



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

**PLANNING & ZONING
COMMISSION:**

Bill Louis, Chair
Nancy Golden, Vice Chair
Leigh Strickman, Secretary
Greg Loper
Gene Sweeney
Veda McFarland
Charles J. Marr

Department Liaison
Chris Jacques

***Accommodations for
Individuals with Disabilities.***
*Alternative format materials, sign
language interpretation, assistive
listening devices or interpretation
in languages other than English
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advance notice through the Office
of the City Clerk, 8401 West
Monroe Street, Room 150, Peoria,
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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, JUNE 21, 2012
6:30 P.M.
COUNCIL CHAMBER
8401 W. MONROE ST.**

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 absence of Commissioner Veda McFarland from the May 3, 2012 Meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held May 3, 2012.
- 3C** **CU12-0004:** Iconic Tattoo is requesting a Conditional Use Permit to allow the development of a piercing and tattoo studio within an approximately 1,500 square foot unit on a property zoned C-2 (Intermediate Commercial). The approximately 1.87 acre property is located on the northwest corner of Paradise Lane and 75th Avenue.

- 4C** **CU12-0005**: Ryan's Touchdown Sportswear & Promotions is requesting a Conditional Use Permit to allow a commercial service establishment for the decoration and sale of imprinted and embroidered sportswear in an existing approximately 4,000 square foot building on a property zoned C-2 (Intermediate Commercial). The approximately 0.68 acre property is located at the northwest corner of 87th Avenue and Grand Avenue.

REGULAR AGENDA

NEW BUSINESS:

- 5R** **PUBLIC HEARING**: RE: Text Amendment.

PUBLIC HEARING – TA12-0001: The City of Peoria has proposed an amendment to Article 14-34 "Signs" of the Zoning Ordinance. This amendment is intended to update regulations regarding Banner/Special Event and Grand Opening Signs in order to extend the sunset clause from June 30, 2012 to June 30, 2014.

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 update regulations regarding Banner/Special Event and Grand Opening Signs in order to extend the sunset clause for Article 14-34 "Signs" of the Zoning Ordinance.

- 6R** **PUBLIC HEARING**: RE: Text Amendment.

PUBLIC HEARING – TA12-0002: The City of Peoria has proposed an amendment to Article 14-39 "Administrative Procedures" of the Zoning Ordinance. This amendment is intended to update regulations relating to Temporary Use Permits.

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 14-39 "Administrative Procedures" of the Zoning Ordinance. This amendment is intended to update regulations relating to Temporary Use Permits.

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
MAY 3, 2012**

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 Bill Louis, Vice Chair Nancy Golden, Commissioners Gene Sweeney, Greg Loper, Charles Marr, and Leigh Strickman.

Members Absent: Commissioner Veda McFarland.

Others Present: Shawn Kreuzwiesner – Engineering Planning Manager, Steve Burg – Chief Assistant City Attorney, Ed Boik – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Shawn Kreuzwiesner – Engineering Planning Manager.

Call for speaker request forms.

Audience: One.

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:** Discussion and possible action to approve/excuse the absences of Commissioners Greg Loper, Charles Marr, and Veda McFarland from the March 15, 2012 Meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held March 15, 2012.

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

REGULAR AGENDA

NEW BUSINESS:

3R PUBLIC HEARING – CU10-0213: Bechtel Communications, Inc. on behalf of AT&T Mobility requested a 65-ft tall monopalm and associated ground equipment at Country Meadows Elementary. The property is zoned R1-8 (Single-Family Residential). The approximately 8.37 acre property is located at the southeast corner of 111th Avenue and Butler Drive.

STAFF REPORT: Presented by Ed Boik, Planner.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Bechtel Communications, Inc. on behalf of AT&T Mobility to construct a 65-ft tall monopalm and associated ground equipment at Country Meadows Elementary. The motion was seconded by Commissioner Sweeney and upon vote, carried 6-0.

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 6:36 p.m.

William Louis, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0004
DATE: June 21, 2012
AGENDA ITEM: 3C

Applicant: Hollis Cantrell, of Iconic Tattoo & Piercing

Request: Obtain a Conditional Use Permit to allow a tattoo and body piercing studio.

Proposed Development: Tattoo & Piercing Studio: Approximately 1,500 square feet of leased studio space.

Location: 16610 N. 75th Ave, Suite 106: Located on the northwest corner of Paradise Ln. and 75th Ave.

Site Acreage: 1.87 acres

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

Recommendation: Approve, with conditions.

LAND USE BACKGROUND

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Retail Strip Center	Sport Complex Mixed Use	C-2, Intermediate Commercial
North	Commercial Center, Skunk Creek	Sports Complex Mixed Use	PAD (Planned Area Development)
South	Vacant	Sports Complex Mixed Use	PAD (Planned Area Development)
East	Vacant	Sports Complex Mixed Use	PI-1, Planned Industrial
West	Skunk Creek, Apartments	Sports Complex Mixed Use	PAD (Planned Area Development)

PROJECT DESCRIPTION

Request and Development Details

1. Iconic Tattoo & Piercing is proposing to operate a 1,500 square foot tattoo and body piercing establishment within a retail center at the northwest corner of 75th Ave. and Paradise Ln.
2. The proposed studio is located within a multi-tenant commercial building of approximately 16,000 square feet. The center is located on a site of approximately 1.87 acres. Uses within the center include a tanning salon, a fitness studio, a cigar shop, and a restaurant. Adjacent land uses include multi-tenant retail center to the north and an apartment complex to the east. Other adjacent properties are vacant.
3. The applicant proposes to operate a tattoo and piercing studio and art gallery. There will be five tattoo stations and one piercing station. There will be up to nine crew members onsite at any one time. There will be no services provided behind closed doors. (Exhibit D Floor Plan)
4. Proposed hours of operation are 11:00 a.m. to 11:00 p.m. every day of the week. These initial hours are exaggerated and it is expected that as the flow of business is established more standard hours of operation will be put into effect. Standards hours include: Closed Mondays, Tuesday through Thursday 12:00 p.m. to 8:00 p.m., Friday & Saturday 12:00 p.m. to 10 p.m. and Sunday 12:00 p.m. to 6:00 p.m.

Background

5. The existing multi-tenant commercial building and associated parking was approved under Site Plan review (PR02-14).

DISCUSSION AND ANALYSIS

Purpose of a Conditional Use Permit

6. Section 14-39-10.A identifies the intent of a Conditional Use Permit (italics by staff). The intent is:

Every zoning district contains certain buildings, structures, and uses of land which are normal and complementary to permitted principal uses in the district, but which, *by reason of their physical or operational characteristics influence on the traffic function of adjoining streets or similar conditions, are often unnecessarily incompatible with adjacent activities and uses.* It is the intent of this chapter to permit conditional uses in appropriate zoning districts, but only in

specific locations within such districts and only *when designed and developed in a manner which ensures maximum compatibility with adjoining uses*. It is the purpose of this Ordinance to establish principles and procedures for the development and control of such uses.

