



## Legislation Text

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Jeremy Knapp, Community Development Director

**DATE:** August 19, 2019

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Consideration of Ordinance 2019-09 Amending Section 2-5-2.I of the Town Code Modifying Alternative Design Standards for Small Wireless Facilities Located in Town Rights-of-Way**

**RECOMMENDATION:**

It is recommended Town Council suspend Council Procedural Rule Section VIII(b)(2) and adopt Ordinance 2019-09.

**SUMMARY STATEMENT:**

In August of 2017 the Town Council adopted Ordinance 2017-05 (Attachment A), setting procedures for review and approval of Small Cell Wireless Facilities (Small Cell) located in the Town's right-of-way to comply with a newly adopted State statute. The ordinance allowed for Small Cell deployment through an administrative process if the proposal met the Town's objective design standards. The two objective design standards in the existing Town Code utilizes concealment methods already installed in the Town, which are:

1. A 24-foot-tall faux cactus; or,
2. Atop an existing street light or traffic signal pole, with the design to match 56<sup>th</sup> Street and Lincoln.

If an applicant meets the objective design standards, the application is processed administratively through the Planning Commission within 75 days of the application being deemed complete by town staff. If the applicant cannot meet one of the two objective design standards, they can proceed through the SUP process to install a new pole. This process is a minimum of 180 days and requires the Town to be the applicant as the SUP would be within Town right-of-way.

Recently an applicant approached the town requesting to replace two existing street light poles with two new street light poles and cellular equipment on top. The proposed locations are along Scottsdale Road in front of the Doubletree Resort, between Jackrabbit Road and Vista Drive. For location maps and photo simulations, please see Attachment C.

At the locations proposed, the faux cacti would not be consistent with the surrounding landscaping. The existing light poles are 6- and 5/8-inches inches in diameter at their base. Since the applicant is required to meet the standards of the 56<sup>th</sup> Street Signal pole and the cellular equipment proposed is 18.3 inches in diameter, the applicant has chosen to provide 18 inches diameter poles. These poles would be out of character with the rest of the signals and street light poles along Scottsdale Road, as they are much wider than the existing street light poles and would be a different color.

Due to timing issues, the applicant initially planned on replacing the existing street light poles that would be 16.3 inches in diameter and wider than other poles along Scottsdale Road rather than wait for the typical 6-month SUP process. Consequently, staff, Mayor, and Vice-Mayor have approved this Special Council Meeting to be responsive to the need for carriers to meet their deadlines and the Town's desire to improve cell coverage in Paradise Valley.

For these reasons, staff is proposing to amend the objective design standards for this unique situation along Scottsdale Road. The proposed language adds the following:

For street light installations in a series along Scottsdale Road, the replacement pole shall substantially match the existing pole in finish and color, diameter and taper, and have a luminaire arm that substantially matches the existing luminaire arm of the existing light pole. The application shall be considered in context with adjacent existing light poles to ensure consistency along the streetscape. All antennas and "pole-mounted" equipment shall be within a cylinder or container (or within the replacement pole) with said container not exceeding twenty (20) inches in diameter, with a three hundred and sixty (360) degree shroud that tapers from the bottom of the container to the pole. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights the mast arms or other supports for luminaires.

If the Council approves this code change, the staff and Planning Commission would consider this and other applications along Scottsdale Road that are more consistent with the existing streetscape. All other street light poles, not in a series along Scottsdale Road, will still be required to meet the existing ordinance language.

Consideration of this item requires the Town Council suspend Council Procedural Rule Section VIII(b) (2) which requires an Ordinance to be heard at two separate meetings. The process typically includes a Work Study Session at the first meeting and consideration for adoption at the second meeting.

**BUDGETARY IMPACT:**

No budgetary impact is anticipated.

**ATTACHMENT(S):**

- Attachment A - Existing Town Code Section 2-5-2 Small Cell Wireless Facilities
- Attachment B - Ordinance 2019-09 Small Cell Wireless Facilities Revisions
- Attachment C - Map and Exhibits
- Attachment D - PowerPoint Presentation