



# PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 5/7/2026

Agenda Item(s): 4R

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**TO:** Planning and Zoning Commission  
**THROUGH:** Chris M. Jacques, AICP, Planning Director  
**FROM:** Eric Cook, Planner II  
**SUBJECT:** Conditional Use Permit, PHO Vistancia WCF (CU26-01)  
31642 North Westland Road

## ***PROPOSAL***

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Declan Murphy of Coal Creek Consulting has submitted a request for the establishment of a 70-foot-tall stealth wireless communication facility (disguised cell tower) on approximately 1,000 square feet of land within the larger existing 6.85-acre Foothills Center Recreation Facility parcel.

## ***BACKGROUND AND CONTEXT***

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### **SUBJECT SITE:**

The site as it exists today is a 6.85-acre, HOA-owned parcel that contains the Foothills Center Recreation Facility. The Foothills Center includes a pool facility, children's playground, a pedestrian walking trail, and landscaped open space. The site is generally located southwest of the intersection of Westland Road and Vistancia Boulevard and southeast of the CAP canal. **(Exhibit 2)** It is located within the Vistancia Master Planned Community which is zoned Planned Community District (PCD). Within the Vistancia PCD there are sub-zoning classifications assigned to each parcel, which align with the relevant development regulations. In this particular instance, the parcel allows 'All Zoning Districts' which means that it has the capability to develop in accordance with non-residential development standards as further described within this report.

### **CONTEXT:**

For the most part, the surrounding area consists of single-family residential properties and open space areas. **(Exhibit 2)** North of the site is the open space for the remainder of the recreation center parcel followed by some single-family homes and the Central Arizona Project (CAP) Canal. East of the subject site is Westland Road followed by Westland Park, and single-family residential properties. South of the subject site is Westland Road followed by Lake Pleasant Elementary School. West of the subject site are single-family residential properties and the CAP Canal. Based on the proposed site location the closest residentially zoned property is located approximately 206 feet southwest of the site.

## ***APPLICANT'S PROPOSAL***

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The applicant is requesting to construct a 70-foot-tall stealth wireless communication facility (WCF) within the existing 6.85-acre Foothills Center Recreation Facility. **(Exhibit 4)** The WCF is designed as an architectural tower structure, utilizing materials and colors similar to the existing structures on site to better blend in with the surrounding context and design theme of the area. **(Exhibits 6 and 7)** The tower and associated equipment will occupy approximately 1,000 square feet and is located just south of the existing pool and playground areas, and west of the existing parking lot for Foothills Center. **(Exhibit 5)** The equipment cabinets will be screened by an 8-foot masonry block wall also designed with similar

materials and colors of the existing structures on site. No changes to the existing access from Westland Road are proposed. One (1) parking space is provided to support the WCF from the existing parking lot on site, along Westland Road.

There is a concurrent Site Plan Amendment application associated with the Conditional Use Permit for the site, PR06-43A.1, that proposes an amendment to the original site plan to include the proposed WCF and any minor site improvements needed to support the WCF. The proposed Site Plan provides for the physical layout of the site in alignment with the materials provided for the subject Conditional Use Permit. The majority of the recreation center parcel will remain as is.

**DEVELOPMENT INFORMATION:**

<u>Existing Use:</u>	Foothills Center Recreation Facility.
<u>Proposed Use:</u>	A 70-foot-tall stealth wireless communication facility.
<u>Height:</u>	Max WCF Height: 80 feet Proposed WCF Height: 70 feet
<u>Enclosure:</u>	Maximum Area: No max for a Conditional Use Permit Proposed Area: Approximately 1,000 square feet
<u>Setback to Residential Property:</u>	Minimum Required: 77 feet Proposed: Approximately 206 feet

**STAFF ANALYSIS**

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**ZONING HISTORY AND PROPERTY DEVELOPMENT:**

The subject site was rezoned to Planned Community District (PCD) in 2001 as a part of Zoning Case Z01-10, which established the Vistancia PCD. The Foothills Center Recreation Facility was approved through Site Plan PR06-43 in 2006. The ‘All-Zoning Districts’ designation for the parcel within the PCD allows for a wireless communication facility up to 80 feet in height via a Conditional Use Permit if all required setbacks are met.

**APPLICABILITY:**

From a regulatory perspective, WCFs are governed by a complex regulatory framework that includes both the Federal Communications Commission (FCC) and the City of Peoria. More specifically, Federal regulations significantly narrow the City’s authority related to WCF site selection and design criteria. In accordance with the FCC Telecommunications Act, the City cannot inhibit wireless communication coverage to a region or deny a WCF site based on radio frequency emission concerns, property values, aesthetics, or public opinions. 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. In general, federal regulations and orders evaluate telecommunications as an essential infrastructure that cannot be inhibited without specific cause outside of those categories identified as exceptions. Those federal regulations and agency orders go on to prescribe expedited remedies for telecommunications

providers that are unduly burdened by local regulations both in form and timeframe to approval. As a result, the City of Peoria evaluation has a narrow focus on the objective criteria contained within the Zoning Ordinance and the Vistancia PCD document for strict compliance with standards.

The telecommunications provider has identified a signal need within the area. Additionally, the Vistancia Homeowners Association (HOA) has approved the proposed wireless facility on the subject site in alignment with the materials provided in **Exhibit 5**.

Due to the height of the proposed facility, the applicable regulations within the Vistancia PCD require a Conditional Use Permit (CUP) be obtained prior to operating the facility. The purpose of the CUP is to provide an opportunity to mitigate any potential impacts (where allowed by Federal law) and provide for development that is beyond those elements that are permitted outright (otherwise referred to as "Principally Permitted"). The Vistancia PCD limits the height of conditionally permitted WCFs to 80 feet. Absent a Conditional Use Permit, the maximum height allowed for a WCF would be 65 feet. The proposed tower meets all other requirements of a principally permitted WCF, except for the height limit. As a result, a Conditional Use Permit (CUP) is required to allow the proposed height of 70 feet.