Compatibility With Surrounding Land Uses

7. The proposed use is adjacent to regional commercial retail and entertainment uses to the north and northwest. Further to the west is an apartment complex and additional regional entertainment, retail, and restaurant uses. The closest single-family and multi-family residential neighborhoods are located approximately 1,000 feet to the south and 1,000 feet to the east (within Glendale). Staff does not anticipate any negative impacts on the adjoining uses as a result of this request. In addition, the proposed use must comply with a series of special limitations from the zoning ordinance.

Special Limitations

8. Section 14-9-5-K of the Zoning Ordinance provides the following limitation on *personal services* in the C-2 District. Staff responses are in *italics*.

- All vehicular access shall be from arterial streets.

The site has direct access to 75th Avenue which is an arterial street.

- The use shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Massage Establishment, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

The applicant has demonstrated there are no other uses in conflict as described above located within 1,000 feet from the property line boundaries of this proposed establishment. (Exhibit E)

Arizona Revised Statutes Regarding Tattoo & Body Piercing Establishments

9. As prescribed in the Arizona Revised Statutes Chapter 13-3721, it is unlawful for a person to intentionally brand, implant, mutilate, tattoo or pierce the body of a person who is under eighteen (18) years of age without the physical presence of the parent or legal guardian of the person requesting the services indicated above.

A stipulation has been included which requires full compliances with A.R.S 13-3721.

10. Pursuant to Arizona Revised Statutes Title 36, at the minimum, all needles must be sterilized with equipment used by state licensed medical facilities. In addition, a tattoo needle and any waste exposed to human blood that is generated in the creation of a tattoo shall be disposed of in the same manner as biohazardous medical waste pursuant to ARS Section 49-761.

Tattoo establishments typically utilize autoclave, which is a device to sterilize equipment and supplies by subjecting them to high pressure steam at 121° C or more. The applicant indicates that all sterilization activities will take place in a "clean room" which will be marked as a "biohazard" and public access will be restricted. Needles will only be used once and disposed of properly.

11. It is unlawful to administer anesthesia during the course of any procedure involving the branding, scarifying, tattooing, implanting, mutilating or piercing of the body of another person without obtaining the property medical licensing pursuant to A.R.S Chapter 32 (Professions and Occupations).

The applicant has indicated to staff, there will be no anesthesia provided.

Sanitary Conditions for Employees and Customers

12. For health and safety purposes, employees will wear gloves and face masks, as well as provide disposable seat covers for each customer. Stations will be thoroughly sterilized between sessions. In addition, employees are required to be qualified in First Aid, Blood Borne Pathogens, and to meet OSHA standards. (Exhibit A)

Available Parking

13. The Zoning Ordinance requires personal services to be parked at one (1) space per 150 square feet of floor area. The Arrowhead Office Center was approved for 91 parking spaces. Iconic Tattoo would require approximately 10 parking spaces, which is 11% of the existing parking on site. Based upon the parking needs of the adjacent restaurant, service and retail uses available parking is ample and will not be impacted.

Noticing and Neighborhood Comment

14. 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

15. 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 June 5, 2012. 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

16. The applicant/owner has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions contained herein.

Findings / Recommendation:

17. Based on the following findings:
 - The proposed location is within the Intermediate Commercial (C-2) Zoning District. Tattoo and body piercing establishments require the issuance of a Conditional Use Permit.
 - The proposed use complies with all requirements prescribed in Section 14-9-5-K of the Peoria Zoning Code. Accordingly, staff does not believe the proposal will result in any negative impacts to the adjoining uses.
 - The application notice was also forwarded to all property owners within 600 feet of the proposal and properly noticed per Section 14-39-5 of the Peoria Zoning Ordinance. As a result, to date, the City has not received written comments on the proposal.
 - The applicant/owner 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 CU12-0004, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative) and Exhibit D (floor plan), as contained in the staff report to the Planning and Zoning Commission dated June 21, 2012 and as herein modified.
2. The bio-hazardous waste container must be stored in a separate room.
3. The use shall fully comply with A.R.S. 3721,
4. The hours of operation are limited to 11:00 a.m. to 11:00 p.m. Monday through Sunday.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Floor Plan
Exhibit E.1-E.4	Business List 1,000 Foot Radius and Map

Prepared by: Ed Boik, AICP, LEED Green Associate
Planner

Project Narrative

Iconic Tattoo & Piercing is a brand new tattoo & piercing studio owned and operated by Guinness World Record Holder Hollis Cantrell III. This new business will conduct itself as a high-end tattoo & piercing studio and art gallery. Hollis Cantrell has over 8 years of professional experience in the industry, over 5 of which have been as a manager of another tattoo shop. Hollis also proudly maintains a long, impressive list of loyal clientele, some of whom are known celebrities. Members of the Iconic team all have between 3 1/2 years to 10 years of professional experience in the industry. They each also maintain their own established clientele base, and they all behave with humility, enthusiasm, professionalism, and respect in honor of the trade in which they hold sacred. The goal of this studio is to embody excellence in tattooing, piercing and art, to increase its clientele base by only producing quality work on satisfied patrons, and to position itself alongside the other few elite, top tier tattoo shops in Arizona. Arizona is home to well over 100+ tattoo shops. Throughout Maricopa County there are only approximately 10 top tier studios that are staffed with well trained, talented artists, and that exemplify the very best of what a respectable tattoo studio should be. Iconic Tattoo will continually strive for nothing short of excellence, and each team member holds strong in confidence of self, of ability and of the studio in reaching that high honor.

Iconic Tattoo & Piercing has fundamental imperatives of business operations. These include the ability to generate recurring income, the opportunity to increase the value of the business as well as the value of the artists and their artwork, and finally to actually secure the income of the business, of each artist and to secure the value of both. The studio will be able to generate income by sustaining the delivery of services and providing high quality tattoos and piercings to customers. Iconic will operate during scheduled business hours, offer and produce remarkably well done tattoos & piercings and maintain customer satisfaction thus providing an income which will generate a profit for services rendered. Next Iconic/ staff

will be able to increase the value of the studio and of themselves by upholding good business practices, creating distinctive works of art and by strategic marketing ventures, and generating a positive reputation of the shop throughout the state. This will expand the studio's visibility to the market and increase the clientele base. Wider exposure and a good reputation for customer satisfaction and artistic capability will surely raise the business value as well as the artists' value. Finally the business income and raised values will be secured because of all the efforts as mentioned above. Desirability and demand will be secured as a result of artists' & the studio's reputation, regard for the community, competitive marketing and studio distinction.

The suite in which Iconic Tattoo & Piercing will conduct business will house 5 tattoo stations and 1 piercing station. This will allow for a maximum of 5 artists and 1 piercer to be working at any one time. Individuals who may also be on staff include 2 crew members and 1 future apprentice. This will allow for a grand total of 9 employees to be working within the suite at any one time if need be. Per city occupancy regulations of a 50 person limit within a 1500 square foot space, there can be a minimum of 41 customers and a maximum of approximately 46 customers depending on how many employees are present at any one time.

The hours of operation will initially be from approximately 11 a.m. to 11 p.m. Monday through Sunday. These are exaggerated hours which will help the artists at Iconic get a feel for the ebb & flow of commerce in the area as well as to better establish the business in the beginning. After the immediate whirlwind of activity subsides more standard hours of operation will be put in effect. Generally those hours are similar to the following example: Monday- Closed, Tuesday through Thursday- 12 noon to 8 p.m., Friday & Saturday- 12 noon to 10 p.m. and Sunday 12 noon to 6 p.m.

