



CITY OF SURPRISE
Planning and Zoning Commission Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Thursday, December 7, 2017 @ 6:00 PM
 COUNCIL CHAMBERS

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CALL TO ORDER.

- A. Roll Call
- B. Pledge of Allegiance
- C. Current Events and Reports – Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.
- D. Staff Reports

Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

- E. Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the Board\Commission. There will be no separate discussion on these items unless a board member or commissioner requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA:

- *#1 District Internal Consideration and action approving the November 2, 2017 Planning and Zoning Commission Minutes.

None
 Lorraine
 Nevarez -
 Community
 Development

REGULAR AGENDA ITEM - PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#2	District 4	<u>Consideration and action on the Conditional Use Permit to allow for a new Residential Storage (Mini-Warehouse) in a portion of Parcel 13 of the West Point Towne Center PAD generally located north of Greenway Road and east of Litchfield Road.</u>	Approve Shirley Phan - Community Development
#3	District 4	<u>Consideration and action on the Conditional Use Permit to allow for a new Vehicle Service – Major Repair Facility in a portion of lot 6b of the Bell & Dysart Commerce Center generally located north of Bell Road and east of Dysart Road.</u>	Approve Sergio Angulo - Community Development
#4	District 3	<u>Consideration and action regarding a Preliminary Plat for the project known as 175th & Sweetwater, generally located at the southeast corner of 175th Avenue and Sweetwater Avenue</u>	Approve Robert Kuhfuss - Community Development
#5	District Citywide	<u>Consideration and action on recommending approval to the Mayor and City Council approving a Zoning Text Amendment for Wireless Facilities.</u>	Approve Hobart Wingard - Community Development
#6	District 1	<u>Consideration and action approving a Rezone of the Rio Rancho Estates Residential Development generally located one (1) mile west of the intersection of West Grand Avenue and West Happy Valley Road from Medium Density Residential PAD (R-2-PAD) and Low Density Residential PAD (R1-5-PAD) to Medium Density Residential (RM-6-PUD and RM-9-PUD) and Low Density Residential (RL-1-PUD).</u>	Approve Hobart Wingard - Community Development

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#7	District Internal	<u>Presentation and discussion regarding the 2018 Community Development Block Grant Public Services funding.</u>	None Seth Dyson, Human Service & Community Vitality

OTHER BUSINESS:

#8	District Internal	<u>Discussion and direction pertaining to future agenda items.</u>	No Action Eric Fitzer - Community Development
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ADJOURNMENT:

POSTED: Dec. 1, 2017 at 10:30

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

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Board Meeting Date:	December 7, 2017	Contact Person:	Lorraine Nevarez - Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action approving the November 2, 2017 Planning and Zoning Commission Minutes.

Motion:

I move to approve the consent agenda as presented.

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

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☐ [Minutes - November 2, 2017 Meeting](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

November 2, 2017 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Chair Ken Chapman called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on November 2, 2017.

A. ROLL CALL

In attendance were Chair Ken Chapman, Vice Chair Mitchell Rosenbaum, Commissioners Dennis Smith, Dennis Bash, Matthew Keating, Gisele Norberg and Eric Cultum.

STAFF PRESENT:

Community Development Director Eric Fitzer, Deputy City Attorney Ellen Van Riper, Planner Hobart Wingard, Planner Sergio Angulo and Planning and Zoning Commission Secretary Lorraine Nevarez.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

D. STAFF REPORT

Eric Fitzer, director, noted the November 16, 2017 Planning and Zoning Commission meeting is canceled; there are no agenda items to be considered.

CALL TO THE PUBLIC:

Chair Chapman opened the call to the public to discuss any items not listed on the agenda.

Hearing no comments, Chair Chapman closed the call to the public.

CONSENT AGENDA:

Item 1 – Internal – Consideration and action approving the October 5, 2017 Planning and Zoning Commission Minutes.

Commissioner Smith made a motion to approve the October 5, 2017 Planning and Zoning Commission minutes. Commissioner Bash seconded the motion. The motion passes with 7 votes in favor.

Item 2 – Internal – Consideration and action approving the October 19, 2017 Planning and Zoning Commission Minutes.

Commissioner Bash made a motion to approve the October 19, 2017 Planning and Zoning Commission minutes. Vice Chair Rosenbaum seconded the motion. The motion passes with 7 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – District 1 – Consideration and action on a Preliminary Plat to allow for the development of a single-family residential subdivision in parcels L7 & L8 of the Desert Oasis at Surprise PAD located on the Northwest corner of Jomax Road and 171st Avenue.

Sergio Angulo, Planner, presented item 3 to the Commission.

The Commission discussed item 3:

- Elementary School accessibility
- Ingress and egress
- Right in and right out on 171st & Jomax
- Shade over playground equipment

Chair Chapman opened the call to the public.

Hearing no comments, Chair Chapman closed the call to the public.

Vice Chair Rosenbaum made a motion to recommend approval to the Mayor and City Council regarding a Preliminary Plat to allow for the development of a single-family residential subdivision in parcels L7 & L8 of the Desert Oasis at Surprise PAD located on the Northwest corner of Jomax Road and 171st Avenue. Commissioner Norberg seconded the motion. The motion passes with 7 votes in favor.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 4 – District 1 – Consideration and action on the Civic Plaza Comprehensive Sign Program generally located on the southwest corner of Bell Road and Civic Center Derive the Surprise Center Pad.

Hobart Wingard, Planner, presented item 4 to the Commission.

The Commission discussed item 4:

- Number of CSP with different sign codes
- Effects on business
- Number of tenants on monument sign
- Sign code

Commissioner Cultum made a motion to approve Civic Plaza Comprehensive Sign Program. Commissioner Keating seconded the motion. The motion passes with 4 votes in favor, 3 votes against (Commissioner Smith, Commissioner Bash and Chair Chapman).

OTHER BUSINESS:

Item 5 – INTERNAL - Discussion pertaining to future agenda items.

None.

ADJOURNMENT:

Hearing no further business, Chair Chapman adjourned the Planning and Zoning Commission meeting at 6:57 p.m.

Eric Fitzer
Community Development Director

Ken Chapman
Planning and Zoning Commission Chair

The foregoing instrument is a full, true and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Lorraine Nevarez, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Seth Dyson, Human Service & Community Vitality
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	None		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion regarding the 2018 Community Development Block Grant Public Services funding.

Motion:

Discussion Only

Background:

The City of Surprise receives Community Development Block Grant funding as an entitlement community. As such, the city can set-aside 15% of the funding allocation to fund public services. The Human Service & Community Vitality Department is seeking direction on whether to retain a portion of the public service funding in support of the Crisis Assistance Fund and the Summer Youth Employment Program.

Financial Impact Statement:

N/A

ATTACHMENTS:

Click to download

☐ [Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Seth Dyson, Director, Human Service & Community Vitality Christina Ramirez, Neighborhood Services Supervisor



Planning and Zoning Meeting CDBG Public Services

December 7, 2017

CDBG Public Services Grant

Background

City of Surprise is a direct CDBG entitlement community

Yearly funding through CDBG program:

2017-18: \$638,560

15 % of allotment for **Public Services**

Estimated \$95,784 available

Public Service allotment can be sub-contracted to eligible non-profit agencies or used in-house

Process Timeline (Historically)

- Application made available December 2017
- P and Z Public Hearing February 2018
- P and Z Funding Recommendations March 2018



CDBG Goals for Public Services

- Meet National Objectives
- Fund city's highest priority population
- Leverage the funding as much as possible
- Fund projects that are already in existence or can be spent in a 12 month timeframe

Funding Structure Proposal

- Make 50% of estimated funding available through the Public Service funding process to area non-profits (approx. \$47,892)
- Award remaining 50% of funding to the Human Service & Community Vitality Department to support the newly established Crisis Assistance Fund which helps pay for utility assistance run out of the Surprise Resource Center, and to maintain the Summer Youth Employment Program participants. (25% each)

Why?

Crisis Assistance Fund:

- Utility assistance through the Community Action Program (CAP) serves only 5% of the eligible population due to funding levels (Source: ACAA)
- 665 households or 2,023 people were served last year through CAP in the Surprise | El Mirage service area. (Surprise | El Mirage CAP Community Service Area)
- 19,976 live in poverty (Source: U.S. Census Bureau)
- 12,976 calls for assistance last year (Surprise Resource Center HOPE line)
- Out of 81,000 area requests for service last year, the most requested services were for utility assistance and rental assistance. (Source: AZ 211)
- Recipients will be screened for eligibility to assure grant funds are awarded to eligible recipients only

Why?

Summer Youth Employment Program

- Grow and sustain this workforce development program
- Maintain low-income focus of the program
- Minimum wage in Arizona is increasing

Why?

- Direct area non-profit organizations to apply for the Surprise Community Outreach Program funding. Increase availability proposed next year
- The City of Surprise applies has a record of applying for public service funding to support both programs
- Establishes another funding stream to support both programs



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ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Shirley Phan - Community Development
Submitting Department:	CD Boards and Commissions	District:	4
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on the Conditional Use Permit to allow for a new Residential Storage (Mini-Warehouse) in a portion of Parcel 13 of the West Point Towne Center PAD generally located north of Greenway Road and east of Litchfield Road.

Motion:

I move to approve/deny the Conditional Use Permit to allow for a new Residential Storage (Mini-Warehouse) in a portion of Parcel 13 of the West Point Towne Center PAD generally located north of Greenway Road and east of Litchfield Road.

Background:

On August 31, 2017 Cooper Architecture and Design submitted a request for a Conditional Use Permit to allow for a new Residential Storage (Mini-Warehouse) in a portion of Parcel 13 of the West Point Towne Center PAD generally located north of Greenway Road and east of Litchfield Road.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS17-519 Greenway Storage - Conditional Use Permit - Staff Report](#)
- ☐ [01 - FS17-519 Greenway Storage - Conditional Use Permit - Vicinity Map](#)
- ☐ [02 - FS17-519 Greenway Storage - Conditional Use Permit - Site Plan](#)
- ☐ [03 - FS17-519 Greenway Storage - Conditional Use Permit - Landscape Plan](#)
- ☐ [04 - FS17-519 Greenway Storage - Conditional Use Permit - Color Elevations](#)

- ☐ [05 - FS17-519 Greenway Storage - Conditional Use Permit - Citizen Participation Report](#)
- ☐ [06 - FS17-519 Greenway Storage - Conditional Use Permit - LUke AFB Letter](#)
- ☐ [07 - FS17-519 Greenway Storage - Conditional Use Permit - MWD Comments](#)
- ☐ [08 - FS17-519 Greenway Storage - Conditional Use Permit - ADOT Comments](#)
- ☐ [09 - FS17-519 Greenway Storage - Conditional Use Permit - Public Engagement Form](#)
- ☐ [10 - FS17-519 Greenway Storage - Conditional Use Permit - Presentaion](#)

External Attachment Links:

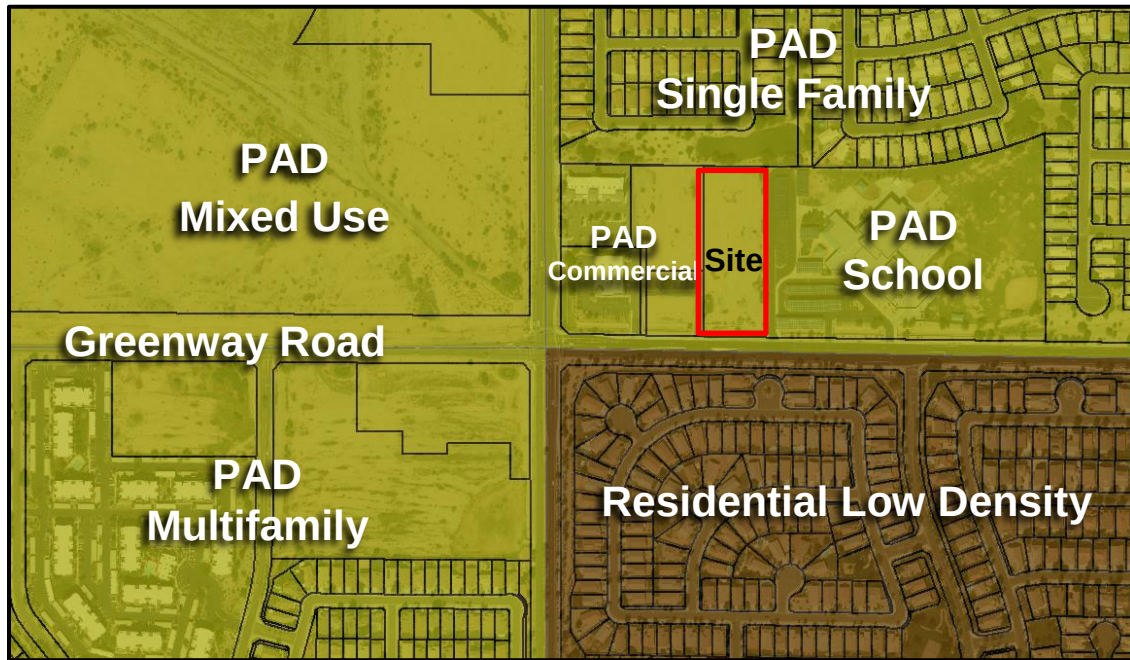
Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Shirley Phan, Planner

Surrounding Land Zoning:



PAD (Single Family Residential)	PAD (Single Family Residential)	PAD (Single Family Residential)
PAD (Commercial)	PAD (Commercial)	PAD (School)
Residential Low Density	Residential Low Density	Residential Low Density

History:

June 20, 1984: The subject parcel was annexed into the City under Ordinance 84-03.

October 26, 1995: The Mayor and City Council approved the West Point Towne Center PAD (Planned Area Development) under case PAD95-044.

May 4, 2017: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR17-192 Greenway Storage.

August 31, 2017: The applicant filed a request for a Conditional Use Permit for a new Residential Storage (Mini-Warehouse) under case FS17-519 Greenway Storage.

October 11, 2017: The applicant held a neighborhood outreach meeting to discuss the project.

Citizen Outreach: As mentioned above, the applicant held a Citizen Review Meeting on October 11, 2017 in the Windmill Suites located at 12545 W Bell Road. Residents from the vicinity attended to ask questions about the project and voice their concerns. The major concerns were in regards to the colors of the proposed building and the driveway, as it has a “dip” going onto Greenway Road. This “dip” is part of the existing drainage design facility along Greenway Road. Overall, the majority of the attendees were in support given the range of uses that are permitted on the site. The Residential Storage (Mini-Warehouse) will be less intense.

Project Description:

Cooper Architecture and Design requests approval of a CUP to allow for a Residential Storage (Mini-Warehouse) in a portion of Parcel 13 of the West Point Towne Center PAD generally located northeast of the intersection of Greenway and Litchfield Roads. The subject site is zoned PAD and has a land use designation of Community Commercial C-2. The proposed facility consists of two (2) buildings; Building A and Building B. Building A is a two-story building of approximately 96,500 square feet that is planned to contain 615 storage units. The Building will be 24 feet in height and is proposed to be located along Greenway Road. Building A proposes a mixture of climate controlled and non-climate controlled units. Building B is a single-story building and will be located along the north side of the property. This building is 8,798 square feet and will support 16 non-climate controlled units.

The PAD permits uses listed under Title 17 in Community Commercial (C-2) zoning districts. Residential Storage (Mini-Warehouse) is reviewed as a Conditionally Permitted Use in C-2 zoning districts, and require an analysis of Section 17.28.080.C.19. of Title 17. These standards include the following:

1. Minimum site size shall be one acre.
2. Architectural standards:
 - i. All buildings that are visible from a public street shall exhibit architectural enhancements, including variation of roof lines, uses of multiple material types, and color variations compatible with surrounding uses.
 - ii. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
3. On-site circulation, drives and parking:
 - i. Each mini-warehouse site shall provide a minimum of two exits, one of which may be for emergency vehicle only.
 - ii. All one-way driveways shall provide for one ten-foot parking lane and one fifteen-foot travel lane. Traffic direction and parking shall be designated by signing and painting.
 - iii. All two-lane driveways shall provide for one ten-foot parking lane and two twelve foot travel lanes.
 - iv. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
 - v. At least one parking space for each ten storage cubicles equally distributed throughout the storage area shall be provided.

- vi. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Fencing and screening:
- i. A minimum of six-foot high masonry wall with architectural enhancements shall be provided around the perimeter of the property. When adjacent to an arterial street, the wall will be designed with insets or offsets to eliminate long, unbroken walls.
- ii. All outdoor storage shall be limited to recreational vehicles, shall be limited to a maximum ten percent of the net site area, and shall be screened from view from surrounding properties.
5. Building setbacks:
- i. A setback adjacent to any arterial or collector street shall be a minimum of twenty-five feet.
- ii. Side and rear setbacks shall be a minimum of twenty-five feet when adjacent to any residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall. Such approval must include the written support of a minimum of fifty-one percent of property owners within seventy-five feet of the subject property boundaries.
- iii. Side and rear setbacks shall be a minimum of fifteen feet when adjacent to any zoning district other than a residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall.
6. Building height:
- Building height adjacent to a residential zoning district shall be a maximum one-story or fourteen feet in height from finished grade. Building height may be increased to a maximum two-stories or twenty-four feet in height from finished grade provided a setback of one foot for each foot in height in addition to the required setback is provided.
- i. Building height adjacent to other than a residential zoning district shall be a maximum two stories or twenty-four feet in height from finished grade.
7. Landscape standards:
- i. A minimum of fifteen percent of the net land area shall be landscaped. The required landscape areas shall be provided along all street frontages between the street or sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.
- ii. Perimeter landscape areas shall be landscaped with shade trees and five shrubs located twenty feet on-center or in equivalent groupings. A minimum of twenty-five percent of the trees shall be twenty-four-inch box size or greater.
- iii. Adjacent to RV storage areas a minimum of seventy-five percent of the trees shall be twenty-four-inch box size or greater.
- iv. All landscape areas shall be irrigated with an appropriate automatic underground watering system and shall be continuously maintained.
- v. All other provisions of Section 17.32-.030, Landscaping requirements, shall apply.
8. All other provisions of Chapter 17.32, General Building and Performance Requirements, shall apply.
9. A residence and office for the use of an on-site manager may be permitted. All applicable codes for residential occupancy shall pertain to this use.
10. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use shall be conducted on the premises.

This CUP application has been reviewed against the standards listed above. Staff finds that this CUP application conforms to the requirements set under Title 17.

The subject site will be accessed from three (3) different locations. Two (2) of the access points are off existing driveways on Greenway Road that then lead to the site through shared driveways with the neighboring properties to the west. The other access point is off an existing driveway that also leads to the subject through a system of shared driveways from the properties to the west. The proposed site plan also demonstrates good pedestrian connectivity to the existing sidewalk along Greenway Road and to the future development to the west.

The site proposes 37 parking spaces which are proposed to be located along the south, east, and west side of the self-storage building (Building A). Two (2) of those spaces are proposed to be handicap-accessible and will be located directly across the main entrance doors. The proposed parking is in compliance with the SUDC parking requirements.

The proposed landscape meets the requirements of the West Point Towne Center PAD and the SUDC. On-site the applicant is proposing 15% of landscape coverage, which meets the minimum requirement. Additionally, a screening wall and landscaping along Greenway Road will screen the parking spaces on the south side of the property. The proposed onsite landscape will match the landscape of the existing development in Litchfield/Greenway Retail Center. Refuse enclosures are proposed to be located on the east of the building and will be screened from the public view with a decorative CMU wall and landscaping.

The proposed building color and material palette is a new design for the company. All along the Building A there will be faux glass to make the building more aesthetically pleasing. The proposed exterior design complies with the PAD design guidelines and will complement the existing architecture in the Litchfield/Greenway Retail Center.

The applicant also included a lighting photometric study with the application which meets the lighting requirements of the SUDC. The proposed lighting plan indicates that the project will not cause any light pollution to the residential properties to the north.

Reviewing Agencies:

In addition to the standard city internal reviewing departments, the Arizona Department of Transportation, Maricopa Water District, and Luke AFB were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

Staff believes the proposed Conditional Use Permit and Site Plan meet the requirements of the West Point Towne Center PAD, SUDC, and the General Plan.

Findings:

- The proposed Conditional Use Permit and Site Plan are consistent with the Surprise General Plan 2035.
- The proposed Conditional Use Permit and Site Plan meet the provisions of the West Point Towne Center PAD and the SUDC as applicable.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to **approve** case FS17-519, subject to stipulations 'A' - 'C' as outlined below:

- A. The Site Plan prepared by Cooper Architecture and Design, date received November 13, 2017, will be revised and submitted for review to include the 2010 Americans with Disabilities Act (ADA) notes.
- B. This Conditional Use Permit is valid for one (1) year after approval by the Planning and Zoning Commission. This Conditional Use permit shall expire on the one (1) year anniversary of approval, unless construction commences prior to that date.
- C. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

However, should the Commission wish to recommend **denial** of the request, the Commission should make its own findings and base its decision on those alternative findings.

Attachments:

- 01 Vicinity Map
- 02 Site Plan
- 03 Landscape Plan
- 04 Elevations
- 05 Citizen Participation Report
- 06 Luke AFB comments
- 07 Maricopa Water District Comments
- 08 Arizona Department of Transportation Comments

VICINITY MAP





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ARIZONA

FS17-519

**Greenway Storage
Conditional Use Permit**

Planning & Zoning Commission

December 7, 2017

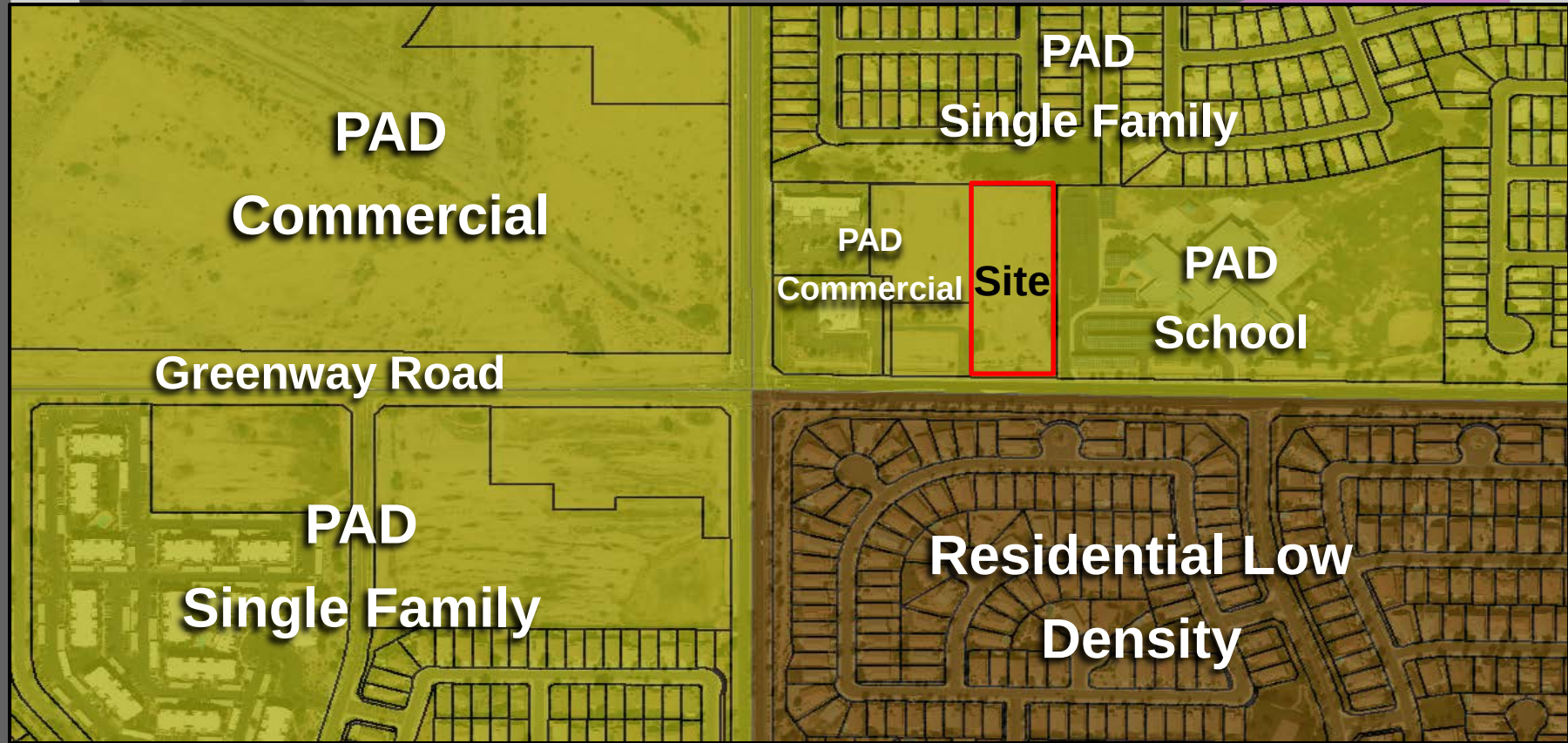
VICINITY MAP

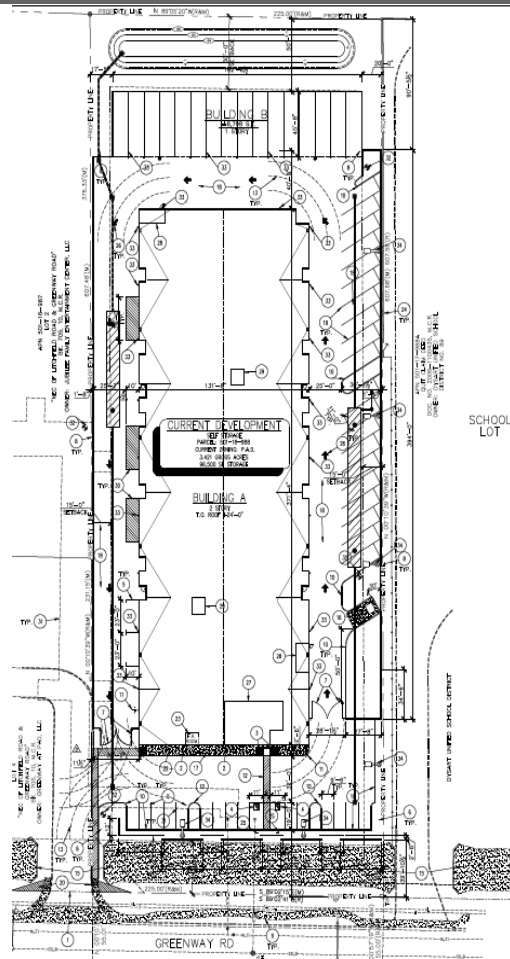


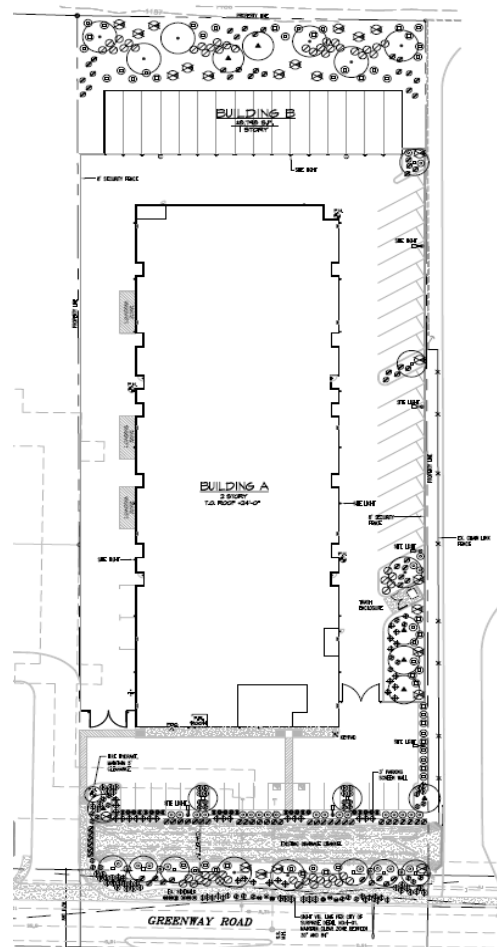
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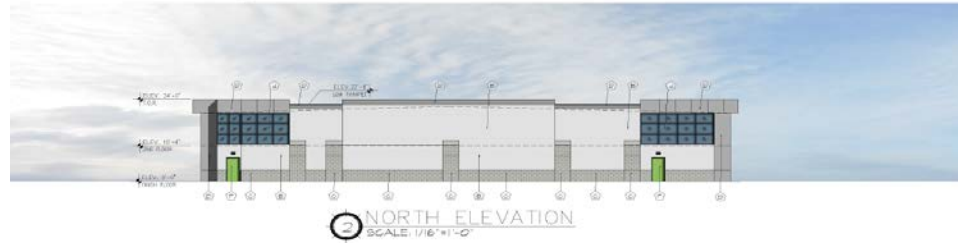


SURROUNDING ZONING



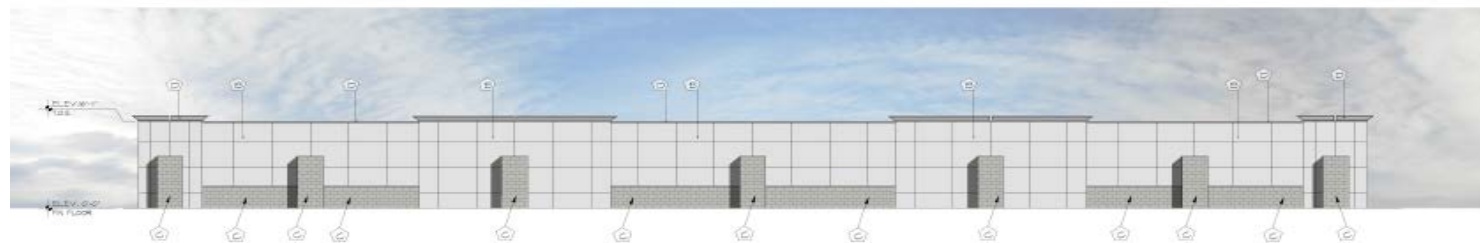




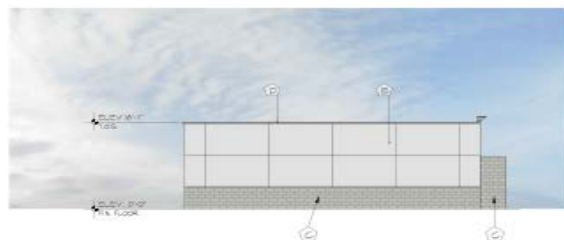




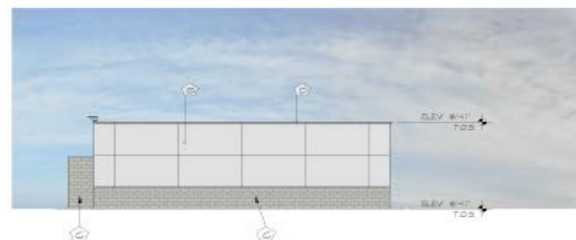
1 SOUTH ELEVATION
SCALE: 3/32"=1'-0"



2 NORTH ELEVATION
SCALE: 1/8"=1'-0"



3 EAST ELEVATION
SCALE: 3/32"=1'-0"



4 WEST ELEVATION
SCALE: 3/32"=1'-0"

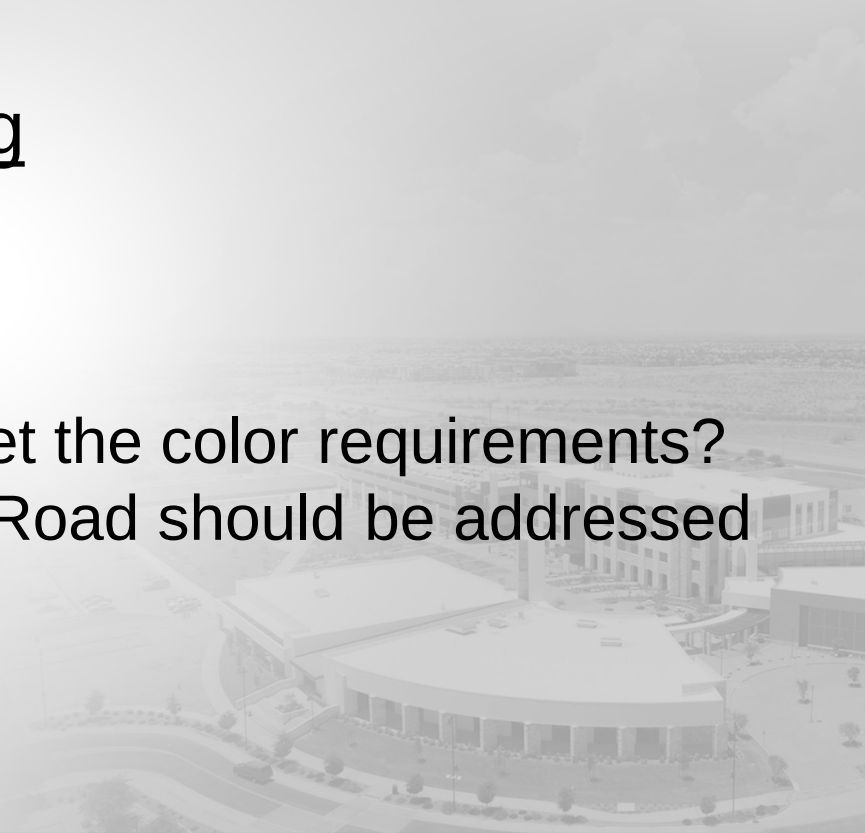


CITIZEN OUTREACH

Citizen Outreach Meeting

- October 11, 2017

Comments/Concerns

- Does the Neon Green meet the color requirements?
 - The big dip on Greenway Road should be addressed
- 

STAFF RECOMMENDATION

Staff Recommendation:

- Approval subject to Stipulations 'A' – 'C'





SURPRISE

ARIZONA

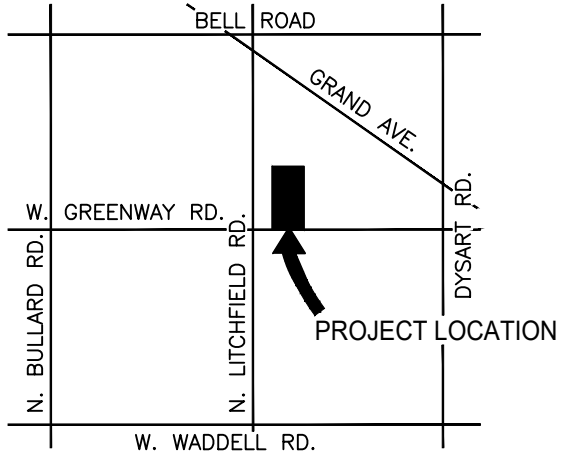
**QUESTIONS OR
COMMENTS?**

Thank You

SIGNAGE

SIGNAGE IS TO BE REVIEWED AND APPROVED UNDER SEPARATE SIGN PERMIT AND IT MUST COMPLY WITH THE SURPRISE MUNICIPAL CODE SECTION 113.

