action.

#### *Public Notification*

11. Public notice was provided in the manner prescribed under Section 14-39-10. The posting was completed a minimum of 15-days prior to the Public Hearing.

## FINDINGS AND RECOMMENDATION

12. Based on the following findings:

- The proposal is limited in scope and an appropriate ancillary function for a longstanding establishment;
- The outdoor seating area is within a larger existing commercial development; and
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.
- The site is appropriately parked according to current regulations regarding the additional seating capacity that the outdoor dining proposal will allow for.

It is recommended that the Planning and Zoning Commission take the following action:  
**Approve Case CU10-0007 subject to the following conditions:**

1. The use and operation shall substantially conform to the project narrative (identified as Exhibit A in the staff report to the 04/01/2010 Planning & Zoning Commission) except where modified herein.
2. A building permit must be obtained for the patio cover structure.
  - a. All fire and building codes must be met including fire sprinklers for the structure.
  - b. Any view fencing constructed for the patio cover must also comply with all code requirements.

## ATTACHMENTS

Exhibit A:	Project Narrative
Exhibit B:	Location Map
Exhibit C:	Zoning Map
Exhibit D1-D2:	Site Photos
Exhibit E1-E3:	Site Aerials

Report prepared by:

Cody Gleason  
Planning Technician

Sun City Elks Lodge #2559

1-13-10

By: 

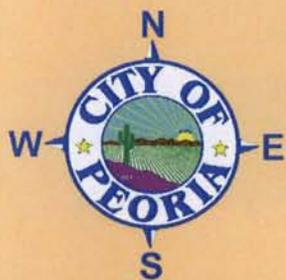
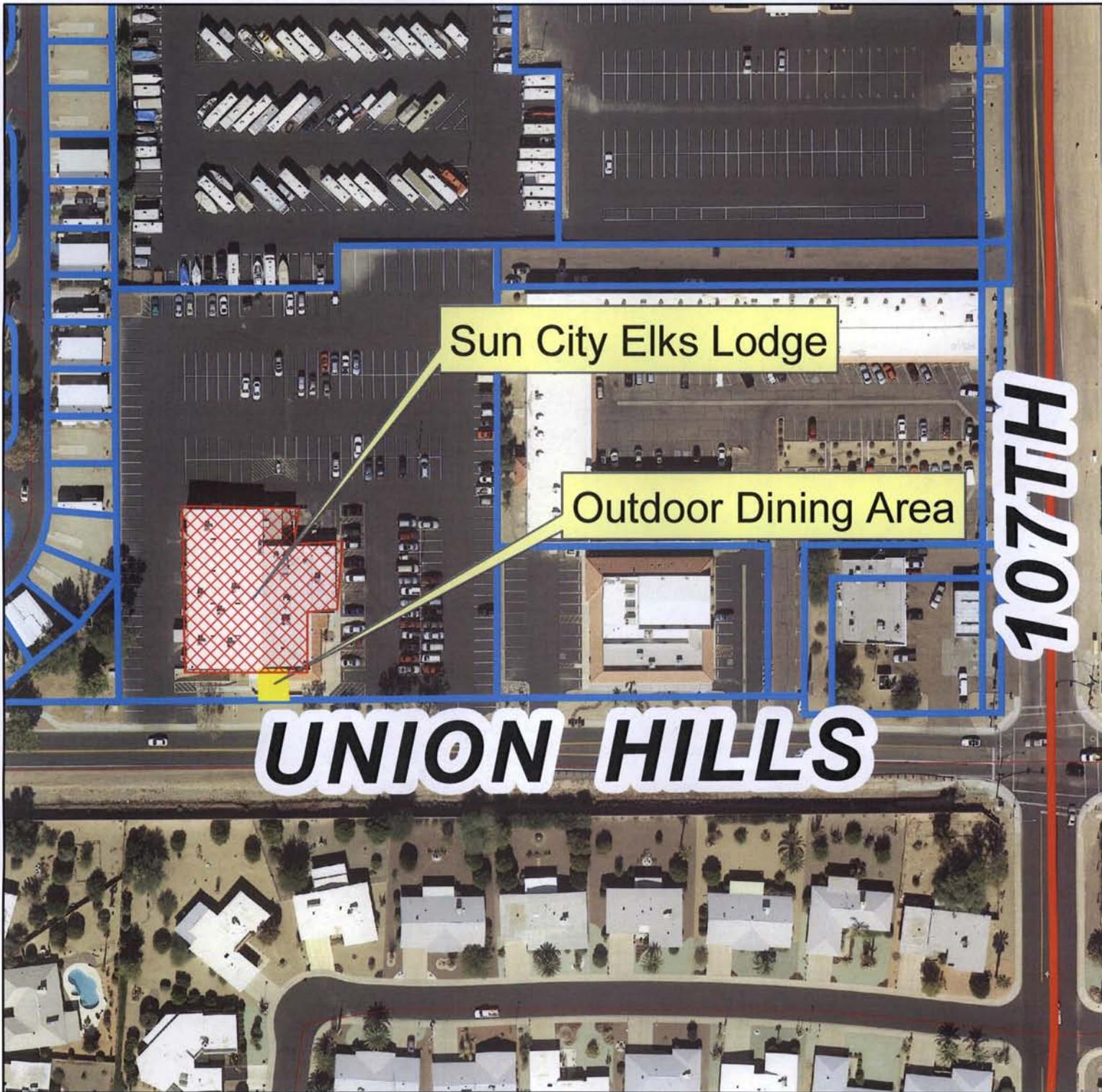
We have a 360 Sq<sup>ft</sup> <sup>Covered</sup> patio on the south end of our building (and fenced).