It is important to mention in this narrative issues of health and safety regarding tattoo and piercing studios. The team at Iconic take sterilization and the health & safety of each employee and client very seriously. It is for this reason that the Iconic staff adhere to strict standards set forth by OSHA in dealing with the proper handling of biohazardous materials. Members of Iconic also follow these standards to ensure the correct sterilization techniques be used on all tattoo and piercing equipment as well as on all surfaces within the suite. In keeping with this

standard the owner/ staff members make certain that each reusable stainless steel item, mainly tattoo tubes and piercing equipment, is ran through an ultrasonic before finally being bagged in sterilization pouches and ran through a hospital grade autoclave. The autoclave works by using extreme heat and steam to effectively kill any and all infectious diseases including HIV and Hepatitis C. This autoclave will be routinely inspected by a biological monitoring company with whom Hollis has contracted with. The studio's ultrasonic and autoclave along with all other relevant equipment and sterilization supplies will be kept in a "Clean Room" located at the right rear of the suite. This clean room will be thoughtfully designed for efficiency in its purpose and will be closed off to all customers and marked with a large "biohazard" symbol. In addition, each staff member is required to annually attend a "Blood Borne Pathogens" seminar and attain accreditation for this education. In the past the artists and piercers have attended seminars held by members of OSHA or by the American Safety and Health Institute for this training and certification. These educators will continue to be used for future training. All members will ensure their certification is current or will update their certification before the doors open for business and then commit to fulfill the requirements to update this training and education each year thereafter. Hollis/ Iconic Tattoo has also decided to add first aid and CPR training to the list of required accreditations for staff members. Once Hollis/ Iconic has received the Conditional Use Permit he will apply for membership to industry affiliates including the Alliance of Professional Tattooists, the Association of Professional Piercers and the Better Business Bureau (BBB). These accreditations help serve as proof to the clients, to the city of Peoria, and to the respected peers in the industry that every member of Iconic is professional, responsible and properly trained.

The owner and employees of Iconic Tattoo & Piercing will continually uphold the promise to operate as a high-end studio and to commit to meeting the strict health and safety standards set forth by OSHA. The staff of Iconic also commit to excelling in the industry through devote adherence of expectations set forth by elite studios and artists not only in the valley but nationwide. It is for these reasons that Iconic will be a welcomed addition in the plaza known as the "Corner of Paradise".

narrative addition.txt
Additional info for Iconic Tattoo & Piercing Narrative
May 2, 2012

For sanitary reasons all artists will bag their tattoo machines and clip cords. Every artist will also wear gloves during tattoo sessions, and some quite often choose to wear aprons and facial masks. Chairs will be wrapped during tattoo sessions, and after each procedure surfaces will be sterilized using madicide. Needles will be used only once and then disposed of properly in a marked biohazard sharps container. These containers will periodically be collected by a biohazardous waste collections company. In addition, no anesthesia will be administered during any tattoo or piercing procedures.

Vicinity Map



CU12-0004 Iconic Tattoo

Exhibit B

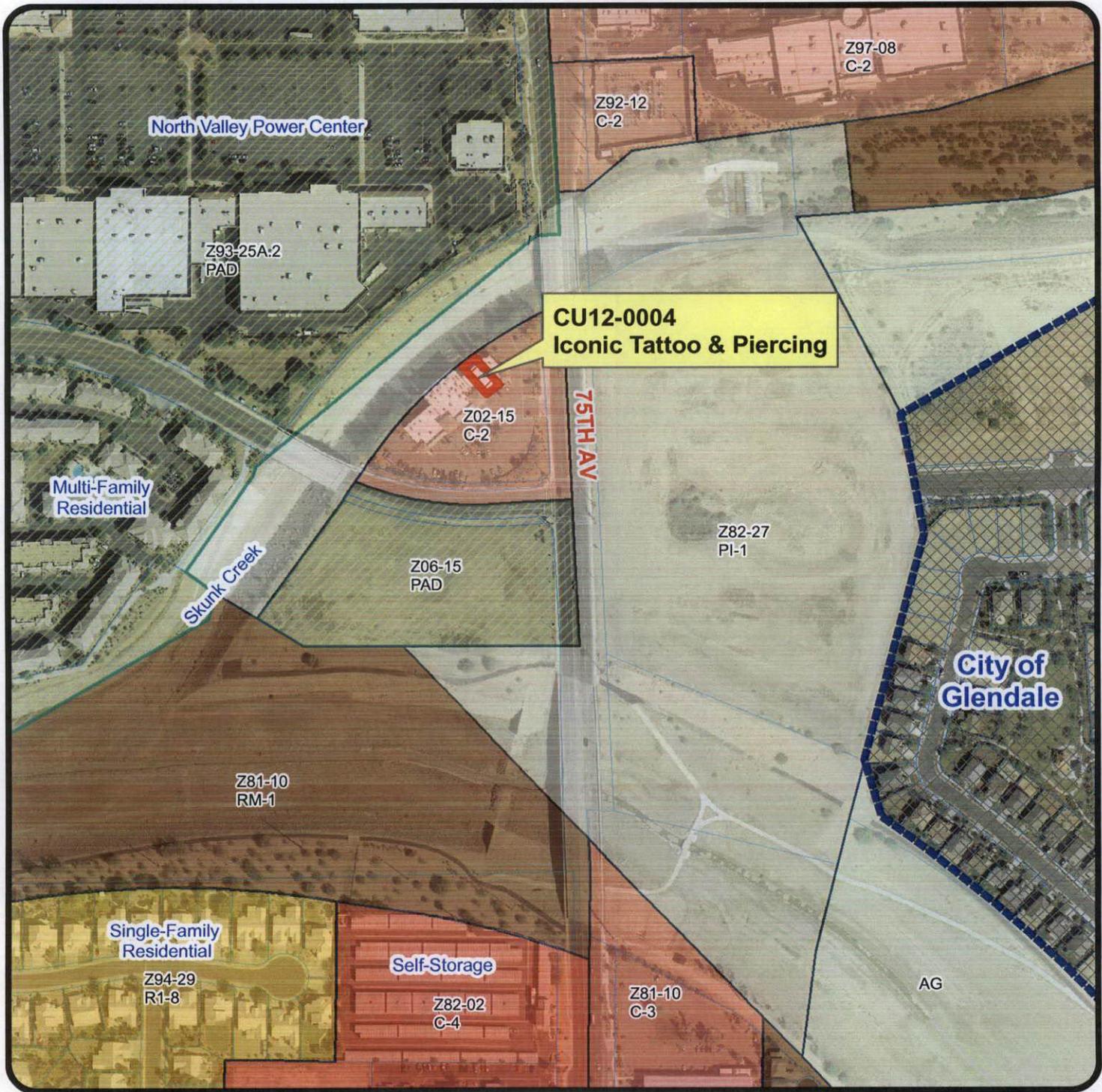
Applicant: Iconic Tattoo & Piercing

Request: Obtain a Conditional Use Permit to allow a tattoo and piercing studio.



