PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, MAY 20, 2010
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.

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.*

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 Vice Chair Melbo, Commissioners Loper and Strickman from the April 15, 2010 meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held April 15, 2010.

3C **CU10-0066:** Discussion and possible action to approve a request from Coal Creek Consulting on behalf of Clearwire Wireless for a Conditional Use Permit to allow a wireless communication facility consisting of a 65 foot high monopalm and associated ground equipment. The proposed wireless facility is positioned behind Lee Lee's Supermarket, located on the southwest corner of 75th Avenue and Cactus Road.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING:** RE: Rezone approximately 25.59 acres.

PUBLIC HEARING – Z09-02247: Coe & Van Loo Consultants, Inc, on behalf of South Terramar LLC is requesting a change in zoning for approximately 25.59 acres of vacant land from Single-Family Residential (R1-10) District to Single Family Residential (R1-6) District. The subject parcels are located within the Terramar development and are generally located north of the northwest corner of Happy Valley Road and Terramar Boulevard adjacent to the New River wash corridor. The parcels are more specifically described as Maricopa County Assessor's Parcels 201-09-036B & 201-09-040B.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from Coe & Van Loo Consultants, Inc, on behalf of South Terramar LLC to change zoning for approximately 25.59 acres of vacant land from Single-Family Residential (R1-10) District to Single Family Residential (R1-6) District.

5R **Zoning Code Amendment – Multiple Amendments**

Discussion and presentation on several amendment to Zoning Ordinance definitions, permitted and conditional non-residential uses and use standards **(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
APRIL 15, 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 6:32 p.m.

Members Present: Chair Veda McFarland, Commissioners Gene Sweeney, Bill Louis, and Nancy Golden.

Members Absent: Vice Chair Marc Melbo, Commissioners Greg Loper and Leigh Strickman.

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: Eight.

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:** None.

2C **MINUTES:** Approve the minutes of the Regular Meeting held April 1, 2010.

3C **CU10-0061:** Discussion and possible action to approve a request from Sardella's Pizza for a Conditional Use Permit to replace a current Series 12 - Restaurant liquor license with a Series 7 - Beer and Wine Bar liquor license in conjunction with the operation of an existing restaurant.

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

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING – CU10-0059:** Lil' Lites Day Care requested a Conditional Use Permit to allow a Pre-school/Day Care in conjunction with the existing Lighthouse Assembly of God Church.

STAFF REPORT: Melissa Sigmund, Planner, presented the staff report.

COMMISSION COMMENT: Commissioners asked about playground hours, how many children would attend, and parking.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Sweeney moved to approve case CU10-0059. The motion was seconded by Commissioner Louis and upon vote, carried unanimously.

5R **Zoning Code Amendment – Enhanced Public Notice (TA 09-02)**

Discussion and presentation on several key elements of a draft zoning code amendment regarding public notification and conditional use permit criteria (**No Action**).

STAFF REPORT: Melissa Sigmund, Planner, presented an overview of the proposed changes to public noticing.

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 7:02 p.m.

_____ _____

Veda McFarland, Chair Date Signed

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0066

DATE: May 20, 2010

AGENDA ITEM: 3C

Applicant:	Coal Creek Consulting on behalf of Clearwire Wireless.
Request:	Approve a Conditional Use Permit (CUP) for a wireless communication facility.
Proposed Development:	65-foot new mono-palm with associated ground equipment and two (2) thirty 30' foot live palms.
Location:	Southwest corner of 75th Avenue and Cactus Road. Located behind the Lee Lee's Oriental Supermarket building.
Site Acreage:	Approximately 600 square feet of lease area for monopalm, two additional live palms and associated ground equipment.
Support / Opposition:	At the time of printing, the City has not received any letters or phone calls in support or opposition to this case.
Recommendation:	**Approve**, with conditions.