We wish to use this patio for smoking members. They would like to take drinks on the patio when they go out to smoke. We will not serve drinks of food on this patio. All member will purchase drinks at the bar and take their drinks outside if they choose.

Hours of operation are 10:00 AM to 10:00 PM (approx.).

  
Exhibit A

# CU10-0007 Location Map



Not to Scale

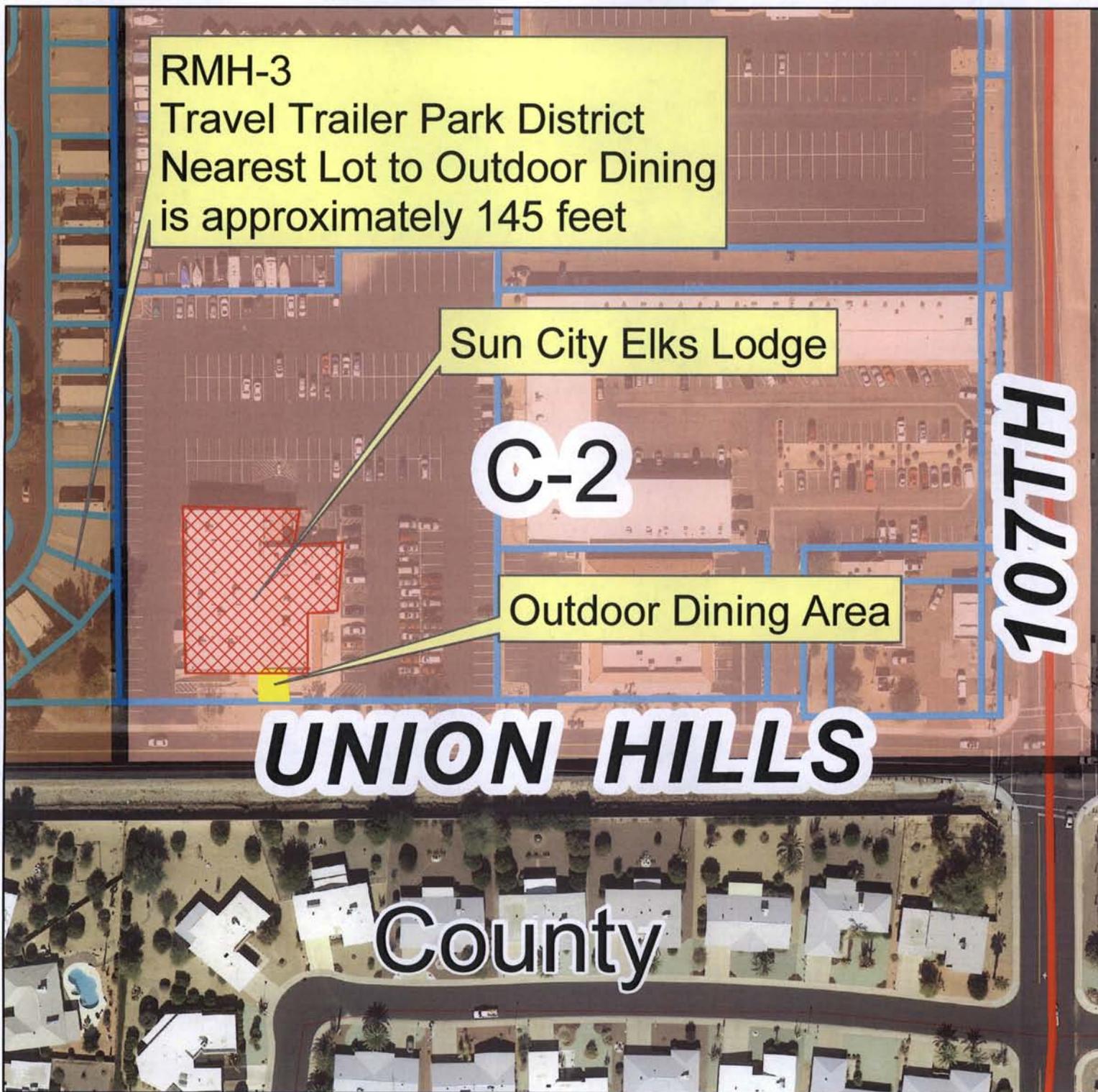
## CU10-0007 Sun City Elks Lodge

Applicant: Sun City Elks Lodge

Request: Approximately 360 square foot outdoor dining area adjacent to establishment.

**Exhibit B**

# CU10-0007 Zoning Map



RMH-3  
Travel Trailer Park District  
Nearest Lot to Outdoor Dining  
is approximately 145 feet

Sun City Elks Lodge

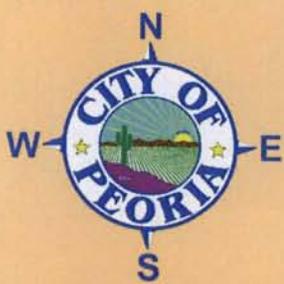
C-2

Outdoor Dining Area

107TH

UNION HILLS

County



Not to Scale

## CU10-0007 Sun City Elks Lodge

Applicant: Sun City Elks Lodge

Request: Approximately 360 square foot outdoor dining area adjacent to establishment.