VICINITY-MAP



SITE ADDRESS:
13788 W. GREENWAY RD
SURPRISE, ARIZONA

OWNER:
GREENWAY SELF STORAGE
13788 W. GREENWAY RD
SURPRISE, AZ
PHONE (480) 250-4244
CONTACT: JONATHAN BOYD
EMAIL: jboyd@boydcommunities.com

ARCHITECT:
COOPER ARCHITECTURE AND DESIGN
4730 N. 24TH PL.
PHOENIX, ARIZONA 85016
PHONE (602) 690-7384
FAX (602) 795-0088
CONTACT: TONY COOPER (PM)
tcooper1011@gmail.com

CIVIL:
STANDAGE AND ASSOCIATES LTD
409 S. EL DORADO
MESA, ARIZONA 85202
PHONE (480) 892-8090
CONTACT: JEFF WIMMER
EMAIL: jeff@standageeng.com

ZONING:
P.A.D.
USE:
S-1
CONSTRUCTION TYPE:
II-B
BUILDING HEIGHT:
24'-0"
SITE AREA:
149,018.76 SF (3.421 AC) GROSS
LOT COVERAGE:
32.37%
BUILDING AREA:
BUILDING GROSS 96,500 SF
BUILDING NET 72,375 SF
PARKING:
37 SPACES PROVIDED

KEYNOTES

1. DRIVE ENTRY
2. FIRE DEPARTMENT KNOX BOX - MOUNT AT +5'-0" A.F.F. ON LEFT SIDE OF DOOR.
3. A.D.A. ACCESSIBLE RAMP - SEE DETAIL 12/AS102
4. ACCESSIBLE PARKING STALL - SEE DETAIL 5/AS103
5. STANDARD PARKING STALL
6. LANDSCAPE AREA
7. SWING GATE - SEE DETAIL 7/AS102
8. 8' HIGH PERIMETER SECURITY FENCE
9. EXISTING CONCRETE SIDEWALK
10. 6" CONCRETE CURB - SEE DETAIL - 9/AS103
11. KEYPAD
12. STRIPING ON ASPHALT FOR PEDESTRIAN TRAVEL
13. FIRE APPARATUS TURNING RADIUS- AASHTO SU-40

- a. PATH OF LEFT FRONT WHEEL MINIMUM TURNING = 51.2 FT
- b. CENTER LINE = 47.4 FT
- c. PATH OF FRONT TRUCK OVERHANG MAX TURNING = 52.8 FT
- d. PATH OF RIGHT REAR WHEEL MINIMUM TURNING = 36.4 FT

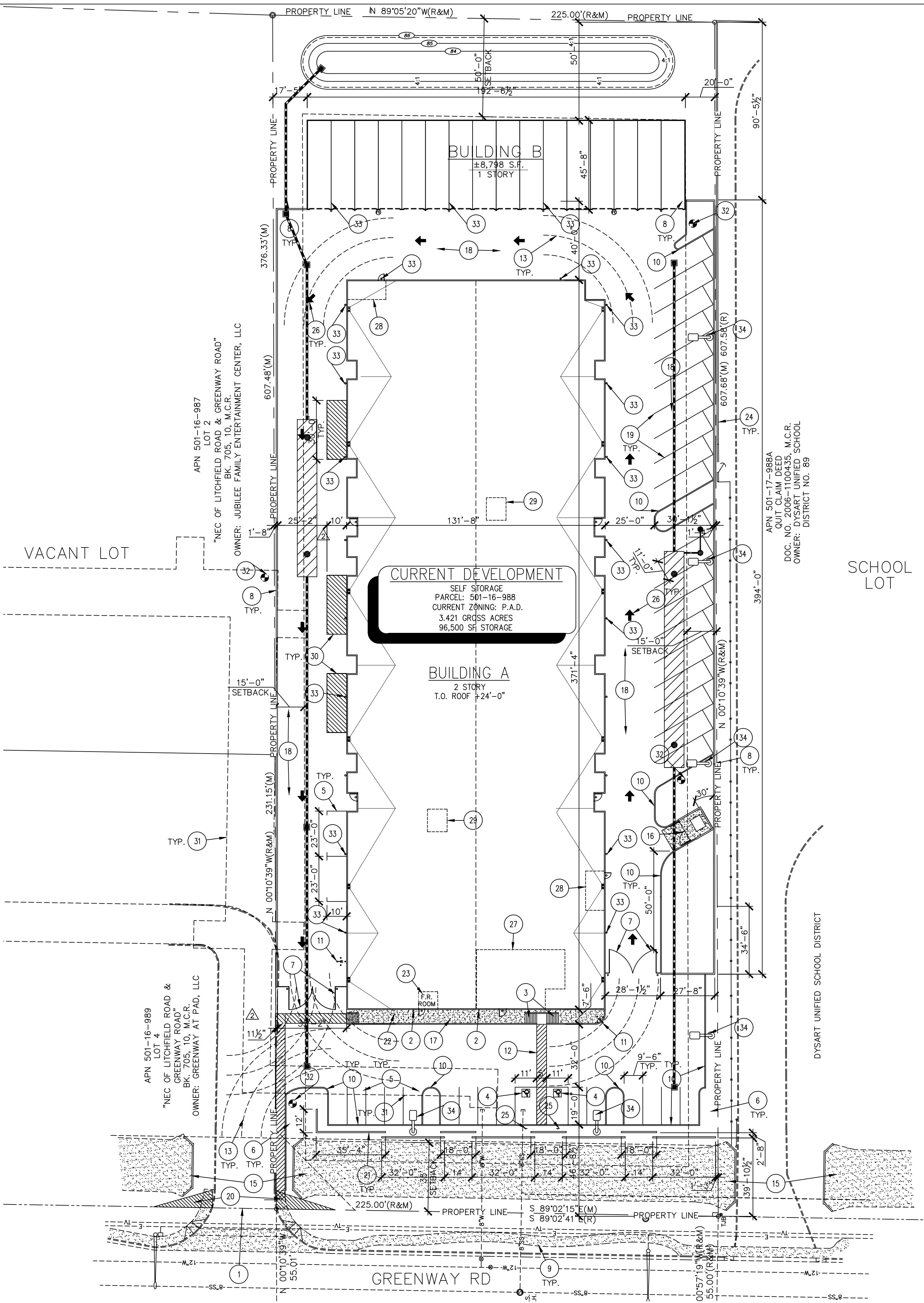
15. EXISTING CANAL. NOTA A PART OF THIS SCOPE,
16. TRASH ENCLOSURE - SEE DETAIL 4/AS103
17. CONCRETE SIDEWALK WITH MEDIUM SALT FINISH
18. ASPHALT DRIVE
19. TRUCK PARKING
20. SITE VISIBILITY TRIANGLE
21. 3' HIGH C.M.U. PARKING SCREEN WALL - SEE DETAIL 1/AS103
22. FIRE DEPARTMENT CONNECTION
23. FIRE RISER ROOM LOCATION
24. EXISTING SCREEN WALL
25. ACCESSIBLE PARKING SIGN - SEE DETAIL 3/AS102
26. DIRECTIONAL ARROWS
27. OUTLINE OF OFFICE
28. OUTLINE OF STAIRS
29. OUTLINE OF ELEVATOR
30. 10'X30' LOADING ZONE
31. EXISTING EASEMENT
32. FIRE HYDRANT
33. WALL PAK LIGHT FIXTURE.
34. POLE MOUNTED SITE LIGHT

ACCESSIBLE ROUTE NOTES

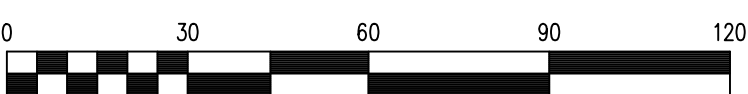
1. ADAAG 4.3.3. WIDTH, CLEAR WIDTH OF THE ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 36 INCHES, EXCEPT AT DOORS. (SEE ADAAG 4.13 FOR MANEUVERING CLEARANCES)
2. WHERE THE ACCESSIBLE ROUTE IS 200 FT. OR MORE PROVIDE A PASSING SPACE MEASURING A MINIMUM 60 INCHES BY 60 INCHES.
3. ADAAG 4.3.6. SURFACE TEXTURE OF THE ACCESSIBLE ROUTE MUST ALWAYS BE STABLE, FIRM AND SLIP RESISTANCE SURFACES. IRREGULAR SURFACES SUCH AS COBBLESTONES AND SIMILAR UNEVEN BRICK OR CONCRETE PAVERS, STAMPED CONCRETE ARE NOT ACCEPTABLE. EXCEPT COBBLESTONES, BRICK CONCRETE PAVERS, STAMPED CONCRETE MAY BE APPLIED WHERE GROOVES OR JOINTS DO NOT EXCEED 1/4 INCH DEPTH.
4. ADAAG 4.3.7. SLOPE: SHALL NOT EXCEED THE FOLLOWING: SIDEWALK 1:20 (5%), CROSS SLOPE 1:50 (2%), RAMPS 1:12 (8.33%). SIDEWALKS WITH SLOP BETWEEN 1:20 (5%) AND 1:12 (8.33%) ARE RAMPS SHALL MEET ADAAG REQUIREMENTS FOR RAMPS, HANDRAILS, AND EDGE PROTECTION AND LEVEL LANDINGS.
5. ADAAG 4.7.7. DETECTABLE WARNINGS. CURB RAMPS SHALL HAVE DETECTABLE WARNING COMPLYING WITH 4.29.2. THE DETECTABLE WARNING SHALL EXTEND THE FULL WIDTH AND LENGTH OF THE CURB RAMP. WHERE CURB RAMPS HAVE BEEN ELIMINATED AND THE AREA IS LEVEL WITH THE ACCESS AISLE AND PARKING STALL, APPLY TRUNCATED DOMES 36 INCHES DEPTH BY THE WIDTH OF THE ACCESS AISLE (MINIMUM 60 INCHES) ON THE CONCRETE TRANSITION TO THE ASPHALT AT THE ACCESS AISLE.
6. ADAAG 4.29.2. DETECTABLE WARNINGS ON WALKING SURFACES. DETECTABLE WARNINGS SHALL CONSIST OF RAISED TRUNCATED DOMES WITH A DIAMETER NOMINAL OF 0.9 INCHES (29/32"), A HEIGHT NOMINAL OF 0.2 INCHES (1/4") AND CENTER-TO-CENTER SPACING NOMINAL OF 2.35 INCHES (2 23/64") AND SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES, EITHER LIGHT ON DARK OR DARK ON LIGHT.
7. ADAAG 4.29.5. DETECTABLE WARNINGS AT SIDEWALK RAMPS. LEADING TO A CROSSWALK AT A PARKING LOTS, DRIVEWAYS OR STREETS: SIDEWALK RAMPS LOCATED AT EACH END OF CROSSWALK, APPLY TRUNCATED DOMES AT THE BOTTOM OF THE SIDEWALK RAMP: 36 INCHES IN DEPTH BY THE WIDTH OF THE RAMP AND SCORE THE REMAINDER OF THE RAMP TO THE LEVEL OF THE SIDEWALK.
8. ADAAG 4.6.3. VAN ACCESSIBLE STALL. STALL SHALL MEASURE 8FT. WIDE BY 20FT. LENGTH (18 FT. WITH 2 FT. OVERHANG) WITH AN ADJACENT ACCESS AISLE ON THE RIGHT SIDE MEASURING 8FT. BY 20FT. LENGTH.
- SIGNAGE: VAN ACCESSIBLE STALL BE DESIGNATED AS RESERVED FOR THE PHYSICALLY DISABLED BY A SIGN PRINTED IN BLUE ON A WHITE BACKGROUND SHOWING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH MINIMUM VERBIAGE STATING: "RESERVED PARKING", "A.R.S. 28-884" AND A SIGN MOUNTED BELOW STATING: "VAN ACCESSIBLE".

GENERAL NOTES

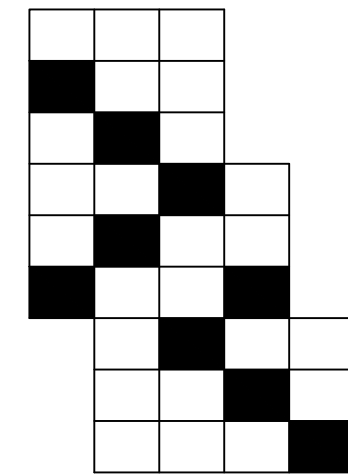
1. ALL MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW.
2. ALL LIGHTING SHALL BE IN COMPLIANCE WITH THE CITY OF SURPRISE DARK SKY ORDINANCE.



SITE PLAN
SCALE: 1"=30'-0"



C.A.D.
COOPER ARCHITECTURE
AND DESIGN
4730 N. 24TH PL.
PHOENIX, ARIZONA 85016
(602) 690-7384 PHONE
(480) 459-5273 FAX



GREENWAY
SELF STORAGE
13788 W. GREENWAY RD
SURPRISE, ARIZONA

building permit #:

PROJECT NUMBER: BCSS
DRAWN BY: TC
CHECKED BY: TC
DATE: 20-OCTOBER-17

TITLE

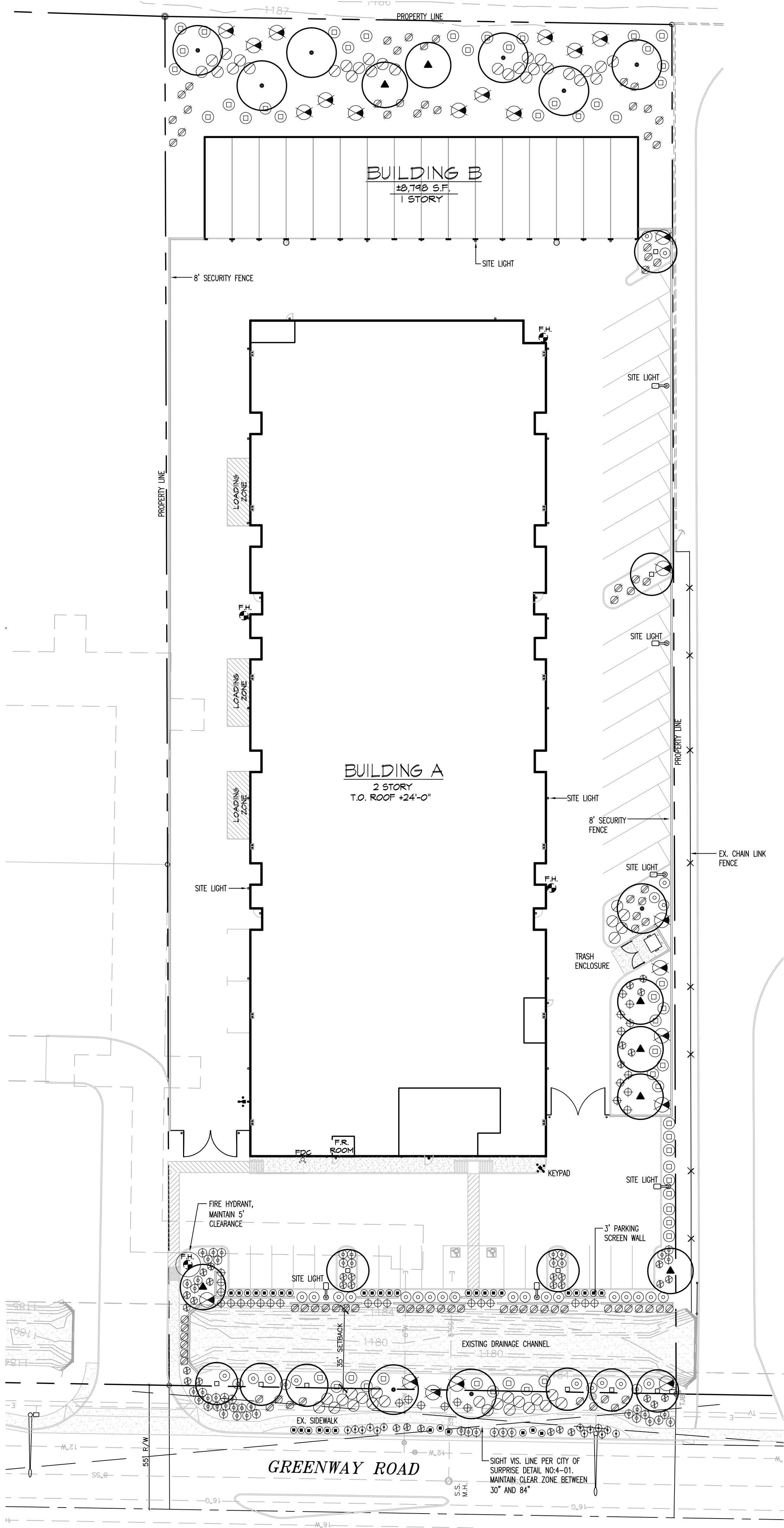
SITE PLAN

AS-101

SITE PLAN SUBMITTAL - OCTOBER 20, 2017

GENERAL LANDSCAPE NOTES

1. CONTRACTOR TO OBTAIN PERMITS FROM LOCAL AGENCIES AND UTILITY COMPANIES HAVING JURISDICTION OVER THIS SITE.
2. CONTRACTOR TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO ANY INSTALLATION.
3. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO INSTALL THE WORK INDICATED ON THE LANDSCAPE DOCUMENTS. HE SHALL BE RESPONSIBLE FOR CAREFUL SITE INSPECTION, DETAILED REVIEW OF THE PLANS, AND COORDINATION WITH OTHER CONTRACTORS ON-SITE PRIOR TO ANY INSTALLATION. ANY DISCREPANCIES SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE OWNER'S AGENT.
4. PRIOR TO INITIATING THESE LANDSCAPE IMPROVEMENTS, THE LANDSCAPE CONTRACTOR MUST SCHEDULE A PRE-CONSTRUCTION MEETING ON-SITE WITH THE APPROVAL OF THE OWNER AND THE GENERAL CONTRACTOR. THE OWNER'S REPRESENTATIVE AND/OR THE PROJECT LANDSCAPE ARCHITECT MUST BE PRESENT. THE PURPOSE OF THIS MEETING IS TO RESOLVE ANY EXISTING SITE CONDITIONS THAT MAY BE IN CONFLICT WITH THE LANDSCAPE CONSTRUCTION DOCUMENTS AND THEREFORE IMPACT THE INSTALLATION OF ANY OF THE PROPOSED IMPROVEMENTS. THIS FIRST MEETING SHOULD BE SCHEDULED TO OCCUR AT THE COMPLETION OF ON-SITE AND OFF-SITE IMPROVEMENTS INCLUDING: ALL UNDERGROUND UTILITIES, MASS GRADING, AND STREET IMPROVEMENTS.
5. DAMAGE TO EXISTING LANDSCAPING, UNDERGROUND UTILITIES, IRRIGATION LINES, ELECTRICAL LINES, ETC. SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
6. ANY DISCREPANCIES FOUND BETWEEN THE PLANS AND THE SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
7. ALL QUANTITIES PROVIDED ARE FOR BIDDING PURPOSES ONLY. LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES PRIOR TO INSTALLATION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FINISH GRADES IN LANDSCAPED AREAS. HE SHALL DETERMINE, WITH THE GENERAL CONTRACTOR, THE EXTENT OF ROUGH GRADING AND/OR FINE GRADING TO BE ESTABLISHED BY OTHERS.
9. ALL GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH THE PLANS PREPARED BY THE PROJECT CIVIL ENGINEER, OR AS DIRECTED BY THE OWNER'S AGENT. PROVIDE POSITIVE DRAINAGE AWAY FROM THE BUILDING(S) IN ALL CONDITIONS. CONTRACTOR TO MEET ALL EXISTING GRADES AT PROJECT BOUNDARIES. FINISH GRADE SHALL BE 3" BELOW THE TOP OF ADJACENT WALKS AND CURBS PRIOR TO RECEIVING MULCH OR DECOMPOSED GRANITE.
10. ALL AREAS DISTURBED DURING CONSTRUCTION TO BE FINE GRADED. ADJACENT UNDISTURBED AREAS DAMAGED OR DISTURBED TO BE RESTORED TO ITS ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE.
11. CONTRACTOR SHALL FINE GRADE ENTIRE LANDSCAPED AREA AS REQUIRED FOR INSTALLATION OF PLANTING. ALL GRADES SHALL BE NEAT, RAKED SMOOTH AND BE FREE OF DEBRIS PRIOR TO SUBSTANTIAL COMPLETION.
12. PRIOR TO SPREADING MATERIAL GROUNDCOVERS, ADJUST AND COMPACT FINISH GRADES, APPLY WEED PRE-EMERGENT SURFLAN PER MANUFACTURER'S INSTRUCTIONS. THEN SPREAD DECOMPOSED GRANITE OR MULCH AS INDICATED ON PLANS. DECOMPOSED GRANITE SHALL BE RAKED AND WATERED TO SETTLE FINES WITH A MINIMUM FINAL DEPTH OF 2". PROVIDE A SECOND APPLICATION OF THE PRE-EMERGENT SURFLAN AT THE END OF THE MAINTENANCE PERIOD.
13. ALL LANDSCAPED AREAS SHALL RECEIVE A 2" TOP DRESSING OF CRUSHED ROCK. PROVIDE SAMPLE TO OWNER'S AGENT FOR APPROVAL PRIOR TO DELIVERY.
14. STAKE LOCATIONS OF ALL TREES FOR APPROVAL PRIOR TO INSTALLATION OF ANY PLANT MATERIAL.
15. ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED (IN-LEAF) AS IS TYPICAL FOR THE SPECIES. THEY SHALL HAVE HEALTHY, WELL DEVELOPED ROOT SYSTEMS (NOT POT BOUND), A NORMAL HABIT OF GROWTH CONSISTENT WITH INDUSTRY STANDARDS, AND FREE OF ANY BRUISES, CUTS, OR OTHER ABNORMALITIES. PLANT MATERIAL SHALL BE SIZED IN ACCORDANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN; AND THE ARIZONA NURSERYMAN ASSOCIATION.
16. BACKFILL MIXTURES, EXCEPT AS NOTED, TO BE COMPRISED OF 75% NATIVE SOIL, 25% GRANULAR BARK MULCH, AND 2 LBS. DISPERSAL PER CUBIC YARD OF BACKFILL.
17. ADD AGRI-FORM FERTILIZER TABLETS AT THE FOLLOWING RATES:
1 GALLON PLANT - 1 TABLET 15 GALLON PLANT - 4 TABLETS
5 GALLON PLANT - 2 TABLET BOXED TREE - 6 TABLETS (MIN.)
TABLETS TO BE PLACED NO DEEPER THAN 6" BELOW SOIL SURFACE.
18. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS SHOWN ON PLANTING PLAN. DO NOT SUBSTITUTE PLANTS BY TYPE OR QUANTITY WITHOUT WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT OR OWNER'S AGENT.
19. THE OWNER'S AGENT RESERVES THE RIGHT TO REJECT ANY SELECTION OF PLANT MATERIAL THAT DOES NOT SATISFY THE INTENT OF THE LANDSCAPE DESIGN BASED ON: SIZE, SHAPE, EVIDENCE OF STRESS OR IMPROPER CARE.
20. PRIOR TO INITIATING THE 90-DAY MAINTENANCE PERIOD, COMPLETE ANY INITIAL PUNCH LIST ITEMS, THEN OBTAIN APPROVAL FROM OWNER'S AGENT OF SUBSTANTIAL COMPLETION. DETERMINE WITH OWNER'S AGENT THE START DATE FOR THE 90-DAY MAINTENANCE PERIOD. CONTRACTOR TO THEN MAINTAIN LANDSCAPE INCLUDING WATERING, WEEDING, PRUNING, AND REPLACEMENT OF ANY MATERIAL THAT HAS DIED OR IS SHOWING EVIDENCE OF STRESS. SUBMIT WRITTEN REQUEST FOR FINAL PUNCH LIST ONE WEEK PRIOR TO END OF MAINTENANCE PERIOD.
21. PROVIDE OWNER WITH A WRITTEN GUARANTEE OF ONE YEAR FOR ALL TREES AND SIX MONTHS FOR ALL OTHER PLANT MATERIAL DATED FROM START OF THE MAINTENANCE PERIOD AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH. PROVIDE OWNER WITH WRITTEN INSTRUCTIONS OUTLINING MAINTENANCE PROCEDURES TO BE ADOPTED IN ORDER TO PROTECT GUARANTEE. INCLUDE A SEASONAL WATERING SCHEDULE AND FERTILIZER PROGRAM.



PLANT SCHEDULE

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SIZE (HxW)	QTY.	REMARKS
○	TREES				
○	ACACIA ANEURA	24" BOX	20'x15'	10	STAKE AS REQUIRED
▲	PARKINSONIA HYBRID 'DESERT MUSEUM'	24" BOX	20'x20'	7	STAKE AS REQUIRED
○	PROSOPIS HYBRID 'PHOENIX'	24" BOX	30'x30'	9	STAKE AS REQUIRED
⊗	SHRUBS/ACCENTS				
⊗	CAESALPINIA PULCHERRIMA	5 GAL.	6'x6'	23	2 GPH EMITTER
⊗	RED BIRD OF PARADISE	3 GAL.	2'x3'	35	2 GPH EMITTER
⊗	CONVOLVULUS CNEORUM	5 GAL.	5'x5'	54	2 GPH EMITTER
⊗	BUSH MORNING GLORY	5 GAL.	3'x4'	35	1 GPH EMITTER
⊗	EREMOPHILA MACULATA	5 GAL.	3'x3'	35	2 GPH EMITTER
⊗	VALENTINE BUSH	5 GAL.	3'x4'	83	2 GPH EMITTER
⊗	HESPERALOE PARVIFLORA	5 GAL.	4'x4'	35	2 GPH EMITTER
⊗	RED YUCCA				
⊗	LEUCOPHYLLUM ZYGOPHYLLUM	1 GAL.	1'x6'	55	2 GPH EMITTER
⊗	CIMARRON SAGE	1 GAL.	1'x4'	50	2 GPH EMITTER
⊗	MUHLENBERGIA CAPILARIS	1 GAL.	2'x3'	13	2 GPH EMITTER
⊗	REGAL MIST DEER GRASS	3/4" SCREENED	24,500S.F.		2" DEPTH ALL LANDSCAPE AREAS
⊗	RUELLEA PENINSULARIS				
⊗	BAJA RUELLEA				
⊗	GROUNDCOVER				
⊗	EREMOPHILA s. 'MINGENEW GOLD'				
⊗	OUTBACK SUNRISE EMU				
⊗	DALEA CAPITATA 'SIERRA GOLD'				
⊗	GOLD TRAILING DALEA				
⊗	LANTANA MONTEVIDENSIS				
⊗	PURPLE TRAILING LANTANA				
⊗	DECOMPOSED GRANITE				
⊗	"EXPRESS GOLD"				

NOTES:

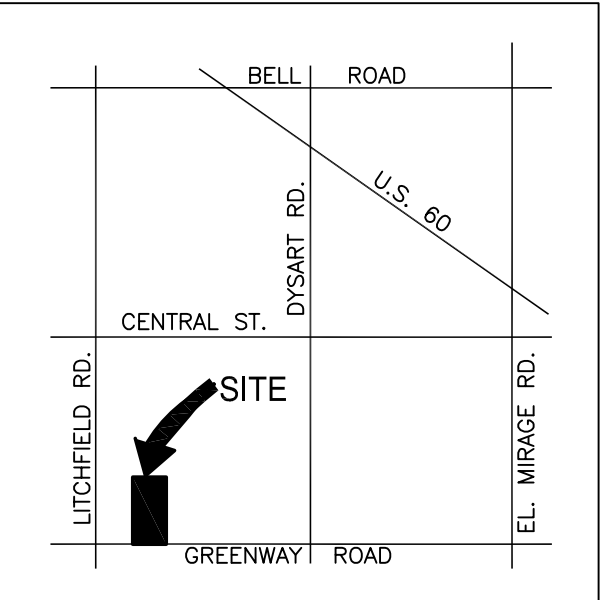
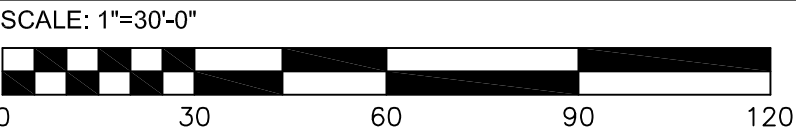
- 1) TREE HEIGHTS AND CALIPERS WILL COMPLY WITH "ARIZONA NURSERY ASSOCIATION SPECIFICATIONS" FOR THAT TYPE AND SIZE OF TREE.
- 2) LANDSCAPE TO BE WATERED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- 3) TREE ROOT BARRIERS ARE REQUIRED PER SURPRISE STANDARD DETAIL 8-14 WHEN TREES ARE WITHIN THREE(3) FEET OF SIDEWALKS, CURBS, PAVEMENT OR WALLS.

