

TOWN
Of
PARADISE VALLEY



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Andrew Ching, Town Manager
Chad Weaver, Community Development Director
Paul Michaud, Planning Manager

DATE: April 25, 2024

DEPARTMENT: Community Development – Planning Division
Paul Michaud, 480-348-3574

AGENDA TITLE: Discussion of amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance relating to the process for site approvals.

REQUEST

Proposed amendments to Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance relating to the process for site approvals via Ordinance 2024-02.

PLANNING COMMISSION RECOMMENDATION AND DISCUSSION

The Planning Commission recommended approval of Ordinance 2024-02 (Attachment F) at their public hearing on April 16, 2024. The motion was unanimous with Commissioners Rose and Covington absent.

The Planning Commission discussed the proposed Personal Wireless Service Facilities (PWSF) amendments several times since February 2023 (refer to Attachment B). This discussion included that the applicant must provide required documentation as part of the application submittal demonstrating that the submitted design will meet federal requirements and standards on safety and radiofrequency. The five Primary Sites are expected to cover most of the gaps, but coverage depends on cell providers and the owners of the Primary Sites investing in these improvements (which is up to the property owner of these sites whether they want to accommodate Personal Wireless Service Facilities). The Town's effort is primarily assistance with streamlining process and waiving application fees where appropriate. The noticing for this managerial process occurred on the front end via the various Council meetings over the past couple of years on cell gap coverage in addition to the Citizen Review Sessions/noticing for this text amendment. The managerial process has a Town Council review component included. The purpose of the amendment is to improve cell coverage within the Town limits.

BACKGROUND

Resolution 2022-23 directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance for Planning Commission recommendation and Town Council action creating a managerial or similar process for five specific sites (referred to as the Primary Sites). This managerial process is similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with specific guidelines and regulations, and the Town Manager (or designee) transmit all approved determinations to the Town Council within a specified time period allowing the Town Council to affirm the determination or schedule an appeal at a Town Council meeting. This managerial process will replace the Conditional Use Permit (CUP) Planning Commission approval for only the Primary Sites in Resolution 2022-23 or as may be amended. PWSF requests at sites not identified in Resolution 2022-23 will continue to follow the administrative CUP process requiring Planning Commission approval that are appealable to the Town Council as outlined in Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance.

The Town Council discussed closing the gaps in cell coverage at its study sessions of September 8, 2022, and October 27, 2022. Discussion included review of the gaps in coverage for the wireless carriers, information on the selected sites to improve coverage, and ways the Town can facilitate wireless carriers in making cellular improvements that meet Town standards. Past efforts since 1997 when Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance was adopted have only partially met desired coverage expectations.

Many rules and regulations at both the federal and state levels have given more rights to wireless carriers over the years. Also, the low-density character of the Paradise Valley, hillside terrain, timing of the Town's PWSF process, and the wireless carriers internal funding process for projects results in many PWSF applications started and never followed through by the wireless carrier.

Since 2018, the Town has focused on four goals identified by the Council's Cellular Service Task Force to improve cell coverage within Paradise Valley. These goals seek to (1) improve voice service, (2) preserve and maintain the Town's aesthetics, (3) provide the greatest coverage and capacity with the least visible infrastructure, and (4) provide infrastructure for future services related to PWSF sites. Three of those goals have been completed and Resolution 2022-23 is the next step toward the implementation in providing the greatest coverage and capacity with the least visible infrastructure.

Resolution 2022-23 is a result of many efforts over several years between the Town, Engineering Wireless Services (EWS), and the wireless carriers. This includes a Town-driven radiofrequency strength and quality study of the main carriers within the Town limits EWS completed in 2018 and later updated in 2021. During 2022, these participants canvassed the town and identified the five locations listed below as best to close the gaps in cell coverage.

Cosanti Foundation	6433 E Doubletree Ranch Road
Fire Station #91	8444 N. Tatum Boulevard
Paradise Valley Country Club	7101 N. Tatum Boulevard
Sanctuary Camelback Mountain Resort	5700 E. McDonald Drive
Town-Owned Property	7012 N Invergordon Road

Resolution 2022-23 provides siting and design guidance for PWSF at the identified five locations. These provide limitations on number, location, height, setback, and desired design. The fire station, Paradise Valley Country Club, and Sanctuary on Camelback Mountain Resort suggest a faux chimney design on an existing building. Whereas the Town-owned property at 7012 N Invergordon Road the guideline is for a retaining wall and at Cosanti the guideline is a separate structure near the existing buildings which would require a Special Use Permit amendment process if there were the addition of a separate new structure.

MANAGERIAL PWSF PROCESS

Ordinance 2024-02 is modeled after the Managerial Amendment for Special Use Permits in Section 1102.7, Types of Amendments to Special Use Permits, in the Town Zoning Ordinance. Section 1213 of Ordinance 2024-02 describes this process which will only apply to PWSF at the five Primary Sites.

COMMENTS

There were no public comments given at the Planning Commission public hearing of April 16, 2024, or at the Citizen Review Session of April 2, 2024. The only comments during this text amendment process were early on at and before the Citizen Review Session of February 7, 2023. A resident near Cosanti expressed health concerns over a PWSF and asked if the managerial process applied to any Town-owned property (the process only applies to the five Primary Sites).

NEXT STEPS

If approved, the managerial process will become the PWSF application process for the Primary Sites.

ATTACHMENT(S)

- A. Staff Report
- B. Planning Commission Minutes – Discussion
- C. Noticing
- D. Resolution 2022-23
- E. Article XII, PWSF (Track Change)
- F. Ordinance 2024-02 (Draft)
- G. Presentation