

<u>Chairman</u>	<u>Vice-</u>	<u>Secretary</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Alternate</u>
Shawn	<u>Chairman</u>	Jay Otlewski	Vacant	Bill Louis	Clay Allsop	Bryan	<u>Member</u>
Hutchinson	Jeff Nelson					Patterson	Vacant

Amendment #1, September 19, 2017

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, September 21, 2017
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:30 PM

Convene
Roll Call
Opening Statement
Final Call to Submit Speaker Request Forms

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the 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

1 C Disposition of Absence

Discussion and possible action to approve/excuse the absences of Secretary Jay Otlewski and Commissioner Bill Louis from the Planning and Zoning Commission meeting held on September 7, 2017.

2 C Minutes

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on September 7, 2017.

Regular Agenda

REGULAR AGENDA: All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

New Business

3 R **TA17-01: Wireless Communication Facility Text Amendment**

A request to consider a city-initiated amendment to definitions within Section 21-202, as well as a comprehensive amendment to Section 21-813, Wireless Communication Facilities, of the City Code.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case TA17-01.

4 R **TA17-04: Mobile Food Vendors - Food Trucks**

A request to consider a city-initiated proposal, amending Sections 21-200, 21-322, 21-500, and 21-801 of the City Code in order to create allowances and regulations for Mobile Food Vendors, including those uses commonly referred to as “Food Trucks”.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case TA17-04.

5 R **PlanPeoriaAz – General Plan 2040**

Staff presentation and possible discussion regarding the City’s ongoing efforts to update the Peoria General Plan. No action will be taken at this time.

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.

Updates from Staff:

City Staff will update the Planning and Zoning Commission on the status of relevant events and activities, including, but not limited to, updates on programming, special events, calendars and upcoming meetings. These items are for information only - no action will be taken.

Planning and Zoning Commission Updates and Report of Current Events:

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

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.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.

Public Notice

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/NewSecondary.aspx?id=2187>.



PLANNING AND ZONING COMMISSION REPORT

Meeting September 21, 2017

Date:

Agenda Item: 1C

Case Name: Disposition of Absence

Case

Number(s):

General Application Information



PLANNING AND ZONING COMMISSION REPORT

Meeting September 21, 2017

Date:

Agenda Item: 2C

Case Name: Minutes

Case

Number(s):

General Application Information

ATTACHMENTS:

Description

PZ draft minutes 9-7-17

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
SEPTEMBER 7, 2017**

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

Members Present: Chair Shawn Hutchinson, Vice-Chair Jeff Nelson, Commissioners Bryan Patterson and Clay Allsop

Members Absent: Secretary Jay Otlewski and Commissioner Bill Louis

Others Present: Chris Jacques – Planning Director, Adam Pruett – Planning Manager, Melissa Sigmund – Principal Planner, Cody Gleason – Senior Planner, Jennifer Fostino – Planner, David Benton – Assistant City Attorney, Chris Lemka – Assistant City Traffic Engineer and Della Ernest – Executive Assistant

Opening Statement: The Opening Statement was read by Chair Hutchinson

Call for speaker request forms.

Audience: 19

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 absence of Commissioner Bill Louis and Clay Allsop from the Planning and Zoning Commission meeting held on August 17, 2017.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on August 17, 2017.

3C **CU17-10: Avanti Senior Living**

A public hearing was held to consider a request for a Conditional Use Permit (CUP) for a Long Term Care Facility within an undeveloped site. The subject property is located north of the northwest corner of Lake Pleasant Parkway and

Jomax Road. The site is zoned Pleasant Valley Planned Area Development (PAD).

COMMISSION ACTION: Commissioner Bryan Patterson moved to approve the Consent Agenda. The motion was seconded by Vice-Chair Jeff Nelson and upon vote, passed unanimously.

REGULAR AGENDA

4R Z13-008: Hidden Paradise Estates

A public hearing was held to consider a request to rezone approximately 77.86 acres located at the southeast corner of Patrick Lane and 79th Avenue from Single Family Residential R1-35 to the Hidden Paradise Estates Planned Area Development (PAD) Zoning District. The proposed PAD would allow development of up to 114 single family residences.

The staff report was presented by Ms. Melissa Sigmund, Principal Planner.

PUBLIC COMMENTS:

Mr. Ryan Weed, with Coe and Van Loo Consultants for the Applicant is in agreement with staff's recommendation.

Mr. Doug Dickerson, a resident commented that there are no accommodations for horses and mentioned traffic concerns.

Mr. Jerry Moore, a resident spoke against the proposed project commenting that he would like a density closer to that of the surrounding area. Mr. Moore thanked the Applicant for improving on the proposed project but stated there is more room for improvement.

Mr. Jeff Fonnet, a resident spoke against the proposed project citing concerns with traffic, safety of Patrick Lane and the influx of students into the Peoria Unified School District.

The Commission received 7 speaker request forms against the proposed project who elected not speak.

COMMISSION COMMENTS:

Vice-Chair Nelson asked what the timeframe is for getting access on Patrick Lane.

Ms. Sigmund stated the timeframe is dependent on the development to the north, which is currently an undeveloped lot. Ms. Sigmund stated that the traffic analysis report does meet all of the requirements.

Commissioner Allsopp asked if the decrease in the number of lots over the years was due to a market driven response or requirements imposed by the city or developer's election

Mr. Weed stated it was a result of neighborhood meetings and neighborhood outreach.

Vice-Chair Nelson asked about the price point of the homes.