LANDSCAPE AREA	REQUIRED	PROVIDED
15% OF SITE (136,680)	20,502S.F.	21,250S.F.
DOES NOT INCLUDE DRAINAGE CHANNEL OR R.O.W.		

CITY OF SURPRISE LANDSCAPE NOTES

1. ONLY PLANTS ON THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE DROUGHT TOLERANT PLANT LIST ARE TO BE USED IN PUBLIC RIGHTS-OF-WAY.
2. CITY PLANNING DIVISION SHALL REVIEW ALL PLANTS WHEN DELIVERED TO SITE FOR ACCEPTANCE PRIOR TO PLANTING.
3. PLANT SUBSTITUTIONS MUST BE APPROVED BY THE CITY PLANNING DIVISION PRIOR TO PURCHASE. PLANT SUBSTITUTIONS WILL ONLY BE CONSIDERED AFTER CONTRACTOR SUBMITS VERIFICATION OF A MINIMUM OF FIVE NURSERIES THAT DO NOT HAVE THE SPECIFIED PLANT(S). IF THE CITY IDENTIFIES A NURSERY THE SPECIFIED PLANT(S) ARE AVAILABLE AT, CONTRACTOR WILL BE REQUIRED TO PURCHASE THOSE PLANTS AT NO ADDITIONAL COST TO THE CITY.
4. ALL UTILITY BOXES AND STRUCTURES ARE TO BE SCREENED FROM VIEW.
5. SIGHT VISIBILITY TRIANGLES/LINES SHALL BE SHOWN ON ALL LANDSCAPE IMPROVEMENT PLANS (REFER TO DETAIL 4-01 AND 4-02). TREES AND SHRUBS WITHIN THE LINE-OF-SITE SHALL BE MAINTAINED FOR A CLEAR ZONE BETWEEN 3'-FEET TO 7'-FEET.
6. ALL TREES, PLANTS, AND CACTI SHALL BE LOCATED A MINIMUM OF FIVE FEET FROM ANY FIRE HYDRANT, WATER METER, OR VAULT.
7. TREES CANNOT BE REMOVED FROM THE RIGHT-OF-WAY WITHOUT WRITTEN AUTHORIZATION FROM THE COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION.
8. TREE ROOT BARRIERS ARE REQUIRED PER SURPRISE STANDARD DETAIL 8-14 WHEN TREES ARE WITHIN 3'-FEET OF SIDEWALKS, CURBS, PAVEMENT OR WALL.
9. ALL LANDSCAPE MATERIAL INSTALLED SHALL BE MAINTAINED BY THE PROPERTY OWNER IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS.

LANDSCAPE PLAN



DEVELOPER
BOYD COMMUNITIES
XXX
SCOTTSDALE, AZ 85374
PH: (XXX) XXX-XXXX
CONTACT: JONATHAN BOYD
EMAIL:

ARCHITECT
COOPER ARCHITECTURE AND DESIGN
4730 N. 24TH PLACE
PHOENIX, AZ 85016
PH: (602) 999-7384
CONTACT: TONY COOPER
EMAIL: TCOOPER1011@GMAIL.COM

LANDSCAPE ARCHITECT
PARSONS DESIGN STUDIO
1209 W. MEDLOCK DRIVE
PHOENIX, AZ 85013
PH: (602) 999-9209
CONTACT: STEPHEN PARSONS, PLA
EMAIL: SPARSONS@PARSONSDS.COM

PARSONS DESIGN STUDIO
LANDSCAPE ARCHITECTURE / URBAN DESIGN
1209 W. Medlock Drive, Phoenix, AZ 85013



GREENWAY
SELF STORAGE

13788 W. GREENWAY ROAD
SURPRISE, ARIZONA

Revisions	
1	

PROJECT NO: 17012
DRAWN BY: SCP
DATE: 11/07/17
COPYRIGHT:
PARSONS DESIGN STUDIO

LANDSCAPE PLAN

L101
SHEET 1 OF 3

JOINTS

1. CONTRACTOR TO PROVIDE FIRE BLOCKING IN/AT ALL CONCEALED SPACES DURING THE COURSE OF FRAMING PER IBC SECTION 717

2. CONTROL JOINTS ARE TO TAKE PLACE MAXIMUM 20'-0" FOR VERTICAL RUNS. CONTROL JOINTS ARE ALSO TO TAKE PLACE AT ALL OPENINGS AND WHERE TWO DIFFERENT MATERIALS SUCH AS STUCCO/EFS AND CMU COME INTO CONTACT.

LIGHTING

ALL SITE LIGHTING INCLUDING WALL PAKS ARE TO COMPLY WITH THE CITY OF PHOENIX'S DARK SKY REGULATIONS IN PART II OF CITY CODE, SECTION 23-100, ARTICLE VII

SIGNAGE

SIGNAGE IS TO BE REVIEWED AND APPROVED UNDER SEPARATE SIGN PERMIT AND IT MUST COMPLY WITH THE SURPRISE MUNICIPAL CODE SECTION 113.

ICC-REPORT-STUCCO

ICC REPORT FOR WESTERN ONE-COAT SYSTEM.
ESR-2729

GENERAL NOTES

1. CONTRACTOR SHALL KEEP AREA CLEAN AT ALL TIMES DURING CONSTRUCTION.

2. ALL DIMENSIONS ARE TAKEN FROM FACE OF GYP. BOARD, MASONRY, OR CONCRETE UNLESS NOTED OTHERWISE (N.O.).

3. ALL DOORS ARE TYPICALLY 4" FROM WALL TO FRAME, U.N.O.

4. FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION OF ANY CABINETRY, FRAMES, STAIRS, STRUCTURAL ITEMS, ETC.

5. PROVIDE MOISTURE RESISTANT GYP. BOARD AT REQUIRED PLUMBING WALLS PER I.B.G.

6. SIGNAGE PACKAGE TO BE SUBMITTED UNDER SEPARATE PERMIT.

7. FIRE EXTINGUISHER (IFE) CABINETS ARE TO BE MOUNTED ON WALL. CONTRACTOR TO VERIFY WALL WIDTH AND OPENING PRIOR TO CONSTRUCTION. 2-A: 10-B C AS A MINIMUM.

8. LOCATE FIRE EXTINGUISHERS AT A MAX. TRAVEL DISTANCE OF 75'-0" APART OF PER THE DIRECTION OF THE FIRE MARSHALL.

9. SEE SHEET A-101 FOR DOOR TYPES.

10. ALL MILLWORK SHALL BE ARCHITECTURAL GRADE AND HAVE DOVETAIL JOINTS AT ALL DRAWERS.

11. SEE ELECTRICAL FOR FURTHER LIGHTING INFORMATION.

12. SEE MECHANICAL FOR FURTHER MECHANICAL INFORMATION.

13. SEE SHEET A-101 FOR WINDOW TYPES.

KEYNOTES

1. WESTERN ONE-COAT STUCCO

2. FAUX WINDOW

3. DOUBLE PANE WINDOW

4. HVAC UNIT BEYOND PARAPET

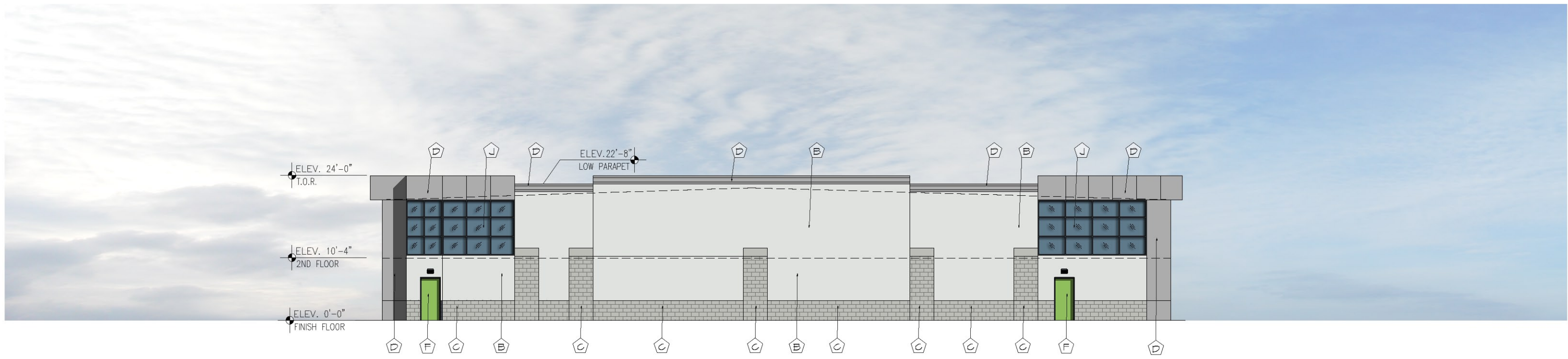
5. STORE FRONT WINDOW

6. ROOF DRAINS

7. INTERIOR FLOOR LINE BEYOND WALL



1 SOUTH ELEVATION-MAIN ENTRANCE
SCALE: 1/16"=1'-0"



2 NORTH ELEVATION
SCALE: 1/16"=1'-0"



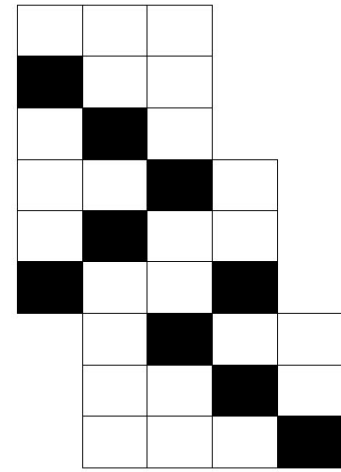
3 EAST ELEVATION
SCALE: 1/16"=1'-0"



4 WEST ELEVATION
SCALE: 1/16"=1'-0"

COLOR/MAT'R LEGEND		
A	DECORATIVE DIAMOND SCORE	"EXR WASABI GREEN"
B	PRIMARY EXTERIOR WALLS WESTERN ONE-COTE STUCCO	SHERWIN WILLIAMS "NEBULOUS WHITE" SW7065
C	EXTERIOR WALLS WESTERN ONE-COTE STUCCO WAINSCOT-8x8x16 CMU BLOCK	SHERWIN WILLIAMS "ARGOS" SW7065
D	CORNICE/DECOR. TRIM	"SILVERSMITH" SILVER METALLIC
E	SECURITY GATE/ ORNAMENTAL FENCING	SHERWIN WILLIAMS "INK WELL" SW6992
F	MAN DOOR	"EXR WASABI GREEN"
G	METAL ROLL-UP DOOR./ACCENTS	"EXR WASABI GREEN"
H	WALL SCONCE	INCON LIGHTING 717 SECURITY WALL PAK MODEL No. 947114G
I	CMU WALL	SHERWIN WILLIAMS "ARGOS" SW7065
J	FAUX WINDOW	SPANDREL GLASS

C.A.D.
COORD. ARCHITECTURE
AND DESIGN
4750 N. 24TH PL.
PHOENIX, AZ 85016
(602) 640-1884 PHONE
(480) 454-5215 FAX



**PROGRESS
PLAN
NOT FOR
CONSTRUCTION**

CITY COMMENTS
10-20-17

**GREENWAY
SELF STORAGE**
13788 W. GREENWAY RD
SURPRISE, ARIZONA

building permit #:

PROJECT NUMBER: BC65
DRAWN BY: TC
CHECKED BY: TC
DATE: 20-OCTOBER-17

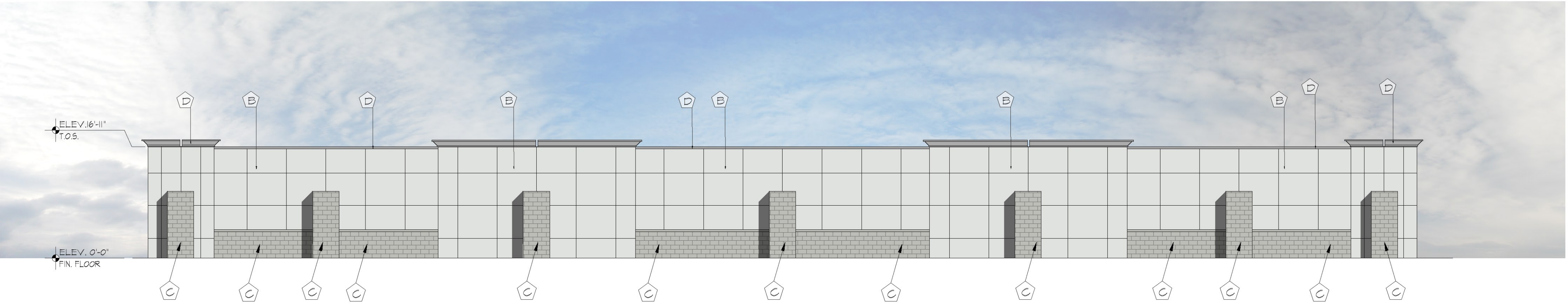
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ELEVATIONS

A501

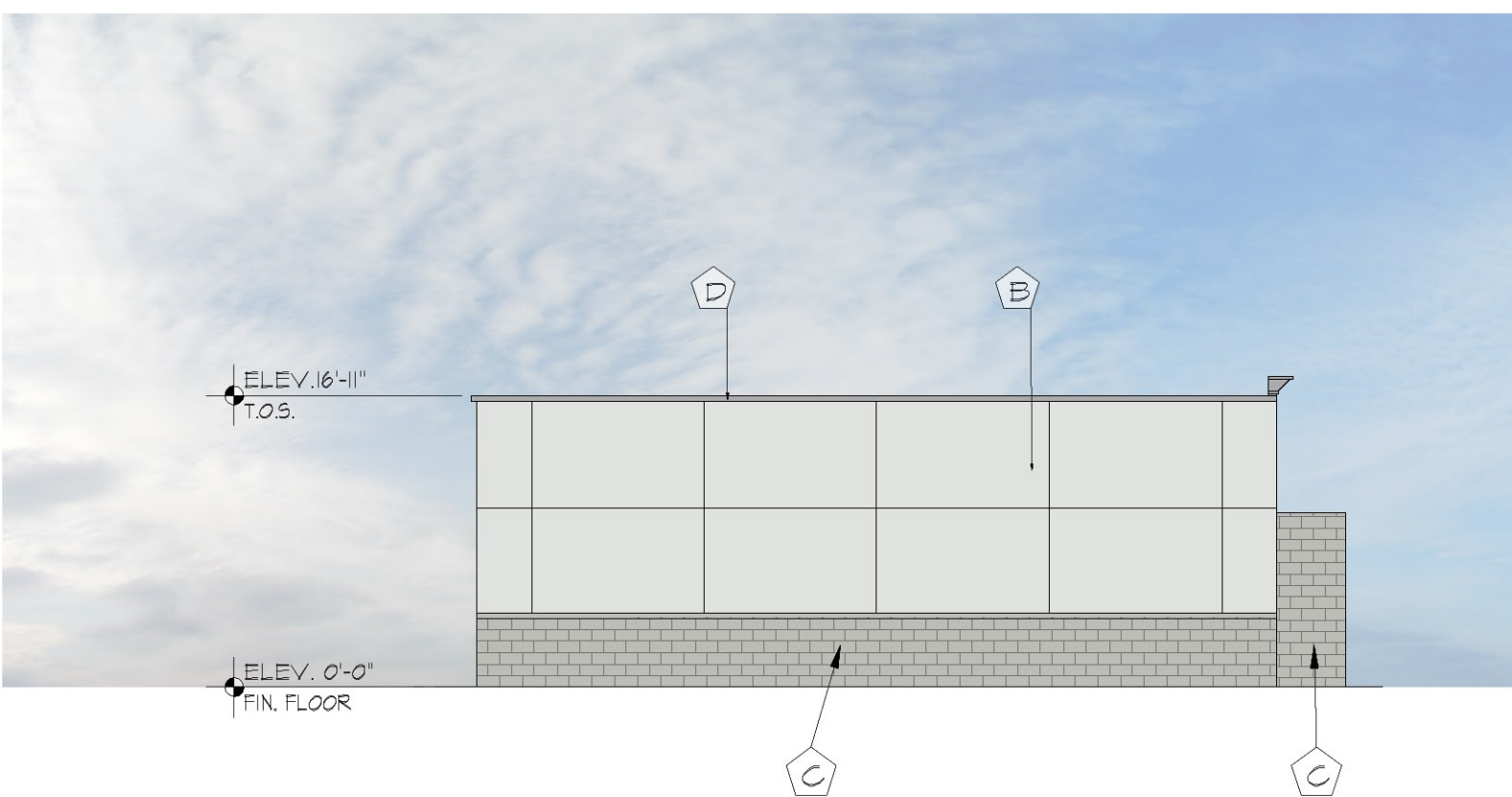
SITE PLAN SUBMITTAL - OCTOBER 20 2017



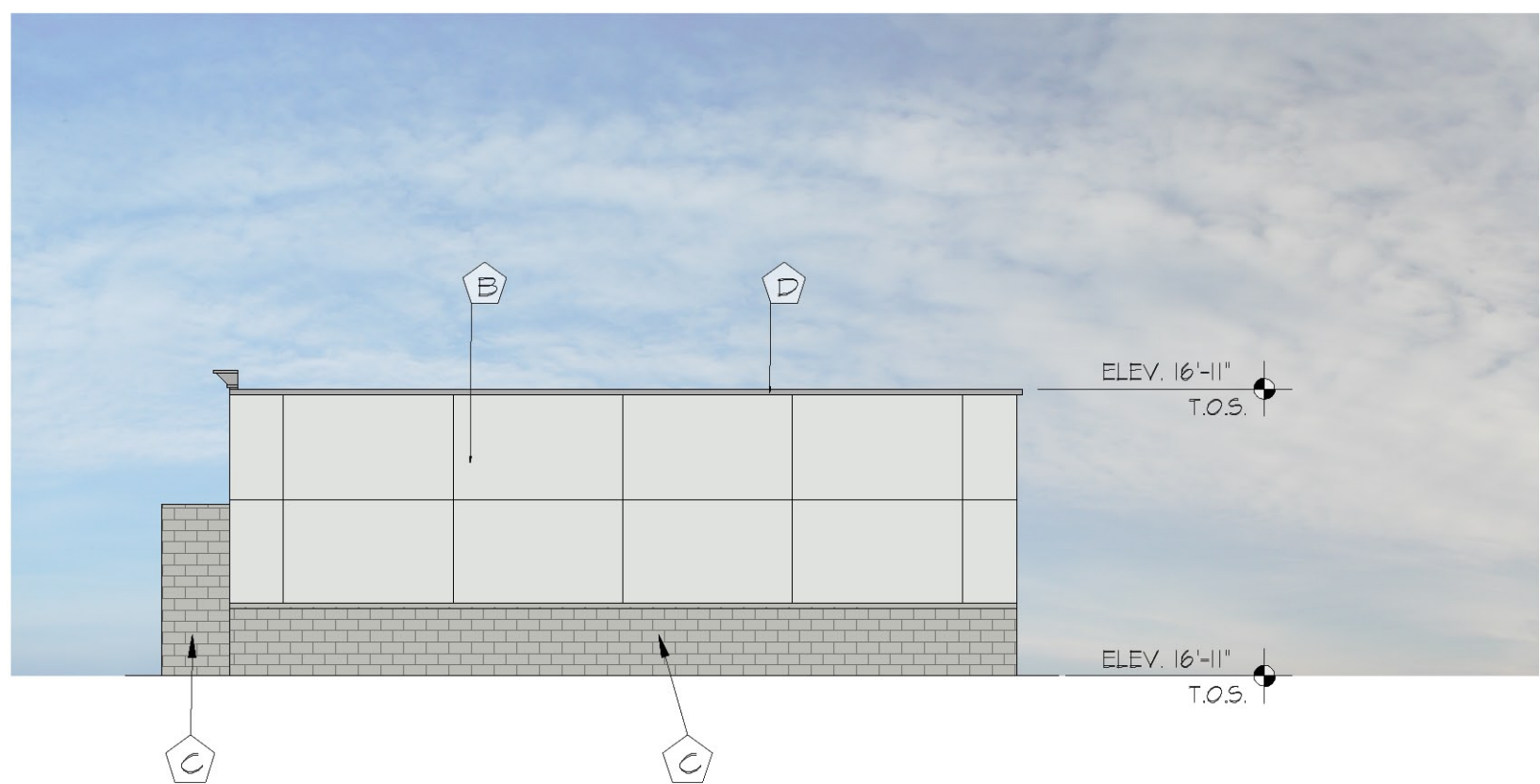
1 SOUTH ELEVATION
SCALE: 3/32"=1'-0"



2 NORTH ELEVATION
SCALE: 1/8"=1'-0"



4 EAST ELEVATION
SCALE: 3/32"=1'-0"

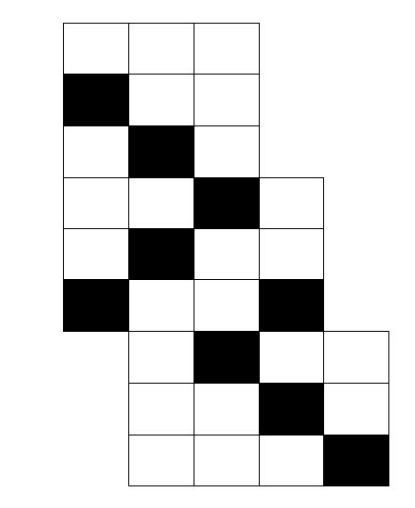


3 WEST ELEVATION
SCALE: 3/32"=1'-0"

COLOR/MAT'R LEGEND		
A	DECORATIVE DIAMOND SCORE	"EXR WASABI GREEN"
B	PRIMARY EXTERIOR WALLS WESTERN ONE-COTE STUCCO	SHERWIN WILLIAMS "NEBULOUS WHITE" SW7065
C	EXTERIOR WALLS WESTERN ONE-COTE STUCCO WAINSCOT-8x8x16 CMU BLOCK	SHERWIN WILLIAMS "ARGOS" SW7065
D	CORNICE/DECOR. TRIM	"SILVERSMITH" SILVER METALLIC
E	SECURITY GATE/ ORNAMENTAL FENCING	SHERWIN WILLIAMS "INK WELL" SW6992
F	MAN DOOR	"EXR WASABI GREEN"
G	METAL ROLL-UP DOOR./ACCENTS	"EXR WASABI GREEN"
H	WALL SCONCE	INCON LIGHTING 717 SECURITY WALL PAK MODEL No. 947114G
I	CMU WALL	SHERWIN WILLIAMS "ARGOS" SW7065
J	FAUX WINDOW	SPANDREL GLASS

- GENERAL NOTES
1. CONTRACTOR SHALL KEEP AREA CLEAN AT ALL TIMES DURING CONSTRUCTION.
 2. ALL DIMENSIONS ARE TAKEN FROM FACE OF GYP. BOARD, MASONRY, OR CONCRETE (UNLESS NOTED OTHERWISE (UNO)).
 3. ALL DOORS ARE TYPICALLY 4" FROM WALL TO FRAME (UNO).
 4. FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION OF ANY CABINETRY, FRAMES, STAIRS, STRUCTURAL ITEMS, ETC.
 5. PROVIDE MOISTURE RESISTANT GYP. BOARD AT REQUIRED PLUMBING WALLS PER IBC.
 6. SIGNAGE PACKAGE TO BE SUBMITTED UNDER SEPARATE PERMIT.
 7. FIRE EXTINGUISHER (FE) CABINETS ARE TO BE MOUNTED ON WALL. CONTRACTOR TO VERIFY WALL WIDTH AND OPENING PRIOR TO CONSTRUCTION. 2-A: 10-B C AS A MINIMUM.
 8. LOCATE FIRE EXTINGUISHERS AT A MAX. TRAVEL DISTANCE OF "10'-0" APART OF PER THE DIRECTION OF THE FIRE MARSHALL.
 9. SEE SHEET A-101 FOR DOOR TYPES.
 10. ALL MILLWORK SHALL BE ARCHITECTURAL GRADE AND HAVE DOVETAIL JOINTS AT ALL DRAWERS.
 11. SEE ELECTRICAL FOR FURTHER LIGHTING INFORMATION.
 12. SEE MECHANICAL FOR FURTHER MECHANICAL INFORMATION.
 13. SEE SHEET A-101 FOR WINDOW TYPES.

C.A.D.
COORDINATOR
ARCHITECTURE
AND DESIGN
4750 N. 24TH PL.
PHOENIX, AZ 85016
(602) 640-1884 PHONE
(480) 454-5215 FAX



GREENWAY
SELF STORAGE
13788 W. GREENWAY RD
SURPRISE, ARIZONA

building permit #:

PROJECT NUMBER: BC55
DRAWN BY: TC
CHECKED BY: TC
DATE: 20-OCTOBER-17

TITLE
BUILDING
EXTERIOR
ELEVATIONS
A502

SITE PLAN SUBMITTAL - OCTOBER 20 2017

GREENWAY SELF STORAGE

13788 W. GREENWAY RD
SURPRISE, ARIZONA

Neighborhood Outreach Meeting

DATE: OCTOBER 11, 2017
TIME: 6:00PM TO 8:00PM
LOCATION: WINDMILL SUITES

ATTENDEES:

ANDY CEPAN	getsurprise@cox.net	NEIGHBOR
DEANN MARKOSIAN	deann.markosian@russlyon.com	OWNERS AGENT
TOD KEAN	tod@bondedlogic.com	OWNER/INVESTOR
LLOYD ABRAMS	lloyd@surpriseaz.gov	C.O.S.
SHIRLEY PHAN	Shirley.phan@surpriseaz.com	C.O.S.
UNNAMED GUEST - REPRESENTED THE FUTURE SITE ON LITCHFIELD. WOULD NOT SIGN IN NOR WOULD SHE GIVE US HER NAME.		
KEN REMLEY	ken.remley@surpriseaz.com	COUNCIL MEMBER
TONY COOPER, SR	tcooper1011@gmail.com	DESIGN TEAM

MATERIALS PRESENT: (2) FOAM CORE BOARDS
(1) 24X36 SITE PLAN
(1) 24X36 COLORED ELEVATIONS

- Meeting was called to order on time at 6:00PM.
- Tony Cooper opened the meeting with a description of the site layout
- Tony Cooper gave a description of the colored elevations.
- Mr. Andy Cepan asked several questions...
 - How big is the building?
 - Are the colors right for this area.
 - Is there a demand for the amount of storage we are presenting.
 - Any security on site.
 - Will the property wall be painted.
 - Height of property wall.
- Tony Cooper answered all the questions from the neighbor.

-The unnamed guest was there to check on the progress vs their project. She refused to give her name or even say anything.

-Mr. Cepan eventually stated he is not opposed to the project.

-Council member Ken Remley joined the meeting late.

-Council member Remley Asked questions regarding to color, size and the demand.

-All questions raised by Council Member Remley were answered by Tony Cooper.

-Tony Cooper asked Lloyd if they could submit for an at risk grading and drainage plan.

-Lloyd said the reviewer must review the plans at least one time
And then he will determine if the plans were good enough to
To issue the At Risk.

-Tony Asked Lloyd if they could submit the construction documents at Risk.

-Lloyd said they typically do not like to take in construction documents
In before the C.U.P. is approved.

-Mr. Remley left the meeting.

-The mysterious women left the meeting.

-Lloyd and Shirley left the meeting

-Deann left the meeting.

-Tony and Tod were the last two to leave the meeting.



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

14 September 2017

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Heather Donaldson
Planning Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS17-519; Greenway Self Storage

Dear Ms. Donaldson

Thank you for the opportunity to comment on the Conditional Use Permit for Greenway Self Storage. The project is located on 3.4 acres at 13788 W. Greenway Road in Surprise AZ. The plan calls for the construction of a 96,500 square foot, two-story air-conditioned self-storage facility. The site is located .51 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, the request to construct a self-storage facility at the site listed above will not negatively impact flying operations at Luke AFB. If approved the site will be located within the "territory in the vicinity of a military airport," and will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenants about Luke AFB operations.

If you have any questions, please contact my Community Planner, Ms. Barbara Plante at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to be "J. R. Mitchell", is written over a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Michael S. Richardson, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

From: [Debbie Trasancos](#)
To: [Heather Donaldson](#)
Cc: [Chris Cain](#); [Leslie Jarrell](#)
Subject: RE: FS17-519 - Greenway Self Storage Electronic Submittal
Date: Wednesday, September 06, 2017 5:54:52 AM

Heather,

Thank you for providing the electronic submittal for Greenway Self Storage (FS17-519).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water District
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
debbiet@mwdaz.com

From: Heather Donaldson [mailto:Heather.Donaldson@surpriseaz.gov]
Sent: Tuesday, September 05, 2017 3:42 PM
To: 'Barbara Plante - Luke' <barbara.plante@us.af.mil>; 'Brad Finke - EPCOR' <bfinke@epcor.com>; Chris Cain <ChrisC@mwdaz.com>; Christina Betz <Christina.Betz@surpriseaz.gov>; Debbie Trasancos <DebbieT@mwdaz.com>; 'Denise Lacey' <deniselacey@mail.maricopa.gov>; Donna Miller <Donna.Miller@surpriseaz.gov>; Leslie Jarrell <LeslieJ@mwdaz.com>; 'Lynndsay O'Neill' <lynndsayoneill@mail.maricopa.gov>; 'Mark Frago' <fragom@mail.maricopa.gov>; 'Paul Jackson' <paul.j.jackson@usps.gov>; 'Project Coordinator' <redletter@azdot.gov>; 'Theresa Tysiak - USPS' <theresa.a.tysiak@usps.gov>; Timothy Klarkowski <Timothy.Klarkowski@surpriseaz.gov>; 'Vern Wolfley - MAG' <vwolfley@azmag.gov>
Cc: Shirley Phan <Shirley.Phan@surpriseaz.gov>; Jamie Sullivan <Jamie.Sullivan@surpriseaz.gov>
Subject: FS17-519 - Greenway Self Storage Electronic Submittal

Good Afternoon,

Attached please find the submittal documents for the above referenced project. Please do not hesitate to contact me if you have any questions or need further clarification.