Exhibit C

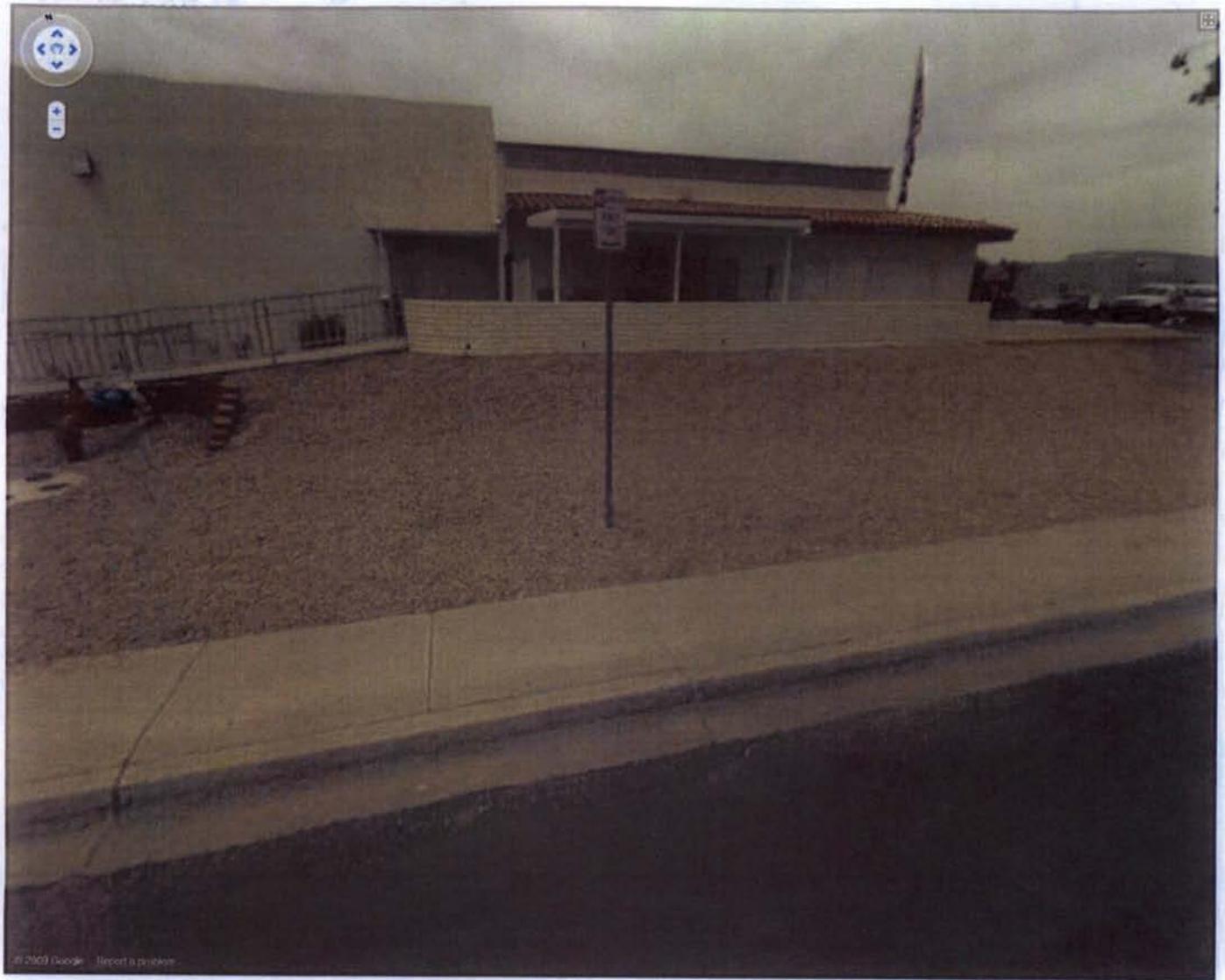


Exhibit D1



Exhibit D2

City of Peoria GIS Map



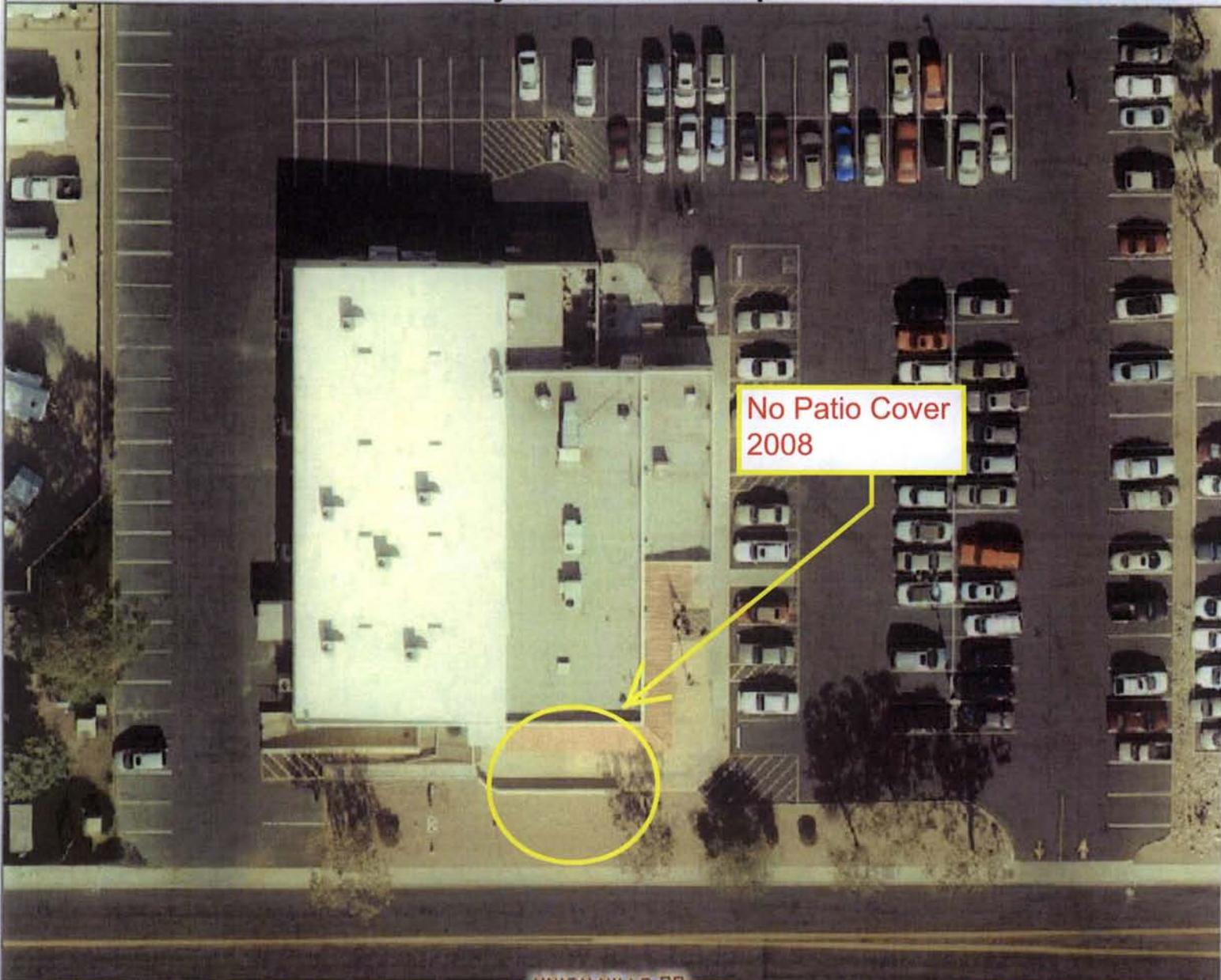
Patio Cover  
2009

UNION HILLS DR



Exhibit E1

City of Peoria GIS Map



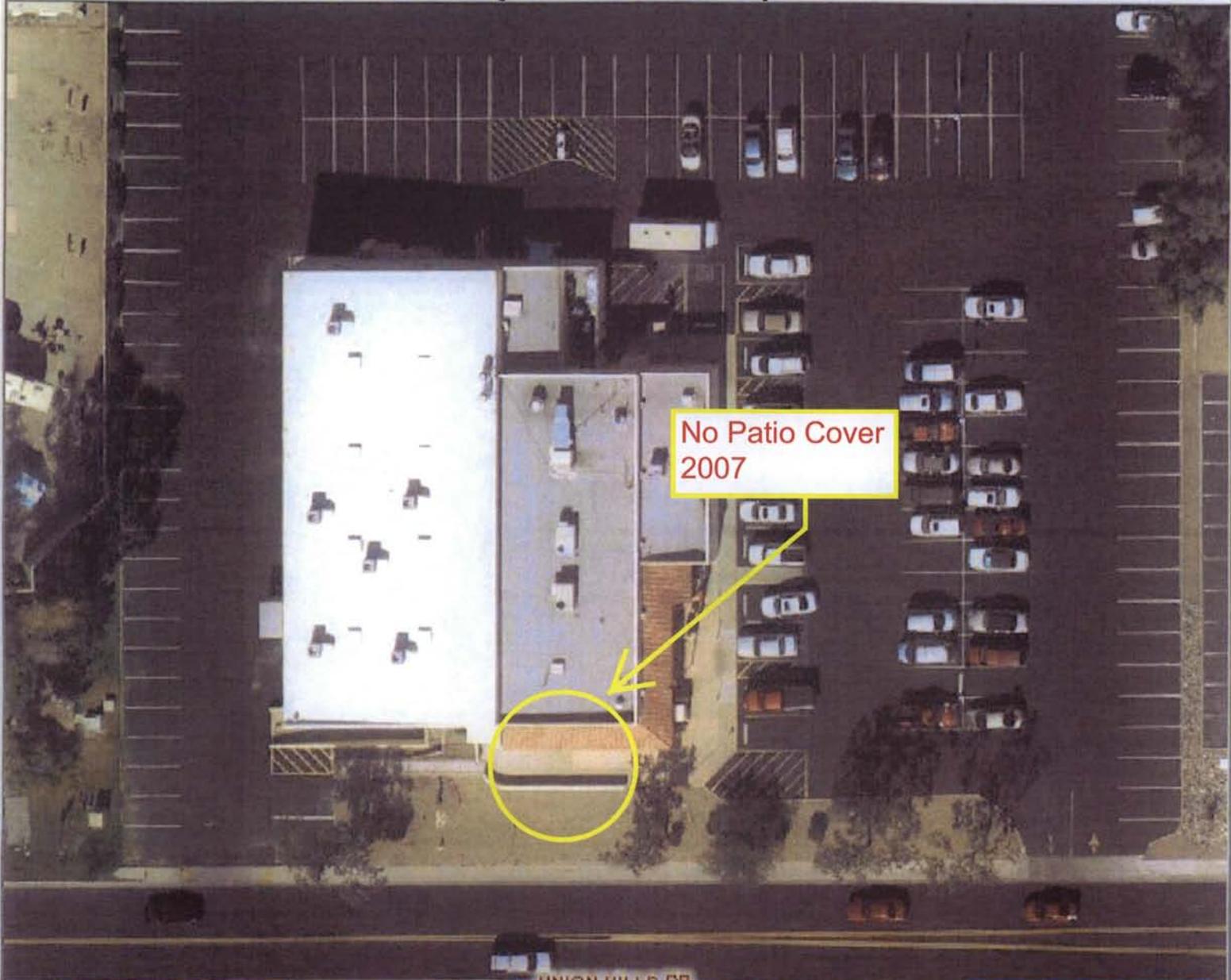
No Patio Cover  
2008

UNION HILLS DR



Exhibit E2

City of Peoria GIS Map



No Patio Cover  
2007

UNION HILLS DR



Exhibit E3



## Planning & Community Development Department

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### Planning Division

#### MEMORANDUM

**DATE:** April 1, 2010

**TO:** Planning and Zoning Commission

**FROM:** Chris M. Jacques, AICP, Planning Manager

**RE:** Update on Peoria Sports Complex Area Urban Design Plan  
**AGENDA ITEM 6R**

---

Staff will be providing an update on the status of the Peoria Sports Complex Urban Design Plan and the accompanying revised Preferred Concept Plan.

