



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 7/17/2025

Agenda Item(s): 3R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Elias Valencia, Senior Planner
SUBJECT: Westwing Mountain WCF: Conditional Use Permit (CU25-07)
27008 N. High Desert Dr.

PROPOSAL

The applicant has submitted a request to obtain a Conditional Use Permit (CUP) to operate a stealth wireless communication facility with an associated 1,800 square foot equipment enclosure.

APPLICATION INFORMATION

Case Numbers Conditional Use Permit (CU25-07)
Applicant Declan Murphy
Request Approval of a Conditional Use Permit (CUP) to operate a stealth Wireless Communication Facility.

BACKGROUND AND CONTEXT

The requested stealth Wireless Communication Facility (WCF) will be located within a 60-foot x 60-foot lease area adjacent to the Westwing Mountain Community Center. The site is located at the northwest corner of Westwing Parkway and High Desert Drive as shown in **Exhibit 2**.

CONTEXT:

The subject site is within a Westwing Mountain Homeowner’s Association (HOA) tract that abuts a city park to the northwest, and Westwing Parkway to the north. Across Westwing Parkway and High Desert Drive are residential subdivisions. The Westwing HOA Community Recreation Center building abuts the lease area to the southeast, followed by Westwing Mountain Elementary School (**Exhibit 2**).

APPLICANT’S PROPOSAL

The applicant is requesting to operate a 65’ stealth WCF designed as a faux water tower within the HOA tract abutting the Westwing Mountain Community Center. An 1,800 square foot ground equipment enclosure will surround the proposed water tower and be included in the lease area (**Exhibit 4**). The equipment enclosure will be screened with a decorative 8-foot wall. Proposed access is from the existing driveway on High Desert Drive. One (1) dustproof parking space will be provided abutting the equipment enclosure for maintenance.

DEVELOPMENT INFORMATION:

Existing Use: Vacant
Proposed Use: 65-foot-tall stealth WCF

<u>Development Site:</u>	60 foot x 60 foot lease area within 1.43-acre HOA tract
<u>Equipment Enclosure Area:</u>	Approximately 1,800 square feet
<u>Closest Residential Property Line from pole:</u>	Approximately 190 feet

STAFF ANALYSIS

ZONING HISTORY AND PROPERTY DEVELOPMENT:

In 2001, the subject site was rezoned to the Westwing Mountain Planned Community District (PCD) through Ordinance #01-03. In 2004, the site and surrounding area was further subdivided, resulting in its current configuration. The subject site is designated Westwing Residential (WW-R) within the PCD.

APPLICABILITY:

As noted in the Applicant's narrative, the proposed Wireless Communication Facility (WCF) will be installed to address cellular signal capacity issues and improve coverage in the area (**Exhibit 7**). From a regulatory perspective, WCFs are governed both by the Federal Communications Commission (FCC) and the City of Peoria. More specifically, WCFs are allowed in all residential and non-residential zoning districts in accordance with the FCC Telecommunications Act, and Section 21-342 of the City's Zoning Ordinance. In particular the Telecommunications Act, associated federal legislation, and various FCC Orders prohibit arbitrary denials by local jurisdictions, and prohibit the evaluation of wireless facilities based on unsubstantiated health concerns regarding radio frequency transmissions. As a result, the City of Peoria evaluation focuses on the objective criteria contained within the Zoning Ordinance for strict compliance with standards.

The proposed water tower meets all requirements of a principally permitted WCF, except for height and equipment enclosure area. A principally permitted use would limit the height and area to 50 feet and 450 square feet respectively; therefore, a Conditional Use Permit (CUP) is required to allow the proposed height of 65 feet and an enclosure area of 1,800 square feet (**Exhibits 4 and 6**).

CONDITIONAL USE PERMIT:

The purpose of a Conditional Use Permit is to ensure that the physical and operating characteristics inherent with the land use have been sufficiently resolved or mitigated, optimizing compatibility with the surrounding area, and that the use is not injurious to the health, safety, and general welfare of the community.

Staff's review for compliance with the Zoning Ordinance and overall examination of the project characteristics are outlined below:

Review Criteria:

Section 21-155 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Zoning Administrator or designee shall review applications and make a recommendation

for approval or denial to the Planning and Zoning Commission based on the criteria identified in this Section:

1. The proposed use is consistent with the General Plan and all applicable provisions of this Zoning Ordinance, and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and meets any applicable use-specific standards within this Zoning Ordinance;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practical;
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
6. Adequate assurances of continuing maintenance have been provided; and
7. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

CONTINUING JURISDICTION

The purpose of the Conditional Use Permit requirement for WCFs is to ensure compatibility with the surrounding area. The proposed WCF will be developed in accordance with the requirements of Section 21-342 of the Peoria Zoning Ordinance.