For Conditionally Permitted WCFs, the Vistancia PCD requires a minimum distance from the nearest single-family residential property equal to or greater than 110% the height of the WCF tower. With a proposed height of 70 feet, the minimum setback from the nearest single-family residential property would be 77 feet. The proposed location is approximately 206 feet away from the nearest single-family residential property.

**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. Accordingly, the recommendation for approval or denial to the Planning and Zoning Commission is based on the criteria identified in this Section. Staff's responses are noted in italics below:

1. The proposed use is consistent with the General Plan and all applicable provisions of this Zoning Ordinance, and applicable state and federal regulations;

*Federal regulations significantly narrow the City's authority related to WCF site selection. The proposed WCF satisfies all provisions of the General Plan, Zoning Ordinance, and the 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;  
*WCFs are allowed within the Vistancia PCD, and the project site complies with the required setback from residential (minimum 77 feet) and the allowed height (maximum 80 feet).*
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);  
*The WCF design disguises the wireless facility as an architectural tower to minimize visual impact and aligns with other wireless facilities within the existing community. The tower will utilize colors and materials to match existing structures on the site. The WCF will not have any artificial lighting or generate additional traffic to the site.*
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practical;  
*No significant adverse impacts are anticipated. Such facilities are permitted as proposed, subject to a Conditional Use Permit. Visual impact is being addressed through the stealth design which conceals the WCF within an architectural tower structure. Per federal regulations the City cannot evaluate placement of a WCF based on perceived health concerns, or property value impacts.*
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;  
*The subject site will only require an electrical connection, which is available from the existing Foothills Recreation Center.*
6. Adequate assurances of continuing maintenance have been provided; and  
*The applicant has a formal private agreement with the Vistancia HOA Board to establish and continually maintain the WCF site in accordance with the provisions provided herein.*
7. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practical.  
*The area of the proposed WCF has already been graded and improved in association with the existing recreation center. The placement of the WCF will not impact surrounding areas of the native environment. Any plantings on site from the construction of the recreation center impacted by construction of the WCF will be relocated or replaced in kind elsewhere on the subject site.*

**WCF REGULATIONS:**

In accordance with the PCD for Conditionally Permitted Wireless Communication Facilities, the proposed tower height of 70 feet is below the maximum of 80 feet, and the closest single-family residential property is approximately 206 feet away, which exceeds the minimum setback required (110% of the height of the tower structure – in this case 77 feet).

In addition to the development standards noted above, there are general requirements identified in Section 5.6.1.8 Wireless Communication Facilities of the Vistancia PCD document. Of these provisions, the following are the most notable for this application. Staff's responses are noted in italics below:

1. No commercial advertising or signage shall be allowed on-site.  
*No signage is proposed.*
2. The facility shall not be artificially illuminated, unless required by the FAA or other applicable authority.  
*No lighting is proposed.*
3. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA.  
*Colors and materials will match the existing structures on site to the extent possible.*
4. A facility shall have at least one (1) parking space designed to City standards. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists.  
*One parking space within the existing parking lot on site will be allocated to the WCF.*

As proposed, staff finds the application complies with all applicable WCF regulations contained within the City of Peoria Zoning Ordinance and the Vistancia PCD document.

#### **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 Conditional Use 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.

#### **COMMUNITY INVOLVEMENT**

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##### *Public Noticing:*

The application was properly noticed pursuant to 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.

*Citizen Participation Process:*

Prior to the formal application submittal, the applicant held one (1) community meeting to discuss the proposed project with neighbors and interested parties on January 29<sup>th</sup>, 2026. There were approximately 29 attendees, and comments received were in alignment with those provided at the neighborhood meeting noted below.

Upon formal submission of the CUP application, written opposition was received within the required deadline. As such, a neighborhood meeting was required to be held by the applicant. The neighborhood meeting was held on April 6, 2026, via an online meeting platform. There were 31 attendees at the meeting and there were comments received from residents in opposition and support of the development.

Key topics of concern included health concerns related to RF emissions, impact on property values for neighboring homes, proximity to the pool, playground facilities, neighboring homes, and the nearby Lake Pleasant Elementary School. Additionally, some shared safety concerns relating to the fall zone of the tower structure and nearby homes. Residents in support of the project shared concerns for cellular connectivity in times of emergency, the need for dependable cellular connectivity for vulnerable populations including elderly and children, and lack of access to consistent cellular connectivity in their homes and surrounding community. These topics and applicant responses are demonstrated within **Exhibit 8**.

*Support / Opposition:*

At the time of drafting this report, Staff has received seven (9) letters expressing opposition and four (5) letters expressing support for the proposed project. Those communications have been included in **Exhibit 9**. All communication received has been substantially similar to the input shared at the neighborhood meeting referenced above for those in support as well as opposition.

**KEY FINDINGS**

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1. The regulatory framework associated with WCF significantly narrows the scope and purview of the City review in evaluating such applications.
2. The proposal meets the Conditional Use Permit standards and applicable WCF regulations within the Vistancia PCD Document for the height and setbacks.
3. The WCF complies with the requirement for a stealth or concealed design by housing the entire cell tower within an architectural tower structure built with materials and colors that match existing structures on site.
4. When operated in accordance with the recommended conditions of approval, the use is not expected to have any significant impact on adjacent properties.

***RECOMMENDATION***

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

**Approve the applicant's request for a Conditional Use Permit under Case CU26-01, subject to the attached Exhibit 1 Conditions of Approval.**

***STAFF CONTACT***

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