### **BACKGROUND**

#### ***Sports Complex Area Urban Design Plan***

In September, 2008, the City Council awarded a contract to Project Design Consultants ("PDC") for the preparation of a multi-dimensional plan and implementation program for the area around the Peoria Sports Complex. The area encompasses approximately 570 acres and is more specifically bounded by Loop 101 (west), Bell Road (north), 7500 block (east) and the south bank of the Skunk Creek Corridor (south). Although the area has been largely successful, principally the purpose of the Plan is to identify the conditions, regulatory framework and implementation strategies to enhance the area as a cohesive, pedestrian-focused mixed-use destination and position the area for a successful evolution.

#### ***Planning & Zoning Commission Briefing (April 16, 2009)***

On April 16, 2009, staff provided an overview of activities that had occurred to date and reviewed each of the three (3) resulting concept alternatives. More specifically, staff discussed the following:

- a. Purpose of the Plan
- b. Steering Committees: The City formed two (2) steering committees to test the concepts and conclusions presented by the consultant team. The Technical Advisory Committee (TAC) was comprised of internal staff and the Maricopa County Flood Control District. The Project Advisory Committee (PAC) was a 27-

member group consisting of local businesses, Seattle Mariners, San Diego Padres, organizations such as the Diamond Club and Peoria Chamber of Commerce and representatives from the neighborhoods to the south.

- c. Visioning / Civic Engagement: The purpose of this phase was to collect insights, ideas and preferences from a broad cross-section of users and interested persons to create a vision statement for the area.
- d. Economic and Market Study: Staff reviewed the conclusions from the Economic and Market Study developed by the *London Group*.
- e. Concept Alternatives: Staff then introduced and reviewed three (3) Plan Alternatives developed by the consultant team. The alternatives illustrated three varying levels of intensity/density, each attempting to respond to the Market Study and ideas and preferences received during the civic engagement process.

### **Team Charettes**

Based upon insights, preferences and feedback received on the 3 alternatives, the Consultant team integrated the desired elements into a 'Preferred Plan.' As you may recall, staff had initially intended to preview a 3-D model of the Preferred Plan at a joint Study Session of the Planning & Zoning Commission and City Council in July of 2009 at the Peoria Center for the Performing Arts.

Ultimately, this event was cancelled so that staff could be responsive to outstanding concerns voiced by the teams on certain elements of the Plan. Staff conducted a series of planning charettes with representatives from both the Seattle Mariners and San Diego Padres organizations to discuss concerns and explore refinements to the Plan.

- August 3, 2009: Charette #1 (San Diego, CA)
- October 9, 2009: Charette #2 (Peoria, AZ)

Some of the major discussion points generated from the teams are as follows:

- a. Maximize convenient, surface parking opportunities near the stadium.
- b. Maximize ease of ingress/egress and ensure adequate parking particularly during Spring Training activities. The teams will be participating in the review of any future development site plan, parking structure or event management plan occurring on the stadium parking lots.
- c. Retain future flexibility in area near maintenance shops by moving the lake to a different location.
- d. Ensure that construction activities, particularly with the proposed 83<sup>rd</sup> Avenue deck, do not impact or interrupt Spring Training operations.
- e. Minimize or avoid visual obstructions from administrative offices.
- f. The teams were agreeable with public parking structures on administrative lots, provided personnel access was secure and separate during baseball operations.

- g. The teams were also agreeable with trail access from proposed trails along the upper bank of the Skunk Creek, provided it was secure and managed.

### ***City Council Study Session (November 17, 2009)***

Based on the joint discussions with the Mariners and Padres, the Planning team developed a revised Preferred Plan. On November 17, 2009, staff presented the revised Preferred Plan to the City Council. However, the City Council expressed deep reservations in regards to certain elements of the Plan, namely:

- a. The scale and visual obstruction created by a mid-rise (6-7 stories) parking structure with ground floor retail shown parallel to 83<sup>rd</sup> Avenue;
- b. Revised lake location shown centered around the reservoir tanks.

### ***City Council Briefing (February 16, 2010)***

Staff revisited the Preferred Plan and made adjustments that were responsive to feedback received by the Council and continued to meet objectives voiced by the teams. Staff presented the newly revised Plan to City Council at a February 16, 2010 briefing.

