

RESOLUTION NUMBER 2022-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AND REPEALING RESOLUTIONS 932 AND 932(A).

WHEREAS, the Mayor and Town Council (the “Town Council”) of the Town of Paradise Valley (the “Town”) adopted Resolution 932 on February 26, 1998, providing a non-exclusive list of potential Personal Wireless Service Facilities sites (the “Site List”) to be considered in accordance with the Town’s Personal Wireless Service Facilities provisions set forth in Article XII of the Town’s Zoning Ordinance (“Article XII”); and

WHEREAS, the Town Council adopted Resolution 932(A) on September 20, 2001, to modify the Site List to remove one site; and

WHEREAS, in 2018 the Town Council established a Cellular Service Task Force to study ways to improve voice service, to preserve and maintain the Town’s aesthetics expectations, to provide the greatest coverage and capacity with the least visible infrastructure, and to provide infrastructure for future services; and

WHEREAS, in 2018 the Town engaged Engineering Wireless Services (“EWS”) to complete a radio frequency strength and quality study of the main carriers within the Town limits (the “Study”); the 2018 study was updated in 2021; and

WHEREAS, in 2022, the Town, EWS, and T-Mobile representatives canvassed several sites within the Town limits that the Study showed to best fit Town and carrier needs to improve coverage and capacity with the least visible infrastructure. Based upon this canvas, the group identified five primary sites: (i) the Sanctuary on Camelback Mountain located at 5600 E. McDonald Drive, (ii) the Paradise Valley Country Club located at 7101 N. Tatum Boulevard, (iii) the Town’s Fire Station #91 located at 8444 N. Tatum Boulevard, (iv) the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road, and (v) a Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road (collectively, the “Primary Sites”); and

WHEREAS, the Town Council at its study session on September 8, 2022, discussed next steps in moving the goals of the Cellular Service Task Force forward; and

WHEREAS, the Town Council at its study session on October 27, 2022, discussed implementing a time-sensitive process and option to waive application fees for the Primary Sites; and

WHEREAS, the Town Council desires to (i) repeal Resolutions 932 and 932(A) and replace the Site List therein with the non-exclusive list set forth in this resolution, including two new locations, and (ii) provide guidance with respect to Conditional Use Permits considered for the Primary Sites identified in the Study.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Site List is hereby amended to add the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road and the Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road as potential Personal Wireless Service Facilities sites. This revised Site List is not intended to be an exclusive listing of locations for which a Conditional Use Permit may be requested for Personal Wireless Service Facilities.

NAME	ADDRESS
ANDAZ RESORT	6160 N. SCOTTSDALE ROAD
ASCENSION LUTHERAN CHURCH	7100 N. MOCKINGBIRD
CALVARY CHURCH OF THE VALLEY	6107 N. INVERGORDON
CAMELBACK BIBLE CHURCH	3900 E. STANFORD DRIVE
CAMELBACK GOLF CLUB	7847 N. MOCKINGBIRD LANE
CAMELBACK INN	5402 E. LINCOLN DRIVE
CAMELBACK UNITED PRESBYTERIAN CHURCH	3535 E. LINCOLN DRIVE
CHEROKEE SCHOOL	8801 N. 56TH STREET
CHRIST CHURCH OF ASCENSION	4015 E. LINCOLN DRIVE
COSANTI FOUNDATION	6433 E DOUBLETREE RANCH ROAD
DOUBLETREE PARADISE VALLEY RESORT	5401 N. SCOTTSDALE ROAD
EL CHORRO LODGE	5550 E. LINCOLN DRIVE
FIRE STATION #91	8444 N. TATUM BOULEVARD
FIRST SOUTHERN BAPTIST CHURCH	5230 N. SCOTTSDALE ROAD
HERMOSA INN	5532 N. PALO CRISTI ROAD
KIVA SCHOOL	6911 E. MCDONALD DRIVE
LINCOLN BIBLE CHURCH	4222 E. LINCOLN DRIVE
MOUNTAIN SHADOWS RESORT	5445 E. LINCOLN DRIVE
MOUNTAIN VIEW MEDICAL PLAZA	10575 N. TATUM BOULEVARD
OMNI MONTELUCCIA RESORT	4949 E. LINCOLN DRIVE
PARADISE VALLEY COUNTRY CLUB	7101 N. TATUM BOULEVARD
PARADISE VALLEY MEDICAL PLAZA	7101 E. JACKRABBIT ROAD
PARADISE VALLEY TOWN HALL	6401 E. LINCOLN DRIVE
PARADISE VALLEY UNITED METHODIST CHURCH	4455 E. LINCOLN DRIVE
PHOENIX COUNTRY DAY SCHOOL	3901 E. STANFORD DRIVE
SANCTUARY CAMELBACK MOUNTAIN RESORT	5700 E. MCDONALD DRIVE
SCOTTSDALE PLAZA RESORT	7200 N SCOTTSDALE ROAD
SMOKETREE RESORT	7101 E. LINCOLN DRIVE
ST. BARNABAS CHURCH	6715 N. MOCKINGBIRD LANE
TOWN-OWNED PROPERTY	7012 N INVERGORDON ROAD
UNITARIAN UNIVERSALIST CHURCH	4027 E. LINCOLN DRIVE