Thank you,

Heather Donaldson

Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3133 t

623.222.3001 f

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1

05 Sep 2017 22:42:14 -0000

From: [Dennis Haley](#)
To: [Heather Donaldson](#)
Cc: [Vanessa Nunez](#)
Subject: FS17-519/CR17-192 Greenway Self Storage
Date: Wednesday, September 06, 2017 2:10:18 PM
Attachments: [image003.jpg](#)

RE: FS17-519/CR17-192
Greenway Self Storage
13788 W. Greenway Rd.

Attn: Heather Donaldson

Thank you for your notice for the above-referenced development.
After review, the development location is more than 1/4 mile from any ADOT proposed or existing highway facility. As such, ADOT has no comment.

Please feel free to contact me should you have any further questions. We appreciate the opportunity to review and comment.

Dennis Haley, SR/WA
Right of Way Agent III
ADOT ROW Project Coordinator
Federal Lands Liaison

205 S. 17th Ave MD: 612E
Phoenix, AZ 85007
602-712-7432
WWW.AZDOT.GOV



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PUBLIC ENGAGEMENT FORM

PROJECT TITLE: FS17-519 Greenway Storage

OVERALL PUBLIC INVOLVEMENT LEVEL:

The applicant held a Citizen Review meeting on October 11, 2017 at 12545 W. Bell Road. Informational mailers were sent to properties within 300 feet of the project, and advertisements were posted in a local newspaper. Surprise residents attended to ask questions about the project and to show support.

IDENTIFY STAKEHOLDERS:

Property owners in the immediate area.

OBJECTIVES:

This Conditional Use Permit will allow the builder to construct a new Residential Storage (Mini-Warehouse).

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) October 11, 2017 6:00pm - 7:00pm

Future Council Work Session/Meetings target dates N/A

Election dates (if applicable) N/A

Project start/completion dates N/A

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Sergio Angulo - Community Development
Submitting Department:	CD Boards and Commissions	District:	4
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and action on the Conditional Use Permit to allow for a new Vehicle Service – Major Repair Facility in a portion of lot 6b of the Bell & Dysart Commerce Center generally located north of Bell Road and east of Dysart Road.

Motion:

I move to approve/deny the Conditional Use Permit to allow for a new Vehicle Service – Major Repair Facility in a portion of lot 6b of the Bell & Dysart Commerce Center generally located north of Bell Road and east of Dysart Road.

Background:

On August 14, 2017 Moderna Architects submitted a request for a Conditional Use Permit to allow for a new Vehicle Service – Major Repair Facility in a portion of lot 6b of the Bell & Dysart Commerce Center generally located north of Bell Road and east of Dysart Road.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS17-482 Champs Family Automotive - Staff Report](#)
- ☐ [01 - FS17-482 Champs Family Automotive - Vicinity Map](#)
- ☐ [02 - FS17-482 Champs Family Automotive - Site Plan](#)
- ☐ [03 - FS17-482 Champs Family Automotive - Landscape Plan](#)
- ☐ [04 - FS17-482 Champs Family Automotive - Elevations](#)
- ☐ [05 - FS17-482 Champs Family Automotive - Luke AFB Letter](#)

- ☐ [06 - FS17-482 Champs Family Automotive - ADOT Comments](#)
- ☐ [07 - FS17-482 Champs Family Automotive - MWD Comments](#)
- ☐ [08 - FS17-482 Champs Family Automotive - Citizen Participation Report](#)
- ☐ [09 - FS17-482 Champs Family Automotive - Public Engagement Form](#)
- ☐ [10 - FS17-482 Champs Family Automotive - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

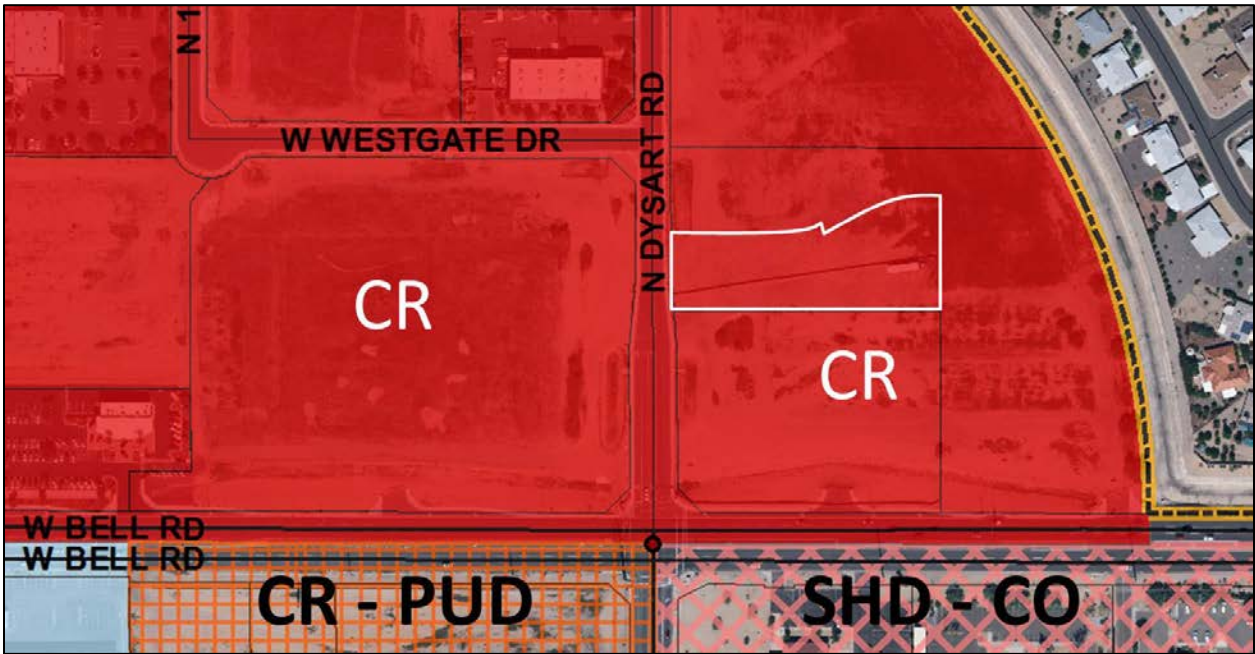
Sergio Angulo, Planner

Conditional Use Permit

REPORT TO THE PLANNING AND ZONING COMMISSION

1	Case:	FS17-482
2		
3	Project Name:	Champs Family Automotive
4		
5	Council District:	4 – MULBERRY
6		
7	Meeting Date:	December 7, 2017
8		
9	Planner:	Sergio Angulo
10		
11		
12	Owner:	NEC Bell & Dysart LLC
13		
14	Applicant:	Moderna Architects
15		
16	Request:	Conditional Use Permit for a Major Vehicle Repair Facility.
17		
18	Site Location:	Generally north of Bell Road and east of Dysart Road.
19		
20	Site Size:	1.54 Acres (approx.)
21		
22	General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035 as
23		proposed under case FS17-482.
24		
25	Support/Opposition:	During the applicant's Citizen Outreach meeting two residents
26		showed their support for this project. No opposition is known.
27		
28	Staff Recommendation:	Staff recommends the Commission move to approve case FS17-482,
29		subject to stipulations 'A' - 'E'.

30 **Existing Land Zoning:**



Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)
Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)
Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)

31 **History:**

32
33 **May 23, 1996:** The subject parcel was annexed into the City.

34
35 **June 1, 2017:** Staff met with the applicant to discuss the project during a regularly scheduled
36 Concept Review meeting under CR17-428.

37
38 **August 14, 2017:** The applicant filed a request for a Conditional Use Permit approval for a new
39 Vehicle Service – Major Repair Facility.

40
41 **October 30, 2017:** The applicant held a Citizen Outreach Meeting which was properly advertised.
42 Two (2) council members and two (2) residents of Surprise attended to show their support of the
43 project. The residents also encouraged the developer to hire locally and to continue to be an active
44 member of the community.

45 **Project Description:**

46
47 Michael March with Moderna Architects on behalf of NEC Bell & Dysart LLC, requests approval of a
48 Conditional Use Permit to allow for a new Vehicle Service – Major Repair Facility in a portion of lot
49 6b of the Bell & Dysart Commerce Center generally located north of Bell Road and east of Dysart
50 Road. The proposed business, Champ’s Family Automotive, has an existing facility located in the
51 Surprise Commerce Center, west of Dysart Road and north of Foxfire Drive. The proposed facility
52 will allow the business to expand its services and increase the number of employees.
53

54 The subject property is zoned Regional Commercial (CR). The SUDC lists Vehicle Service – Major
55 Repair Facility as a Conditionally Permitted Use in CR zoning districts. Additionally, the SUDC
56 requires an analysis of the proposed use to be based on the use specific standards listed under
57 section 122-109 of the SUDC. These standards include the following:
58

59 **Sec. 122-109. – Vehicle Service**

60 (a) *Major repair.* When allowed, major repair vehicle service facilities shall be subject to the
61 following requirements:
62

- 63 (1) All repair and service work shall be performed within a completely enclosed building.
64
65 (2) Openings to the service bays shall not face public rights-of-way and shall be designed
66 to minimize noise and visual intrusion into adjoining properties.
67
68 (3) No used or discarded automotive parts or equipment shall be located or stored in any
69 open area outside of the enclosed building.
70
71 (4) No dismantling, re-manufacturing, or rebuilding shall be permitted unless it is clearly
72 incidental to the business and the product is sold at retail at the location.
73
74 (5) All disabled vehicles shall be stored in an area that is screened from view from the
75 surrounding properties and adjoining streets. Vehicles shall not be stored on the
76 property longer than 30 days.
77

78 This Conditional Use Permit application has been reviewed against those standards. Staff finds that
79 this Site Plan application conforms to the requirements set under this section of the SUDC.
80

81 The proposed project is part of a phased development of approximately 6.9 acres that wraps
82 around the Cobalt development on the north and east sides. This proposed project covers
83 approximately 1.54 acres of the overall site. This site will be accessed from Dysart Road and two (2)
84 future shared access points from the north and the east. The site also proposes good pedestrian
85 connectivity to the parcel to the future development to the north and to the existing sidewalk along
86 Dysart Road. These pedestrian paths will be built as part of this phase of development.

As part of this development, the applicant is proposing 14 public parking spaces and 12 screened RV spaces, for a total of 26 spaces which meet the requirements of the SUDC. Two (2) of the public spaces will be handicap-accessible. Stipulations 'B' and 'C' ensure that a screening fence is installed along the parking spaces that front on to Dysart Road. The trash enclosure is proposed to be located on the south part of the property and will be screened with a decorative wall. The refuse enclosure materials and colors will match the main building.

The site proposes the building location towards the west property with the parking located west of the building. The applicant proposes the location of the garage bay doors to the north and south of the building, keeping those from facing to the public. To the east of the building the site proposes a gated area to screen the vehicles being serviced from the public. Although this area will not be accessible to the public, the applicant will provide access to the gated area for emergency vehicles.

On-site the applicant is proposing 22% of landscape coverage, which meets the 15% minimum requirement. In addition to the proposed landscape onsite, the applicant will also be installing the landscape along Dysart Road. The proposed landscaping meets the requirements of the SUDC and will complement the existing Cobalt development to the south.

The proposed architecture will complement the surrounding areas. The applicant proposes a mixture of metal and a stone veneer similar to the stone used on the adjacent development to the south. The colors and materials for all screening walls and fences will also match the main building and the development to the south.

The applicant also included a lighting photometric study with the application which meets the lighting requirements of the SUDC.

Summary:

Staff believes by accepting and incorporating stipulations 'A' through 'E' the proposed Conditional Use Permit will meet the requirements of the SUDC and the General Plan.

Findings:

- The proposed Conditional Use Permit is consistent with the Surprise General Plan 2035.
- The proposed Conditional Use Permit will meet the provisions of the SUDC as applicable once all stipulations are met.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to **approve** case FS17-482, subject to stipulations 'A' - 'E' as outlined below:

- A. This Conditional Use Permit is considered Not Approved until such time the accompanying Final Plat under case number, FS17-570, is approved by the Mayor and City Council.
- B. The Site Plan prepared by Moderna Architects, date received November 13, 2017 will be revised and submitted for review to include a decorative wall not less than three (3) feet in height to screen the parking area on the west side of the property.
- C. The Landscape Plans prepared by Waibel & Associates Landscape Architecture, date received November 13, 2017 will be revised and submitted for review to include a decorative wall not less than three (3) feet in height to screen the parking area on the west side of the property.
- D. This Conditional Use Permit is valid for one (1) year after approval by the Planning and Zoning Commission. This Conditional Use Permit shall expire on the one (1) year anniversary of approval, unless construction commences prior to that date.
- E. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

However, should the Commission wish to recommend **denial** of the request, the Commission should make its own findings and base its decision on those alternative findings.

Attachments:

- 01 Vicinity Maps
- 02 Site Plan
- 03 Landscape Plan
- 04 Building Elevations
- 05 Luke AFB Comments
- 06 ADOT Comments
- 07 MWD Comments
- 08 Citizen Participation Report

VICINITY MAP





SURPRISE
ARIZONA

FS17-482

**Champs Family Auto
Conditional Use Permit**

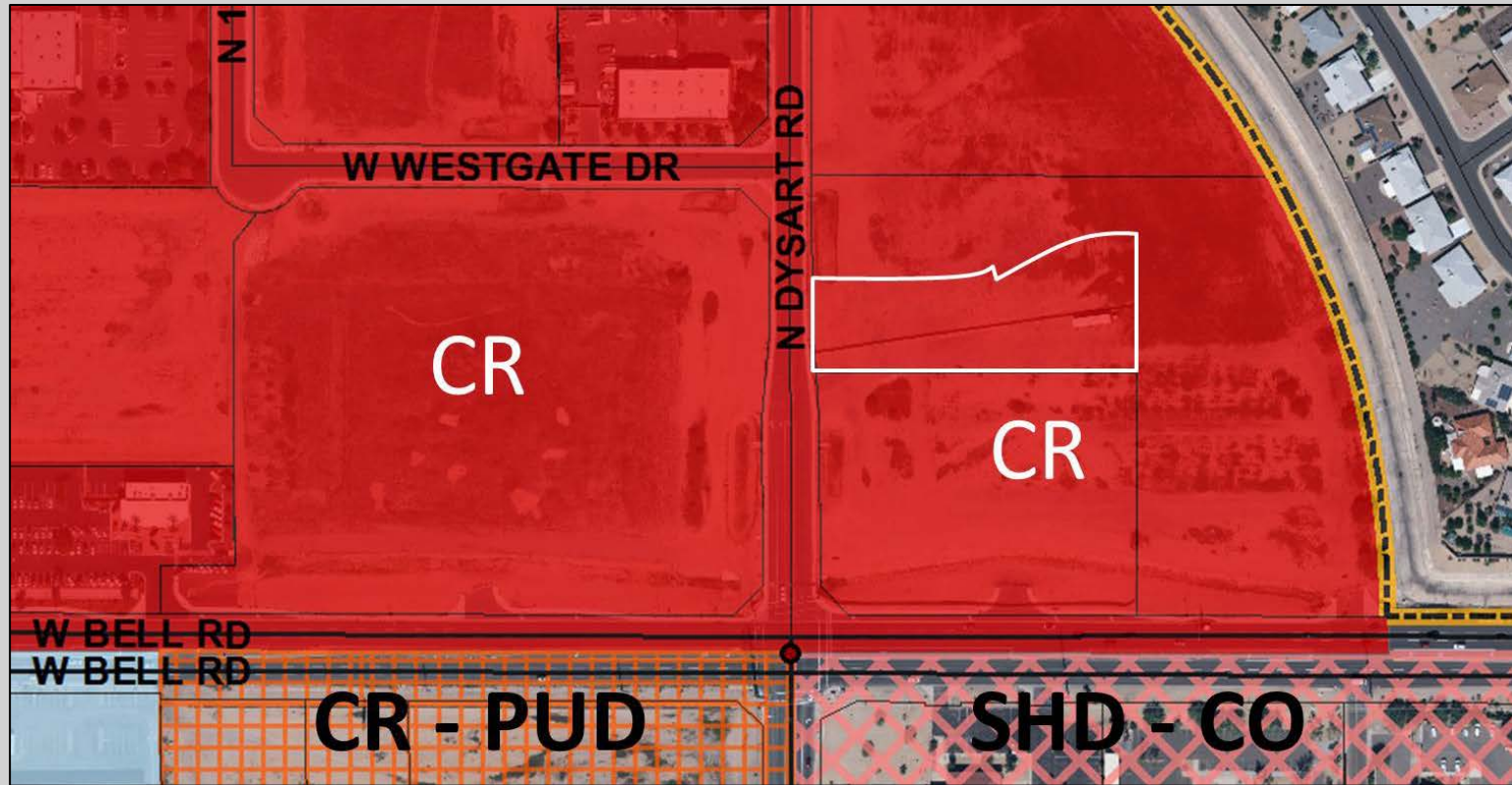
Planning and Zoning Commission

December 7, 2017

VICINITY MAP

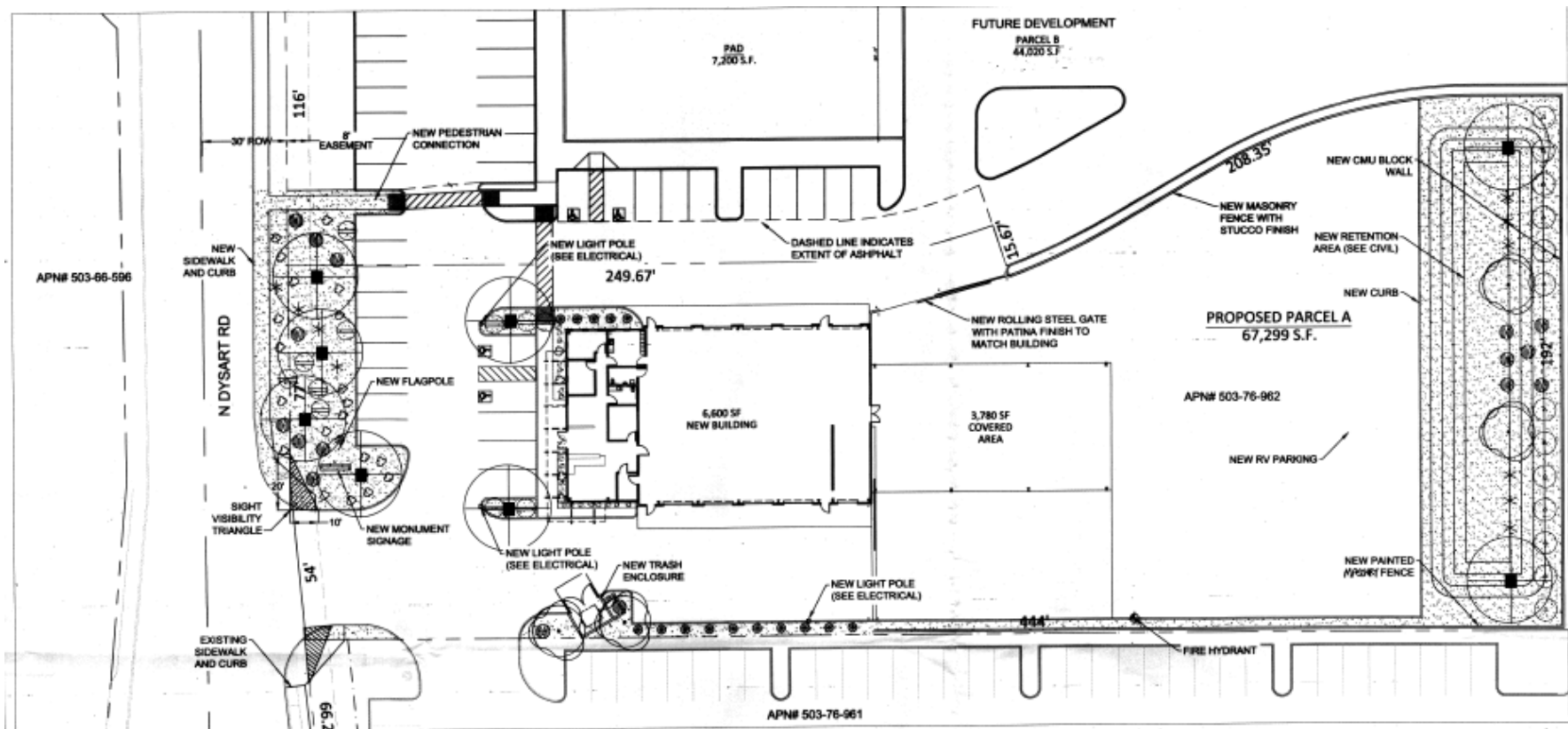


SURROUNDING ZONING





LANDSCAPE PLAN



ELEVATIONS



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATIONS



4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

STAFF RECOMMENDATION

Staff Recommendation:

- Approval subject to Stipulations A – E





SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



moderna

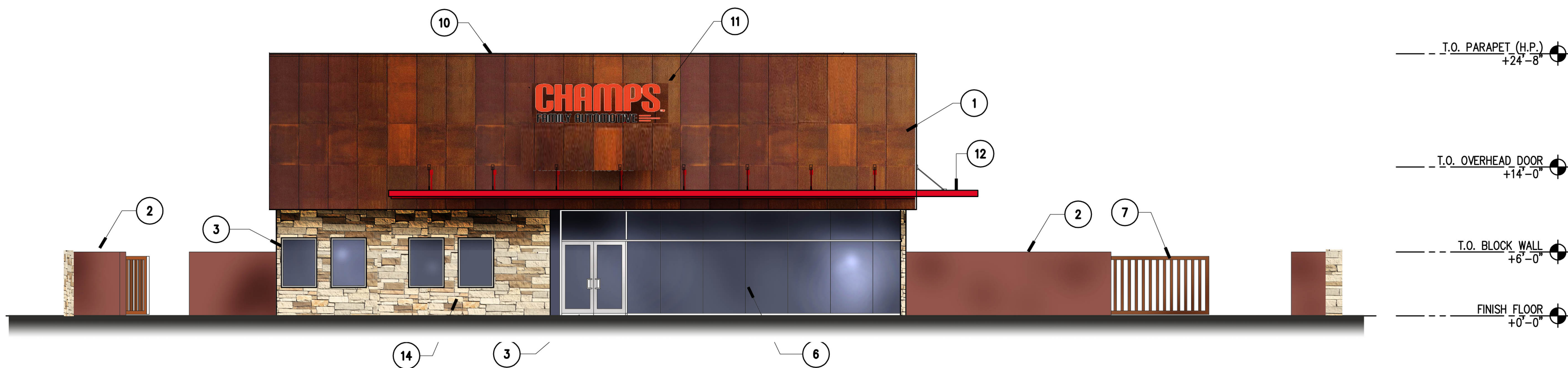
architecture | design

moderna architects
7051 east 5th avenue, suite g
scottsdale, arizona 85251
v:480.427.4174 f:480.427.4974

NICHOLAS DEVELOPMENT GROUP, LLC.
General Contractors*Commercial*Residential

KEYED NOTES

1. PREFINISHED CORRUGATED METAL SIDING "STREAKED RUST"
2. STUCCO FINISH OVER MASONRY FENCE
3. ALUM. WINDOW SYSTEM -CLEAR ANODIZED W/ DARK GREY TINT GLAZING TO MATCH COBALT
4. OVERHEAD COILING DOOR -PAINTED
5. PREFINISHED SHEETMETAL DOOR TRIM -DARK BROWN
6. BUTT GLAZED ALUM. STOREFRONT SYSTEM -FINISH AND GLAZING TO MATCH COBALT
7. ROLLING STEEL GATE W/ PATINA FINISH TO MATCH BUILDING
8. PREFINISHED METAL ROOFING OVER PREFABRICATED STEEL CANOPY
9. EXPOSED STEEL CANOPY STRUCTURE -PAINTED
10. CLEAR ANODIZED ALUMINUM COPING
11. SIGNAGE -BY OTHERS UNDER SEPARATE PERMIT
12. STEEL CANOPY STRUCTURE -PAINTED
13. EXPOSED BUILDING STRUCTURE -PAINTED
14. SYNTHETIC STONE VENEER FINISH TO MATCH COBALT



2 WEST ELEVATION
SCALE: 1/8" 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" 1'-0"

revision:

09.07.2017	PROGRESS REVIEW
10.08.2017	BANK APPRAISAL
10.21.2017	SITE PLAN RESUBMITTAL

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drawn by: VA
reviewed by: MM
project no.: 1628.00
date: 10.08.2017
seal:



Expires 12.31.2019

BUILDING ELEVATIONS



moderna

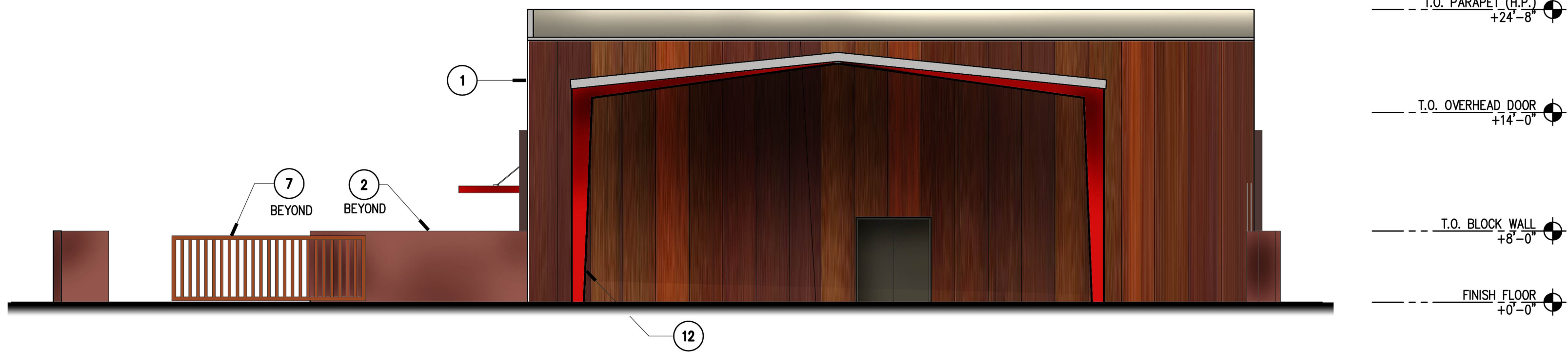
architecture | design

moderna architects
7051 east 5th avenue, suite g
scottsdale, arizona 85251
v:480.427.4174 f:480.427.4974

NICHOLAS DEVELOPMENT GROUP, LLC.
General Contractors•Commercial•Residential

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11. SIGNAGE –BY OTHERS UNDER SEPARATE PERMIT
12. STEEL CANOPY STRUCTURE –PAINTED
13. EXPOSED BUILDING STRUCTURE –PAINTED
14. SYNTHETIC STONE VENEER FINISH TO MATCH COBALT



4 EAST ELEVATION
SCALE: 1/8" 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" 1'-0"

revision:

09.07.2017	PROGRESS REVIEW
10.08.2017	BANK APPRAISAL

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drawn by:	VA
reviewed by:	MM
project no.:	1628.00
date:	10.08.2017

seal:



Expires 12.31.2019

BUILDING ELEVATIONS



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

22 August 2017

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Heather Donaldson
Planning Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS17-482; Champ's Family Automotive

Dear Ms. Donaldson

Thank you for the opportunity to comment on the Conditional Use Permit for Champ's Family Automotive. The site which is currently zoned as regional commercial is located north of the northeast corner of Dysart and Bell Roads in the Dysart Commerce Center in Surprise AZ. The request is for the development of an automotive and recreational vehicle repair facility, which will consist of a 6,600 square foot free-standing building consisting of eight service bays, parts storage, a customer service lobby and lounge, as well as Champ's offices and employee support areas. An additional covered outdoor area adjacent to the service bays within a secured, fenced yard area will be used for additional service area for larger recreational vehicles. The site is 1.8 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, a conditional use permit for the facility stated above will not negatively impact flying operations at Luke AFB. If approved the site will be located within the "territory in the vicinity of a military airport," and will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenants about Luke AFB operations.

If you have any questions, please contact my Community Planner, Ms. Barbara Plante at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read "J. Mitchell", is written over a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Michael S. Richardson, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

From: [Dennis Haley](#)
To: [Heather Donaldson](#)
Cc: [Vanessa Nunez](#)
Subject: FS17-482 Champ's Family Automotive
Date: Friday, August 25, 2017 10:04:29 AM
Attachments: [image003.jpg](#)

RE: FS17-482
Champ's Family Automotive
NEC Bell & Dysart

Attn: Heather Donaldson:

Thank you for your notice for the above-referenced development.
After review, the development location is more than 1/4 mile from any ADOT proposed or existing highway facility. As such, ADOT has no comment.

Please feel free to contact me should you have any further questions. We appreciate the opportunity to review and comment.

Dennis Haley, SR/WA
Right of Way Agent III
ADOT ROW Project Coordinator
Federal Lands Liaison

205 S. 17th Ave MD: 612E
Phoenix, AZ 85007
602-712-7432
WWW.AZDOT.GOV



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From: [Debbie Trasancos](#)
To: [Heather Donaldson](#)
Cc: [Chris Cain](#); [Leslie Jarrell](#)
Subject: RE: FS17-482 - Champ's Family Automotive Electronic Submittal
Date: Wednesday, August 16, 2017 6:58:31 AM

Heather,

Thank you for providing the electronic submittal for Champ's Family Automotive (FS17-482).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water District
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
debbiet@mwdaz.com

From: Heather Donaldson [mailto:Heather.Donaldson@surpriseaz.gov]
Sent: Tuesday, August 15, 2017 11:38 AM
To: 'Barbara Plante - Luke' <barbara.plante@us.af.mil>; 'Brad Finke - EPCOR' <bfinke@epcor.com>; Chris Cain <ChrisC@mwdaz.com>; Christina Betz <Christina.Betz@surpriseaz.gov>; Debbie Trasancos <DebbieT@mwdaz.com>; 'Denise Lacey' <deniselacey@mail.maricopa.gov>; Donna Miller <Donna.Miller@surpriseaz.gov>; Leslie Jarrell <LeslieJ@mwdaz.com>; 'Lynndsay O'Neill' <lynndsayoneill@mail.maricopa.gov>; 'Mark Frago' <fragom@mail.maricopa.gov>; 'Paul Jackson' <paul.j.jackson@usps.gov>; 'Project Coordinator' <redletter@azdot.gov>; 'Theresa Tysiak - USPS' <theresa.a.tysiak@usps.gov>; Timothy Klarkowski <Timothy.Klarkowski@surpriseaz.gov>; 'Vern Wolfley - MAG' <vwolfley@azmag.gov>
Cc: Sergio Angulo <Sergio.Angulo@surpriseaz.gov>; Jamie Sullivan <Jamie.Sullivan@surpriseaz.gov>
Subject: FS17-482 - Champ's Family Automotive Electronic Submittal

Good Morning,

Attached please find the submittal documents for the above referenced project. Please do not hesitate to contact me if you have any questions or need further clarification.