LAND USE BACKGROUND

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Neighborhood Shopping Center**	**Residential Medium**	**C-2 Intermediate Commercial**
North	Cactus Square Commerce Park	Residential Low	C-2 Intermediate Commercial
South	Mini Storage	Residential Medium	C-2 Intermediate Commercial
East	Neighborhood Shopping Center	Residential Low	C-2 Intermediate Commercial
West	Residential	Residential Medium	RM-1 Multi-Family Residential

PROJECT DESCRIPTION

1. The applicant is proposing a 65-foot tall unmanned wireless communications facility (WCF) disguised as a "monopalm" including an associated ground-mounted equipment cabinet and two (2) thirty (30) foot tall live palms.

2. The facility will be located on a leased site of approximately 600 square feet within a 2.2 acre interior commercial parcel. The parcel is part of a larger 10-acre commercial site anchored by the Lee Lee's Oriental Supermarket located at the southwest corner of 75th Avenue and Cactus Road.

3. More specifically, the WCF will be located behind the supermarket (Exhibit B). Direct access to the facility will be provided by the existing drive aisle accessible from 75th Avenue. Convenient parking spaces abutting the wireless property will be available for technical support. To the south, an existing mini-storage facility provides an intervening land use between the WCF and the residential community of *Stonebridge*. The WCF is approximately 297 feet from the closest residential property line to the south and more than 300 feet from the closest residential property line to the west.

DISCUSSION AND ANALYSIS

Applicability

4. Pursuant to Section 14-3-13.B(7), this proposal requires approval of a Conditional Use Permit for the following reason:

   - The monopalm shall be setback from street and non-residential property lines a minimum of 110% of its height. The proposed monopalm is 65' in height and is setback from the nearest property line (commercial property line), a distance of approximately 50 feet or 76.9% of the height of the tower or pole. A wireless facility which does not meet the distance condition shall be reviewed and processed as a Conditional Use Permit.

5. Section 14-39-10 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 properties and provide controls to ensure maximum compatibility.

Analysis

6. The wireless pole is located approximately 50' feet from the nearest commercial property line, which is among multiple property lines extending throughout the shopping center. Multiple property lines within a commercial development are common due to separate ownership. Furthermore, the proposed wireless facility will be located within a landscaped alcove behind the shopping center building. This area primarily serves as employee parking, service deliveries, fire access, and secondary public drive aisle access. The monopalm would be setback approximately 386' feet to the west of 75th Avenue. Primary visibility of the

monopalm would be from Cactus Road and surrounding properties. The closest residential property is approximately 297' feet to the south, buffered by a mini-storage facility. Residential properties to the west exceed 300' feet in distance.

7. To meet the intent of the wireless communication ordinance, the applicant has implemented stealth design techniques to increase compatibility with the existing site by utilizing the proposed monopalm design and two (2) 30' foot tall live palms. The ground mounted equipment cabinet will be located behind the monopalm and live palms within the building landscaped alcove. Visibility of the ground equipment will be minimal. A condition will require the ground-mounted equipment to be a natural earth toned color. Therefore, staff does not believe the overall wireless request will present any negative impacts to the community. (Exhibit E Elevation)

Noticing and Neighborhood Comment

8. 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. The City has not received any verbal or written comments on the proposal to date. 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

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. Staff recommends approval of case CU10-0066, based on the following findings:

- The proposed wireless communication facility is consistent with the provisions of the wireless communication facility; and

- The proposal will not result in any detrimental impacts to nearby properties.

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under case CU10-0066, subject to the follow stipulations:

1. The development shall substantially conform to the Narrative (Exhibit A), Leased Area Site Plan (Exhibit C), Enlarged Site Plan (Exhibit D) and Preliminary Elevation (Exhibit E).