Not to Scale

Zoning Map



CU12-0004 Iconic Tattoo

Exhibit C

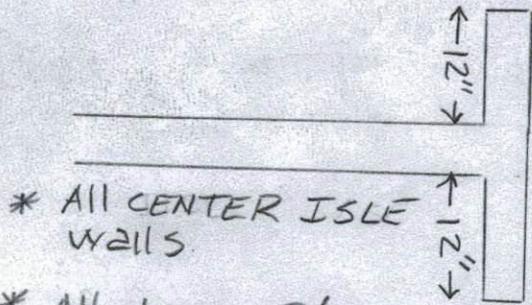
Applicant: Iconic Tattoo & Piercing

Request: Obtain a Conditional Use Permit to allow a tattoo and piercing studio.

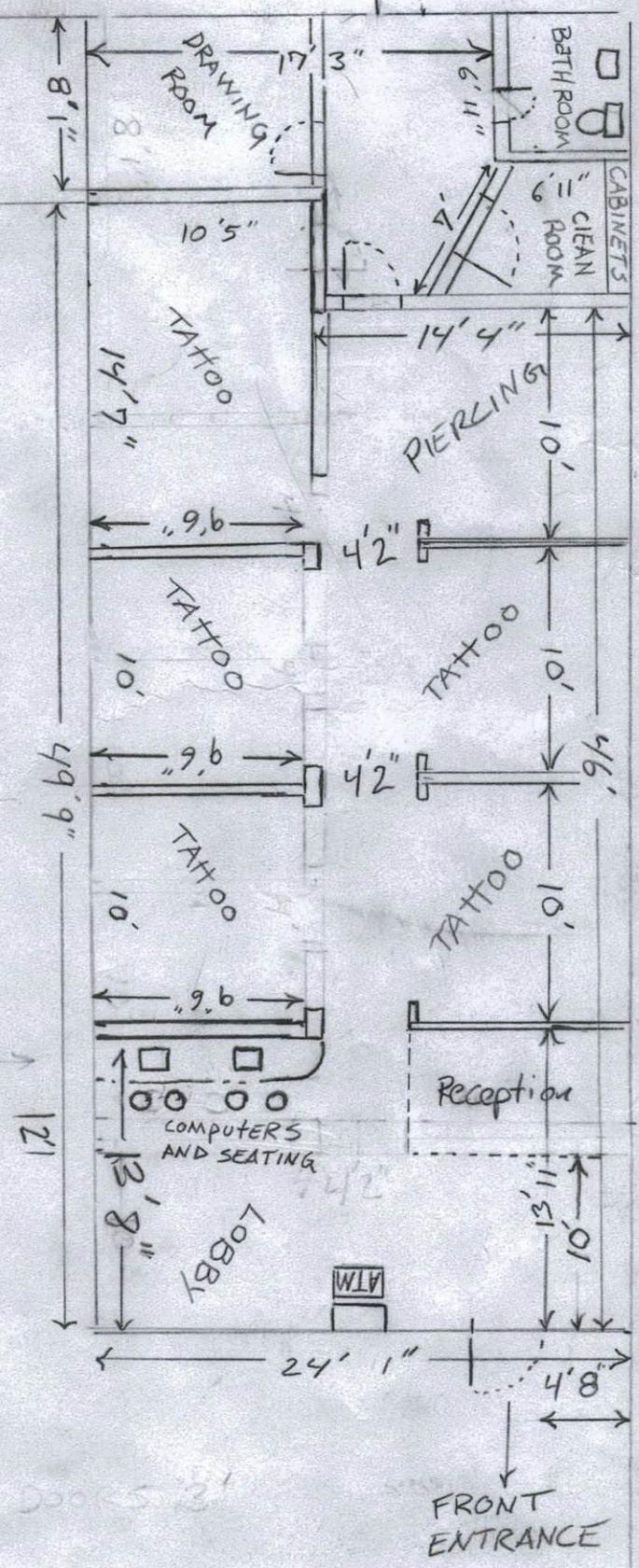


Not to Scale

BACK DOOR
EXIT



- * All CENTER ISLE walls
- * All doors 3'
- * All walls ARE 6" OUTSIDE TO OUTSIDE
- * All MEASUREMENTS ARE ROUNDED DOWN TO NEAREST INCH



Computers →

All doors 3'

FRONT
ENTRANCE

Addresses Within 1000 ft. of Parcel 200-53-008F

- 1) 16083 N 75th Ave- APN# 200-52-001A- Rollerplex Entertainment/ National Youth Sports
- 2) 16110 N 75th Ave- APN# 200-53-239- 75th Avenue Storage LLC
- 3) 16610 N 75th Ave- APN# 200-53-008F- Corner of Paradise
 - #101- Ambassador Fine Cigars
 - #102 & #103- vacant
 - #104- Ah-So Sushi
 - #105- A-List Fitness
 - #106- Iconic Tattoo & Piercing
 - #107- Planet Beach
- 4) 16865 N 75th Ave- APN# 200-52-973- monument sign owned by Arrowhead Palms LLC
- 5) 16879 N 75th Ave- APN# 200-52-971- Arrowhead Palms LLC
 - #101- ReBath & Kitchens
 - #102- vacant
 - #103- vacant- (was T-Mobile)
 - #103A- Sun West Federal Credit Union
- 6) 7369 W Bell Rd- APN# 200-52-972
 - #1- Panda Express
 - #2- Jamba Juice
 - #3- Big Discount Eyeglasses
 - #4- The Greek Wraps
 - #5- vacant