Thank you,

Heather Donaldson

Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3133 t

623.222.3001 f

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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0.1

15 Aug 2017 18:37:49 -0000



November 2, 2017

To: Heather Donaldson
Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise, AZ | 85374

RE: Champs Family Automotive Citizen Outreach Meeting Information

Good Morning Heather,

As you are aware, we held the Champs Family Automotive Citizen Outreach Meeting Monday, October 30, 2017 at Champs Foxfire location from 6pm to 7pm. The turnout was very low as two city council members (Skip Hall and Ken Remely) showed up to engage in discussion about the project as well as two private citizens (Andy and his wife) and of course, Sergio Angulo.

Andy asked Champ about his anticipated number of employees at the new shop. Champ replied the number of employees will increase from the current 8 to around 20 as he moves to his new location just down the street.

When Champs logo was recognized by Andy he was asked about his involvement within the community. Champ replied that he has been actively involved within the community for over 6 years and that he participates in food drives, parades and community shows.

There were zero negative comments.

Please let us know if you need anything else.

Regards,

Nick Favia
General Contractor / QP
Nicholas Development Group, LLC
CC: Josh (Champ) Champion

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: FS17-482 Champs Family Automotive

OVERALL PUBLIC INVOLVEMENT LEVEL:

The applicant held a Citizen Review meeting on October 30, 2017 at 13200 W Foxfire Dr. Informational mailers were sent to properties within 300 feet of the project, and advertisements were posted in a local newspaper. Surprise residents attended to ask questions about the project and to show support.

IDENTIFY STAKEHOLDERS:

Property owners in the immediate area.

OBJECTIVES:

This Conditional Use Permit will allow the builder to construct a new Vehicle Service - Major Repair Facility

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) October 30, 2017 6:00pm - 7:00pm

Future Council Work Session/Meetings target dates N/A

Election dates (if applicable) N/A

Project start/completion dates N/A

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD Boards and Commissions	District:	3
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and action regarding a Preliminary Plat for the project known as 175th & Sweetwater, generally located at the southeast corner of 175th Avenue and Sweetwater Avenue

Motion:

Move to recommend approval to the City Council subject to stipulations "a" through "d" as listed in the Staff Report.

Background:

Don Willie of EPS Group, on behalf of A & B Investments, Inc. seeks approval of a 10-acre Preliminary Plat in the Medium Density Residential (RM-9 PUD) zoning district. This request follows a Zone Change recently approved by the City Council for the subject property. The approved zoning will allow up to 5.0 dwelling units per acre (DU/Ac); however, the proposed Preliminary Plat demonstrates a gross density of 4.4 DU/Ac. The proposed Preliminary Plat is consistent with the Surprise General Plan, the Surprise Unified Development Code, and the approved zoning.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Staff Report](#)
- ☐ [01 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Vicinity Map](#)
- ☐ [02 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Case Map](#)

- ☐ [03 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Preliminary Plat](#)
- ☐ [04 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Landscape Plan](#)
- ☐ [05 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Luke AFB Comments](#)
- ☐ [06 - FS1-403 - Preliminary Plat for 175th & Sweetwater - ADOT Comments](#)
- ☐ [07 - FS1-403 - Preliminary Plat for 175th & Sweetwater - MWD Comments](#)
- ☐ [08 - FS1-403 - Preliminary Plat for 175th & Sweetwater - FCDMC Comments](#)
- ☐ [09 - FS1-403 - Preliminary Plat for 175th & Sweetwater - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Robert H. Kuhfuss, AICP

PRELIMINARY PLAT

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS17-403

Project Name: 175th & Sweetwater

Council District: 3

Meeting Date: December 7, 2017

Planner: Robert H. Kuhfuss, AICP

Owner: A & B Investments, Inc.

Applicant: Don Willie of EPS Group on behalf of A & B Investments, Inc.

Request: Preliminary Plat in the Medium Density Residential (RM-9 PUD) zoning district

Site Location: Generally located at the southeast corner of 175th Avenue and Sweetwater Avenue

Site Size: 10 acres (approx.)

Density: 5.0 DU/Ac

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: None known

Recommendation: **Approve**, per stipulations 'a' through 'd'

41 **Introduction:**

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43 Initially, the applicant sought approval of five (5) separate requests in what was then a county island
44 located in the western portion of Surprise, near Sarah Ann Ranch. Those five requests are listed
45 below:

46
47 Case FS16-391 – 175th & Sweetwater

- 48 • Zone Change from RR to RM-9 PUD
- 49 • Preliminary Plat

50 Case FS16-392 – Magnolia

- 51 • Rezone from RR to RM-6 PUD; from RR to RM-9 PUD; from RH PUD to RM-9 PUD; from RR
52 to RH PUD with Flex Zone; from RR to CR PUD with Flex Zone and from RR to CR PUD.
- 53 • Preliminary Plat

54 Case FS16-427 – Annexation

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56 The two Zone Change requests and their related Preliminary Plats were presented to the Planning
57 and Zoning Commission, who made a favorable recommendation to the City Council. The City
58 Council approved the annexation on January 17, 2017, but continued the two Zone Change
59 requests and two Preliminary Plats to a date-certain of February 7, 2017 at the applicant's request.
60 During the February 7, 2017 City Council meeting, the applicant informed the Council that due to
61 contractual issues, the collective of projects could not move forward at that time. The Council then
62 remanded two Zone Change requests and two Preliminary Plats back to the Planning and Zoning
63 Commission until such time as the development plans could be revised. Since that time, the various
64 owners of the previous land assemblage have been working to bring forth revised submittals
65 independently. The Commission and Council heard the first of these revised submittals, a 10-acre
66 zone change, under case FS16-391 on September 7, 2017 and October 3, 2017, respectively. The
67 subject request is the revised Preliminary Plat that is directly associated with case FS16-391.
68

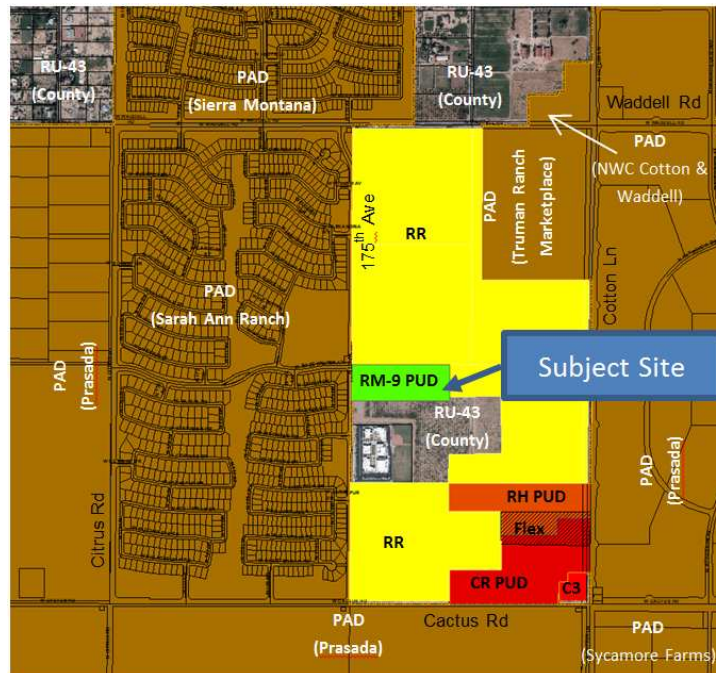
69 **Project Description:**

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71 The subject request involves a 44-lot Preliminary Plat on approximately 10 acres located at the
72 southeast corner of 175th Avenue and Sweetwater Avenue. The City Council recently approved the
73 rezoning of the property from Residential Ranch (RR) to RM-9 with a PUD Overlay to allow
74 modifications from the base development standards. These modifications relate to minimum lot
75 width, minimum lot area, minimum lot depth, and rear yard setback, in addition to the deletion of
76 the traffic circle requirement at the ends of the cul-de-sacs, the separation distance between cul-
77 de-sacs and adjacent streets, as well as the area and width of residential driveways. The proposed
78 subdivision meets these requirements and will provide ample open space and amenities in
79 accordance with the approved zoning.

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82 [Continued following page.]
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Existing Zoning:

The following map and associated chart depict the existing zoning of the subject site and its surrounds.



PAD (Sarah Ann Ranch)	Residential Ranch (RR)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Medium Density Residential (RM-9 PUD)	Residential Ranch (RR)
PAD (Sarah Ann Ranch)	Rural-43 (County)	Rural-43 (County)

Background:

April 21, 2016: Staff discussed a proposal involving the subject property during a regularly scheduled Concept Review meeting under CR16-171.

July 28, 2016: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR16-305.

August 8, 2016: Staff met with the applicant to discuss annexation logistics.

August 23, 2016: Staff met with the applicant to discuss product design.

September 12, 2016: The applicant filed a request for a Zone Change and Preliminary Plat under case FS16-391. The applicant filed a second request for a companion Zone Change and Preliminary Plat under case FS16-392. The latter also included an annexation request.

September 28, 2016: On behalf of the applicant, staff opened case FS16-427 relating to the annexation of the subject property.

October 19, 2016: The applicant held a neighborhood outreach meeting to discuss the project.

October 31, 2016: Staff met with the applicant to discuss review comments.

November 8, 2016: The applicant filed their second submittal for the subject case.

November 15, 2016: The City Council approved the blank annexation petition relating to the annexation of the subject property as well as other proximal properties under case FS16-427.

December 1, 2016: Staff met with the applicant to discuss the Final Plat relating to the project during a regularly scheduled Concept Review meeting under CR16-511.

December 15, 2016: The Commission continued the case to a date-certain of January 5, 2017 due to an advertising error.

January 5, 2017: The Planning and Zoning Commission recommended approval of the then requested zone change subject to staff-recommended stipulations “a” through “c”.

January 17, 2017: The City Council approved the annexation of the subject property under case FS16-427.

January 17, 2017: The City Council continued the subject request, along with case FS16-392, a companion case, to a date-certain of February 7, 2017 at the applicant’s request.

February 7, 2017: The City Council remanded the subject request, along with case FS16-392, to the Planning and Zoning Commission at the request of the applicant.

June 1, 2017: Staff met with the applicant to discuss a property located at the southeast corner of 175th Avenue and Waddell Road under CR17-232. Said property was previously part of Magnolia

June 29, 2017: Staff met with the applicant to discuss a property located at the southeast corner of 175th Avenue and Waddell Road under CR17-294. Said property was previously part of Magnolia.

July 6, 2017: Staff met with the applicant to discuss a property general located north of Sweetwater Avenue between 175th Avenue and Cotton Lane CR17-312. Said property was previously part of Magnolia.

July 11, 2017: The applicant submitted a revised Preliminary Plat concerning the subject property for review under case FS17-403, the subject case.

August 2, 2017: The applicant held a second neighborhood outreach meeting to discuss the project.

September 7, 2017: The Planning and Zoning Commission recommended approval of the related zone change request presented under FS16-391.

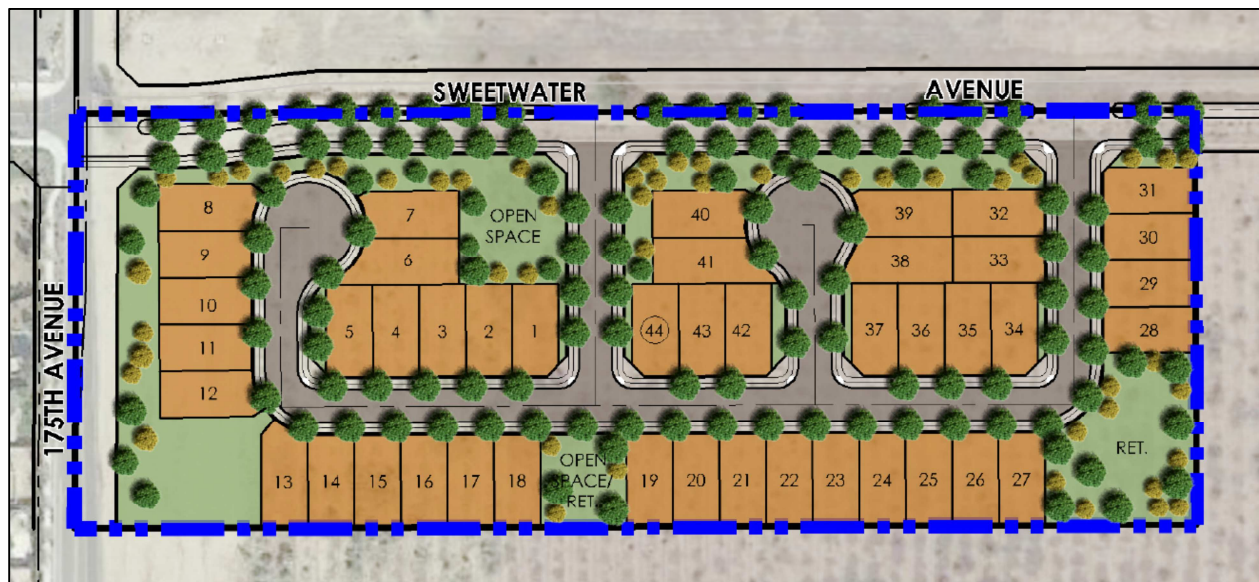
October 3, 2017: The City Council approved the related zone change presented under case FS16-391.

Citizen Outreach:

The Zone Change that preceded the subject Preliminary Plat was subject to certain notification requirements, which were met during the processing of the Zone Change. While the subject Preliminary Plat is not subject to those notification requirements, the project was discussed in detail during the outreach meetings.

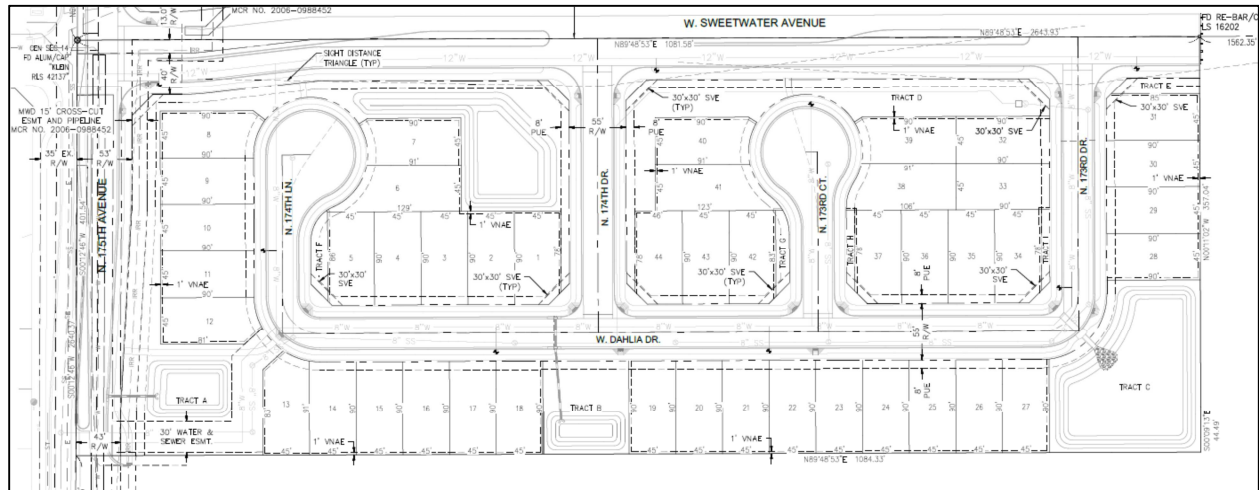
Analysis and Discussion:

As noted previously, the City Council approved a zone change from Residential Ranch (RR) to Medium Density Residential (RM-9) with a PUD Overlay. The intent of the overlay was in part to modify certain development standards from those as specified in the SUDC. The following image, taken from Figure 2 of the approved zoning narrative depicts what was then the anticipated lotting for the project. This lotting configuration is expressed in the subject Preliminary Plat.



[Continued following page.]

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The following table as taken from the approved zoning narrative, and reflected in the proposed Preliminary Plat, expresses the approved development standards applicable to the site. Those items expressed in red font deviate from the base standard. A footnote serves to clarify how the front setbacks are to be applied.

Table 1: RM-9 PUD Development Standards

Development Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Number of Units	N/A	50
Maximum Density	9.0	5.0
Minimum Lot Area (sf)	4,500	4,000
Minimum Lot Width (ft)	40	45
Minimum Lot Depth (ft)	100	90
Minimum Front Yard Setback (ft) (1)	12/20	12/20
Minimum Side Yard Setback (ft)	to be determined	5
Minimum Rear Yard Setback (ft)	20	15
Maximum Building Height (ft)	35	35
Footnotes:		
(1) Front facing garages shall have a minimum 20-foot front yard setback. Livable space, front porches, courtyards, and side entry garage shall have a minimum 12 foot setback.		

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In addition to the modification to the base development standards, the approved PUD Overlay served to reduce the separation distance between the end of a cul-de-sac and an adjacent street from 150 feet to 30 feet, and delete the requirement for a landscape circle in the cul-de-sacs. These are reflected in the proposed subdivision design.

While the base zoning is RM-9, which would allow up to 9 dwelling units per acre (DU/Ac), through the PUD Overlay, the project is limited to not more than 50 dwelling units over approximately 10 acres for a maximum gross density of 5.00 DU/Ac. The proposed Preliminary Plat expresses a gross density of 4.4 DU/Ac, which meets this criterion. Also, the PUD Overlay includes a provision which serves to increase the maximum width of a residential driveway to 30% of the lot's width, and 30% of the required front yard area to 45% respectively. This is not expressed on the Preliminary Plat, but will be evaluated during Home Product Review at a later date.

The SUDC requires that not less than 20% of the "net residential acreage" be set aside as open space. The net residential acreage is essentially the total amount of land taken up by the individual lots combined with the total open space. The approved PUD Overlay requires a minimum of 25% of the net residential area as open space, in addition to certain amenities including a pocket park with tot-lot, ramada, picnic area, turf play area, and landscaping.

Utility and Services Table:

Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The subject proposal demonstrates a gross density of 4.4 DU/Ac. As such the proposed zoning most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan.

Reviewing Agencies:

Luke Air Force Base (LAFB): In a letter dated July 21, 2017 (attached), LAFB indicated that the subject development met the Graduated Density Concept and would not interfere with flight operations. LAFB also requested a robust notification program.

Arizona Department of Transportation (ADOT): In an email dated July 17, 2017 (attached), ADOT indicated the proposed development would not affect any ADOT highway facilities.

Maricopa Water District (MWD): In an email dated July 17, 2017 (attached), MWD indicated the District will be impacted by this development and requires the applicant to enter into a Development Agreement with the District to address impacts to their facilities. Staff recommends a stipulation be attached to this approval such to require evidence of the executed Development Agreement as well as approval of the development by MWD prior to approval of Final Plat.

Flood Control District of Maricopa County (FCDMC): In an email dated July 26, 2017 (attached), FCDMC clarified the location of the property with respect to FEMA FIRM Panel number, but indicated no concerns over the request.

Summary:

The City Council previously approved a zone change for the subject property. The subject Preliminary Plat meets the requirements of that zoning district, in addition to other requirements as set forth in the SUDC.

Findings:

- The proposed Preliminary Plat is consistent with the Surprise General Plan 2035.
- The proposed Preliminary Plat is consistent with the RM-9 PUD Zoning District as amended by case FS16-391.
- There are no objections to the request.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of the subject Preliminary Plat request to the City Council, subject to stipulations ‘a’ through ‘d’ as outlined below:

- a. Development and use of the site shall be consistent with the Preliminary Plat entitled “S.E.C 175th Ave & Sweetwater” consisting of three (3) sheets, prepared by David Evans and Associates, dated October 2017 and stamped received October 20, 2017.
- b. Landscaping of the development shall be consistent with the Preliminary Landscape Plans entitled “175th & Sweetwater”, consisting of five (5) sheets prepared by LVA Urban Design Studio, dated October 18, 2017 and stamped received October 20, 2017.
- c. Prior to Final Plat approval, the developer shall provide written evidence of an executed Development Agreement between the developer and the Maricopa Water District relating to the subject property and shall obtain approval from the Maricopa Water District with respect to the development’s effect on MWD facilities.
- d. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

281 However, should the Commission wish to recommend denial of the request, the Commission
282 should make its own findings and base its decision on those alternative findings.

283

284 **Attachments:**

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286 01 Vicinity Map

287 02 Case Map

288 03 Preliminary Plat

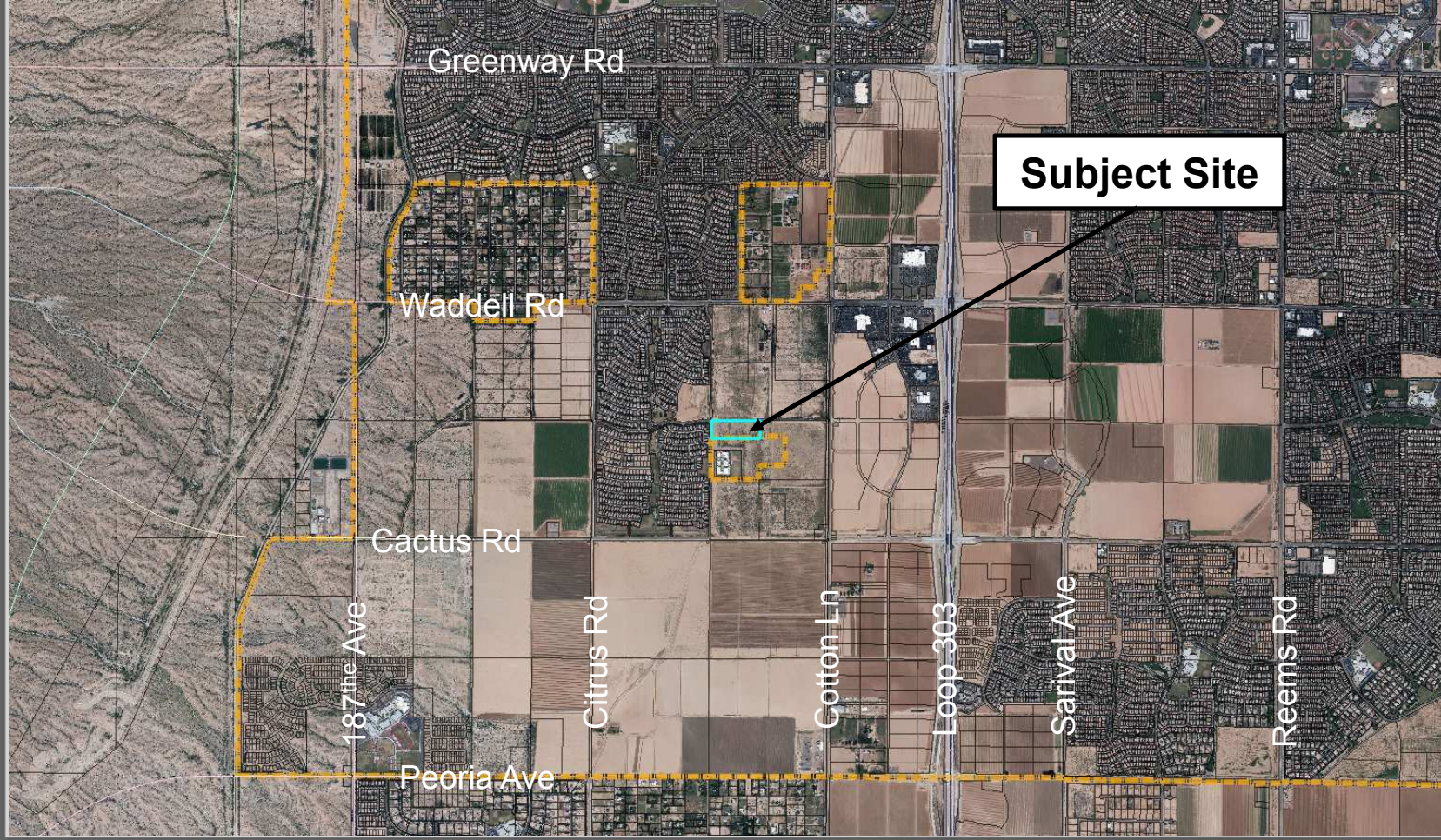
289 04 Preliminary Landscape plan

290 05 Luke AFB comments

291 06 ADOT comments

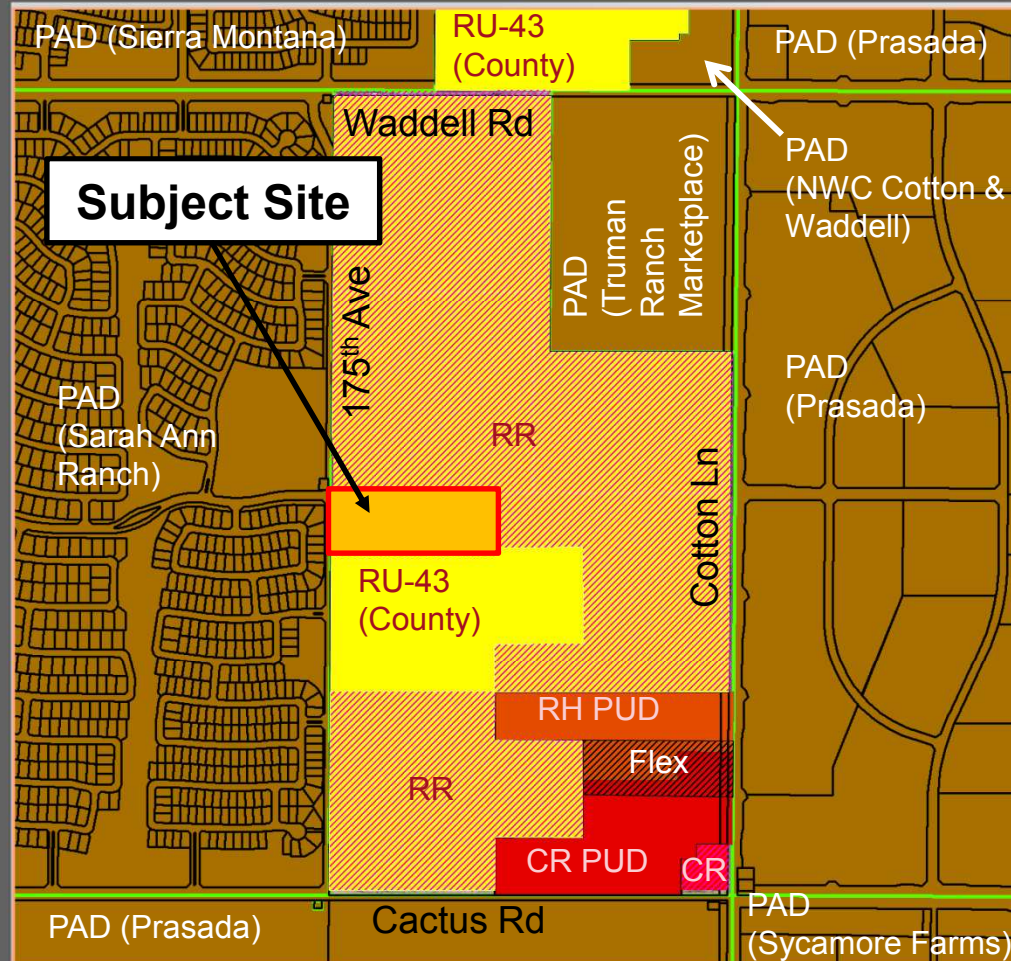
292 07 MWD comments

293 08 FCDMC comments



Fs17-403 Vicinity Map

FS17-403 Case Map



- Surprise PAD Zoning
- County RU-43 Zoning
- Surprise RR Zoning
- Surprise CR Zoning
- Surprise RH PUD Zoning
- Surprise CR PUD Zoning
- Surprise CR PUD / RH PUD Flex Zoning
- Surprise RM-9 PUD

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ONE–HALF OF ALL OIL, GAS AND MINERALS, AS RESERVED IN INSTRUMENT RECORDED IN DOCKET 854, PAGE 212; AND

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 50" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 333.01 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89° 59' 50" WEST, ALONG SAID LINE, A DISTANCE OF 1,223.09 FEET TO A POINT THAT LIES 1,089.24 FEET EASTERLY OF THE SOUTH QUARTER CORNER OF SAID SECTION 14;

THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 381.90 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 573.52 FEET;

THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 633.80 FEET;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 575.97 FEET;

THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 316.90 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 1,484.01 FEET;

THENCE SOUTH 0° 22' 01" WEST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 999.62 FEET;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 0° 22' 01" WEST, A DISTANCE OF 100.00 FEET;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 100.00 FEET;

THENCE SOUTH 0° 22' 01" WEST, A DISTANCE OF 233.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14, WHICH POINT BEARS SOUTH 0° 22' 01" WEST, A DISTANCE OF 2,640.39 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 50" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 1,556.09 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°59'50" WEST, ALONG SAID LINE, A DISTANCE OF 1,089.24 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 14;

THENCE NORTH 0° 23' 49" EAST, ALONG THE MID–SECTION LINE, A DISTANCE OF 1,332.63 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 1,077.62 FEET;

THENCE SOUTH 0° 00' 10" WEST, A DISTANCE OF 316.90 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 575.97 FEET;

THENCE SOUTH 0° 00' 10" WEST, A DISTANCE OF 633.80 FEET;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 573.52 FEET;

THENCE SOUTH 0° 00' 10" WEST, A DISTANCE OF 381.90 FEET TO THE POINT OF BEGINNING;

EXCEPT ONE–HALF OF ALL OIL, GAS AND MINERALS, AS RESERVED IN INSTRUMENT RECORDED IN DOCKET 854, PAGE 212; AND

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 50" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 83.00 FEET;

THENCE NORTH 0° 22' 01" EAST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 1,332.63 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 1,484.01 FEET;

THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 316.90 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 584.03 FEET;

THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 633.80 FEET;

THENCE NORTH 89° 59' 50" WEST, A DISTANCE OF 570.97 FEET; THENCE NORTH 0° 00' 10" EAST, A DISTANCE OF 356.92 FEET;

THENCE NORTH 89° 59' 55" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 1,479.27 FEET;

THENCE SOUTH 0° 22' 01" WEST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 1,307.75 FEET TO THE POINT OF BEGINNING;

EXCEPT ONE–HALF OF ALL OIL, GAS AND MINERALS, AS RESERVED IN INSTRUMENT RECORDED IN DOCKET 854, PAGE 212; AND

S.E.C. 175TH AVE & SWEETWATER

PRELIMINARY PLAT

SURPRISE, ARIZONA

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14,
TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA & SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION (CONTINUED)

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 50" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 83.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89° 59' 50" WEST, ALONG SAID LINE, A DISTANCE OF 250.01 FEET; THENCE NORTH 0° 22' 01" EAST, A DISTANCE OF 233.00 FEET; THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 100.00 FEET;

THENCE NORTH 02° 22' 01" EAST, A DISTANCE OF 100.00 FEET;