Mr. Weed stated he does not have that information but they will not be starter homes.

Chair Hutchinson asked if staff has the endorsement of the school district for this proposed project for review.

Ms. Sigmund stated staff has received the endorsement of the school district for this project.

COMMISSION ACTION: Commissioner Clay Allsop moved to recommend approval of item 4R, Z13-0008 Hidden Paradise Estates. The motion was seconded by Commissioner Patterson and upon vote, passed unanimously.

5R **Study Session – TA17-01: Wireless Communication Facility Text Amendment**

Staff presented a city-initiated comprehensive amendment to Section 21-813 ("Wireless Communication Facilities") of the 2017 City Code. This item is for discussion only, no action will be taken.

The staff report was presented by Mr. Cody Gleason, Senior Planner.

COMMISSION COMMENTS:

Chair Hutchinson asked if our text amendment or zoning ordinance in general is subject to FCC review.

Mr. David Benton confirmed staff's statement that the ordinance must be in conformance with the FCC regulations, although they may not specifically review it.

Vice-Chair Nelson asked what type of outreach there was to mobile carriers.

Mr. Gleason stated research started with looking at what other cities are doing. Staff then reached out to frequent wireless facility customers for feedback. Public outreach then is in the form of meetings via Planning and Zoning Commission and City Council.

6R **Study Session – TA16-0001: Sign Code Modernization Project**

Staff presented a city-initiated proposal to replace the Sign Code by amending Sections 21-827 through 21-855 of the City Code, recently renumbered from Article 14-24, "Signs", of the Zoning Ordinance. This item is for discussion only, no action will be taken at this time.

The staff report was presented by Ms. Melissa Sigmund, Principal Planner.

COMMISSION COMMENTS:

Vice-Chair Nelson asked if the proposed sign code modernization prevents having more than 4 open house events in a year, as presented under the "Temporary Event" Sign.

Ms. Sigmund stated it does not prohibit the number of open houses; rather the proposed code limits the number of times resident right-of-way signs could be used in a given year.

Vice-Chair Nelson asked staff if a semi-trailer would be considered as a vehicle under the Vehicle Signs regulation.

Ms. Sigmund stated that as it is designed to be moved, it is considered a vehicle. If the trailer were used for other construction purposes than signage it may be otherwise allowed.

Vice-Chair asked if electronic signs are outside of the proposed regulations.

Ms. Sigmund stated the current sign code allows limited instances for changeable copy such as gas station signs. Wherever changeable copy sign is permitted, an electronic sign could be used.

Commissioner Allsopp asked how the new sign codes would be enforced going forward and if the current signs would be grandfathered in or required to be taken down.

Ms. Sigmund stated the new sign code regulations are also zoning regulations and are enforced through our code enforcement division. Ms. Sigmund stated that if a sign is legally non-conforming at the time of installation, it would be allowed to remain. Signs that are currently illegal would not be grandfathered.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS:

Ms. Liz Recchia, Government Affairs Director for West Maricopa Association of Realtors (WeMAR) provided comments on the proposed sign ordinance.

Mr. Ken Parsons, Owner of Westside Signarama, provided comments on the proposed sign ordinance.

Ms. Susan Nickelson, Realtor with DPR Realty provided comments on the proposed sign ordinance.

Mr. James Carpenter, on behalf of the Arizona Sign Association and the International Sign Association provided comments on the proposed sign ordinance.

UPDATES FROM STAFF:

Mr. Jacques informed the Commission the next Planning and Zoning Commission meeting will be held on September 21st.

UPDATES AND 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 8:54 p.m.

Shawn Hutchinson, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting September 21, 2017

Date:

Agenda Item: 3R

Case Name: TA17-01: Wireless Communication Facility Text Amendment

Case TA17-01
Number(s):

General Application Information

Proposal:

A comprehensive amendment to the existing wireless communication facilities ordinance for the primary purpose of compliance with new federal guidelines and secondarily, to produce a more streamlined, user-friendly ordinance.

Location:

Citywide

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

A request to consider a city-initiated amendment to definitions within Section 21-202, as well as a comprehensive amendment to Section 21-813, Wireless Communication Facilities, of the City Code.

Recommendations:

Recommend approval of Case TA17-01 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Proposed Definitions and Section 21-813 (Wireless Communication Facilities)

Exhibit B - Existing Definitions and Section 21-813 (Wireless Communication Facilities)

BACKGROUND

Context

The City of Peoria's current standards for Wireless Communication Facilities (WCF) were established in 1998, with a few minor revisions adopted subsequently. A comprehensive amendment to the Section 21-813 of the Zoning Ordinance ("Wireless Communication Facilities") is proposed to address several factors:

- Changes to Federal Communications Commission (FCC) regulations; and
- An opportunity to revise the document format and content delivery for the purpose of enhanced usability; and
- An opportunity to respond to an ongoing increase in demand for WCF services.

PROPOSAL

Goal/Purpose of Request

The purpose of this city-initiated text amendment is to address the aforementioned factors by creating a streamlined, concise ordinance, which addresses changes in federal limitations on local jurisdictions for wireless communications facilities.

DISCUSSION AND ANALYSIS

In 2014, the FCC adopted new regulations for WCFs. These new rules affect how local municipalities can regulate WCFs, including changes made to existing WCFs. Prior to the new FCC regulations, staff determined whether a change was substantial which required further review and approval. The FCC has now defined what constitutes a substantial change, which has precluded local governments from denying any request for a modification to an existing WCF that does not meet this threshold.