2. The ground-mounted equipment shall be of natural earth toned color.

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	Project Narrative
Exhibit B	Aerial Vicinity Map
Exhibit C	Lease Area Site Plan
Exhibit D	Enlarged Site Plan
Exhibit E	Preliminary Elevations

Prepared by: Monique Spivey
Associate Planner

CLEAR™

Narrative Report

Site Name: Lee Lee Oriental Supermarket
Site ID#: AZ-PHX5613c
Site Type: New 65' Mono-palm

Date: 3/3/10

Exhibit A

CU10-0066

I. **PURPOSE OF REQUEST**

Clearwire is currently in the process of establishing a new Wireless Network in the State of Arizona, and across much of the US. Collocating on existing facilities is a priority for Clearwire however; no existing structure was a viable candidate in this area. Clearwire is proposing a new 65' Mono-palm located at 7549 W. Cactus Rd, to provide coverage in the immediate area. Clearwire's presence in Phoenix is a new era in technology, which offers residents & businesses extremely high speed Wireless Service at very affordable rates. High Speed affordable wireless service in our community has educational value that also gives businesses a competitive edge.

II. **DESCRIPTION OF PROPOSAL**

As set forth above, Clearwire proposes to install three (3) antennas & three (3) parabolic antennas as a part of the proposed wireless communication facility. As part of the overall design the associated equipment will be located at the base of the pole behind the retail center.

III. **RELATIONSHIP TO SURROUNDING PROPERTIES**

Subject Property Zoned C-2
Property to North C-2
Property to South C-2
Property to East C-2
Property to West C-2

IV. **PUBLIC UTILITY AND SERVICES**

Water:	N/A
Sewer:	N/A
Electric:	APS
Police:	City of Peoria
Fire:	Peoria
School District:	Peoria Unified
Refuse:	Tech to carry out

V. **CONCLUSION**

Clearwire is proposing a new 65' Mono-palm with friends positioned behind the retail shopping center located at the Southwest corner of 75th Ave and Cactus. Access to the proposed communication facility will be limited to routine maintenance, or in case of any technical breakdown. Vehicular access will utilize existing access and parking on the property. The proposed wireless communication facility will not increase in vehicular or pedestrian traffic; nor will it emit odor, dust, gas, noise, vibration, smoke, heat, glare or lower property values in the immediate area. Please do not hesitate to contact me if you have any questions or concerns.

CU16-00066

VI. INVENTORY OF EXISTING WIRELESS SITES

Sprint/ Nextel -6815 W Cactus Rd. Peoria (1.01 miles away) 63' Stealth tree
ATT/ Cingular – 6625 W Cholla St. Glendale (1.28 miles away) 28' Rooftop
ATT/ Cingular -11225 N 67th Ave. Glendale (1.30 miles away) 68'Monopole

[redacted]