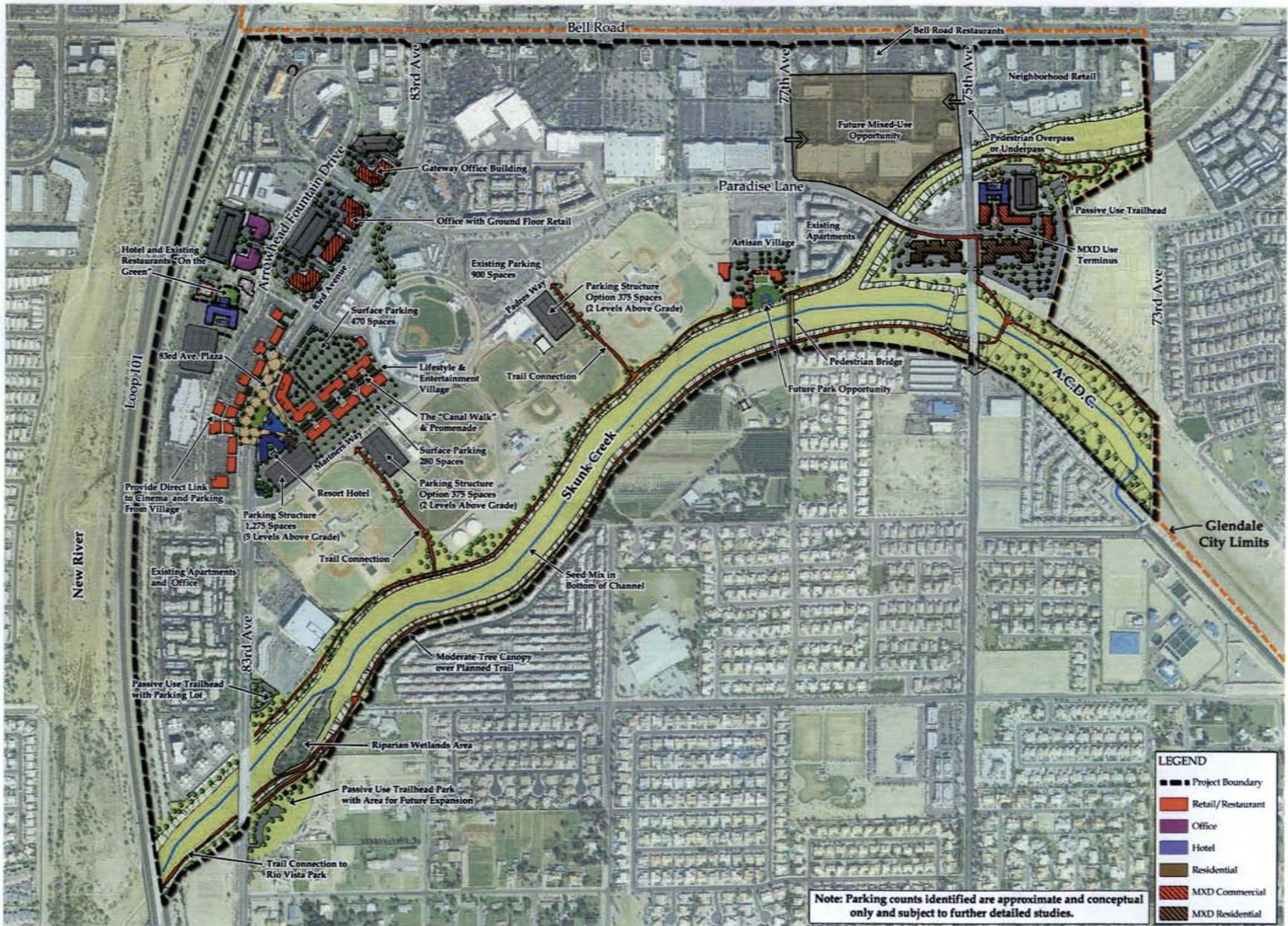
### ***Moving Forward***

Based on the newly revised Plan, the Planning team will be completing the various elements comprising the Urban Design Plan and the Implementation Plan. The latter will identify short, mid and long-term tasks, regulatory changes and investment decisions over the 20-year planning horizon to move the area into the direction envisioned in the Plan. The schedule moving forward is as follows:

- A. Completion of Plan Elements
  - Development regulations / design elements
  - Parking Plan
  - Thematic Elements Plan
  - Skunk Creek Environmental Enhancement Plan
  - Circulation Plan
- B. Completion of Implementation Plan
  - City Council Study Session (April 20, 2010)
- C. Adoption of Urban Design Plan
  - Planning & Zoning Commission (Spring, 2010)
  - City Council (Spring, 2010)

## **ATTACHMENTS**

Revised Preferred Plan





**Planning & Community Development Department**

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**Planning Division**

**MEMORANDUM**

**DATE:** April 1, 2010

**TO:** Planning and Zoning Commission

**THROUGH:** David Moody, P.E., Transportation Planning Director

**FROM:** Shawn Kreuzwiesner, P.E., Systems Planning Manager

**RE:** Update on Multi-Modal Transportation Plan  
**AGENDA ITEM 7R**

---

The project team will be providing an update on the status of the city's ongoing Multi-Modal Transportation Plan.