#6- Flamingo Nails

#7- New Balance

7) 7375 W Bell Rd- APN# 200-52-972- vacant

8) 7381 W Bell Rd- APN# 200-52-972- Payless Shoesource

9) 7401 W Bell Rd- APN# 200-52-972- Berean Christian Stores

10) 7407 W Bell Rd- APN# 200-52-972-

#1- Rubio's Fresh Mexican Grill

#2- Coffee Bean & Tea Leaf

11) 7419 W Bell Rd- APN# 200-52-972- Cost Plus World Market

12) 7439 W Bell Rd- APN# 200-52-972

#1- Bikram Yoga

#2- vacant

13) 7445 W Bell Rd- APN# 200-52-970

#100- Beauty Brands

#102- V's Barbershop

14) 7473 W Bell Rd- APN# 200-52-969- Chevron Express Gas & Carwash

15) 7515 W Bell Rd- APN# 200-53-021B- McDonald's

16) 7525 W Bell Rd- APN# 200-53-244- Peter Piper Pizza

17) 7535 W Bell Rd- APN# 200-53-244- Nordstrom Rack

18) 7541 W Bell Rd- APN# 200-53-247- 5 & Diner

19) 7545 W Bell Rd- APN# 200-53-244

#101, 102 & 103 - Rue 21

#104- Weight Watchers

#105- Cosmetic & Restorative Dentistry of Peoria

#106- Rusty Jones, DDS Orthodontics ▽

20) 7555 W Bell Rd- APN# 200-53-244- DSW Shoes

21) 7557 W Bell Rd- APN# 200-53-244- Old Navy

22) 7565 W Bell Rd- APN# 200-53-246- Sweet Tomatoes

23) 7575 W Bell Rd- APN# 200-53-244

#101- Healing Touch Family Chiropractic

#102- Men's Wearhouse

#103 Woodwright

24) 7604 W Lockland CT- APN# 200-53-186- James N & Patricia L Arkin

25) 7612 W Lockland CT- APN# 200-53-185- Norman N & Paula Arkin

26) 7620 W Lockland CT- APN# 200-53-184- Wayne Wilcoxin

27) 7628 W Lockland CT- APN# 200-53-183- King G & Nancy E Ruby

28) 7636 W Lockland CT- APN# 200-53-182- David R & Joan E Evans

29) 7644 W Lockland CT- APN# 200-53-181- David Silverman

30) 7645 W Bell Rd- APN# 200-53-244- Hobby Lobby

31) 7655 W Bell Rd- APN# 200-53-244- TJ Maxx

32) 7665 W Bell Rd- APN# 200-53-244

#101- Baskin Robbins

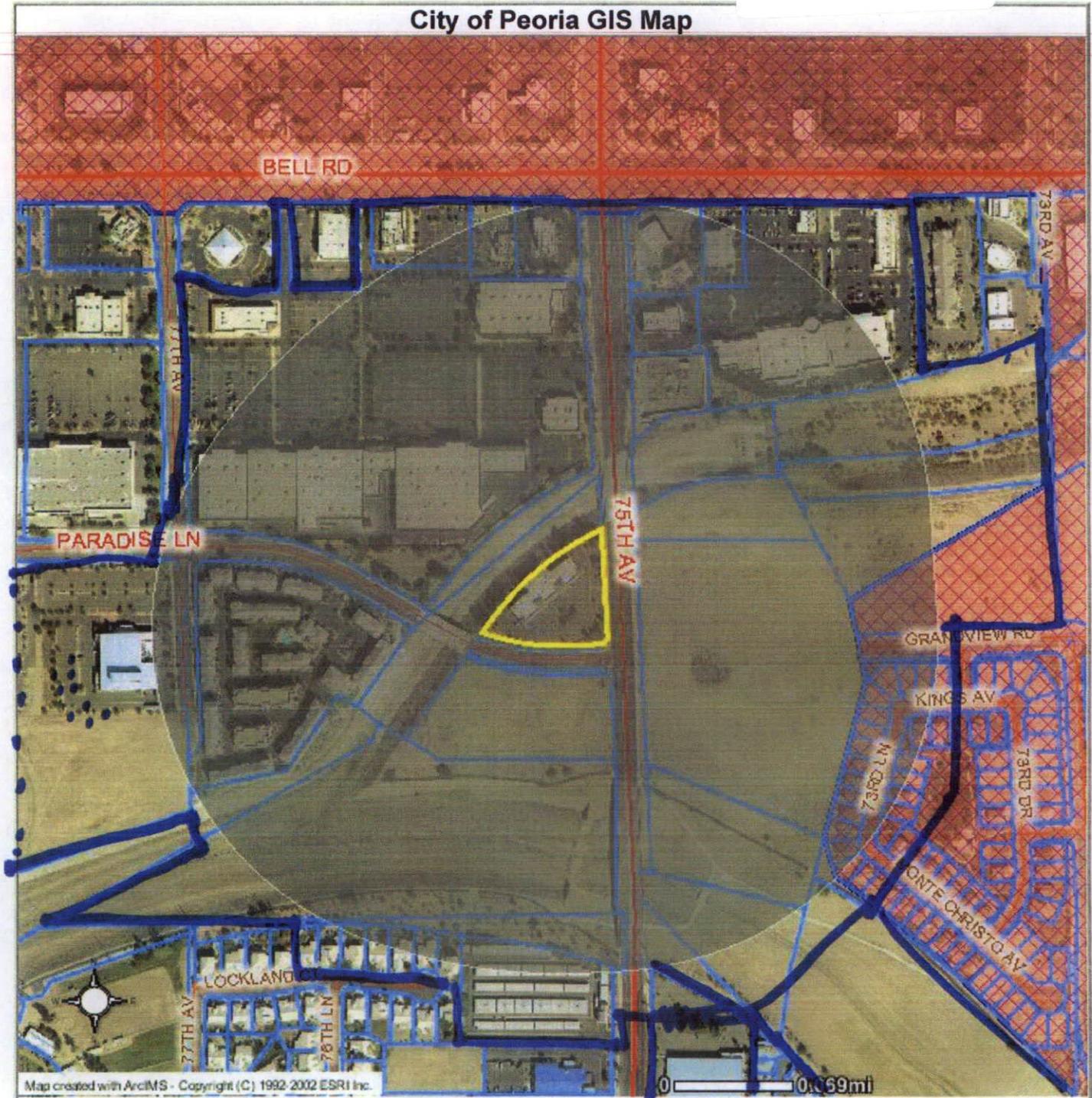
#102- Aloha Naila

#103- Leo's Island BBQ

#104- Ulta

33) 7677 W Paradise LN- APN# 20-53-822- Pillar at Bella Vista

City of Peoria GIS Map

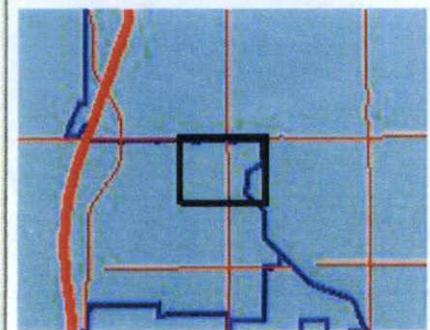


Map created with ArcIMS - Copyright (C) 1992-2002 ESRI Inc.

0 0.69mi

LEGEND

- | | | | |
|-------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------|---------------|
|  | Selected Features |  | Freeway Ramp |
|  | Inside Buffer |  | Railroad |
|  | Buffer |  | Minor Street |
|  | Streets |  | Parcels |
|  | Freeway |  | City Limit |
|  | Major Street |  | County Island |
|  | Minor Street (cont) |  | External |
| | |  | Peoria |



This map is based on imprecise source data, subject to change, and for general reference only.



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0005

DATE: June 21, 2012

AGENDA ITEM: 4C

Applicant: Monte Ryan

Request: Obtain a Conditional Use Permit to allow a Commercial Service Establishment for the decoration and sale of imprinted and embroidered sportswear in the C-2 Zoning District.

Proposed Use: Ryan's Touchdown Sportswear & Promotions

Location: The property is located at 8701 W. Grand Avenue, at the northwest corner of 87th Avenue and Grand Avenue.

Site Area: Approximately 0.688 acres (29,926 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 BACKGROUND

Table 1: Existing Land Use, General Plan Land Use Designation, Current Zoning. (Exhibits B- C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant former restaurant	Community Commercial	C-2 Intermediate Commercial
Northeast	Grand Avenue, then BNSF railroad	Residential/Low Density	R1-8, Single-family Residential
Southwest	Salvation Army Thrift Store	Community Commercial	C-2 Intermediate Commercial
Southeast	87 th Ave., then Auto Zone	Community Commercial	C-2 Intermediate Commercial
Northwest	Denny's Restaurant	Community Commercial	C-2 Intermediate Commercial

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate Ryan's Touchdown Sportswear & Promotions on a property previously occupied by a fast-food restaurant with drive-through. The approximately 0.688 acre site includes parking and an approximately 4,000 square foot restaurant building.