CU10-00666

CU10-0066 Aerial Vicinity Map

N
W CITY OF PEORIA E
S
Not toScale

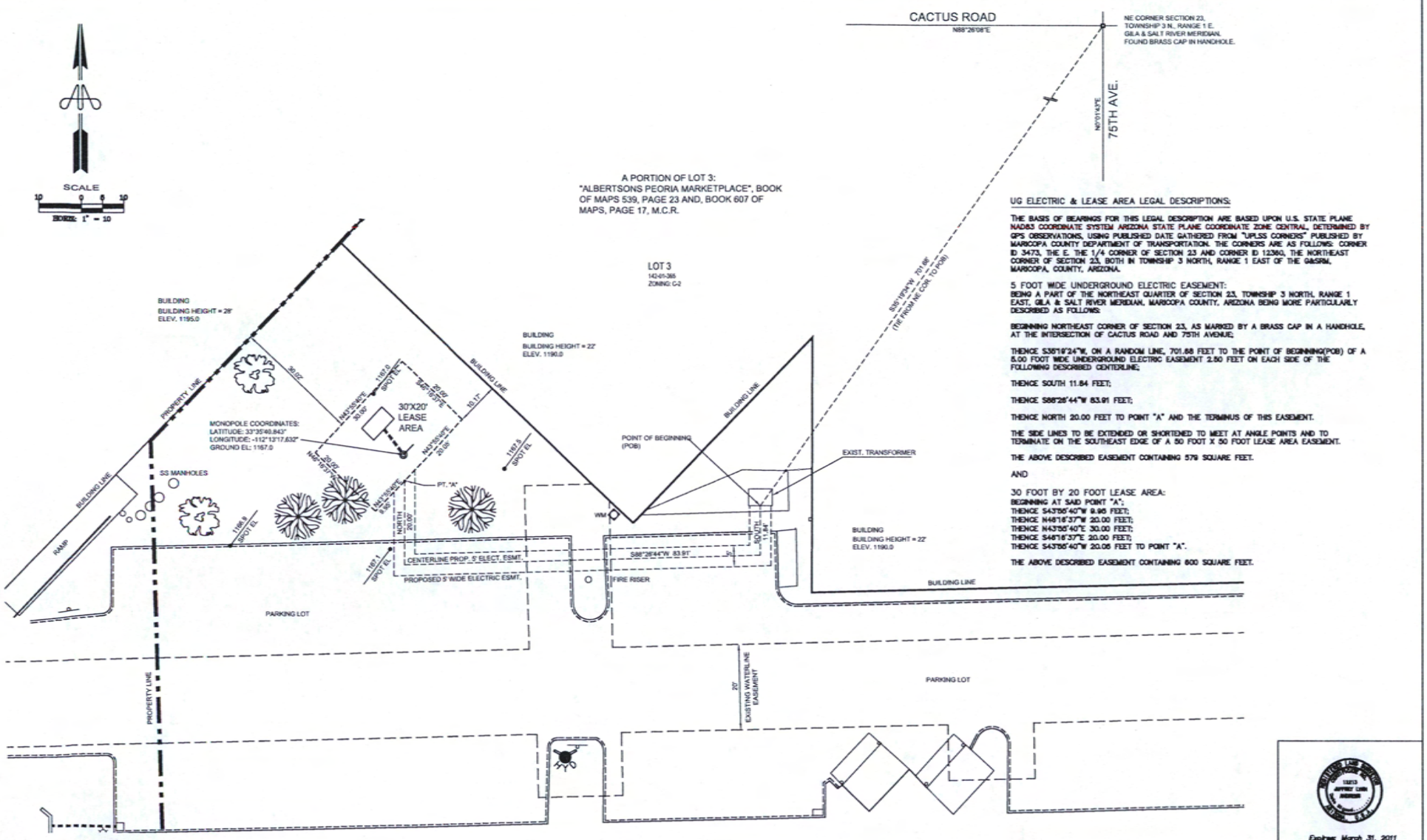
CU10-0066

Coal Creek Consulting on behalf of Cleawire

Request for a Conditional Use Permit (CUP) for a new 65' foot tall monopalm with associated ground equipment and 2 live palms.

Exhibit B

CU10-00646



TeleSpan
2151 EAST BROADWAY ROAD, SUITE 217, TEMPE, AZ 85282
VOICE: 480.905.8689 FAX: 480.905.8818

AZ-PHX5613c
75TH & CACTUS - LEE LEE MARKET
7549 W. CACTUS RD
PEORIA, AZ 85304

clearwire
wireless broadband
4400 CARILLON POINT
Kirkland, WA 98033

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	03-11-10	FINAL	JA	JA	JA
0	01-25-10	ISSUED FOR REVIEW	JA	JA	JA

SCALE: AS SHOWN DESIGNED: RD DRAWN: MD

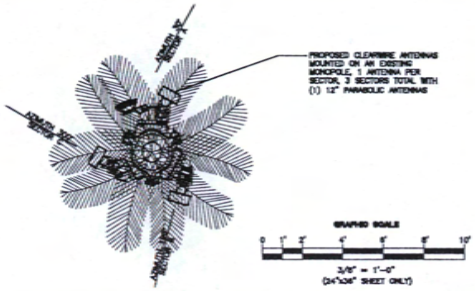
LEASE AREA
DRAWING NUMBER
SHEET 2 OF 2
REV
1

Exhibit C

CU10-0066

NOTES:

1. ALL ANTENNAS FURNISHED W/ DOWNTILT BRACKETS. CONTRACTOR TO COORDINATE REQUIRED MECHANICAL DOWNTILT FOR EACH ANTENNA W/ RF ENGINEER.
2. ANTENNA CENTERLINE HEIGHT IS IN REFERENCE TO ELEVATION. HEIGHTS ARE SHOWN ON TOWER ELEVATION DETAIL (SEE A-3 SHEET).
3. CONTRACTOR SHALL VERIFY ANTENNA TYPE, CABLE TYPE, AND AZIMUTH W/ RF ENGINEER AND/OR CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION.
4. ALL AZIMUTHS TO BE SET TO TRUE NORTH NOT TO MAGNETIC NORTH
5. PARABOLIC ANTENNAS NOT SHOWN ON PLAN VIEW FOR CLARITY

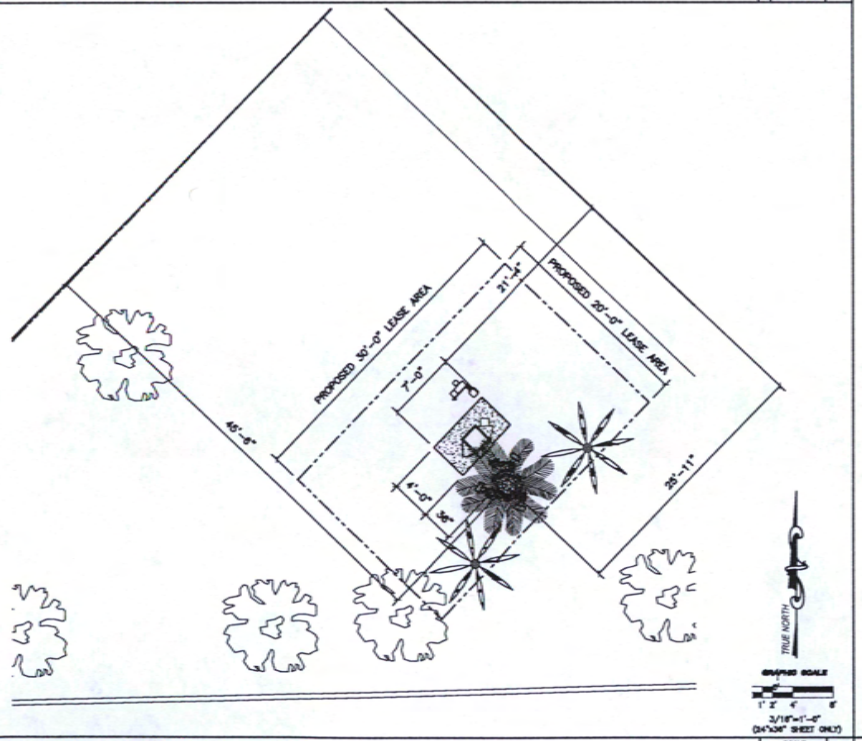


ANTENNA LAYOUT

SCALE: 3/8" = 1'-0" | 2

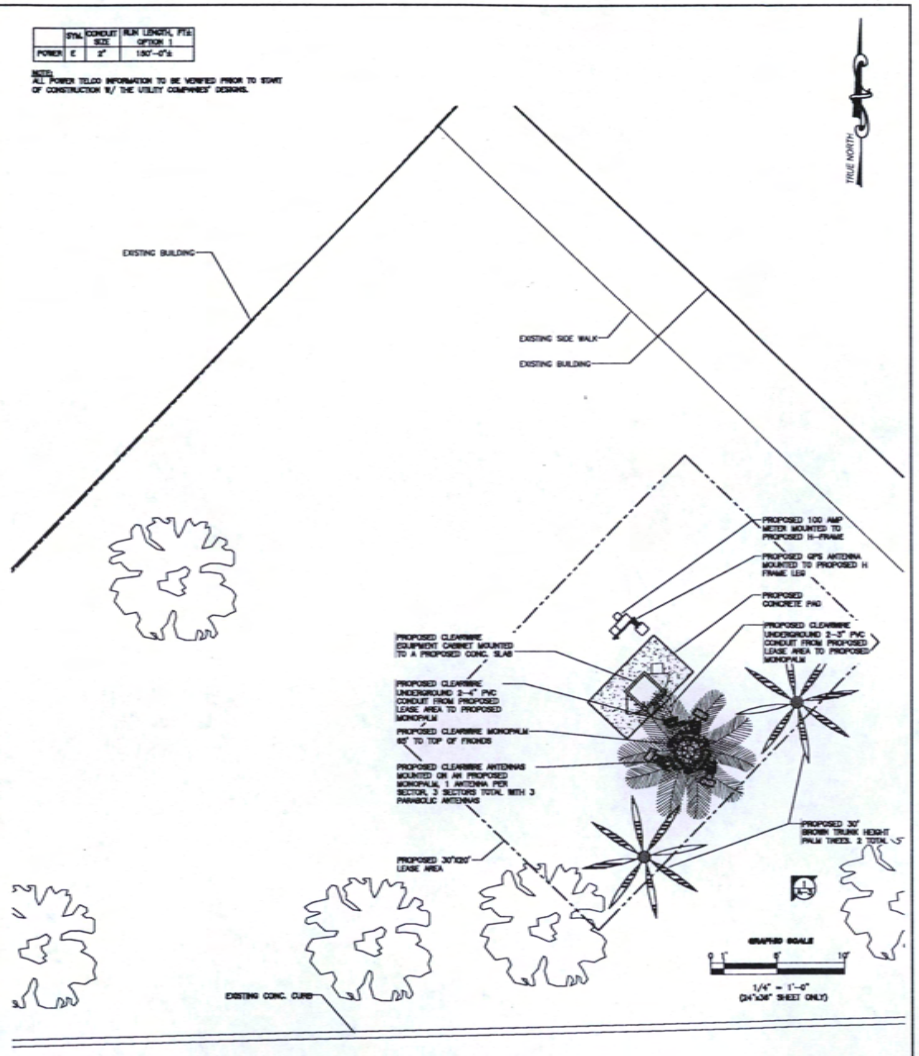
	QTY.	CONDUIT SIZE	RUN LENGTH, FT.± OPTION 1
POWER	E	2"	150'-0"±

NOTE:
ALL POWER TELCO INFORMATION TO BE VERIFIED PRIOR TO START OF CONSTRUCTION W/ THE UTILITY COMPANIES' DESIGNS.



ENLARGED SITE PLAN WITH DIMENSIONS

SCALE: 3/16"=1'-0" | 3



ENLARGED SITE PLAN

SCALE: 1/4" = 1'-0" | 1

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7549 W. CACTUS RD
PEORIA, AZ 85304

clearwire
wireless broadband
4400 CARILLON POINT
Kirkland, WA 98033

NO.	DATE	REVISIONS	BY	CHK	APP'D
6	04-01-10	CITY COMMENTS	SDN	JRS	JRS
4	03-10-10	FINAL	JRS	JRS	JRS
3	03-08-10	REVISIONS	MV	JRS	RD
2	03-02-10	FINALS	E.A.	JRS	RD
1	02-12-10	CLIENT COMMENTS	RD	JRS	RD