The proposed text amendment will also simplify and organize the wireless communication facility requirements as provided in the Zoning Ordinance. The current ordinance contains certain redundancies due to identical requirements for both principally and conditionally permitted WCFs. To improve use and understanding of the ordinance, staff has consolidated a majority of these redundant requirements into a single subsection.

Additionally, graphics and tables will be used for development standards to help organize and display the regulations, which is consistent with information portrayed in the remainder of Chapter 21 of the City Code (the Zoning Ordinance). Please see excerpt below:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF ^d
Permitted Principal Use	Residential ^b	>110% ^a	50'	>50% ^a	450 SF	6% ^a	Required
	Non-Residential	>200% ^a	65'				

^a Percentage (%) figures listed as a percentage shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.
^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply.
^c If facility is located on or within a height exempt structure, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.
^d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.

Monopalm



Not Acceptable Acceptable

Monopine



Not Acceptable Acceptable

These development standards ensure that appropriate context is considered in each proposed wireless facility. This is accomplished by providing regulations that are based on ratios which are linked to the height of the wireless communication facility and maximum allowable heights to maintain the character of an area. For instance, wireless facilities are permitted within residential districts as a principally permitted use so long as they are a stealth facility and in excess of 110% of the height of the pole away from a residential property line up to a maximum of 50 feet in height. (Example: A 50-foot tall wireless facility would be able to locate on a church or school property if the wireless facility was at least 55 feet away from the property line, and of an alternate design of acceptable form – designed to blend with the surroundings such as a monopalm, monopine, etc.).

To further address the usability of the ordinance, staff created an Administrative Procedures subsection as well as an Exemptions subsection. Doing so has improved the clarity and overall access to specific criteria related to processes and instances where certain WCFs are not to be regulated by the City of Peoria, such as public safety communications facilities.

The Administrative Procedures subsection provides clarity on the steps necessary for a proposed facility dependent on the scope of the proposed wireless facility. This subsection also provides information regarding what is deemed a substantial change. This portion regarding “substantial change” is the largest substance change to the WCF

regulations within the City Code. The purpose of the “substantial change” regulations is to ensure compliance with federal regulatory requirements. The idea being that if an alteration is not deemed a substantial change, that change may proceed to building permits without obtaining any additional Planning approvals. Contained below is an excerpt from the “substantial change” regulations to illustrate what would constitute a substantial change.

3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.C Administrative Procedures:
- a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
 - b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
 - c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
 - d. An increase in the Width of a non-tower structure by six (6) feet or more;
 - e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
 - f. Excavation outside the current boundaries of the WCF;
 - g. Proposed changes that would defeat the existing concealment elements of the WCF; and,
 - h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.

The Exemptions subsection of the ordinance further clarifies that any changes, which are not deemed “substantial”, may proceed to building permits. Additionally exemptions are identified for routine maintenance, and facilities that are operated by a governmental entity for the purposes of public safety or governmental operations.

As a result of technological changes and capacity needs in addition to the growing population, the demand for wireless communication services throughout Peoria has increased substantially. The proposed changes within this ordinance would allow for future expansion and improvement of wireless networks in compliance with federal requirements with reasonable regulations; all while maintaining appropriate controls to provide context for surrounding areas where placement occurs.

Conclusions

- The proposed amendment provides a more user-friendly document for all those who reference it.
- The text amendment will bring the Zoning Ordinance into compliance with current FCC regulations.

- The proposed changes will modify requirements to better serve the needs of the community.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to the City Council:

- 1) Approval of case TA17-01 regarding Wireless Communications Facilities to the City Council, a request for a comprehensive amendment, concerning wireless communication facilities, to Chapter 21 of the City of Peoria City Code.

REPORT PREPARED BY

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ATTACHMENTS:

Exhibit A:	Proposed Definitions and Article 21-813 (Wireless Communication Facilities)
Exhibit B:	Existing Definitions and Article 21-813 (Wireless Communication Facilities)

U

Usable Floor Area means a term used in computing parking requirements, meaning the aggregate area of a building measured to the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the floor area or all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating or other permanently installed equipment required for the operation of the building and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

Use means the purpose, for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.
2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. ^{*13}