2. The applicant is proposing to use the property for proposed business activities entailing embroidery of sportswear, and the sale of the imprinted/embroidered sportswear and pre-printed promotional items such as mugs, pens, and golf accessories (Exhibit A).

DISCUSSION AND ANALYSIS

Applicability

3. The site in question is zoned Intermediate Commercial (C-2). The proposed use has been deemed to constitute a Commercial Service Establishment combining retail, showroom with workshop. According to Article 14-9 of the Zoning Ordinance, in the C-2 Zoning District this use requires a Conditional Use Permit.
4. Section 14-39-12.E 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.

Analysis

5. Commercial Services Establishments are limited to a maximum building size of 15,000 square feet, with workshop space limited to 50% of the usable floor area (Section 14-9-5.H.1). The proposed use is consistent with these requirements. The approximately 4,000 square foot building would be broken down into 35% floor area for production (embroidery) and 65% floor area for office and showroom.
6. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The proposed use is not expected to impact the adjacent commercial or residential properties through light, noise, odor, smoke, heat, or glare. The proposed business operation will be similar in intensity to that of the nearby retail stores and less intense than the adjacent Denny's restaurant in terms of traffic and parking generated.

Noticing and Neighborhood Comment

7. The application notice was forwarded to all property owners within 600 feet of the proposed use and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance. 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

8. The voters of Arizona approved Proposition 207, which among other things

requires municipalities to compensate property owners for actions that have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement that 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

9. Based on the following findings:
- The request is consistent with the applicable codes, standards, and guidelines
 - The request is compatible with the surrounding uses; and
 - The proposal does not result in any detrimental impacts to the surrounding area.

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

Approve the applicant's request for a Conditional Use Permit under Case CU12-0005, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit A) as contained in the staff report to the Planning & Zoning Commission dated June 21, 2012.
2. Separate approval is required for all applicable permits, including Building and Sign permits.

ATTACHMENTS:

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map

Prepared by: Melissa Sigmund, Planner

Project Narrative for Ryan's Touchdown Sportswear & Promotions

My name is Monte Ryan and I am Owner/President of Touchdown Sportswear & Promotions. Located at 8207 NW Grand Ave, Peoria AZ, 85345. We have been here for the past 12 years. We are considering a move to 8701 NW Grand Ave, Peoria AZ per zoning regulation approval.

Our business is involved in the decoration and sale of imprinted and embroidered sportswear to schools, clubs, corporations, small businesses, municipalities, state and local government, and organizations. We are also an approved US Government Vendor. Our business consists of merely bringing in the blank finished goods and applying the decoration art at our productions facility. The split as Office (Showroom)/Production would be approximately 65/35. 65% Office/Showroom and 35% Production. We also supply promotional items to our customers, but these are finished products when they arrive at our facility. We have plans if approved to really enhance the appearance of the new facility. New paint, upgraded landscape, etc. We will definitely display pride of ownership, and an attractive image for our business. Thank you for your consideration.

Sincerely,
Monte Ryan

Vicinity/Location Map



CU12-0005 Ryan's Touchdown Sportswear & Promotions
Applicant: Monte Ryan

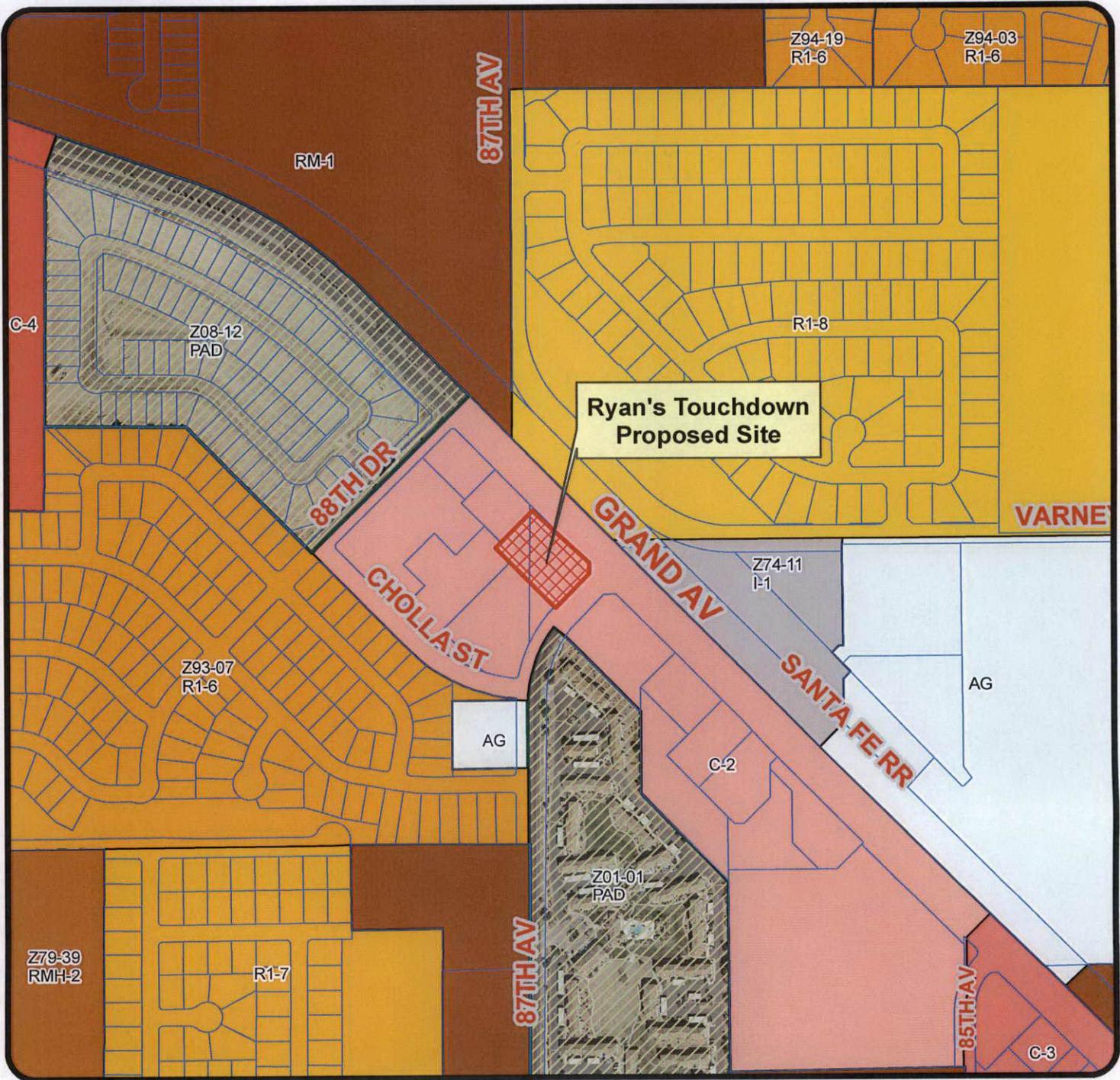
Exhibit B

Request: Obtain a Conditional Use Permit to allow a Commercial Service Establishment for the decoration and sale of imprinted and embroidered sportswear in the C-2 Zoning District.