**BACKGROUND**

On October 20, 2010, the City Council awarded a contract to Nelson/Nygaard for the development of the Multi-Modal Transportation Plan. This study will create a Transit Master Plan for Peoria, which can be incorporated into the Circulation Elements chapter of the city's General Plan. The plan will address all modes of transit including bus routes, light rail, commuter rail and bus rapid transit. More specifically the Multi-Modal Master Plan will include the following work tasks:

Develop Transit Plan: Each transit mode will be judged for the level of feasibility based on criteria including potential ridership levels and operating costs. The findings will be presented in a matrix format including a proposed phasing plan through build-out of the city.

Develop Implementation Plan: Based on the overall transit plan, the master plan will develop a detailed five-year implementation plan based on a prioritization of projects and the availability of regional and local funding.

Conduct Light Rail/High Capacity Transit (HCT) Feasibility Study: With the recent opening of Light Rail, the idea of extending high capacity transit services to Peoria is being looked at to connect the city to the rest of the valley. This study will review the options and abilities of extend high capacity transit into Peoria such as light rail, commuter rail or bus rapid transit. These options will be reviewed for available corridors,

forecasted demands and estimated costs. The plan will also identify transit supportive policy changes required to encourage greater transit usage.

Conduct Bus Stop Study: The master plan will create a hierarchy of bus stops based on ridership levels and the density of the adjacent developments. This hierarchy will be used to establish the classification of existing and proposed stops, which can then be used to establish new design standards for individual stops.

Identify Public Art for Bus Stops: The plan will identify how other communities integrate public art into bus stops and prepare criteria for Peoria to incorporate new art components with our existing and proposed future stops.

Prepare Site Plan for the Old Town Transit Center: The site plan for a transit center will be designed to ensure a comfortable and efficient transfer between the multiple transit modes that are planned to converge in the Old Town area. Particular attention will be given to synergies between the transit center, potential transit services (bus, commuter rail, light rail) and transit oriented development identified in the recently adopted Old Town Revitalization Plan.

## **PROJECT STATUS**

The project team has reviewed existing transit services, reports and documents, has held stakeholder interviews and completed a market analyst to identify transit needs. This project update will provide an overview of the activities that have occurred to date on the projects. More specifically, the project team will present the following:

- a. Purpose of the Plan
- b. Local Service Options: The project team will review the alternatives for providing local transit services within Peoria along with presenting draft ridership projections for each option. The local transit service options include;
  - Local bus circulators
  - Local flex services
  - Expansion of the existing Valley Metro bus line routes
  - Combination of the above
- c. Old Town Transit Center: The team will introduce three (3) alternatives for a transit center identified in the recently adopted Old Town Revitalization Plan. The advantages/disadvantages of each location will be discussed. All three locations are designed to work with existing at-grade Grand Avenue or with Grand Avenue being depressed as a future project. Each location is also designed to be compatible with plans for bus transit, commuter rail or other high capacity transit options.

locations of future bus stop locations along with providing a matrix of the types of services to be provided at each. A summary of how other communities integrate public art into bus stops will be presented along with criteria that Peoria can use to incorporate new art components with our existing and future stops.

## **MOVING FORWARD**

The project team is currently working to gather input from various policy makers and the public to answer the following questions before moving forward in developing the Multi-Modal Transportation Plan.

- What areas of the City are most important to serve?
- Should the plan place an emphasis on providing services within Peoria or on making regional connection?
- Should the plan place an emphasis on provided services for work trips or on other types of trips?
- Should the plan look at providing more services to fewer areas or less service to more areas?
- Should transit be used to facilitate the revitalization of Old Town or for the development of new areas?

The schedule for presenting the work to date along with gathering information on above questions is as follows:

### **A. Input Gathering Sessions:**

- April 1, 2010: Planning and Zoning Commission briefing
- April 13, 2010: Public Meeting - City Hall Pine Room 6 to 8 PM
- April 14, 2010: Public Meeting – Sunrise Mountain Library 6 to 8PM
- May 4, 2010: City Council Study Session

Once this input gathering sessions are completed, the schedule for moving forward to complete the Multi-Modal Transportation Plan is as follows:

### **B. Adoption of Multi-Modal Master Plan**

- September 2010, Planning and Zoning Commission Recommendation
- October 2010: City Council Adoption