V

Variance means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

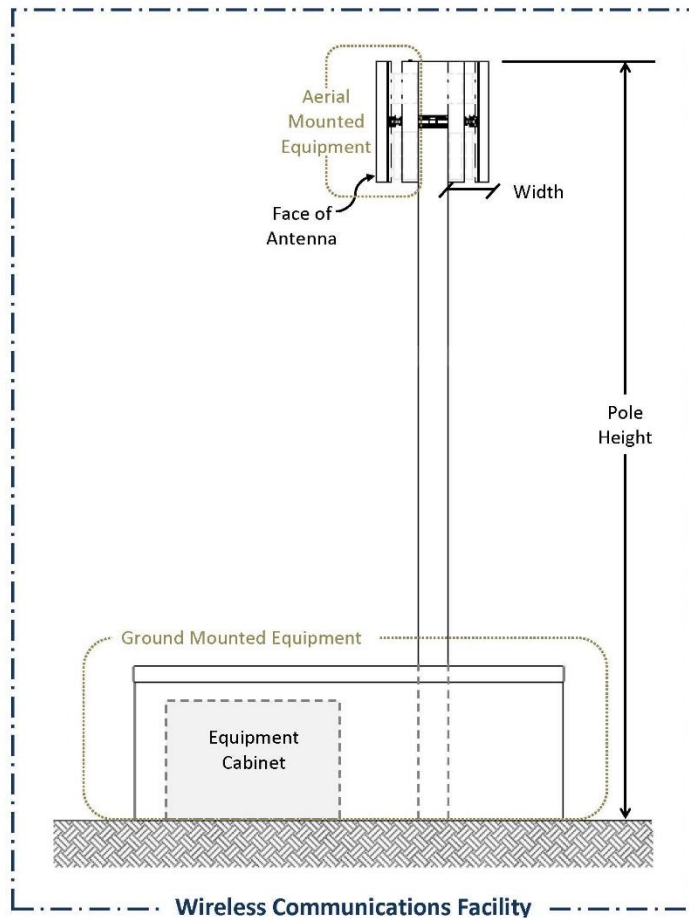
W

Waiver of Proposition 207 means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors. ^{*30}

Wireless Communication Facility (WCF) means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio, wireless data and similar communication purposes, including self-supporting lattice towers, ~~guyed towers~~, and

monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto. ^{*12 *41}

WCF Aerial Mounted Equipment means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for co-location purposes. ^{*41}



WCF Alternate Design Wireless Communication Facility means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus in an area with other mature saguaro cacti. ^{*41}

WCF Ground Mounted Equipment means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment. ^{*41}

Y - Z

Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

- a. All vehicular access to the facility shall be from arterial or collector streets.
 - b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.
 - c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.
2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in Section 21-812C.1. and the following provisions:
 - a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.
 - b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

21-813 Wireless Communication Facilities ^{*5 *44}

- A. General Requirements. All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.
 1. WCFs must meet or exceed all current state and federal standards and regulations.
 2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.
 3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.
 4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.
 5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.
 6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
 7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 8. 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.

9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.
10. 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;
11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.
12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-711.
13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.
14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:
 - a. Schools, to include private, public, charter;
 - b. College or University Campus;
 - c. Power substations; or,
 - d. Water pumping plants and storage tanks.

B. Development Standards

1. Permitted Principal Use

- a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

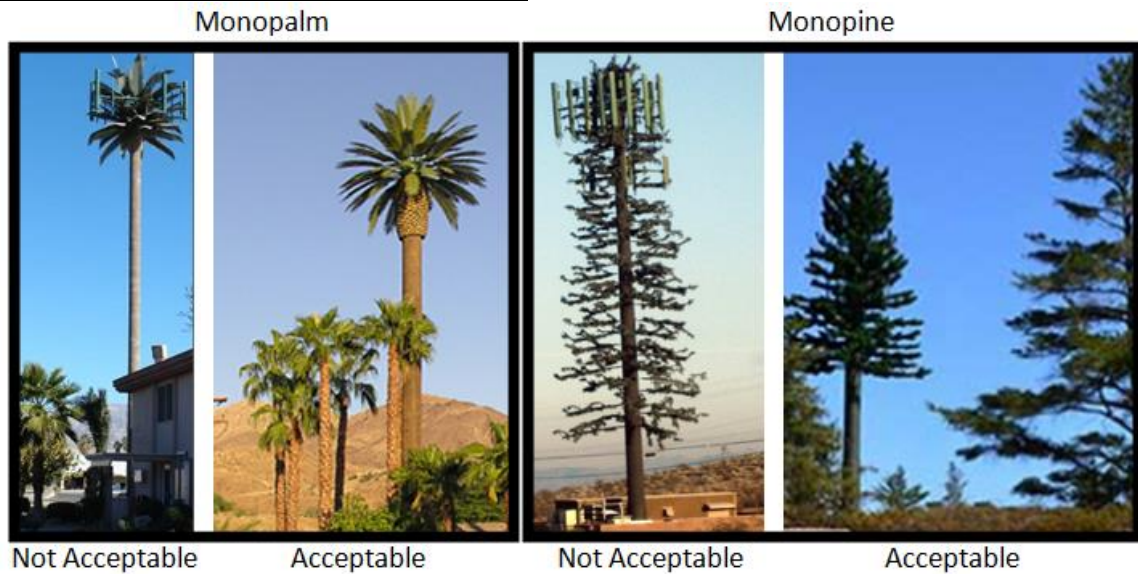
<u>Development Standards</u>	<u>Zoning District</u>	<u>Distance to Residential Property Line</u>	<u>Maximum Height ^c</u>	<u>Distance to Non-Residential Property Line</u>	<u>Equipment Enclosure</u>	<u>Antenna Distance from Pole</u>	<u>Alternate Design WCF^d</u>
<u>Permitted Principal Use</u>	<u>Residential ^b</u>	<u>>110% ^a</u>	<u>50'</u>	<u>>50% ^a</u>	<u>450 SF</u>	<u>6% ^a</u>	<u>Required</u>
	<u>Non-Residential</u>	<u>>130% ^a</u>	<u>65'</u>				

^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

^b In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.