Not to Scale

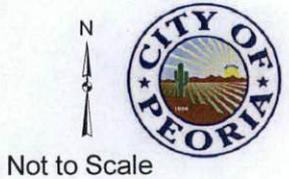
Zoning Map



CU12-0005 Ryan's Touchdown Sportswear & Promotions
Applicant: Monte Ryan

Exhibit C

Request: Obtain a Conditional Use Permit to allow a Commercial Service Establishment for the decoration and sale of imprinted and embroidered sportswear in the C-2 Zoning District.





ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 12-0001
DATE: June 21, 2012
AGENDA ITEM: 5R

Applicant: City of Peoria
Request: Amend Article 14-34 ("Signs") of the Zoning Ordinance to extend the sunset date on current regulations for Banner/Special Event Signage and Grand Opening Signage.
Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.
Recommendation: **Approve** as requested.

BACKGROUND

1. In April 2009, the City adopted temporary changes to the City's Sign Code pertaining to *Special Event* and *Grand Opening* signage. That amendment was largely in response to the economic climate and the respective visibility and marketing needs of businesses within the City.
2. In January 2011, due to the prolonged economic downturn, the sunset date was extended until June 30, 2012 for the code changes to *Special Event* and *Grand Opening* signs. Additional types of temporary signs were also permitted within this sunset period to provide additional support and flexibility to local businesses, specifically "swooper" advertising flag signs and A-frame (e.g. sandwich board) signs.
3. Given the continued vulnerability of the economic climate, the business-responsive changes allowed under the current sunset clause continue to be tools that that City can leverage to assist local businesses.

DISCUSSION AND ANALYSIS

Proposed Changes

4. This amendment seeks to continue the benefits of the previous temporary changes to regulations for Special Event and Grand Opening signs through June 30, 2014. The table that follows provides a comparison of the permanent Sign Ordinance regulations, versus those temporary regulations set to expire June 30th, 2012, unless the sunset date is extended (as proposed by this amendment).

Comparison of Existing vs. Proposed Sign Standards

	Sign Ordinance (without sunset clauses)	PROPOSED EXTENDED SUNSET Until June 30th 2014 Sunset
Special Event Signs (Permit required per event)		
Timing	<ul style="list-style-type: none"> • 14 days/ 4x per year (56 days total) • A minimum of 30 consecutive days must pass between each event 	<ul style="list-style-type: none"> • 30 days/ 4x per year (120 days total) • No minimum break between sales is required
Banners	Maximum size = 32 square feet total, no limit on number of banners	• NO CHANGE
Balloons	Permitted	• Permitted if less than 24 inches in diameter
A-Frames	Not permitted	<ul style="list-style-type: none"> • 1 per business • Max. height = 36 inches • Maximum size (sign copy area) = 6 square feet
Swooper Flags	Not permitted	<ul style="list-style-type: none"> • 2 per business • Max. height = 15 ft • Max width = 3 ft • Maximum flag size = 32 square feet
Grand Opening signs (No Permit Required)		
Timing	30 days	60 days, within the first 6 months of obtaining a business license
Allowed signage	Banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices.	Banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. PLUS: Portable A-frame (or similar design) signs

5. The extended sunset date will also allow staff to analyze the results of the newly implemented sign regulations, in particular, the advantages and disadvantages of allowing advertising flags and a-frame signs as types of Special Event Signs, and of extending the permissible time frames for Special Event Signs and Grand Opening Signs.

Administrative Procedure

Public Notice

6. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing has been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

FINDINGS AND RECOMMENDATION

7. Based on the following findings:
 - The proposed amendment is consistent with the goals, objectives and policies of the General Plan as identified in Section 14-34-2, *Intent* of Article 14-34, Signs, of the Zoning Ordinance; and
 - The proposed amendment constitutes an improvement to the Zoning Ordinance by enhancing opportunities for the promotion of businesses and organizations within Peoria in a difficult economic climate, while preserving public safety and welfare; and
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

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

Recommend to the Mayor and City Council approval of Case TA 12-0001, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS

Exhibit A: Proposed changes to Article 14-34
(deletions/additions shown as ~~strike~~/underscore)

Prepared by: Melissa Sigmund
Planner

ARTICLE 14-34

SIGNS

(Amended by Ord. Nos. 2011-01, 2012-XX)

14-34-8 SIGN TYPES AND REQUIREMENTS

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

4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time. (Ord. No. 2011-01)

a. Special Events. Sign used to promote a sale or special event.

4) For a period extending no later than June 30th, 2014 ~~2012~~, the following allowances for special event signage shall apply:

17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)

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

1) For a period extending no later than June 30th, 2014 ~~2012~~, the following regulations for grand opening signage shall apply:



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 12-0002
DATE: June 21, 2012
AGENDA ITEM: 6R

Applicant: City of Peoria
Request: Amend Article 14-39 ("Administrative Procedures") of the Zoning Ordinance to update regulations regarding Temporary Use Permits and text amendment notification requirements.
Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.
Recommendation: **Approve** as requested.

BACKGROUND

1. Temporary Use Permits are issued by the Planning and Community Development Department to allow a variety of short-term uses on private property. Typical uses receiving Temporary Use Permits include Christmas tree sales lots, fireworks sales lots, and carnivals/fairs. Temporary Use Permit regulations are intended to ensure that such uses are conducted in a manner that is not detrimental to surrounding properties.
2. Planning Staff, together with other City Departments, has recently evaluated and amended the internal review process for Temporary Use Permits. Previously, applicants often had to obtain several different permits from various departments, which could entail going to multiple City buildings to submit and pay for individual applications. The new process consolidates the reviews for Planning, Fire, Engineering, Building Safety, and Police, and distributes application information to an even wider group that includes representatives from additional City Departments. This facilitates an efficient and thorough evaluation of potential Temporary Uses by garnering feedback from a range of City divisions and bringing it together for ease of use and understanding by applicants.
3. During the evaluation, it became apparent that there was a need for clarifying or modifying a number of TUP-related regulations in Article 14-39 of the Zoning Ordinance.

4. A copy of the proposed City Code Amendment that will go before City Council along with this Zoning Ordinance amendment has been provided for reference purposes. (Exhibit B)
5. The proposed amendment also seeks to provide a more informative and cost-effective option for the noticing of Zoning Ordinance Text Amendments.