THENCE SOUTH 89° 59' 50" EAST, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 0° 22' 01" WEST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 333.01 FEET TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION OF SAID PROPERTY LYING WITHIN THAT CERTAIN RAILROAD RIGHT OF WAY FOR THE MAIN SPUR OF THE CALIFORNIA, ARIZONA AND SANTA FE RAILWAY CO., EXTENDING FROM BEARDSLEY STATION, AS CONVEYED BY DEED RECORDED IN BOOK 215 OF DEEDS, PAGE 133, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT ONE–HALF OF ALL OIL, GAS AND MINERALS, AS RESERVED IN INSTRUMENT RECORDED IN DOCKET 854, PAGE 212; AND

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 59" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 83.00 FEET;

THENCE NORTH 00° 21' 47" EAST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 1,332.65 FEET;

THENCE SOUTH 89° 59' 59" WEST, A DISTANCE OF 1,889.58 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89° 59' 59" WEST, A DISTANCE OF 672.15 FEET;

THENCE NORTH 00° 23' 51" EAST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 648.08 FEET;

THENCE NORTH 89° 59' 59" EAST, A DISTANCE OF 672.15 FEET;

THENCE SOUTH 00° 23' 51" WEST, A DISTANCE OF 648.08 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE NORTH 89° 59' 50" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 83.00 FEET;

THENCE NORTH 0° 21' 47" EAST, ALONG A LINE WHICH LIES 83 FEET WEST OF THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 1,332.65 FEET;

THENCE SOUTH 89° 59' 59" WEST, A DISTANCE OF 1,484.06 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89° 59' 59" WEST, A DISTANCE OF 405.52 FEET;

THENCE NORTH 0° 23' 51" EAST, A DISTANCE OF 648.08 FEET;

THENCE SOUTH 89° 59' 59" WEST, A DISTANCE OF 672.15 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE NORTH 0° 23' 51" EAST, A DISTANCE OF 258.08 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF THE NORTH 401.53 FEET OF SAID SOUTHEAST QUARTER;

THENCE NORTH 89° 59' 55" EAST, 1,084.44 FEET ALONG SAID SOUTH LINE;

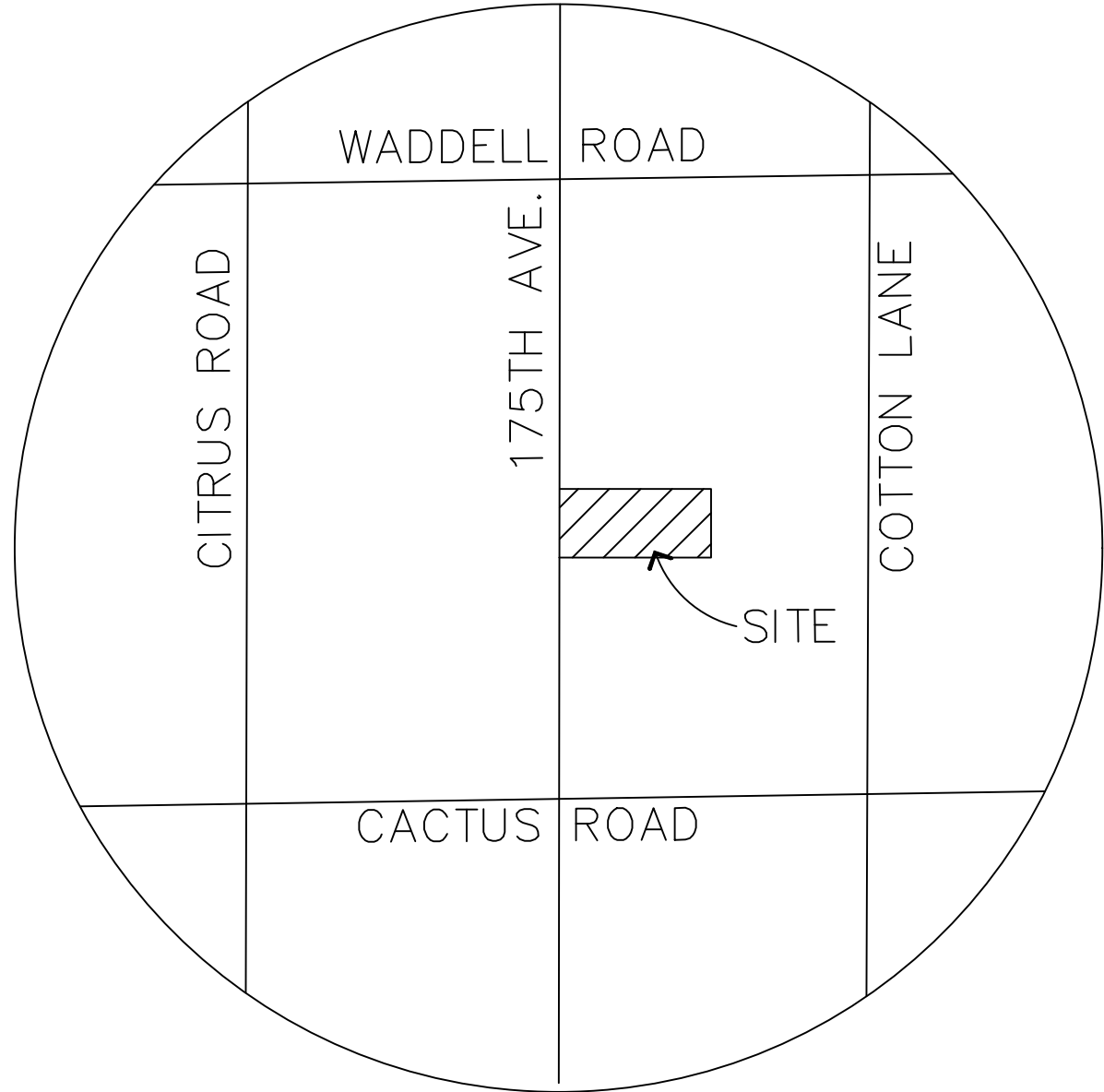
THENCE NORTH 0° 00' 16" WEST, A DISTANCE OF 44.60 FEET;

THENCE SOUTH 89° 59' 53" EAST, A DISTANCE OF 570.96 FEET;

THENCE SOUTH 0° 00' 03" WEST, A DISTANCE OF 633.83 FEET;

THENCE NORTH 89° 59' 48" WEST, A DISTANCE OF 584.03 FEET;

THENCE SOUTH 0° 00' 15" WEST, A DISTANCE OF 316.95 FEET TO THE POINT OF BEGINNING.



VICINITY MAP
SECTION 14, T3N, R2W
NTS

SITE DATA

EXISTING ZONING:	RM–9 PUD
GROSS AREA:	9.98 AC
NET AREA:	6.28 AC
LOT COUNT:	44 LOTS
DENSITY:	4.5 DU/AC
OPEN SPACE AREA:	2.2 AC

Development Standard (Case No. FS16-391)	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Number of Units	N/A	50
Maximum Density	9.0	5.0
Minimum Lot Area (sf)	4,500	4,000
Minimum Lot Width (ft)	40	45
Minimum Lot Depth (ft)	100	90
Minimum Front Yard Setback (ft) (1) (2)	12/20	12/20
Minimum Side Yard Setback (ft) (3)	to be determined	5
Minimum Rear Yard Setback (ft)	20	15
Maximum Building Height (ft)	35	35

Footnotes:
(1) Front facing garages shall have a minimum 20-foot front yard setback. Livable space, front porches, courtyards, and side entry garage shall have a minimum 12' setback.

DEVELOPER

A & B INVESTMENTS
P.O. BOX 6410
SCOTTSDALE, AZ 85261
PHONE: (602) 300–3333
CONTACT: BRUCE AGENTER

PLANNER

LVA URBAN DESIGN STUDIO
120 SOUTH ASH AVENUE
TEMPE, ARIZONA 85281
CONTACT: MARK REDDIE
PHONE: (480) 994–0994

ENGINEER

DAVID EVANS AND ASSOCIATES, INC.
4600 EAST WASHINGTON STREET, SUITE 250
PHOENIX, ARIZONA 85034
PHONE: (602) 678–5151
FAX: (602) 678–5155
CONTACT: RAMZI GEORGES, PE
e–mail: ryg@deainc.com

SHEET INDEX

1	COVER SHEET
2	STREET CROSS SECTIONS, DETAILS & STRIPING
3	PRELIMINARY PLAT

BASIS OF BEARING

SOUTH 89°48'58" WEST, THE MEASURED BEARING BETWEEN A FOUND CITY OF SURPRISE BRASS CAP AT THE INTERSECTION OF CACTUS ROAD AND COTTON LANE AND A FOUND CITY OF SURPRISE BRASS CAP AT THE INTERSECTION OF CACTUS ROAD AND 175TH AVENUE, AS SHOWN HEREON, UTILIZING THE LEICA SMARTNET GPS NETWORK.

RELATIVE TO MARICOPA COUNTY, ARIZONA LOW DISTORTION PROJECTION

LINEAR UNIT:	INTERNATIONAL FEET
GEODETIC DATUM:	NAD 1983
PROJECTION TYPE:	LAMBERT CONFORMAL CONIC (SINGLE PARALLEL)

LATITUDE OF ORIGIN:	33°15'00" N
CENTRAL MERIDIAN:	112°15'00" W
FALSE NORTHING:	1,500,000.000 ift
FALSE EASTING:	2,500,000.000 ift
STANDARD PARALLEL SCALE:	1.000045 (EXACT)

BENCHMARK

2 INCH CITY OF SURPRISE BRASS DISK WITH RAISED DATUM POINT – MARKED CITY OF SURPRISE BENCHMARK COT1 2009.7 – LOCATED ON TOP OF DRAINAGE SCUPPER APPROXIMATELY 700 FEET NORTH OF THE INTERSECTION OF CACTUS ROAD AND COTTON LANE ON THE EAST SIDE OF COTTON LANE.

ELEVATION 1248.65 NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88)

LEGEND

— — — —	CENTERLINE
— — — —	RIGHT OF WAY
—————	PROPERTY LINE
— — — —	EASEMENT
— E — —	ELECTRICAL
— G — —	GAS
— SS — —	SANITARY SEWER
— T — —	TELEPHONE
— W — —	WATER
— OHE — —	OVERHEAD ELECTRIC
— — — —	FLOW LINE
=====	STORM DRAIN
⊙	SEWER MANHOLE
○	UTILITY POLE / RISER
⌊ — — — —	CATCH BASIN
⊙	STORM DRAIN MANHOLE
— X — —	SIGN
⊙	FIRE HYDRANT
- - - - -	GRADE BREAK
SVE	SIGHT VISIBILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
VNAE	VEHICULAR NON–ACCESS EASEMENT
SDT	SIGHT DISTANCE TRIANGLE

FLOOD ZONE CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEYED PROPERTY IS LOCATED WITHIN THE ZONE "X" FLOOD HAZARD AREA PER FIRM MAP PANEL NUMBER 04013C1660L DATED OCTOBER 16, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). THE FLOOD ZONE BOUNDARY IS LOCATED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY.

SHADED ZONE "X" AS DEFINED BY FEMA IS:
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.



DESIGNED BY: ·

DRAWN BY: ·

CHECKED BY: RYG

DATE: 10/2017

PROJECT MANAGER: RAMZI GEORGES, P.E.

DAVID EVANS AND ASSOCIATES INC.
4600 E Washington Street, Suite 250
Phoenix Arizona 85034
Phone: 602.678.5151

EXPIRES: 3/31/2020

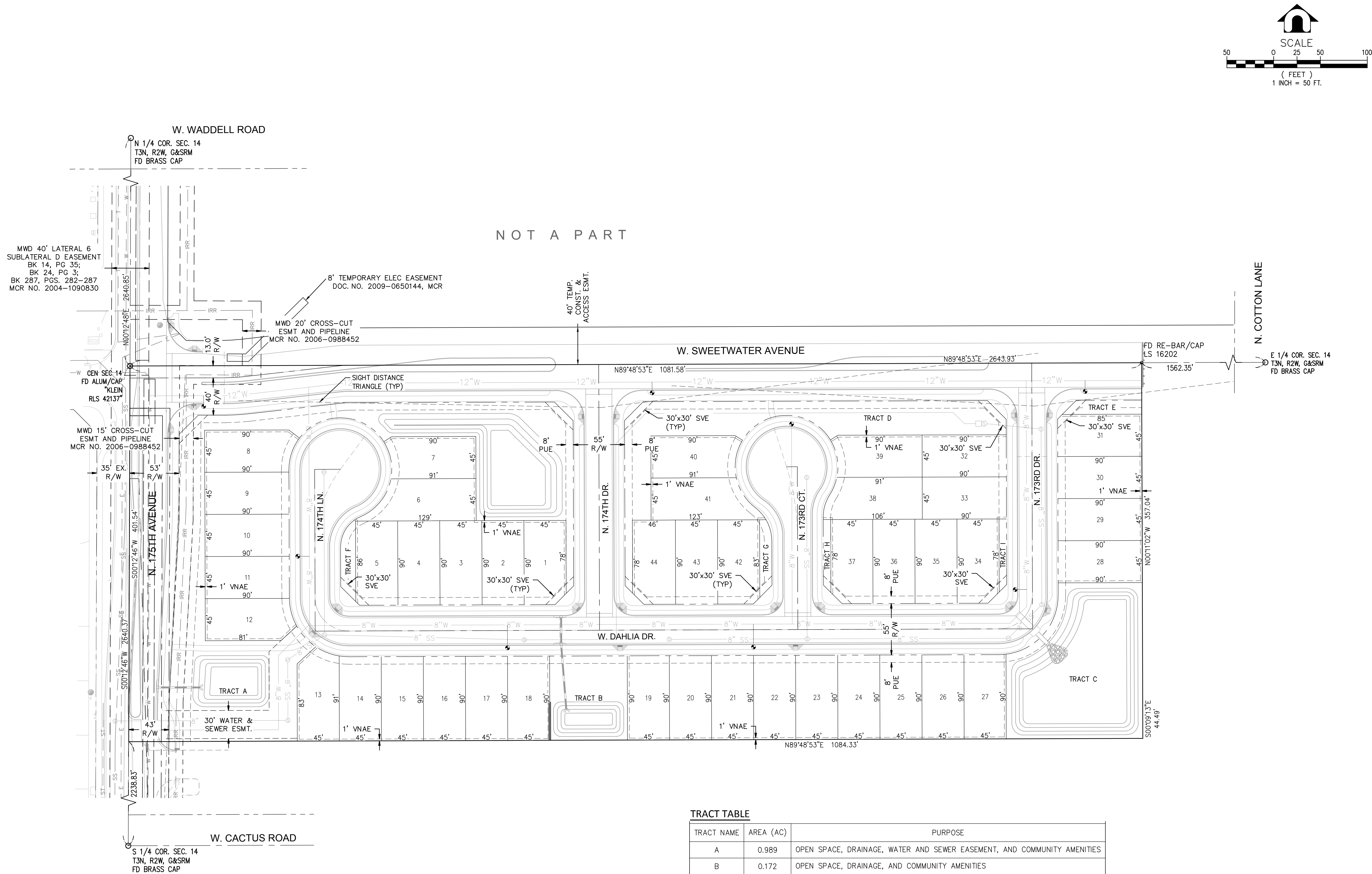
COVER SHEET
PRELIMINARY PLAT
FOR
SEC 175TH AVE. & SWEETWATER
CITY OF SURPRISE, ARIZONA

SECTION: 14
TWNHP: 3N
RANGE: 2W

JOB NO.:
ABIN0001

SHEET
1 OF 3

P:\A\ABIN000000001\04000001\04000001\PR-03-ABIN0001.dwg jcf Oct 20, 2017 8:07:53am



TRACT TABLE

TRACT NAME	AREA (AC)	PURPOSE
A	0.989	OPEN SPACE, DRAINAGE, WATER AND SEWER EASEMENT, AND COMMUNITY AMENITIES
B	0.172	OPEN SPACE, DRAINAGE, AND COMMUNITY AMENITIES
C	0.480	OPEN SPACE, DRAINAGE, AND COMMUNITY AMENITIES
D	0.376	OPEN SPACE, SEWER EASEMENT, AND COMMUNITY AMENITIES
E	0.027	OPEN SPACE AND COMMUNITY AMENITIES
F	0.026	OPEN SPACE AND COMMUNITY AMENITIES
G	0.022	OPEN SPACE AND COMMUNITY AMENITIES
H	0.014	OPEN SPACE AND COMMUNITY AMENITIES
I	0.014	OPEN SPACE AND COMMUNITY AMENITIES
TOTAL	2.145	

NOTE:
INDIVIDUAL LOT TABLES TO BE PROVIDED ON FINAL PLAT.



PRELIMINARY PLAT
FOR
SEC 175TH AVE. & SWEETWATER
CITY OF SURPRISE, ARIZONA

SECTION: 14
TWN: 3N
RANGE: 2W

JOB NO.:
ABIN0001

SHEET
3 OF 3



DAVID EVANS
AND ASSOCIATES INC.
4800 E Washington Street, Suite 250
Phoenix, Arizona 85034
Phone: 602.678.5151

DESIGNED BY:
DRAWN BY:
CHECKED BY: RYG
DATE: 10/2017

PROJECT MANAGER:
RAMZI GEORGES, P.E.

175TH & SWEETWATER

SURPRISE, ARIZONA

BY: A & B Investments Inc.

PRELIMINARY LANDSCAPE PLAN

LANDSCAPE NOTES

- ALL PLANTING AREAS ARE TO HAVE DECOMPOSED GRANITE, 1/2" MINUS COLOR AS SPECIFIED., 2" DEPTH, TYP.
- NO PLANT SUBSTITUTIONS ALLOWED UNLESS APPROVED IN WRITING BY LANDSCAPE ARCHITECT AND CONFORMING TO LOCAL AGENCY'S APPROVED PLANT LIST.
- LANDSCAPE ARCHITECT / OWNER'S REP IS TO APPROVE ALL PLANT MATERIAL PRIOR TO DELIVERY TO SITE. ONE WEEK MINIMUM NOTICE.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL CONDITIONS ON SITE PRIOR TO PROJECT START-UP.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE TO REPAIR ANY DAMAGES MADE TO EXISTING LANDSCAPING, UNDERGROUND UTILITIES, IRRIGATION LINES, ELECTRICAL LINES, ETC., AT HIS EXPENSE.
- ANY PLANT MATERIAL NOT SHOWN TO REMAIN ON PLAN IS TO BE REMOVED.
- ADJUST ALL NEW LANDSCAPING AS NECESSARY TO ACCOMMODATE EXISTING LANDSCAPE TO REMAIN.
- CONTRACTOR IS TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO ANY SITE WORK BEING EXECUTED.
- QUANTITIES ON PLAN ARE PROVIDED FOR BIDDING PURPOSES ONLY.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL QUANTITIES PRIOR TO CONSTRUCTION.
- ALL AREAS DISTURBED DURING CONSTRUCTION ARE TO BE FINE GRADED AND TREATED TO BLEND EVENLY WITH ALL NEWLY CONSTRUCTED AREAS.
- LANDSCAPE ARCHITECT / OWNERS REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL THAT IS DETERMINED TO NOT SATISFY THE DESIGN INTENT OF THE LANDSCAPE PLAN BASED ON SIZE, SHAPE, APPEARANCE, HEALTH, OR IMPROPER CARE.
- ALL BOULDERS ARE TO BE GRANITE 'SURFACE SELECT', SIZE PER PLAN. ALL BOULDERS ARE TO BE BURIED 1/3 IN SOIL.
- ALL SWALE CHANNELS ARE TO HAVE 1" - 3" RIVER ROCK OR OTHER APPROVED STONE MATERIAL INSTALLED TO PREVENT EROSION.
- ALL DOWNSPOUTS / SCUPPERS ARE TO HAVE 3"x3", 3" - 6" RIVER ROCK OR OTHER APPROVED STONE MATERIAL INSTALLED TO PREVENT EROSION.
- ALL BERM CONTOUR INTERVALS ARE AT 1'-0", SLOPES NOT TO EXCEED 4:1.
- ALL TURF IS TO BE BERMUDA HYBRID. MAY BE INSTALLED AS SOD OR HYDROSEED.
- ALL HEADER IS TO BE EXTRUDED CONCRETE CURBING OR EQUAL.
- 100 PERCENT OF ALL RIGHT OF WAY PLANT MATERIAL IS TO BE FOUND ON THE ARIZONA DEPARTMENT OF WATER RESOURCES LOW WATER USE LIST.
- TREES WITH THORNS ARE NOT TO BE LOCATED WITHIN RECREATION AREAS, AND SHALL BE SET A MINIMUM OF 10' AWAY FROM ALL PEDESTRIAN ROUTES.
- ALL SIDEWALKS AND COMMUNITY TRAILS ARE 6' WIDE.
- TREES THAT OVERHANG THE CITY STREETS MUST BE TRIMMED UP TO A CLEAR HEIGHT OF NOT LESS THAN 15'
- TREES WITHIN SIGHT DISTANCE LINES SHALL BE MAINTAINED SO THAT NO LIMBS, LEAVES NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES OR BELOW 84 INCHES. TREES SHALL NOT OBSTRUCT MORE THAN 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS PRESENT.

CITY OF SURPRISE NOTES

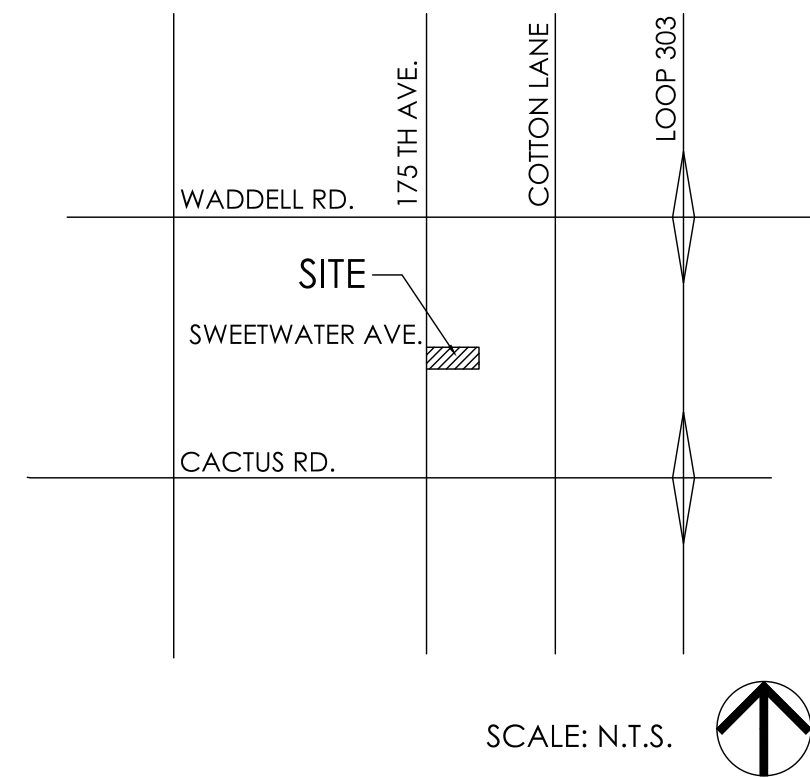
- ALL CHANGES TO BE APPROVED BY THE CITY OF SURPRISE PLANNING DEPARTMENT.
- SIGNS REQUIRE A SEPARATE PERMIT.
- ALL UTILITY BOXES AND STRUCTURES ARE TO BE SCREENED FROM VIEW.
- PLANT MATERIAL IS NOT TO BE LOCATED WITHIN 3 FEET OF ANY FIRE HYDRANT OR FIRE DEPARTMENT CONNECTION.
- ROOT BARRIER PER CITY OF SURPRISE EDS 8-14 IS REQUIRED FOR ANY TREE LOCATED WITH THREE (3) FEET OF ANY SIDEWALK, CURB, PAVEMENT OR WALL.
- ALL PLANT MATERIAL SIZES ARE TO BE CONSISTENT WITH ANA STANDARDS.
- ALL PLANT MATERIAL LOCATED WITHIN VISIBILITY TRIANGLES ARE TO BE MAINTAINED NO HIGHER THAN 30 INCHES HIGH, AND HANG NO LOWER THAN 7 FEET FROM GROUND ELEVATION, INCREASING TO 10' CLEARANCE WHERE APPROACHING STOP SIGNS.
- TRAILS AND PATHWAYS ARE TO BE ADA COMPLIANT, WHERE PRACTICAL.
- SIDEWALKS AND SIDEWALK SEPERATION WILL CONFORM TO THE CITY OF SURPRISE PLANNING AND DESIGN GUIDELINES.

PROJECT DATA

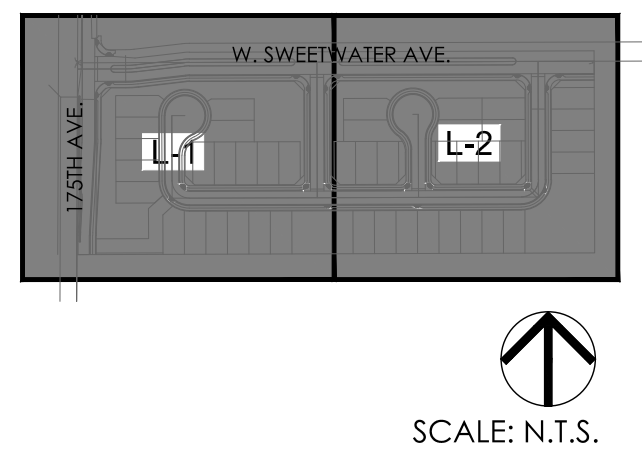
CURRENT ZONING: RR
PROPOSED ZONING: RM-9 PUD
GROSS AREA: 10.0 AC.
NET AREA: 9.1 AC.
OPEN SPACE AREA: 2.4 AC.

FOR TRACT TABLE SEE PRELIMINARY PLAT, BY DAVID EVANS AND ASSOCIATES.

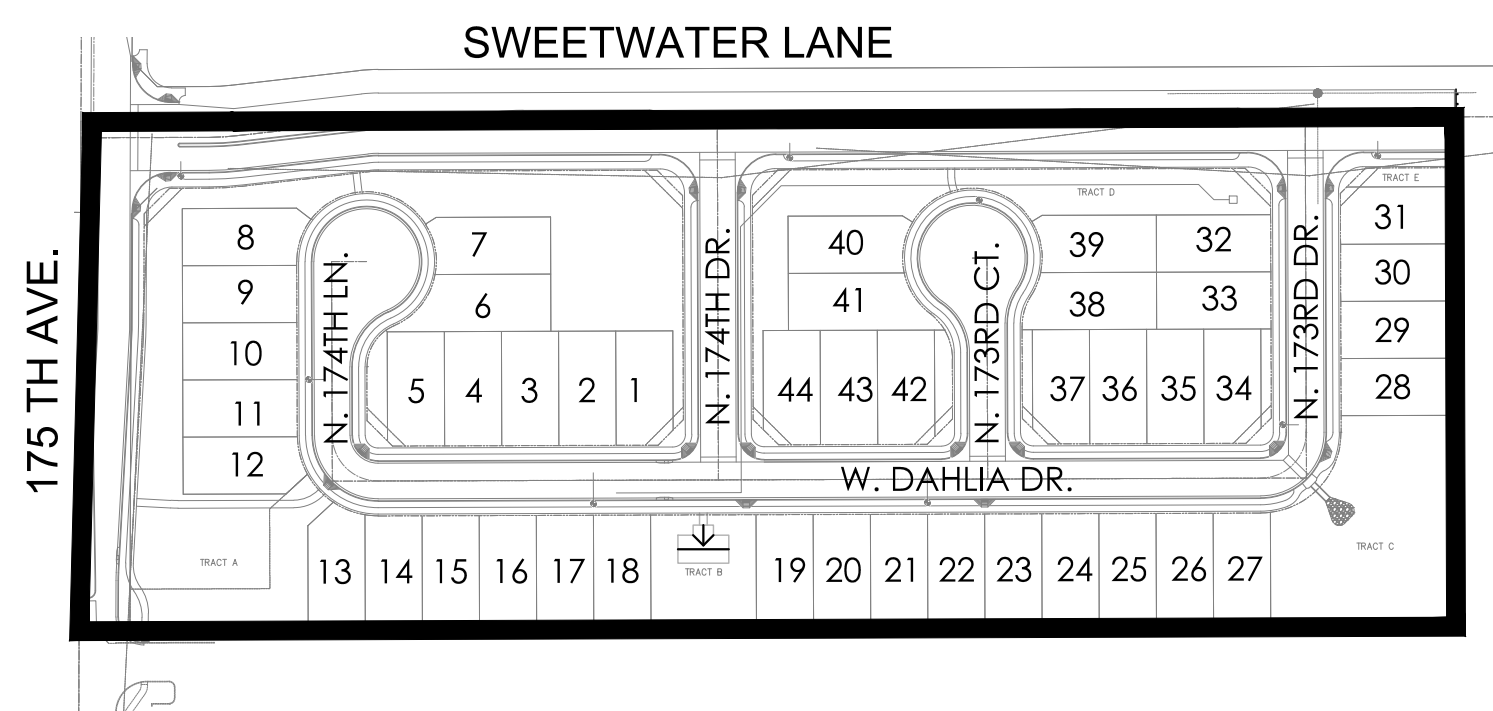
VICINITY MAP



KEYMAP



OVERALL PARCEL PLAN



PLANTING LEGEND

TREES

BAUHINIA LUNARIOIDES	ANACACHO ORCHID
FRAXINUS VELUTINA	'RIO GRANDE' ASH
OLEA EUROPAEA 'SWAN HILL'	FRUITLESS OLIVE
QUERCUS VIRGINIANA	'CATHEDRAL' LIVE OAK
ULMUS PARVIFOLIA	EVERGREEN ELM
OTHER TREES	
ACACIA ANEURA	MULGA
CAESALPINIA CACALACO	CASCALOTE 'SMOOTHIE'
CHITALPA TASHKENTENSIS*	CHITALPA
DALBERGIA SISSOO*	INDIAN ROSEWOOD
EUCALYPTUS MICROTHECA*	COOLBAH TREE
FICUS MICROCARPA	INDIAN LAUREL FIG
JACARANDA MIMOSIFOLIA	JACARANDA
PISTACIA CHINENSIS 'RED PUSH'***	RED PUSH PISTACHE
SOPHORA SECUNDIFLORA***	TEXAS MOUNTAIN LAUREL
THEVETIA PERUVIANA*	YELLOW OLEANDER
VITEX AGNUS-CASTUS	CHASTE TREE

SHRUBS

BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD
CALLISTEMON VIMINALIS*	'LITTLE JOHN' BOTTLEBRUSH
CARISSA MICROCARPA	BOXWOOD BEAUTY NATAL PLUM
CHRYSACTINIA MEXICANA*	DAMIANITA
DIETES BICOLOR	FORTNIGHT LILY
EREMOPHILA MACULATA*	VALENTINE BUSH
GARDENIA JASMINOIDES	GARDENIA
HIBISCUS ROSA-SINENSIS	CHINESE HIBISCUS
ILEX VOMITORIA 'STOKES'	DWARF YAUPON
MUHLENBERGIA RIGENS*	DEER GRASS
MYRTUS COMMUNIS 'COMPACTA'*	DWARF MYRTLE
NANDINA DOMESTICA*	HEAVENLY BAMBOO
PLUMBAGO AURICULATA*	CAPE PLUMBAGO
RAPHIOLEPIS INDICA 'BALLERINA'	BALLERINA INDIAN HAWTHORN
SIMMONDSIA CHINENSIS	JOJOBA
TECOMA STANS 'ORANGE JUBILEE'	ARIZONA YELLOW BELLS
VAUQUELINIA CALIFORNICA*	ARIZONA ROSEWOOD

ACCENTS

CYCAS REVOLUTA*	SAGO PALM
GUARA LINDHEIMERI	LINDHEIMER'S BEEBLOSSOM
HESPERALOE PARVIFLORA*	RED YUCCA
YUCCA BACATA*	BANANA YUCCA
YUCCA GLORIOSA*	SPANISH DAGGER
YUCCA RECURVIFOLIA*	PENDULOUS YUCCA

GROUND COVERS

CARISSA GRANDIFLORA	GREEN CARPET NATAL PLUM
CONVOLVULUS TRICOLOR	DWARF MORNING GLORY
GAZANIA RIGENS 'SUN GOLD'*	'SUN GOLD' GAZANIA
LANTANA CAMARA 'NEW GOLD'*	NEW GOLD LANTANA
LANTANA MONTEVIDENSIS*	PURPLE TRAILING LANTANA
LANTANA MONTEVIDENSIS 'WHITE'*	TRAILING WHITE LANTANA
ROSMARINUS OFFICINALIS*	PROSTRATE ROSEMARY
TRACHELOSPERMUM ASIATICUM	DWARF STAR JASMINE
VERBENA SP.	VERBENA
VINCA MAJOR	VINCA MAJOR
ZEPHYRANTHES SP.	RAIN LILY

VINES

BOUGAINVILLEA BRASILIENSIS*	LA JOLLA BOUGAINVILLEA
GELSEMIUM SEMPERVIRENS	CAROLINA JASMINE
LONICERA JAPONICA 'HALLIANA'	HALL'S HONEYSUCKLE
ROSA BANKSIAE*	LADY BANK'S ROSE

INERT

TURF	SOD - HYBRID BERMUDA
------	----------------------

Notes:

- * Plants on the ADWR Low Water Use Drought Tolerant plant list.
- ** Plant species that are approved for use in public right-of-way per EDS 8.1.4.
- Trees with erect growth habit within the right-of-way or adjacent to any sidewalk shall have their main vertical leader intact and shall remained unclipped.