^c If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from

- d finished grade to the top of the structure including any associated concealment materials.
Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



- b. Rooftop and wall-mounted equipment:
- 1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.
 - 2) Shall be integrated into the design of the building.
 - 3) Shall be fully screened from public view.
- c. The co-location of aerial mounted equipment:
- 1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.
 - 2) Shall not be more than an overall height of eighty (80) feet.
 - 3) Shall not otherwise inhibit stealth aesthetics.
2. Permitted Conditional Use
- a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

<u>Development Standards^d</u>	<u>Zoning District</u>	<u>Distance to Residential Property Line</u>	<u>Maximum Height^c</u>	<u>Distance to Non-Residential Property Line</u>	<u>Distance Between Non-Alternate Design WCF (Monopole)</u>
<u>Permitted Conditional Use</u>	<u>Residential^b</u>	<u>>110%^a</u>	<u>65'</u>	<u>>5'</u>	<u>1,320'</u>
	<u>Non-Residential</u>	<u>>130%^a</u>	<u>80'</u>		

^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply.

^c If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.

^d All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.

b. Rooftop and wall-mounted equipment

1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.

2) Shall be integrated into the design of the building.

3) Shall be fully screened from public view.

c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.

d. The co-location of aerial mounted equipment:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.

2) Shall not be more than an overall height of ninety-five (95) feet.

3) Shall not otherwise inhibit stealth aesthetics.

C. Administrative Procedures

1. Permitted Principal Use

a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-321.

2. Permitted Conditional Use
 - a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-321 and Section 21-322:
 - 1) Site Plan Review; and,
 - 2) Conditional Use Permit.
 - b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.
 3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.B Development Standards:
 - a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
 - b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
 - c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
 - d. An increase in the Width of a non-tower structure by six (6) feet or more;
 - e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
 - f. Excavation outside the current boundaries of the WCF;
 - g. Proposed changes that would defeat the existing concealment elements of the WCF; and,
 - h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.
 4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.
 5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.
- D. Exemptions from Section 21-320 and Section 21-321:
1. Routine maintenance of a WCF; and,
 2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-813.A.
 3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

for which the premises exist.

2. **Accessory use** means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. ^{*13}

V

Variance means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

W

Waiver of Proposition 207 means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors.

^{*30}

Wireless Communication Facility means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. ^{*12}

Y - Z

Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

1. **Front yard** means a yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.
2. **Rear yard** means a yard extending across the full width of a lot, and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line,

spacing exists to meet the intent of the spacing requirements.

5. The Planning and Zoning Commission may waive the requirements of Subsection B.4 above if sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties and to preserve the existing character of the residential neighborhood.

C. Group Care Facilities and Community Residential Setting Facilities (SFR, RM-1, AG, SR-43, SR-35)

Group Care Facilities and Community Residential Setting Facilities shall comply with the following:

1. Group Care Facilities and Community Residential Setting Facilities located in an Office District (O-1) shall adhere to the following provisions:
 - a. All vehicular access to the facility shall be from arterial or collector streets.
 - b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.
 - c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.
2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in Section 21-812C.1. and the following provisions:
 - a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.
 - b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

21-813 Wireless Communication Facilities ^{*5}

It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.

A wireless communication facility, as defined in Section 21-202, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Section and as otherwise set forth in the Peoria City Code.

A. General Requirements.

All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.

1. Inventory of Existing Sites

Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2. State or Federal Requirements

All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. Building Code Safety Standards

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. Measurement

For the purpose of determining separation distances, distances from properly lines or districts, and setback distances, distance shall be measured from the closest portion of

the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.

5. Franchises or Licenses

Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.

6. Pre-Existing Towers

Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.

7. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas

Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.

8. Abandonment of Towers or Facilities

A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

B. Permitted Principal Use

A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:

1. The antennas or towers are located on: property owned or otherwise controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has

been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Section, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;

2. The facility is developed as an Alternative Tower Structure and meets all other provisions of this Ordinance;
3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet; ^{*7}
4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; ^{*7}
5. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;
6. Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
7. The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;
8. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;
9. The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square

feet;

10. The facility is screened in conformance with Section 21-804.B.6, of this Section.
11. The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
12. 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;
13. No commercial advertising or signage is allowed on site;
14. The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;
15. The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
16. The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
17. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
18. The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,
19. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1,320) feet. ^{*6}

C. Permitted Conditional Use

A wireless communication facility which does not meet the conditions specified above for Section 21-813.B , shall be a permitted conditional use and processed in accordance with Section 21-321 of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:

1. The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet; ^{*7}
2. An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-

five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; *7

3. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;
4. Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
5. The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non- residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building setback for the district in which the pole is located;
6. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;
7. The facility shall be screened in conformance with Section 21-804 of this Ordinance.
8. A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
9. 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;
10. No commercial advertising or signage shall be allowed on-site;
11. A facility shall have at least one (1) parking space designed to City standards.
12. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;
13. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
14. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
15. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
16. A facility may not be allowed within the Hillside Development Overlay District or within

thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,

17. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities locating on existing vertical structures on school or municipal property, shall be one thousand (1000) feet, unless otherwise approved by the City Council. ^{*7}
18. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased or licensed by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.

(Section 21-813 ^{*31}, enacted April 17, 2007 and effective May 17, 2007.)

21-814 Donation/Recycling Drop-Off Boxes ^{*40}

- A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-312 and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes ^a	4 Boxes ^a
^a No more than two (2) Donation Bins shall be clustered together in any one location.			



PLANNING AND ZONING COMMISSION REPORT

Meeting September 21, 2017

Date:

Agenda Item: 4R

Case Name: TA17-04: Mobile Food Vendors - Food Trucks

Case TA17-04
Number(s):

General Application Information

Proposal:

Modify the Zoning Ordinance to create allowances and regulations for food trucks.