SCALE: AS SHOWN | DESIGNED: RD | DRAWN: MD

ZONING ONLY NOT FOR CONSTRUCTION

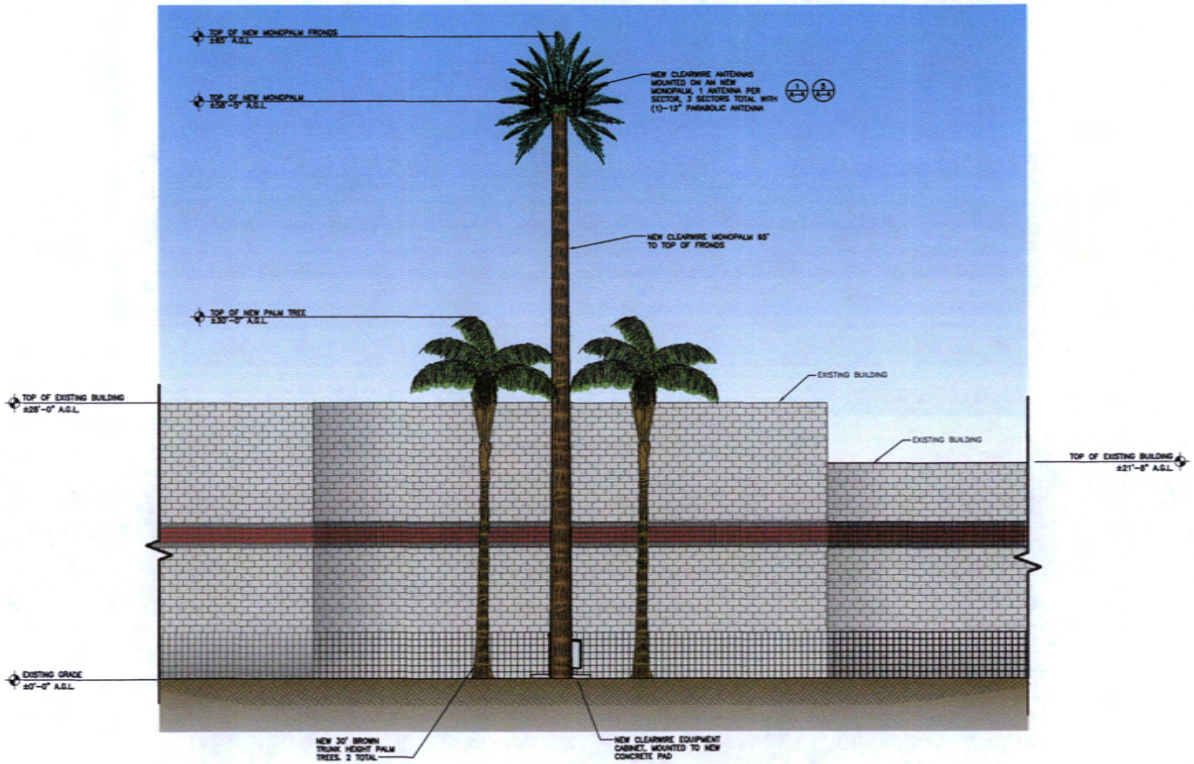
ENLARGED SITE PLAN, ENLARGED SITE PLAN WITH DIMENSIONS & ANTENNA LAYOUT

DRAWING NUMBER: A-2 | REV: 5

Exhibit D

C010-0066

AZ-PHX5613c



GRAPHIC SCALE
0 1" 4" 10" 20"
1" 3" 5"
3/16" = 1'-0"
(24"x36" SHEET ONLY)

SOUTHWEST ELEVATION

SCALE: 3/16" = 1'-0" | 1

TeleSpan
2151 EAST BROADWAY ROAD, SUITE 217, TEMPE, AZ 85282
VOICE: 480.905.8589 FAX: 480.905.8818

AZ-PHX5613c
75th & CACTUS - LEE LEE MARKET
7549 W. CACTUS RD
PEORIA, AZ 85304

clearwire
wireless broadband
4400 CARILLON POINT
KIRKLAND, WA 98033

NO.	DATE	REVISIONS	BY	CHK	APP'D
2	04-05-10	CITY COMMENTS	SDN	NS	RD
1	03-24-10	REVISIONS	SDN	NS	RD
0	03-15-10	ISSUED FOR REVIEW	MV	NS	RD

SCALE: AS SHOWN | DESIGNED: RD | DRAWN: MV

SOUTHWEST COLORED ELEVATION

DRAWING NUMBER: COLORED ELEV | REV: 2

Exhibit E

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 09-02247

DATE: May 20, 2010

AGENDA ITEM: 4R

Applicant:	Coe and Van Loo Consultants, for South Terramar LLC
Request:	Rezone approximately 25.59 gross acres from Single Family (R1-10) to Single Family (R1-6) to facilitate the development of residential subdivision.
Proposed Development:	The conceptual development plan proposes a 43 lot detached single-family residential neighborhood.
Location:	The site is generally located north of the northwest corner of Terramar Boulevard and Happy Valley Road (Assessor Parcel Numbers 201-09-036-B, 201-09-040-B).
Site Acreage:	25.59 gross acres.
Support / Opposition:	As of the date of this printing, Staff has not received any public comment in support or opposition to this proposal.
Recommendation:	No action may be taken.