Section 3. The Town’s Planning Commission (the “Commission”) shall consider, when reviewing a request for modifications to provisions of Article XII (due to extraordinary hardship or as necessary to comply with Federal or state law), the extent to which the Personal Wireless Service Facility meets the Cellular Service Task Force goals to improve voice service, preserve and maintain the Town’s aesthetics, provide the greatest coverage and capacity with the least visible infrastructure, and provide infrastructure for future services while ensuring any modifications remain within the required FCC Guidelines for Radio Frequency (RF) safety. The Commission shall also ensure that modifications are only permitted if such modification improves coverage within the Town limits over strict compliance to Article XII, which improvement must be verified by the applicant through coverage maps.

Section 4. The Town Council hereby directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town of Paradise Valley Zoning Ordinance and/or other code sections for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities for the Primary Sites. This managerial process may be similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town of Paradise Valley Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with the guidelines, 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 Planning Commission approval for identified Primary Sites. Primary Sites may be amended from time to time by the Town Council, including guidelines for specific sites.

Section 5. To further the goals of the Cellular Service Task Force, the Town Council hereby directs Town staff through a process similar to Managerial Amendments to Special Use Permits to evaluate proposals for Personal Wireless Service Facilities to be located at the Primary Sites according to the provisions set forth below. This guidance is not a final decision of the Town Council, and compliance with the provisions below does not (i) ensure approval of a Personal Wireless Service Facility or (ii) create any vested rights to the approval of a Personal Wireless Service Facility.

Sanctuary Resort

- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.

- Preferred locations are on the principal buildings of the casitas (Tennis Ranch on Camelback, plat recorded in Book 124, Page 5 in the office of the Maricopa County Recorder) or the main resort principal buildings.

- Consideration could be given for the height of a faux chimney to exceed that portion of the roof on which it is located by up to four feet six inches as a means to enhance the authenticity of the disguise of the faux chimney. At no time should the faux chimney height exceed the Resort Special Use Permit Guideline of a principal building (36 feet tall). Any faux chimney should be in scale with the building on which the Personal Wireless Service Facility is located.
- Setbacks are expected to meet Article XII (200 feet from the west and north property lines) and there may be consideration for a reduced setback from the public streets to the north (McDonald Drive) and east (Superstition Lane). Reduced setback should not exceed the Resort Special Use Permit Guideline of a principal building (100 feet).
- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement or match the color of the structure, and be designed as a feature commonly found on the type/style of structure.
- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