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria Planning Division

Project Description

This is a City initiated amendment to the Zoning Ordinance (Chapter 21 of the City Code) that proposes creating allowances and regulations for Mobile Food Vendors, including those uses commonly referred to as food trucks.

Recommendations:

Recommend approval of Case TA17-04 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Proposed Amendment

BACKGROUND

Context

This is a city-initiated amendment to several sections of the Zoning Ordinance, Chapter 21 of the City Code, including Section 21-202 “Definitions, Section 21-323 “Temporary Use Permits”, 21-500 “Non-Residential Districts”, and Section 21-801 “General Provisions”. The intent of the amendment is to provide clear and effective regulations for Mobile Vendors, including those uses commonly referred to as “Food Trucks”.

Section 21-500, “*Non-Residential Districts*” of the City Code currently recognizes both “Food and Beverage Vendor Cart” and “Small Merchandise Vendor Cart” as accessory uses. Accessory uses are intended to be ancillary and subordinate to a permitted use on a property. While several Limitations on Uses are provided for Food and Beverage Vendor Cart uses, no clear process is defined for authorizing these uses or ensuring that they comply with site and development standards.

PROPOSAL

Goal/Purpose of Request

The purpose of this city-initiated text amendment is to address the lack of clear and precise regulations for mobile vendors and provide a well-defined path for authorization.

DISCUSSION AND ANALYSIS

Mobile vendors, including uses that are commonly referred to as food trucks, are an increasingly prevalent and desired accessory use. Mobile vendors can provide needed services such as coffee, meals, and event merchandise in a location and timeframe that is convenient for many patrons. Mobile vendors may travel to their customer bases, instead of the reverse, potentially reducing overall vehicle miles traveled. In addition, the mobile vendor format is a nimble business design conducive to start-up small businesses that are still determining market demands for their goods.

As a result of increased demand for these uses by both consumers and the business community, staff has received a number of inquiries in recent months for mobile vendor requirements and it has become apparent that current regulations are inadequate.

The proposed amendment creates an approval process for mobile vendors that has a framework similar to that for donation bins. Mobile vendors that wish to operate on a private property site for more than one hour per day would be required to receive Temporary Use Permit approval. The Temporary Use Permit application would provide information such as the proposed placement of the mobile vendor on a site in relation to existing site elements such as parking, buildings, landscaping, and driveways. It would also include a written description of how the mobile vendor intends to operate, such as hours of operation and if any additional features such as seating will be provided. This

will allow development staff from various divisions including Planning, Site Development, Building Development, and the Fire to evaluate the proposal for safety and other regulatory concerns.

Additional limitations are proposed to ensure compatibility with surrounding commercial uses as well any adjacent residential uses. These limitations include the following:

1. Mobile Vendors shall be located on a paved surface.
2. They shall not be located within required setbacks, required landscaped areas, or within required parking spaces.
3. Mobile Vendors shall not obstruct pedestrian or vehicular circulation.
4. No overnight storage shall be permitted.
5. The site must be vacated from the hours of 10pm to 6am.
6. A covered trash receptacle must be provided onsite and emptied at least once per day.
7. No amplified sound shall be permitted.

Conclusions

- The proposed amendment provides increased clarity in terms of the process and allowances for mobile vendors.
- This amendment will allow mobile vendors, whom are often small business owners, greater certainty regarding the regulatory climate in Peoria, thereby encouraging new businesses to choose to operate in Peoria.
- The proposed changes provide proper protections for existing businesses and residents located nearby to avoid potential negative impacts from mobile vendor uses.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to City Council:

- 1) Approval of case TA17-04 to the City Council, amending the Zoning Ordinance, Chapter 21 of the City Code, as identified in Exhibit A.

REPORT PREPARED BY

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Definitions

Definitions

21-200

21-202

Administration and Procedures

Temporary Use Permits

21-300

21-323

Non-Residential Districts

21-500

Supplemental Regulations

General Provisions

21-800

21-801

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21-202 Definitions ^{*32}

- A. The word **occupied** and the word **used** shall be considered as meaning the same as the words **intended, arranged, or designed to be used or occupied**.
- B. The word **dwelling** includes the word residence; the word **lot** includes the words **plot** or **parcel**.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows: ^{*23}

List of Defined Terms

Family Member means the spouse, emancipated or unemancipated child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the legal owner of private real property, an estate of any of the foregoing family members, a trust of which any of the foregoing family members is a beneficiary or are beneficiaries, or a legal entity owned by any one or combination of these family members or the legal owner of private real property.

^{*30}

Food Truck, see "Mobile Vendor"

Floor Area, Gross means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. ^{*7}

Mixed Use Development means a tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, light manufacturing, retail, public, or entertainment. ^{*19}

Mobile Vendor means any motorized or non-motored vehicle, trailer, kiosk, pushcart, stand, display, or other device designed to be portable and not permanently attached to the ground, from which food, beverages, or small merchandise are displayed, sold, or given away. This term shall include small merchandise vendor carts.

Mobile Vendor, On-Street means a Mobile Vendor that operates within the right-of-way on the street or sidewalk. On-Street Mobile Food Vendors may stop on private property for a limited duration of less than one (1) hour per site per day.

Mobile Vendor, Fixed-Site means a Mobile Vendor that operates on one or more private property site for one (1) hour or longer per day.

Mobile Home means any vehicle, other than a self-propelled motor vehicle, which was originally designed to be drawn by a motor vehicle and which is used for human occupancy.