Proper notification was not posted on the subject site 15 days prior to the hearing; therefore, this case cannot be heard.

It will be scheduled for the June 3, 2010 Planning and Zoning Commission hearing.

RECOMMENDATION

No action may be taken. The case will be rescheduled for June 3, 2010.

Planning and Community Development Department

Planning Division

MEMORANDUM

DATE: May 20, 2010

TO: Planning and Zoning Commission

FROM: Ed Boik, Planner

RE: Proposed Zoning Code Amendment – Multiple Text Amendments (TA10-0101)

AGENDA ITEM 5R

The Planning and Community Development Department will outline a draft Zoning Code amendment which establishes definitions, and addresses use standards for certain conditional and permitted uses.

Experience with recent complicated requests has illuminated portions of the code which need to be reviewed to better implement the goals and purposes of the Zoning Code. In particular, use standards were revised for Bars, Taverns, and Lounges, Outdoor Patios, Drive-Through Restaurants and for Gasoline Service Stations.

Also, definitions were amended and added to define Hookah Lounges, Retail Liquor Stores and Bars, Taverns, and Lounges. Uses were added to the non-residential land use table to improve usability and address new use types, such as electric vehicle charging stations.

DEFINITION CHANGES

1. Added a definition for "Tobacco Retailer" to align the Zoning Code with "Smoke-Free Arizona."
2. Modified the definition of "Bar, Tavern, Lounge" to eliminate confusions regarding which licenses correspond with Bars, Taverns, and Lounges.
3. Modified the definition of "Retail Liquor Store" to exempt uses such as general retailers, grocery stores, and gas stations from this requirement.

NEW/AMENDED USES IN NON-RESIDENTIAL USE TABLE

4. *Parking Space with Electric Vehicle Charging Equipment* as an accessory use in all non-residential districts.
5. Outdoor Dining and Seating is now called *Outdoor Patio* and a permitted use in all districts and are conditional uses when within 200-feet of residential property.
6. *Drive-Through Restaurants* are now permitted uses unless they are within 200-feet of residential property.

7. *Tavern, Bar, Lounge* use name is shortened for clarity and to align with the definition.
8. *Tobacco Retailer* is a permitted use in C1, C2, C3, C4, C5 districts.
9. *Public/Private Schools, College and University Facilities excluding College & University Campuses* is modified to add Charter Schools to align with recent state legislation.

NEW OR MODIFIED USE STANDARDS

10. *Gas Stations*
    - Are not permitted within 200-feet of residential zoned property;
    - A 500-feet separation requirement is introduced for gas stations on the same side of the street;
    - Canopy light controls introduced;
    - Fuel tanks must be underground except for certain circumstances.

11. *Drive-Through Restaurants*
    - Drive-through equipment must be 50-feet from residential property;
    - Sound from drive-through must be mitigated;
    - Drive-through lanes must be clearly delineated;
    - Drive-through equipment must be architecturally compatible with the building;
    - Planning and Zoning Commission reserves the right to establish additional controls (such as hours of operation) as relevant.

12. *Outdoor Patios*
    - Name changed to align with land use table;
    - Size limitation removed.

13. *Tavern, Bars, Lounges*
    - Building containing the use must be at least 200-feet from residentially zoned property;
    - Planning and Zoning Commission reserves the right to establish additional controls (such as hours of operation), noise/operation constraints as relevant.

RECOMMENDATION

Staff respectfully requests the commission to provide comment and direction with regards to the proposed amendments to the Zoning Ordinance.