

STAFF REPORT

To: Honorable Mayor and City Council

Through: Kazi Haque, Zoning Administrator

From: Ryan Wozniak, Planner

Date: January 7, 2017

RE: **PUBLIC HEARING:** A request by the City of Maricopa for review and approval of the proposed Text Amendment to the City of Maricopa Zoning Code, Article 412 Telecommunication Facilities; case number TXT16-02. **(Discussion and Action).**

REQUEST

Text Amendment (TXT) 16-02: A text amendment to the City of Maricopa Zoning Code, specifically, Article 412 Telecommunication Facilities amending portions of the article to improve clarity of process and design standards for new and modified wireless communication towers and antennas.

RECOMMENDATION

Planning & Zoning Commission recommends the Mayor and Council take action to approve of **Text Amendment case # 16-02**, subject to the conditions of approval stated in this staff report, and as amended by the Mayor and Council.

COUNCIL PRIORITIES AND/OR THEMES ADDRESSED

- Quality of Life
- Managing the Future
- Public Safety

APPLICANT AND PROPERTY OWNER INFORMATION

Applicant:

Project Planner: Ryan Wozniak, AICP
City of Maricopa
39700 W. Civic Center Plaza
Maricopa, AZ 85138

PROJECT INFORMATION

The current Zoning Code has been effective since December 2014. Since then, city staff has applied the provisions of Article 412 to fourteen (14) unique applications. In those applications, there were some reoccurring complications that could be alleviated by process clarifications and allowing greater flexibility with pre-existing facilities.

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The proposed Text Amendment is available for your review complete with annotations to explain the intention of each change (Refer to Exhibit A – Draft Text Amendment). In Staff's assessment, all proposed amendments improve the provision's implementation of the Purpose statements as found in Sec. 412.01 of the Zoning Code. Those goals, restated simply:

- Minimize visual effects
- Encourage co-location
- Protect against the adverse impact on the community
- Enhance the ability for services to be provided quickly, effectively, and efficiently

ADHERENCE TO THE GENERAL PLAN

The amendments to the Zoning Code align with Planning Maricopa (the General Plan).

B. Land Use Element

Objective B1.4.5: Update and consistently enforce the community's development codes, including zoning, subdivision, and related regulations.

F. Economic Development Element

Objective F2.1.1: Ensure all future development infrastructures include fiber-optic and other desirable telecommunication facilities and utilities.

H. Public Buildings, Facilities & Services Element

2040 Vision: Maricopa has a robust telecommunications infrastructure and is at the forefront of Smart Cities initiatives.

Goal H2.h.1: Establish Maricopa as a "Top Tier" Smart City. - See more at: <http://www.maricopa-az.gov/web/gponline-general-plan-elements/gponline-h-public-buildings-facilities-services-element>

Objective H2.h.1.1: Encourage the use of technology wherever possible to improve efficiency, cost-effectiveness, and the ability for citizens to participate and contribute.

Objective H2.c.2.3: Expand library services to provide public access to communications and information technology.

Objective H2.d.4.2: Explore promotion of and access to the use of technology to connect aging residents to their community, friends and family.

PUBLIC OUTREACH

As required per the City's Zoning Code Sec. 509.03, notification via a public hearing process is required. However, additional outreach methods were conducted to solicit input and acceptance of the proposed amendments. Emails were used to circulate drafts of the proposed Text Amendment (TXT16-02) as Staff worked through concepts to refine the text.

P&Z Commission Initiation

July 25, 2016

Technical Review Comment Periods (3)

July 21, 2016

August 30, 2016

November 8, 2016 (Current Proposal)

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Newspaper Legal Notice	November 10, 2016 (published)
Web Article + Posted Notice (Public Library & City Hall)	November 9, 2016
Public Hearing Opened	November 28, 2016 (P&Z Commission)
Public Hearing Closed	December 12, 2016 (P&Z Commission)
Newspaper Legal Notice #2	January 1, 2017 (published)
City Council Work Session	January 17, 2017
City Council Public Hearing	January 17, 2017
City Council Action	January 17, 2017 (if desired)

At the discretion of the Mayor and Council, the decision on the item can be made the same night as the Work Session.

REQUIRED FINDINGS:

Per the Zoning Code, Sec. 509.04, the City Council shall make the following findings in their action:

1. The amendment is consistent with the General Plan;
2. *OMITTED* (ONLY APPLICABLE TO ZONING MAP AMENDMENTS);
3. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.

CONCLUSION

The Planning & Zoning Commission recommends approval of **Text Amendment case # 16-02**, subject to the conditions of approval stated in this staff report, and as amended by the City Council.

Exhibit A – Proposed Text Amendment (TXT16-02) version publicly circulated

Exhibit B – Revised Proposed Text Amendment (TXT16-02) per the Condition of Approval

Exhibit C – Memo – Public Hearing Process & Citizen Participation Report (TXT16-02)

CONDITIONS OF APPROVAL

1. (ALREADY ADDRESSED IN THE REVISED VERSION FOUND IN THE ORDINANCE)
Amend Sec. 412.03.F to allow signs for public safety, trespassing, or authorizing personnel.

-- End of staff report --