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Administrative Procedures

21-323 Temporary Use Permits

21-323 Temporary Use Permits

A. Intent

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City Codes.

B. General

Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. *4

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. *4
4. Temporary municipal uses. *8
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. Donation/Recycling Drop-Off Boxes

~~10. Fixed Site Mobile Vendor. a a duration exceeding, are not required to obtain a Temporary Use Permit. Other City approvals, such as a business license, are still required.~~

~~9.~~ Such other uses as the City may deem to be within the intent and purpose of this Section.

~~10-11.~~

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 21-321 of this Section. 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, or traffic visibility at driveways 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., excluding Donation/Recycling Drop-Off Boxes; and,
 5. The City Engineer or designee thereof, approves vehicular access for the proposed temporary use.
2. 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 Section 21-827. All signage shall obtain a separate sign permit. ^{*6}
2. 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. Issuance of Permits

To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.

4. Time Limits and Renewal of Permits

All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.

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. Temporary Use Permits for Donation/Recycling Drop-Off Boxes and Fixed-Site Mobile Vendors may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.

~~b-c.~~ All other 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.

~~e-d.~~ 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.

Appeal of Decision to Board of Adjustment

5. 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 Section, Section 21-324.I.

6. 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.

Non-Residential Districts

21-501 Intent

21-502 Zoning Districts

Office Commercial (O-1)
Convenience Commercial (C-1)
Planned Neighborhood Commercial (PC-1)
Planned Community Commercial (PC-2)
Intermediate Commercial (C-2)
Central Commercial (C-3)
General Commercial (C-4)
Regional Commercial (C-5)
Business Park Industrial (BPI)
Planned Light Industrial (PI-1)

Light Industrial (I-1)

Heavy Industrial (I-2)

21-503 Land Use Matrix

21-504 General Regulations for O-1, C-1, PC-1, PC-2, C-2, and C-3

21-505 Limitations on Uses

21-506 Property Development Standards

Table 21-503 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
<u>Food and Beverage Vendor Cart ^{*15} Mobile Vendor #</u>	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # ^{*18}	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up # ^{*22}	-	P	P	P	P	-	P	P	-	-	-	-
Restaurants ^{*18}	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # ^{*22}	-	-	C	C	C	C	C	C	-	-	-	-

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LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL RETAIL												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery and Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center # ^{*11}	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
<u>Mobile Vendor #</u>	A	A	A	A	A	A	A	A	A	A	A	A
Newsstand ^{*17}	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C				
Permissible Consumer Fireworks Sales# ^{*23}	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop # ^{*16}	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating, and Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New and Used Merchandise, Indoor. Excludes Sale of Automobile, Boats RVs and Motorcycles ^{*15}	-	P	P	P	P	P	P	P	A#	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
<u>Small Merchandise Vendor Carts # ^{*15}</u>	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer ^{*22}	-	P	-	-	P	P	P	P	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
INSTITUTIONAL												

P = Permitted Use

- C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.
- A = Accessory use
- ♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit ^{*17}
- # = Subject to special limitations (see the following Section 21-505)
- = Not Permitted

21-505 Limitations on Uses

A. Eating & Drinking Establishments

1. ~~Mobile Vendors, Food and Beverage Vendor Cart and Small Merchandise Vendor Carts~~ shall be subject to the following additional requirements: ^{*15}
 - a. On-Street Mobile Vendors shall be permitted consistent with all applicable requirements for a Peddler/Solicitor as defined by the Peoria Business Licensing Process.
 - ~~a-b.~~ The use must be part of an existing permitted principal ~~development~~ use.
 - ~~b-c.~~ The use shall not occupy any required parking stalls ~~of the principal development~~.
 - ~~c-d.~~ The use shall not ~~be located within any right of ways or~~ interfere with traffic circulation. ^{*18}
 - e. The use shall not interfere with pedestrian access ways, fire lanes, driveways, or traffic visibility at driveways or street intersections.
 - f. If the use operates at a private property location for more than one (1) hour per day, the use is considered a Fixed-Site Mobile Vendor and a Temporary Use Permit shall be required. See Section 21-815 for additional requirements.

B. General Retail ^{*11, *23}

1. Donation Centers shall be subject to the following conditions:
 - a. Donation drop off shall be limited to business hours only.
 - b. Drop off location shall be at the rear of the building and shall be fully screened from view.
 - c. No drop off items shall be stored outside the screened area.
2. Pet Shops, including commonly associated accessory uses such as grooming, veterinary care, training, pet day camp services and the boarding of household pets, shall be subject to the following conditions: ^{*19}
 - a. Veterinarian and grooming services shall be restricted to the care and treatment of small animals during regular business hours.
 - b. The commercial breeding of animals shall be prohibited. ^{*19}
 - c. All activities shall be completely contained within enclosed buildings; the building shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
 - d. All refuse shall be stored within a completely enclosed building.
 - e. Outdoor runs or exercise pens shall be prohibited.

- f. Overnight boarding services for household pets may be operated as an accessory use, provided no more than twenty-five percent (25%) of the total square footage of the establishment may be used as sleeping quarters for the boarded pets; and the area shall be constructed, maintained or operated so that the smell of the boarded animals does not create a nuisance off-site. ^{*19}
- 3. Indoor retail sales of new and used merchandise excluding sale of automobiles, boats, RVs, and motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of the overall gross floor area (G.F.A.) of the establishment and shall not exceed 1,000 square feet in area.
- 4. Permissible consumer Fireworks Sales shall be subject to the following conditions: ^{*23}
 - a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-421-50
 - b. Sales may only occur in buildings classified with a mercantile building occupancy code.