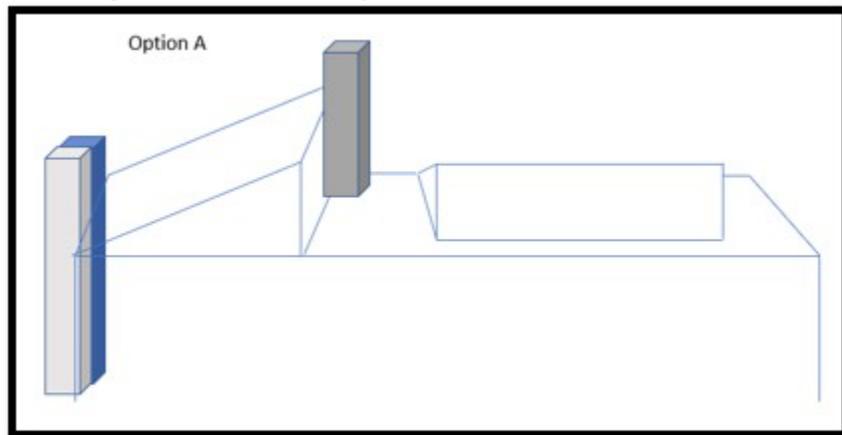
Paradise Valley Country Club

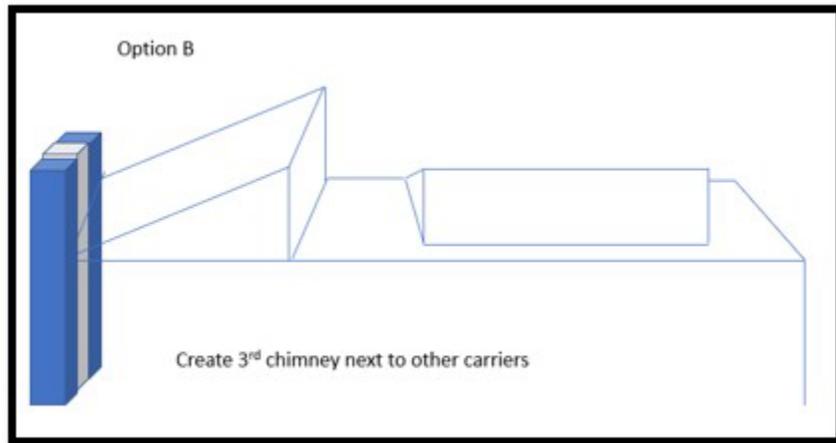
- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.
- Preferred location is the main clubhouse principal building with the faux chimney(s) to match the architectural design and scale of the existing chimneys.
- Height of a faux chimney should generally not exceed the maximum 30 feet as required by the Paradise Valley Country Club Special Use Permit recorded in Document 84-136742 recorded with the Maricopa County Recorder, Maricopa County, Arizona, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing chimneys on the clubhouse.
- Setbacks are expected to meet Article XII (200 feet) due to the large amount of acreage and setbacks of the clubhouse.

- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.
- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

Fire Station #91

- Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to one additional faux chimney possible for colocation and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.
- Preferred location is the fire station building with the faux chimney to match the architectural design and scale of the existing faux chimneys.
- Height of a faux chimney should generally not exceed the existing 28-foot 8-inch height of the fire station building as illustrated in Option “B” below, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing faux chimney as illustrated in Option “A” below.





- Consideration may be given for setbacks other than the 200-foot distance pursuant to Article XII, with any additional faux chimney generally in the location of the existing faux chimney or the eastern 65 feet of the existing building.
- The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.
- The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

Cosanti Foundation

- A separate detached structure to conceal and disguise a Personal Wireless Service Facility may be considered in that the existing structures are under 16 feet tall and have structural limitations.
- The new structure housing the Personal Wireless Service Facility shall also require the review and approval process of the applicable Special Use Permit amendment type pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance.
- Preferred siting is toward the middle and/or center of the site near the existing structures.
- Height of the Personal Wireless Service Facility may be considered up to 30 feet, which is an allowable height for residential lots greater than 4 acres as a comparison with a height not to exceed the Non-Profit Organization Special Use Permit Guideline for a principal building of 35 feet tall, generally encouraging the lowest possible height and a facility that will blend and disappear into the surroundings through the use of camouflage.

- Consideration may be given for a reduction in setbacks from the 200-foot distance pursuant to Article XII, particularly from Doubletree Ranch Road to the north and/or to the west or east property lines due to the 330-foot width of the Cosanti site, with any reduced setback not to exceed the Non-Profit Organization Special Use Permit Guideline of 60 feet adjoining residentially zoned property and 40 feet adjoining a public street if the Personal Wireless Service Facility is 24 feet or less in height and a setback of not less than 100 feet if taller than 24 feet.

7012 N Invergordon

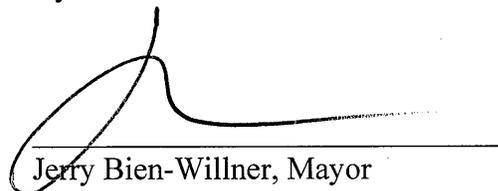
- Preference is for Personal Wireless Service Facilities that use a faux retaining wall design for multiple carriers for co-location and improved coverage.
- Height, setback, and equipment locations and screening shall generally follow the requirements for retaining walls on a hillside property in accordance with Section 2207.VI, Walls and Fences, of Article XXII, Hillside Development Regulations, of the Town of Paradise Valley Zoning Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to waive application fee(s) for Personal Wireless Service Facilities for Primary Sites.

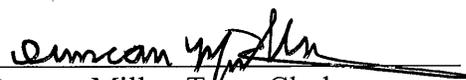
Section 7. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

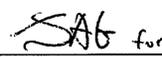
PASSED, ADOPTED, AND APPROVED by the Town Council of the Town of Paradise Valley this 8th day of December, 2022.


Jerry Bien-Willner, Mayor

ATTEST:


Duncan Miller, Town Clerk

APPROVED AS TO FORM:

 for
Andrew J. McGuire, Town Attorney