SHEET INDEX

SHEET	PAGE #	TITLE
C-1	1	COVER SHEET
L-1	2	LANDSCAPE PLAN
L-2	3	LANDSCAPE PLAN
W-1	4	WALL & MAILBOX PLAN
WD-1	5	WALL DETAILS

PROJECT TEAM

Discipline	Company Contact Info.
Client	A & B Investments Inc. Bruce Agenter P.O. Box 6410 Scottsdale, AZ 85261 (602)-300-3333 bagenter@southwesthomebuilders.com
Landscape Architect	LVA Urban Design Studio Laura Thelen, RLA 120 South Ash Avenue Tempe, Arizona 85281 (480) 994-0994 lthelen@lvadesign.com
Civil Engineer	David Evans and Associates Inc. Ramzi Georges, PE, CFPM 4600 E. Washington St., Suite 250 Phoenix, Arizona 85034 (602) 474-9223 ryg@deainc.com

AMENITIES LIST (BY PARCEL)

- TRACT B :
(1) Turf Retention basin / Ramada / Playground
- TRACT C :
(1) Turf Retention basin

LVA urban design studio
land planning • development entitlements • landscape architecture
120 south ash avenue • tempe, arizona 85281 • 480-994-0994
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175TH & SWEETWATER

PRELIMINARY LANDSCAPE PLAN
SURPRISE, ARIZONA

AZ COMMUNITY DEVELOPMENT, LLC.

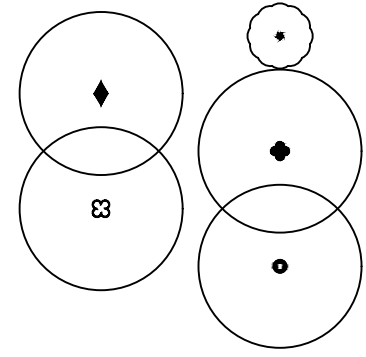
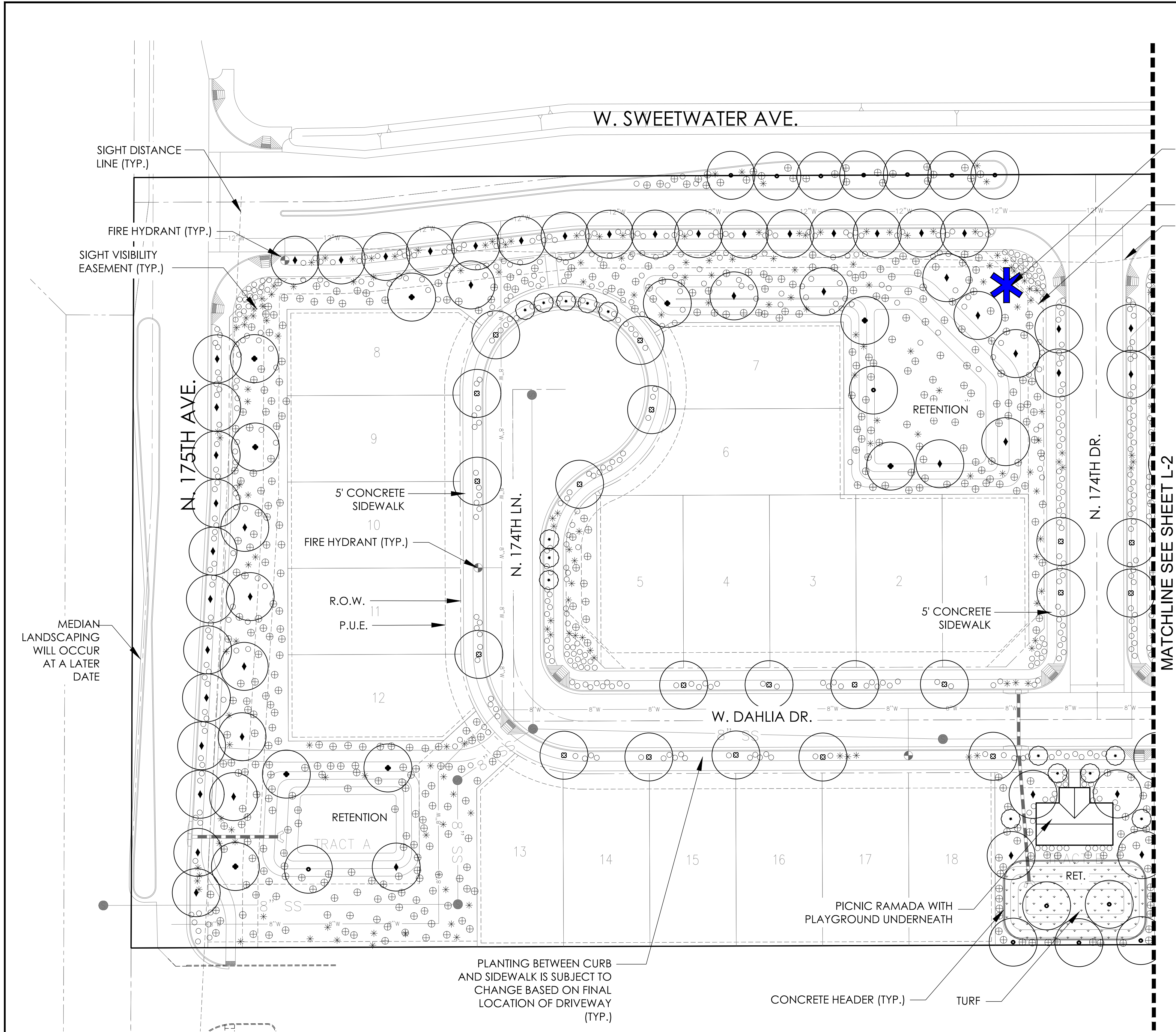
COVER SHEET

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(Outside Maricopa County)

date: 07/06/17
job no.: 1726
drawn: LVA
sheet #

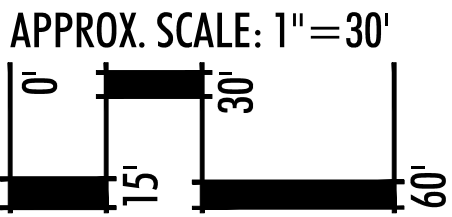
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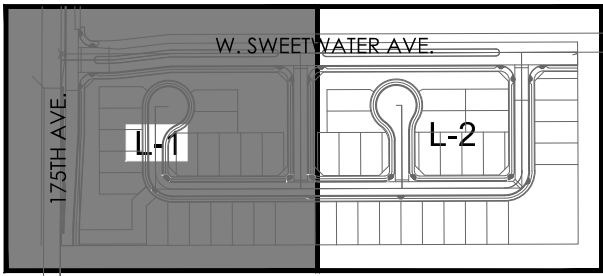
PLANTING LEGEND

TREES	
BAUHINIA LUNARIOIDES	ANACACHO ORCHID
FRAXINUS VELUTINA	'RIO GRANDE' ASH
OLEA EUROPAEA 'SWAN HILL'	FRUITLESS OLIVE
QUERCUS VIRGINIANA	'CATHEDRAL' LIVE OAK
ULMUS PARVIFOLIA	EVERGREEN ELM
OTHER TREES	
ACACIA ANEURA	MULGA
CAESALPINIA CACALACO	CASCALOTE 'SMOOTHIE'
CHITALPA TASHKENTENSIS*	CHITALPA
DALBERGIA SISSOO*	INDIAN ROSEWOOD
EUCALYPTUS MICROTHECA*	COOLIBAH TREE
FICUS MICROCARPA	INDIAN LAUREL FIG
JACARANDA MIMOSIFOLIA	JACARANDA
PISTACIA CHINENSIS 'RED PUSH**	RED PUSH PISTACHE
SOPHORA SECUNDIFLORA**	TEXAS MOUNTAIN LAUREL
THEVETIA PERUVIANA*	YELLOW OLEANDER
VITEX AGNUS-CASTUS	CHASTE TREE
SHRUBS	
BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD
CALLISTEMON VIMINALIS*	'LITTLE JOHN' BOTTLEBRUSH
CARISSA MICROCARPA	BOXWOOD BEAUTY NATAL PLUM
CHRYSACTINIA MEXICANA*	DAMIANITA
DIETES BICOLOR	FORTNIGHT LILY
EREMOPHILA MACULATA*	VALENTINE BUSH
GARDENIA JASMINOIDES	GARDENIA
HIBISCUS ROSA-SINENSIS	CHINESE HIBISCUS
ILEX VOMITORIA 'STOKES'	DWARF YAU PON
MUHLENBERGIA RIGENS*	DEER GRASS
MYRTUS COMMUNIS 'COMPACTA*'	DWARF MYRTLE
NANDINA DOMESTICA*	HEAVENLY BAMBOO
PLUMBAGO AURICULATA*	CAPE PLUMBAGO
RAPHIOLEPIS INDICA 'BALLERINA'	BALLERINA INDIAN HAWTHORN
SIMMONDSIA CHINENSIS	JOJOBA
TECOMA STANS 'ORANGE JUBILEE'	ARIZONA YELLOW BELLS
VAUQUELINIA CALIFORNICA*	ARIZONA ROSEWOOD
ACCENTS	
CYCAS REVOLUTA*	SAGO PALM
GUARA LINDHEIMERI	LINDHEIMER'S BEEBLOSSOM
HESPERALOE PARVIFLORA*	RED YUCCA
YUCCA BACATA*	BANANA YUCCA
YUCCA GLORIOSA*	SPANISH DAGGER
YUCCA RECURVIFOLIA*	PENDULOUS YUCCA
GROUND COVERS	
CARISSA GRANDIFLORA	GREEN CARPET NATAL PLUM
CONVOLVULUS TRICOLOR	DWARF MORNING GLORY
GAZANIA RIGENS 'SUN GOLD*'	'SUN GOLD' GAZANIA
LANTANA CAMARA 'NEW GOLD*'	NEW GOLD LANTANA
LANTANA MONTEVIDENSIS*	PURPLE TRAILING LANTANA
LANTANA MONTEVIDENSIS 'WHITE*'	TRAILING WHITE LANTANA
ROSMARINUS OFFICINALIS*	PROSTRATE ROSEMARY
TRACHELOSPERMUM ASIATICUM	DWARF STAR JASMINE
VERBENA SP.	VERBENA
VINCA MAJOR	VINCA MAJOR
ZEPHYRANTHES SP.	RAIN LILY
VINES	
BOUGAINVILLEA BRASILIENSIS*	LA JOLLA BOUGAINVILLEA
GELSEMIUM SEMPERVIRENS	CAROLINA JASMINE
LONICERA JAPONICA 'HALLIANA'	HALL'S HONEYSUCKLE
ROSA BANKSIAE*	LADY BANK'S ROSE
INERT	
TURF	SOD - HYBRID BERMUDA

- Notes:**
- * Plants on the ADWR Low Water Use Drought Tolerant plant list.
 - ** Plant species that are approved for use in public right-of-way per EDS 8.1.4.
 - Trees with erect growth habit within the right-of-way or adjacent to any sidewalk shall have their main vertical leader intact and shall remained unclipped.



KEYMAP



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175TH & SWEETWATER
PRELIMINARY LANDSCAPE PLAN
SURPRISE, ARIZONA
AZ COMMUNITY DEVELOPMENT, LLC.

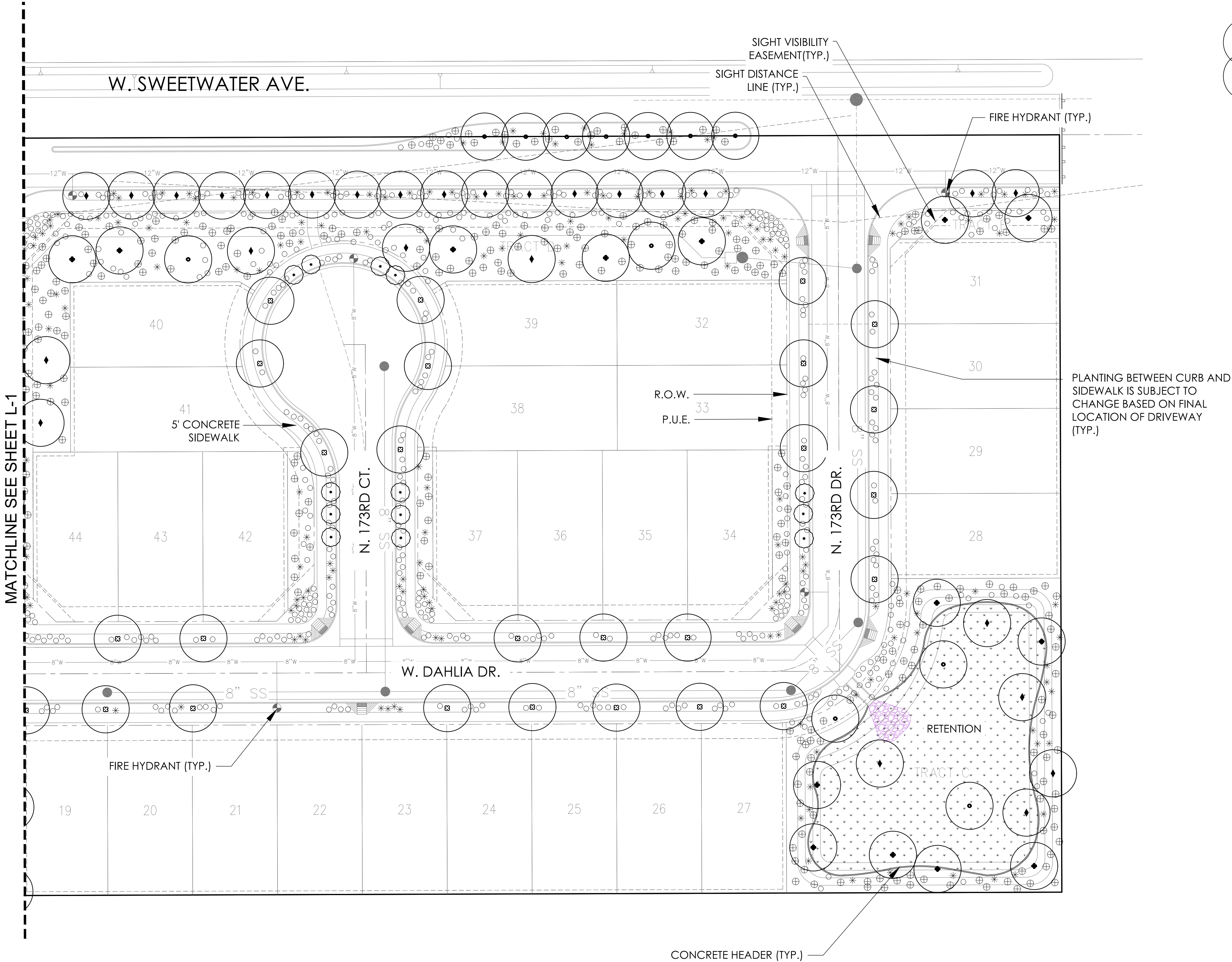
LANDSCAPE
PLAN

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date: 07/06/17
job no.: 1726
drawn: LVA
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2 of 5

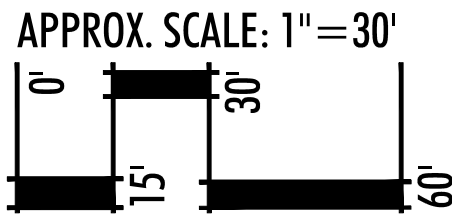
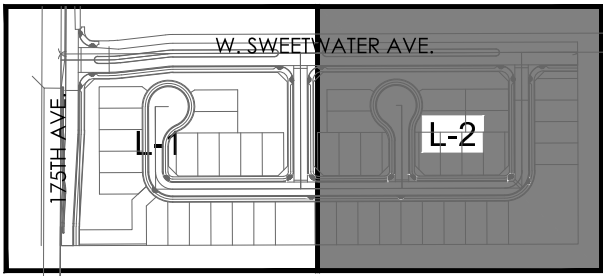


PLANTING LEGEND

TREES	
BAUHINIA LUNARIOIDES	ANACACHO ORCHID
FRAXINUS VELUTINA	'RIO GRANDE' ASH
OLEA EUROPAEA 'SWAN HILL'	FRUITLESS OLIVE
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SIMMONDSIA CHINENSIS	JOJOBA
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- Notes:
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KEYMAP

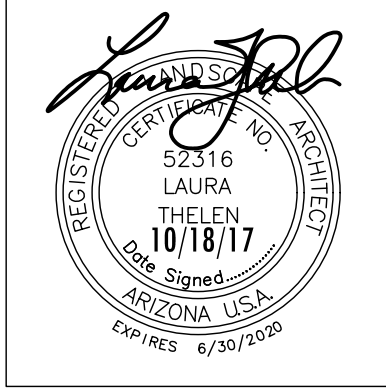


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175TH & SWEETWATER

PRELIMINARY LANDSCAPE PLAN

SURPRISE, ARIZONA

AZ COMMUNITY DEVELOPMENT, LLC.

LANDSCAPE PLAN

revision	date
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Call Two Working Days Before You Dig

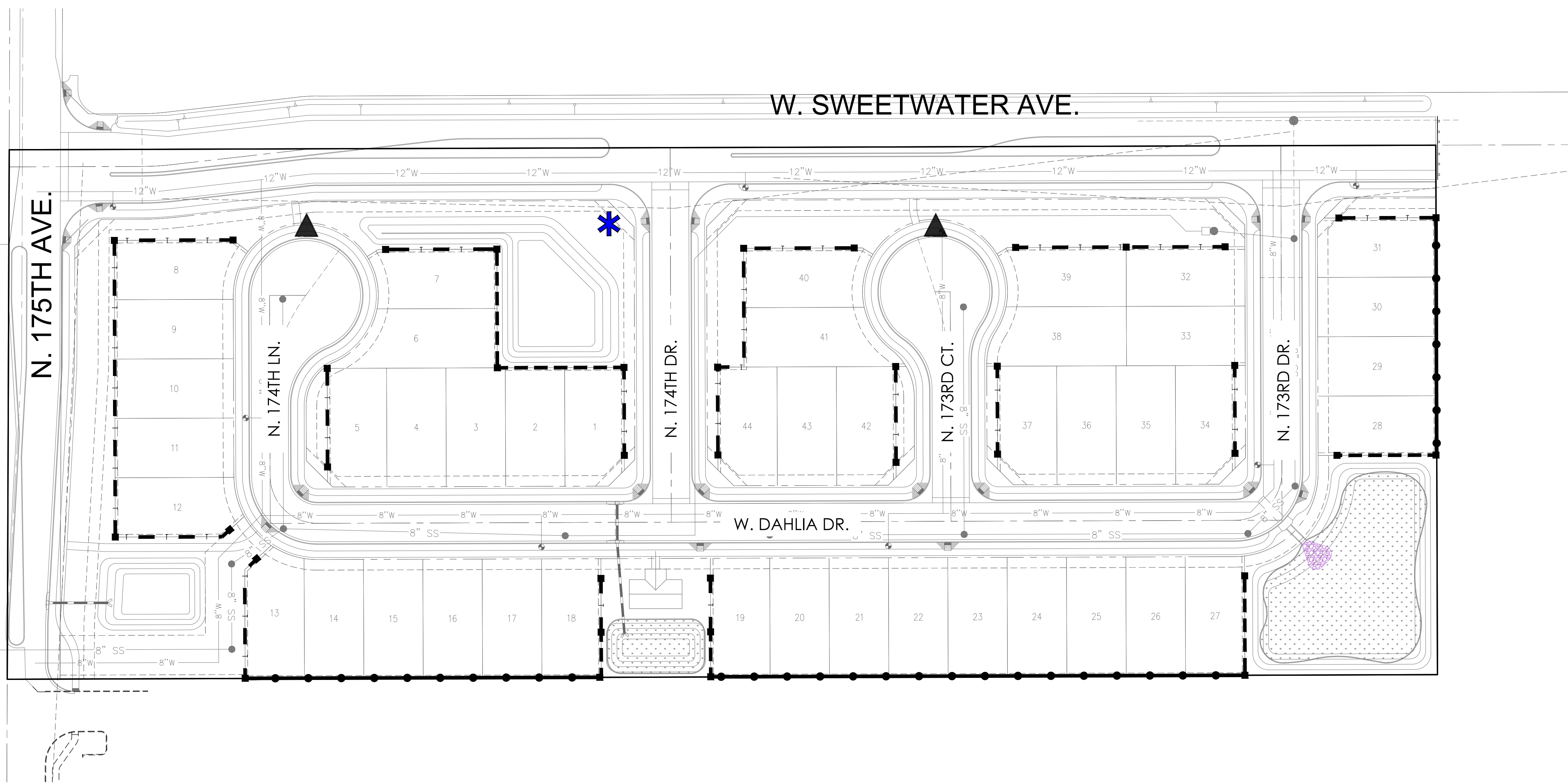
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1-800-STAKE-IT

(Outside Maricopa County)

date: 07/06/17
job no.: 1726
drawn: LVA
sheet #

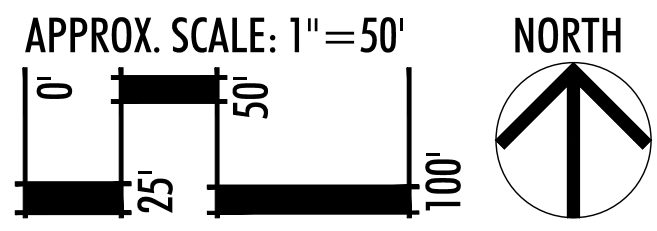
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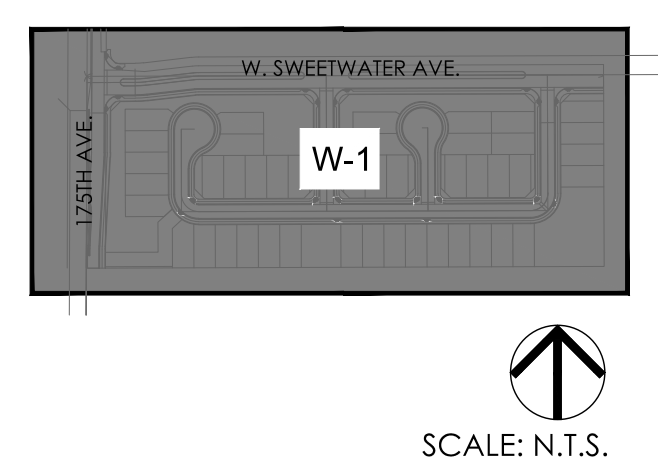
NOTE:
1. ALL MAILBOX LOCATIONS AND SIZES ARE PRELIMINARY AND ARE SUBJECT TO FINAL APPROVAL BY THE U.S.P.S.
2. ADEQUATE LIGHTING FIXTURES WILL BE PROVIDED IN MAILBOX LOCATIONS. DETAILS TO BE PROVIDED WITH FINAL PLANS.

LEGEND

- THEME WALL (DETAIL 1, SHT WD-1) [Symbol]
- PARTIAL VIEW FENCE (DETAIL 2, SHT WD-1) [Symbol]
- BUILDER WALL (DETAIL 4, SHT WD-1) [Symbol]
- ENTRY MONUMENT (FUTURE) [Symbol]
- MAILBOX CLUSTER (DETAIL 3, SHT WD-1) [Symbol]



KEYMAP





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175TH & SWEETWATER

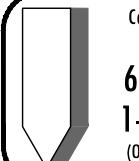
PRELIMINARY LANDSCAPE PLAN

SURPRISE, ARIZONA

AZ COMMUNITY DEVELOPMENT, LLC.

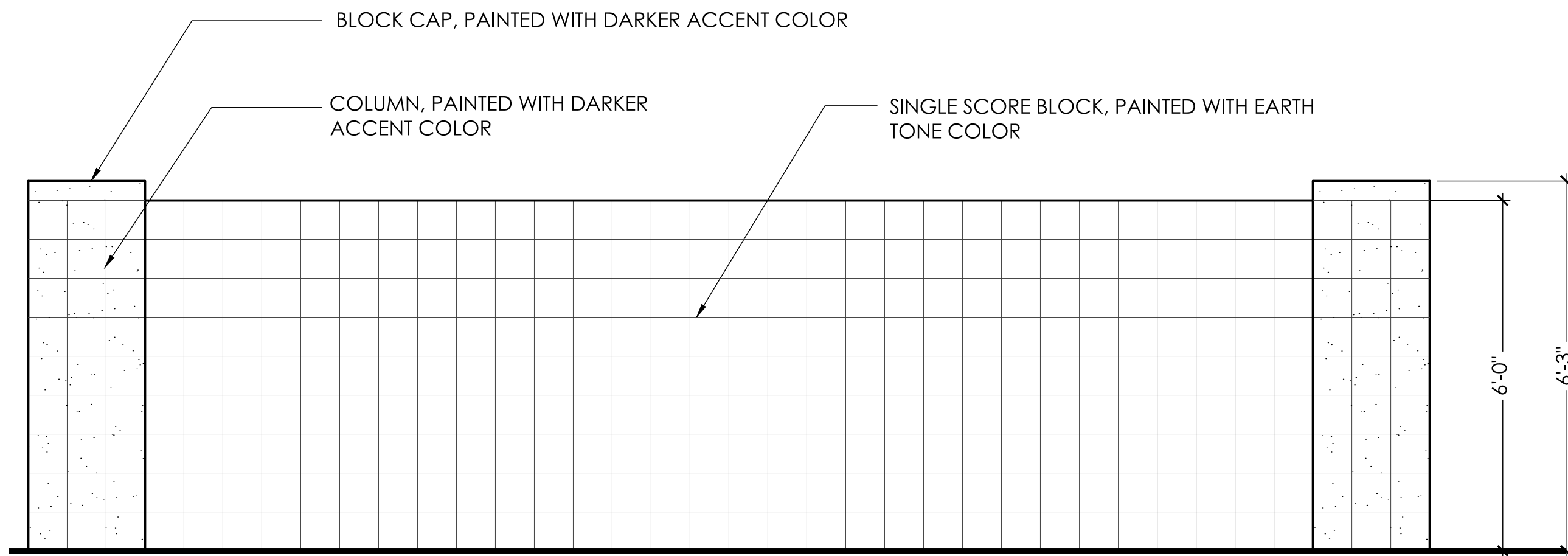
WALL & MAILBOX PLAN

revision	date

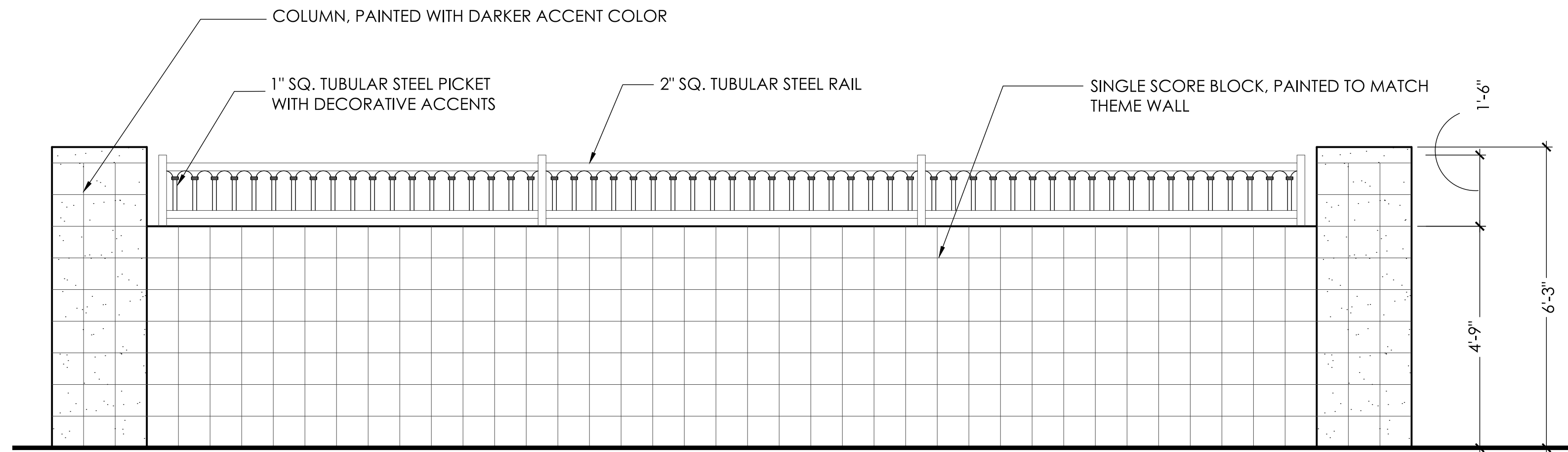


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(Outside Maricopa County)