DISCUSSION AND ANALYSIS

Proposed Changes

Section 14-39-13 Temporary Use Permits

6. The proposed amendment specifies that Temporary Use Permits pertain specifically to events on *private property*, to differentiate this process from the Special Event process required for events on City-owned property.
7. The triggers for posting requirements have been simplified. The amendment clarifies that posting is required for uses that block driveway *entrances*, to avoid confusion between the terms *driveway* and *drive aisle*. In addition, posting will not be required for Temporary Uses that are located in landscape areas, because many landscape areas such as grass fields or areas covered in decomposed granite are preferable sites for such uses to occur and do not negatively impact the general public.
8. The review decision timeframe has been removed from the Code to be relocated to the Temporary Use Permit Application for consistency with other review processes. Providing review times in the applications/process guides creates a streamlined information source for applicants, and allows for flexibility to administratively update timeframes based on staffing availability and caseloads, and the availability of other departments to complete their portions of the TUP reviews.
9. The permit time limits have been altered in order to clarify the number and duration of Temporary Uses that are permissible on a particular site. The time limits are intended to allow a reasonable number of Temporary Use occurrences on a specific site, while balancing the potential for multiple or extended Temporary Uses to negatively impact neighboring properties.

Section 14-39-6 Notices

10. An option has been added to allow the full text of a proposed Zoning Ordinance Text Amendment to be provided on the City's website in lieu of printing in a newspaper ad. This will make the contents of proposed text amendments more readily available to the public, as the City's website is accessible at anytime. In addition, this option makes use of a media that is becoming increasingly popular throughout the population, while

maintaining a general summary of proposed changes in traditional print media. Lengthy amendments can become cumbersome and costly when printed in full in a newspaper ad.

Administrative Procedure

Public Notice

11. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

FINDINGS AND RECOMMENDATION

12. Based on the following findings:

- The proposed amendment constitutes an improvement to the Zoning Ordinance by clarifying the Temporary Use Permit process and allowing greater flexibility for Temporary Use Permit applicants while continuing to minimize potential negative impacts on property owners adjacent to proposed Temporary Uses; and
- Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

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

Recommend to the Mayor and City Council approval of Case TA 12-0002, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS

Exhibit A: Proposed changes to Article 14-39
(deletions/additions shown as ~~strike~~/underscore)

Prepared by: Melissa Sigmund
Planner

EXHIBIT A

ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. ~~2011-03~~ 2012-XX)

14-39-6 NOTICES (Ord. No. 2010-24)

B. *Newspaper Ad*

1. For all cases requiring a newspaper ad, notice shall be published at least once in a newspaper of general circulation in the city. The notice shall include a general description of the subject property and a statement of the proposed application.
 - a. For cases involving a public hearing, the ad shall be published at least fifteen (15) days prior to the hearing. Such public notice may be combined with public notice for other matters to be heard at the same public hearing.
 - b. Newspaper ads for Zoning Ordinance Text Amendment cases shall also include ~~the text of the proposed amendment and~~ a general description of any regulations proposed to be amended. The text of the proposed amendment shall be provided either in the newspaper ad or through the City's website.

14-39-13 TEMPORARY USE PERMITS

- B. *General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.
- C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.
 1. Carnivals, circuses, or similar special events.
 2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
 3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
 4. Temporary municipal uses. (Ord. No. 05-22)
 5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
 6. Tent revival or fellowship meetings.
 7. Craft shows, home and garden shows, festivals, or similar events.

8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
 9. Such other uses as the City may deem to be within the intent and purpose of this Section.
- D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-911, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.
- E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:
1. The use and/or structure complies with all applicable codes and Ordinances;
 2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, landscaped areas, or traffic visibility at driveway entrances or street intersections;
 3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
 4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M.; and
 5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.

- c. Regulation of site ingress and egress.
 - d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
 - e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
 - f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
- ~~2. For proposals that require posting, the Department shall render a decision no sooner than five (5) and no later than eight (8) working days from the date of posting. For proposals that do not require posting, the Department shall render a decision no later than five (5) working days from the date of submittal of the application.~~
- ~~2.3. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.~~
- ~~3.4. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of the temporary use.~~
- ~~4.5. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department or Board of Adjustment.~~
- ~~a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.~~
 - ~~b. All other A-Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year. granted for no longer than sixty (60) days, except for off-site construction yards or residential sales or construction offices which may be permitted for the duration of the project or as determined by the City. Continuation of the use beyond the stipulated time limit shall require the submittal and approval of a new application. Approval shall be made subject to any further conditions that the Department deems necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. (Ord. No. 04-211)~~
 - ~~c. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.~~
- ~~6. When renewing Temporary Use Permits; the department shall adhere to the following:~~

- ~~a. Off site construction yards and residential sales and construction offices lasting up to one (1) year may be renewed once or for a period as determined by the City. (Ord. No. 04-211)~~
- ~~b. All other renewals shall not exceed a period of sixty (60) days, in accordance with the following:
 - ~~1) Temporary uses lasting up to thirty (30) days shall be not be renewed more than twice within a one (1) year period.~~
 - ~~2) Temporary uses lasting thirty (30) to sixty (60) days shall not be renewed more than once within a one (1) year period.~~~~

G. Appeal of Decision to Board of Adjustment

1. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing, within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in this Article, Section 14-39-14, "Appeals to Board of Adjustment," Sub-section I, "Temporary Use Permit."
2. Upon appeal, the Department shall file all material on the matter with the Board of Adjustment. The Board shall review the case based on the material filed by the Department and on information presented at the hearing. The Board shall uphold the action of the Department, remand the matter back to the Department with instructions for further review, or overturn the action of the Department.

EXHIBIT B

FOR REFERENCE ONLY

CHAPTER 16 – ~~MUSIC FESTIVALS~~ MUNICIPAL SPECIAL EVENTS

Sec.16-1. Municipal Special Events; Activities; definitions

- (a) Definitions. For purposes of this Section, the following definitions shall apply:
- (1) “Special Events Committee” shall mean a committee comprised of designated representatives from involved City departments, specifically the Police Department, Fire Department, Community Development/Code Compliance, Engineering, Public Works, Community Services, Office of the City Attorney, and any other City organizational unit which may be impacted by a specific proposed Temporary Special Event or Activity.
 - (2) “Temporary Special Event or Activity” shall mean any of the following organized activities:
 - a. Any indoor or outdoor public gathering or celebration that uses City-owned property for any of the following activities:
 - i. Entertainment.
 - ii. Dancing.
 - iii. Music.
 - iv. Dramatic productions.
 - v. Amusements, festivals, or carnivals.
 - vi. Sale of merchandise, food, or alcohol, including sidewalk sales. If the sale of such items is only incidental to the purpose of an event and the event otherwise does not qualify as a Temporary Special Event or Activity (such as the sale of shirts and hats at a sporting event), then this Section shall not apply to the event.
 - vii. Parades, walks, bicycle rides, or runs that will not comply with the normal or usual traffic regulations or controls or are likely to impede, obstruct, impair, or interfere with the free flow of traffic.
 - viii. Any temporary extension of premises of an existing use.
 - b. Any activity taking place on ~~private or~~ City-owned property which requires a State issued temporary extension of liquor licenses premises or a special event liquor license.
 - c. Any activity taking place on ~~private or~~ City-owned property used as a public gathering place that involves a substantial deviation from the current legal land use, or legal nonconforming use, such as provided in subsection (a)(1) above, as determined by the Special Events Committee.
 - d. Any activity taking place on ~~private or~~ City-owned property which may require for its successful execution City services provided to a degree significantly over and above that routinely provided under ordinary circumstances, as determined by the Special Events Committee.

(Ord. No. 07-28A, 10/04/2007, Enacted and amended) SUPP 2007-4