5. Mobile Vendor

- a. See Section 21-505.A "Eating and Drinking Establishments", Item 1. "Mobile Vendors" for limitations.

General Provisions

21-801 Intent

21-802 General Use Provisions

21-803 Accessory Buildings and Uses

21-804 Screening

21-805 Walls and Fences

21-806 Performance Standards

21-807 Satellite Dish Antennae

21-808 Miscellaneous Provisions

21-809 Home Occupations

21-810 Manufactured Housing

21-811 Mobile Homes, Travel Trailers, House Trailers, and Recreational Vehicles

21-812 Group Homes, Day Care Group Homes, Group Care Facilities and Community Residential Setting Facilities

21-813 Wireless Communication Facilities

21-814 Donation/Recycling Drop-Off Boxes

21-815 Mobile Food Vendors

21-815 Mobile Vendors

The following limitations shall apply to all Fixed-Site Mobile Vendors, which are subject to the Temporary Use Permit process:

- A. Mobile Vendors are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-312 and upon receipt of notarized written authorization by the property owner or authorized agent.
- B. Mobile Vendors may be permitted as an accessory use in all non-residential districts and as an accessory use to all permitted non-residential uses located within a residential zoning district pursuant to this Section.
- C. Mobile Vendors shall be located on a paved surface.
- D. Mobile Vendors shall not be located within required setbacks, required landscaped areas, or within required parking spaces.
- E. Mobile Vendors shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. No overnight storage shall be permitted. All vehicles and other items shall be removed from the site by the Mobile Vendor at the close of business each day.
- G. Mobile Vendors shall not be present on the site from the hours of 10pm to 6am. The Planning Manager or designee may further restrict on-site hours based on the context and

conditions of the site.

H. Mobile Food Vendors shall provide a covered trash receptacle onsite and shall remove all waste produced by the use from the site at least once per day.

I. No amplified sound shall be permitted.

J. Mobile Food Vendors shall be subject to all other applicable regulations, including adopted building and property codes.

K. For Mobile Food Vendors requesting a TUP to operate for longer than 30 days the following additional regulations apply:

1. The use of free-standing or portable lighting is prohibited.
2. Uses located within two hundred (200) feet of a residential use shall be limited to operating between the hours of 8:00am to 8:00pm.
3. No canopies or tents shall be allowed in conjunction with the Mobile Vendor Use. Existing permanent shade structures may be used, subject to all applicable regulations.
4. Quantity. The acreage of the individual lot or complex/center shall determine the maximum number of allowable Mobile Vendors:

<u>Individual Lot or Complex/Center Size</u>	<u>Maximum Number of Mobile Vendors</u>
<u>1 acre to less than 10 acres</u>	<u>1</u>
<u>10 acres to less than 40 acres</u>	<u>2</u>
<u>40 acres or larger</u>	<u>4</u>



PLANNING AND ZONING COMMISSION REPORT

Meeting September 21, 2017

Date:

Agenda Item: 5R

Case Name: PlanPeoriaAz – General Plan 2040

**Case
Number(s):**

General Application Information

Proposal:

Receive input from the Commission on public outreach efforts associated with the new General Plan under development.

Location:

N/A

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

Staff presentation and possible discussion regarding the City's ongoing efforts to update the Peoria General Plan. No action will be taken at this time.

Recommendations:

This item is intended for presentation and discussion only. There is no action required at this time.

ATTACHMENTS:

Description

Staff Report

BACKGROUND

The primary objective of the proposed project is to undertake a comprehensive update of the City's General Plan to enable it to serve as a guide through the year 2040. The General Plan is the primary policy document for the City and is the basis for all decisions regarding the physical development of the City. It expresses the community's vision of its future and is a guide for both long-term and day-to-day decisions and actions of the City.

The City's current General Plan was adopted in 2010; however, the General Plan has not been comprehensively updated since its adoption in 1992. Since then, Peoria has experienced an evolving economic landscape, along with meaningful growth and physical development. As part of the adopted FY17 Budget, the City Council approved funding of the new Peoria General Plan. The objective is to develop a plan that is visionary and responsive to the next twenty (20) year planning horizon through the city's buildout.

DISCUSSION AND ANALYSIS

The update to the General Plan is a multi-year process known as PlanPeoriaAZ. One of the most critical elements of the update process is community engagement to help create a community-based general plan that builds consensus, obtains buy-in and support future implementation efforts. Accordingly, participation and input from the community is vital to the success of the new General Plan.

As part of the PlanPeoriaAZ project, staff and the city's consultant, Matrix Design Group have created a Public Involvement Plan, which outlines the City's strategy for involving a wide-array of stakeholders in the update process. Using a variety of traditional and non-traditional outreach and public notice methods, citizens, business leaders, and the public are offered the opportunity to share their thoughts to help shape Peoria's future.

Since the project kick-off in late December 2016, a variety of public outreach activities has occurred. Staff will provide the Planning and Zoning Commission with an update on the results of the outreach program to date.

STAFF RECOMMENDATION

As noted, this is an informational item only and no action will be taken by the Commission at this time. Planning Staff will be available to answer any questions that the Commission may have and discuss future public meeting dates.

It is anticipated that this item will be brought back to the Planning and Zoning Commission regularly throughout the project, with formal consideration and recommendation expected in early 2018.

REPORT PREPARED BY

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