If any issues arise regarding the operation of the facility, Section 21-155.L.1.a of the Zoning Ordinance provides the Zoning Administrator with continuing jurisdiction over all Conditional Use Permits. This means that the Zoning Administrator may recommend to the Planning and Zoning Commission that a permit may be revoked, modified, or suspended should any of the following occur:

1. The permit was obtained by fraud or misrepresentation;
2. The use authorized by the permit has been exercised in violation of the conditions of its approval;
3. A change in circumstances consisting of any of the following has occurred:
 - a. Impacts from the approved conditional use to neighboring properties.
 - b. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4. The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.

WCF REGULATIONS:

The proposed height and equipment facility are within allowed limits for WCFs as a *Permitted Conditional Use*. Additionally, the closest residential property is 190 feet away, which exceeds the minimum distance required. In addition to the development standards noted above, there are general requirements

identified in Section 21-342 of the City's Zoning Ordinance. Of these provisions, the following are the most notable for this application:

1. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
2. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
3. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.
4. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA.
5. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.

As proposed, staff finds the application complies with all applicable WCF regulations contained within the City of Peoria Zoning Ordinance. In this instance, one parking space is provided within the enclosure as required, and maneuvering and access is from an existing driveway along High Desert Drive. The WCF design will conceal all antennae and mounted equipment within the faux water tower design. The color and materials will be such that it will blend into the surrounding community through color matching as opposed to creating any contrast to make the water tower stand out (**Exhibit 5**). No artificial light or commercial signage is proposed.

COMMUNITY INVOLVEMENT

Public Noticing:

The application was properly noticed pursuant to Table 21-146 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition:

At the time of this writing, Staff has received three (3) emails in opposition (**Exhibit 9**). In general, those opposed cite health concerns, aesthetics, and loss of views.

Community Outreach:

According to the applicant, prior to submitting the Conditional Use Permit (CUP), his team performed advanced outreach with the HOA and the community, discussing the coverage need, siting, and design

solutions. Additionally, according to the applicant, the community consensus pointed to the proposed design solution.

As opposition was received within the initial twenty-one (21) day period following the release of the Notice of Application (NOA), the Zoning Code requires a neighborhood meeting. A neighborhood meeting was held on June 16, 2025 at 6:00 p.m. at the West Wing Community Center. Notice for the meeting was provided in accordance with the City of Peoria Zoning Ordinance by sending a letter to all property owners within 600 feet of the proposed site and HOAs within 1 mile of the site. The meeting was attended by two neighbors in addition to members of the City of Peoria Planning Department.

The discussion centered around the location and aesthetics of the proposed water tower, in addition to a range of other WCF related questions. Questions included maximum height allowances for WCF's and why small scale, or streetlight mounted WCF technologies were not being used. The applicant explained that although deploying an array of smaller poles in right-of-way or on top of streetlights is an option, aesthetically and functionally it would not be ideal for several reasons. A WCF could develop without a Conditional Use Permit with a maximum height of 50 feet; however, coverage generally is better as you go higher up. In exchange for 15 additional feet of height, a stealth design was proposed that could also co-locate other carriers. This colocation opportunity would reduce the need for future poles throughout the community. In addition, the applicant stated that FCC guidelines would permit them to construct a tower even if the City denied it since there was a gap in coverage in the area. The applicant mentioned that as part of their commitment to stakeholders they worked on design criteria and received community buy in through the HOA. The applicant also agreed to continue to coordinate with the HOA on mitigating factors including consideration of the color options for the water tower to limit the impact on the mountain backdrop. According to the applicant, TowerCom/T-Mobile is completely flexible on colors, and will comply with the neighbors/HOA wishes color-wise, and will work with the water tower manufacturer to ensure the colors are the most appropriate to mitigate the presence of the proposed WCF.

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards and applicable WCF regulations within the Peoria Zoning Ordinance.
2. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties.
3. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

RECOMMENDATION

Staff recommend that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU25-07, subject to the attached Exhibit 1 Conditions of Approval.

STAFF CONTACT

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