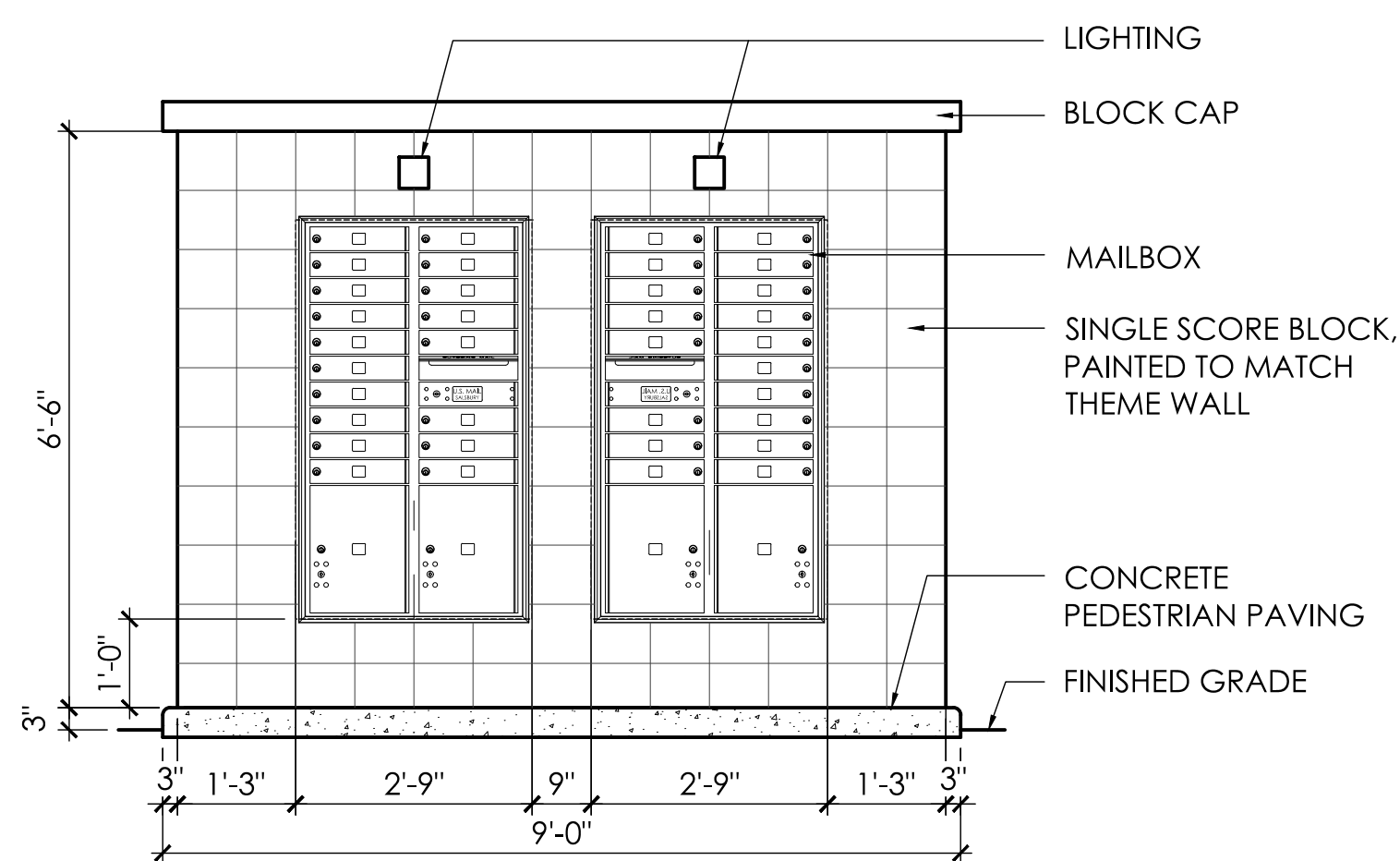
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job no.: 1726
drawn: LVA
sheet #
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4 of 5



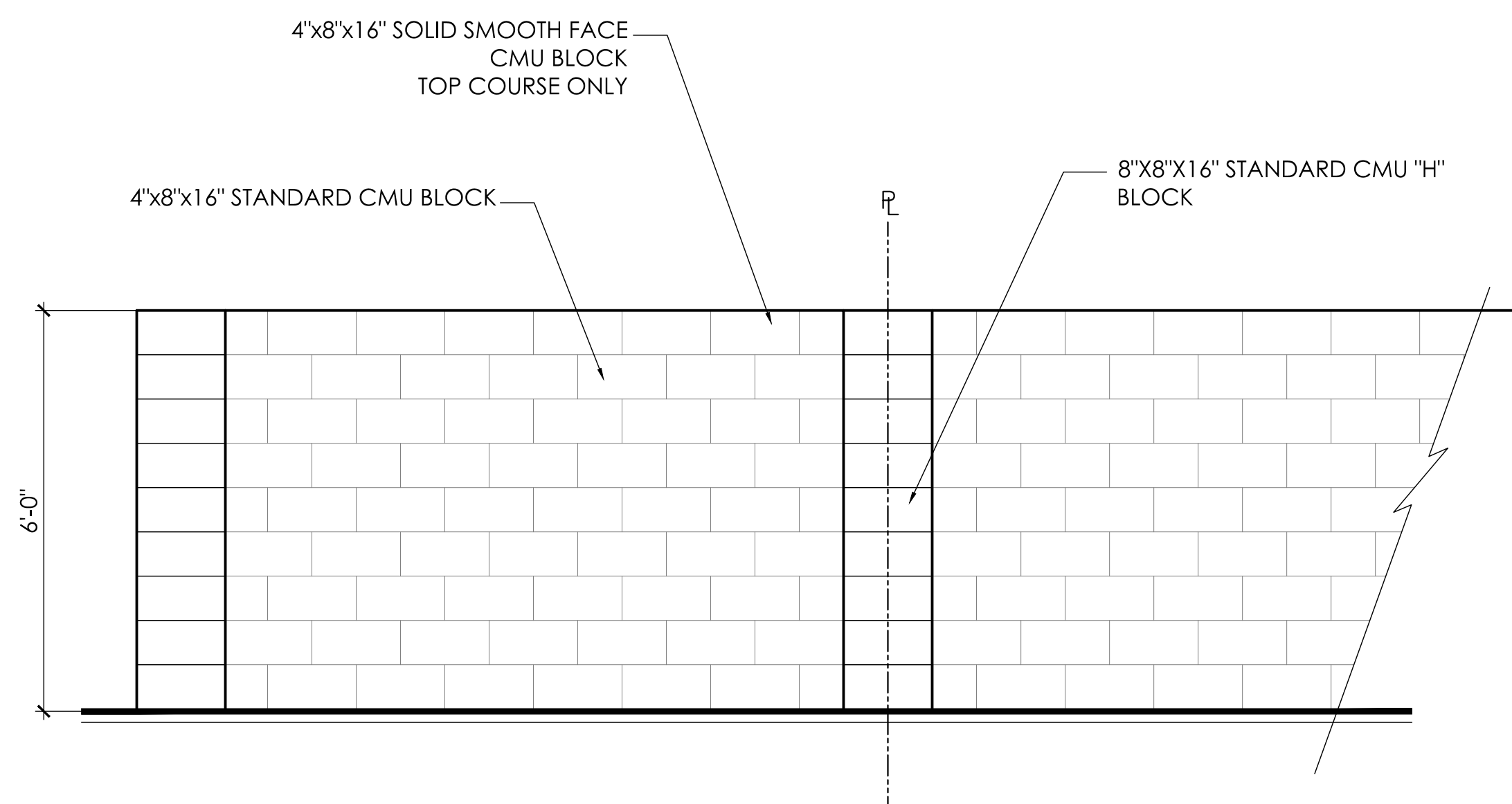
1 THEME WALL
SCALE: 1/2" = 1'-0"



2 PARTIAL VIEW FENCE (DECORATIVE WROUGHT IRON)
SCALE: 1/2" = 1'-0"



3 MAILBOX
SCALE: 1/2" = 1'-0"



4 BUILDER WALL
SCALE: 1/2" = 1'-0"

revision	date
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date: 07/06/17
job no.: 1726
drawn: LVA
sheet #



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

21 July 2017

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon St.
Luke AFB AZ 85309-1629

Ms. Jamie Sullivan
Development Services Specialist
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS17-403; 175th Ave & Sweetwater Avenue

Dear Ms. Sullivan

Thank you for the opportunity to provide comments on the Preliminary Plat Application for 175th and Sweetwater Avenues. The site is on 10 acres located at the southeast corner of 175th and Sweetwater Avenues within unincorporated Maricopa County however is within the City of Surprise General Planning Area. This request is for a residential community consisting of 44 units, for an overall density of 4.4 dwelling units per acre. The site is approximately 2.7 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is outside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/acre from the 65 Ldn to 1/2 mile, a maximum of 4 du/acre from 1/2 to 1 mile, and a maximum of 6 du/acre from 1 to 3 miles. The density of 4.4 du/ac meets these guidelines.

This request, as stated in the application, will not negatively impact the flying operations at Luke AFB. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante,
at (623) 856-9981.

Sincerely

for Barbara Plante
JAMES R. MITCHELL

cc:

Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

From: Tony Abbo [<mailto:TAbbo@azdot.gov>]
Sent: Monday, July 17, 2017 6:57 AM
To: Jamie Sullivan; Michael Wilson
Subject: FW: FS17-403 175th Ave & Sweetwater Ave Electronic Submittal

Hello:

Based on the size and location of this development, it is my opinion that it will not have a significant impact on the state system. Therefore Regional Traffic has no further comment on the development.

Best Regards,

TONY S. ABBO, PE, PTOE, FITE

Regional Traffic Engineer (RTE) – Central Region

Arizona Department of Transportation (ADOT)

2140 West Hilton Avenue

PM00

Phoenix AZ 85009

Cell: (480) 294-0548

E-mail: tabbo@azdot.gov



Transportation Systems Management and Operations

From: Debbie Trasancos [mailto:DebbieT@mwdaz.com]
Sent: Monday, July 17, 2017 3:20 PM
To: Jamie Sullivan
Cc: Chris Cain; Leslie Jarrell
Subject: RE: FS17-403 175th Ave & Sweetwater Ave Electronic Submittal

Jamie,

Thank you for providing the electronic submittal for 175th Ave & Sweetwater Ave (FS17-403).

MWD has reviewed this submittal and determined that the proposed development will impact MWD. As a result, this development will require a development agreement between MWD and the developer to address the impacts to MWD's facilities and/or property interests. Please have the developer or their consultant contact MWD to discuss this project. Additionally, the developer will need to provide copies of any subdivision plats and utility and improvement plans to MWD for review and approval pursuant to the attached *MWD Drawing Requirements*, along with payment of the applicable plan review fees pursuant to the attached *MWD Fees & Payment Schedule*. Upon our review of the plat and/or plans once they have are provided by the developer, MWD will copy the City on our approval and/or comments.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water District
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
debbiet@mwdaz.com

From: Lynndsay O'Neill - FCDX [mailto:LynndsayONeill@mail.maricopa.gov]
Sent: Wednesday, July 26, 2017 3:24 PM
To: Jamie Sullivan
Cc: Mark Frago - FCDX
Subject: RE: FS17-403 175th Ave & Sweetwater Ave Electronic Submittal

The Flood Control District of Maricopa County has the following comments.

Project Name: FS17-403 175th Ave & Sweetwater Ave. Project Information: SEC of 175th Ave and Sweetwater. APN 502-04-002P.

- This parcel is located on FEMA FIRM Panel number 1660L, located in FEMA Zone X, not in the SFHA.

Lynndsay O'Neill, CFM

Planner

Policy, Planning & Coordination Branch



Flood Control District of Maricopa County

2801 W Durango St, Phoenix, AZ 85009

(O) 602-506-8725

lynndsayoneill@mail.maricopa.gov

www.fcd.maricopa.gov



How are we doing? Click [here](#) to leave your feedback



S U R P R I S E

ARIZONA

Planning & Zoning Commission

December 7, 2017

175th & Sweetwater

Preliminary Plat



175th & Sweetwater

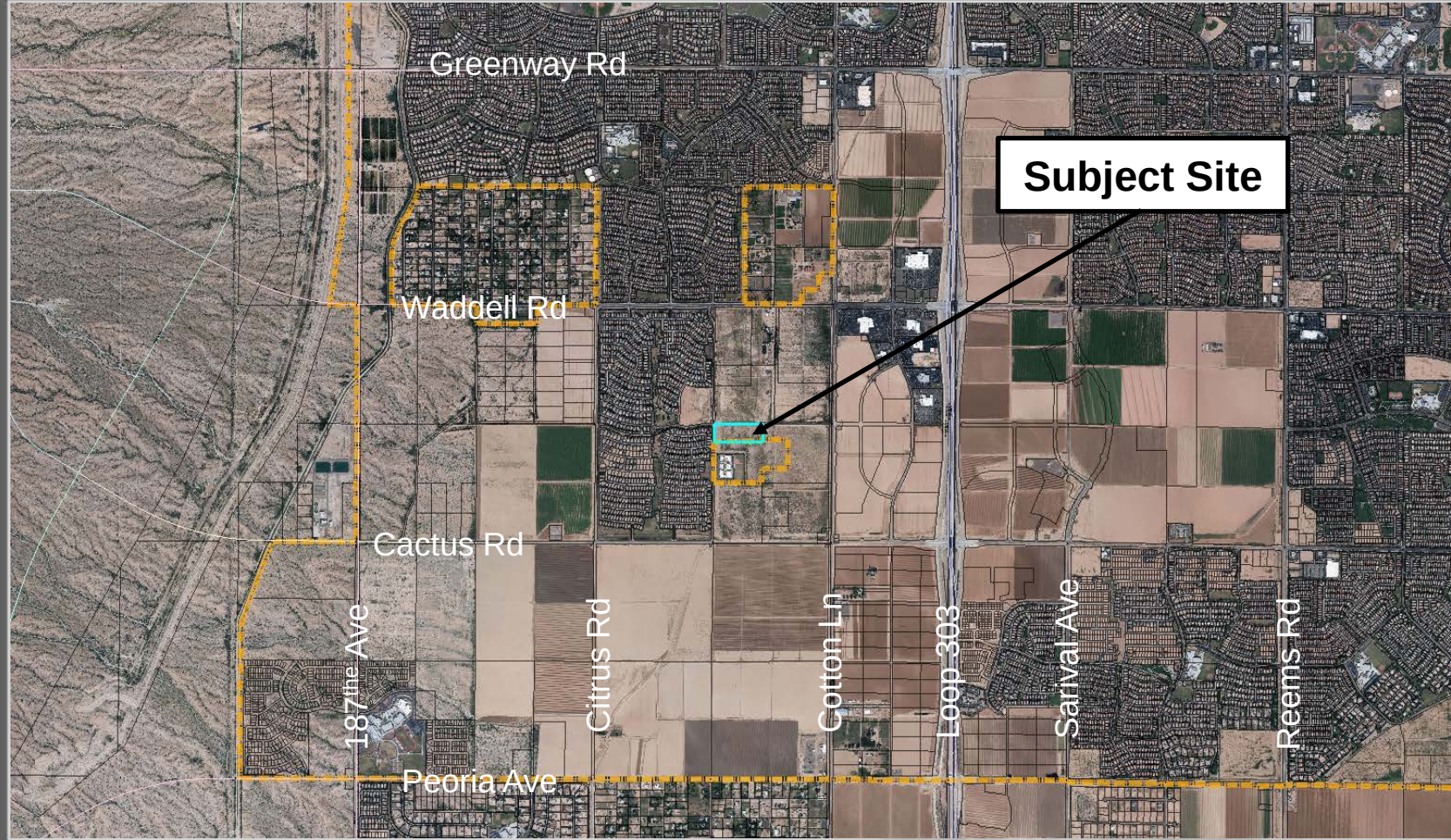
- ~~Zone Change~~
- Preliminary Plat



Magnolia

- Zone Change
- Preliminary Plat

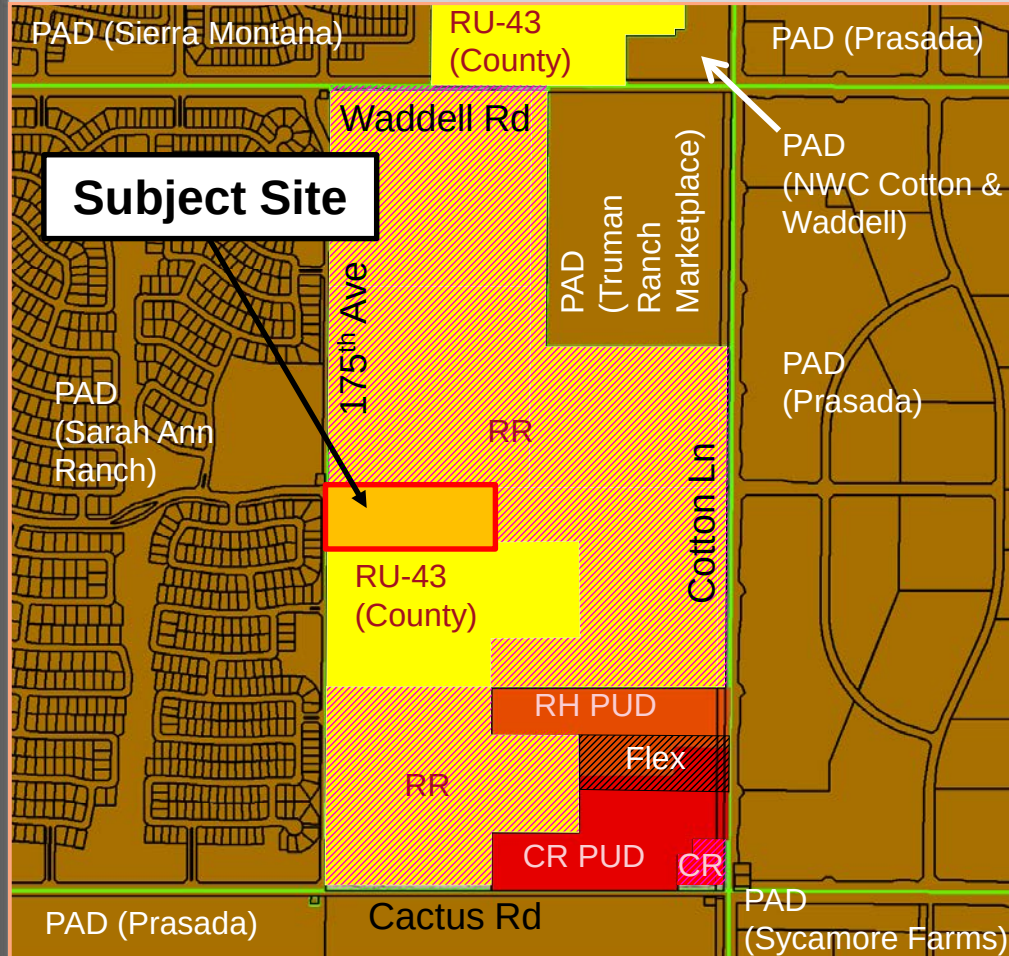




Fs17-403 Vicinity Map

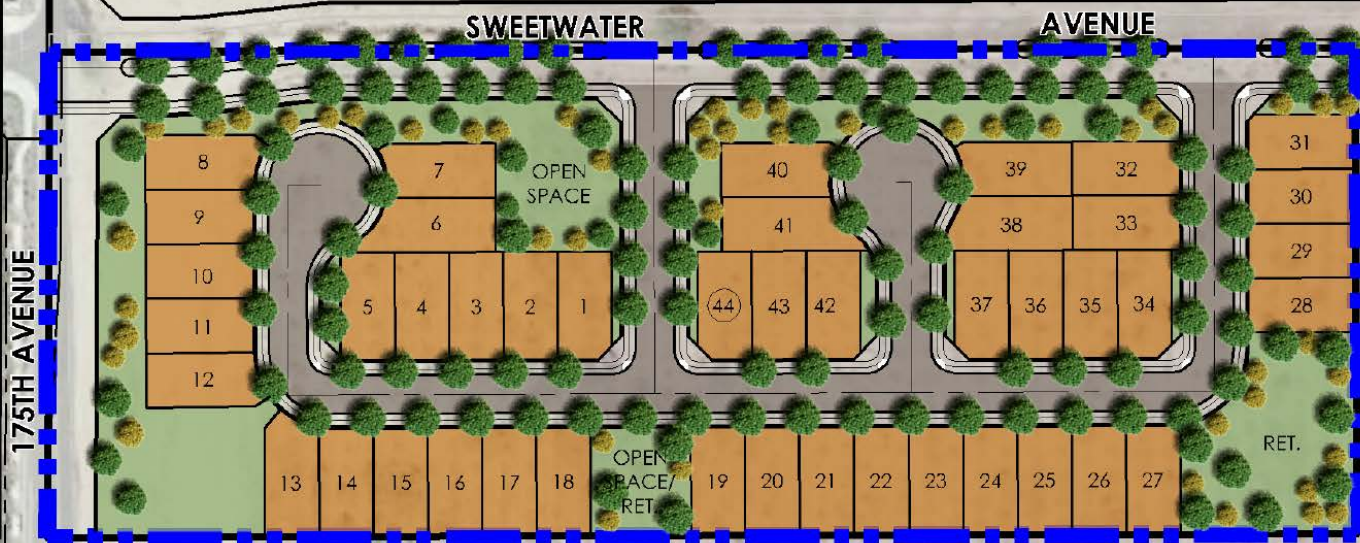
FS17-403

Case Map



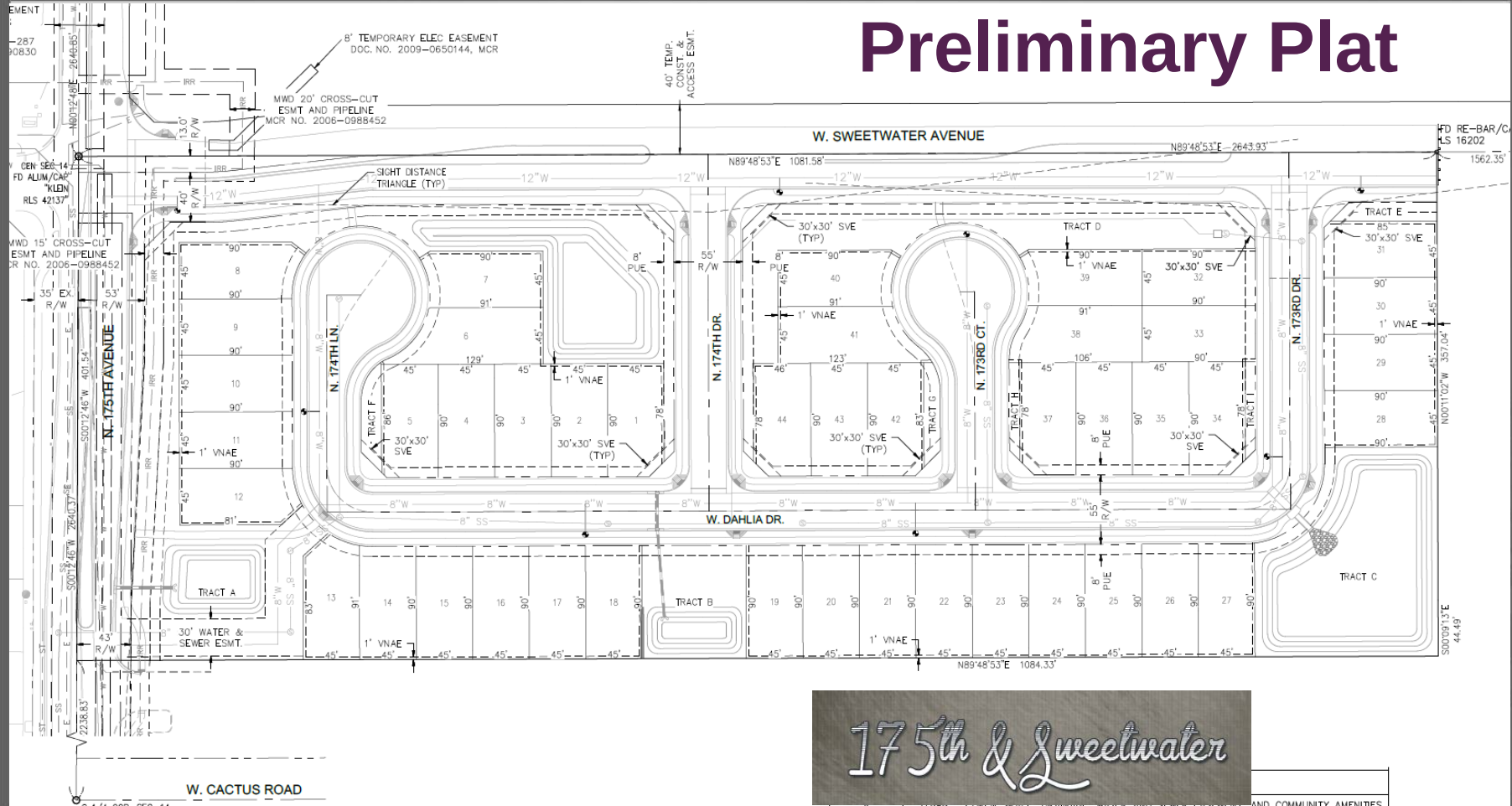
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- County RU-43 Zoning
- Surprise RR Zoning
- Surprise CR Zoning
- Surprise RH PUD Zoning
- Surprise CR PUD Zoning
- Surprise CR PUD / RH PUD Flex Zoning
- Surprise RM-9 PUD

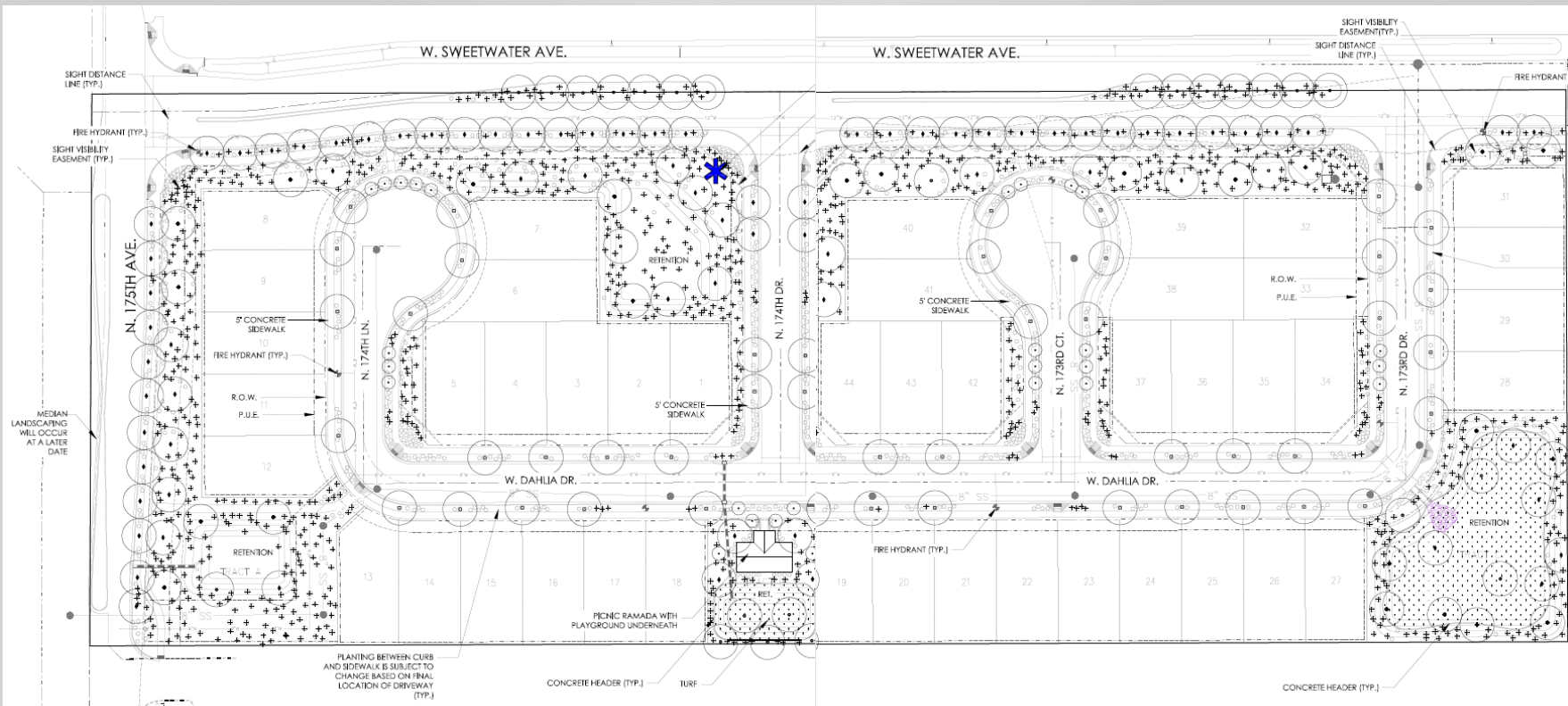
Zone Change (previously approved)



175th & Sweetwater

Preliminary Plat

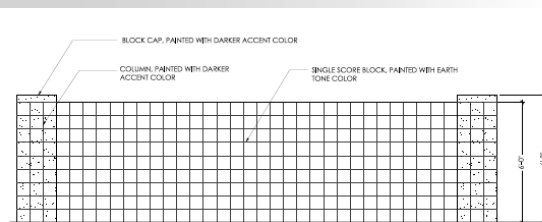
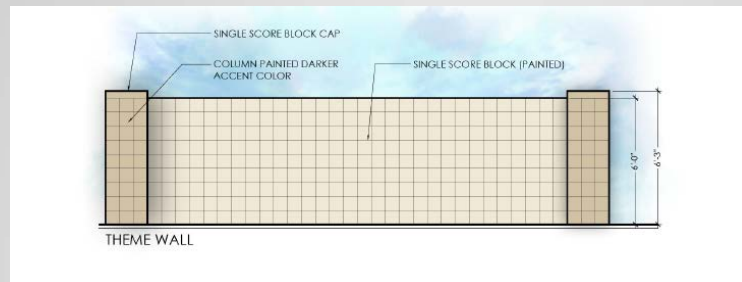




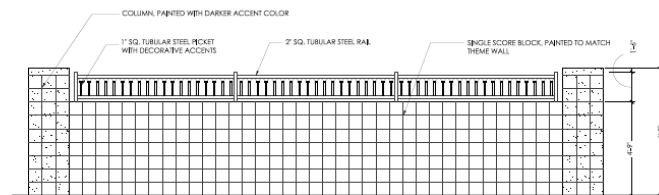
175th & Sweetwater

Preliminary Landscape

175th & Sweetwater



1 THEME WALL
SCALE: 1/2" = 1'-0"



2 PARTIAL VIEW FENCE (DECORATIVE WROUGHT IRON)
SCALE: 1/2" = 1'-0"

Perimeter Walls

W. SWEETWATER AVE.

N. 175TH AVE.

N. 174TH LN.

N. 174TH DR.

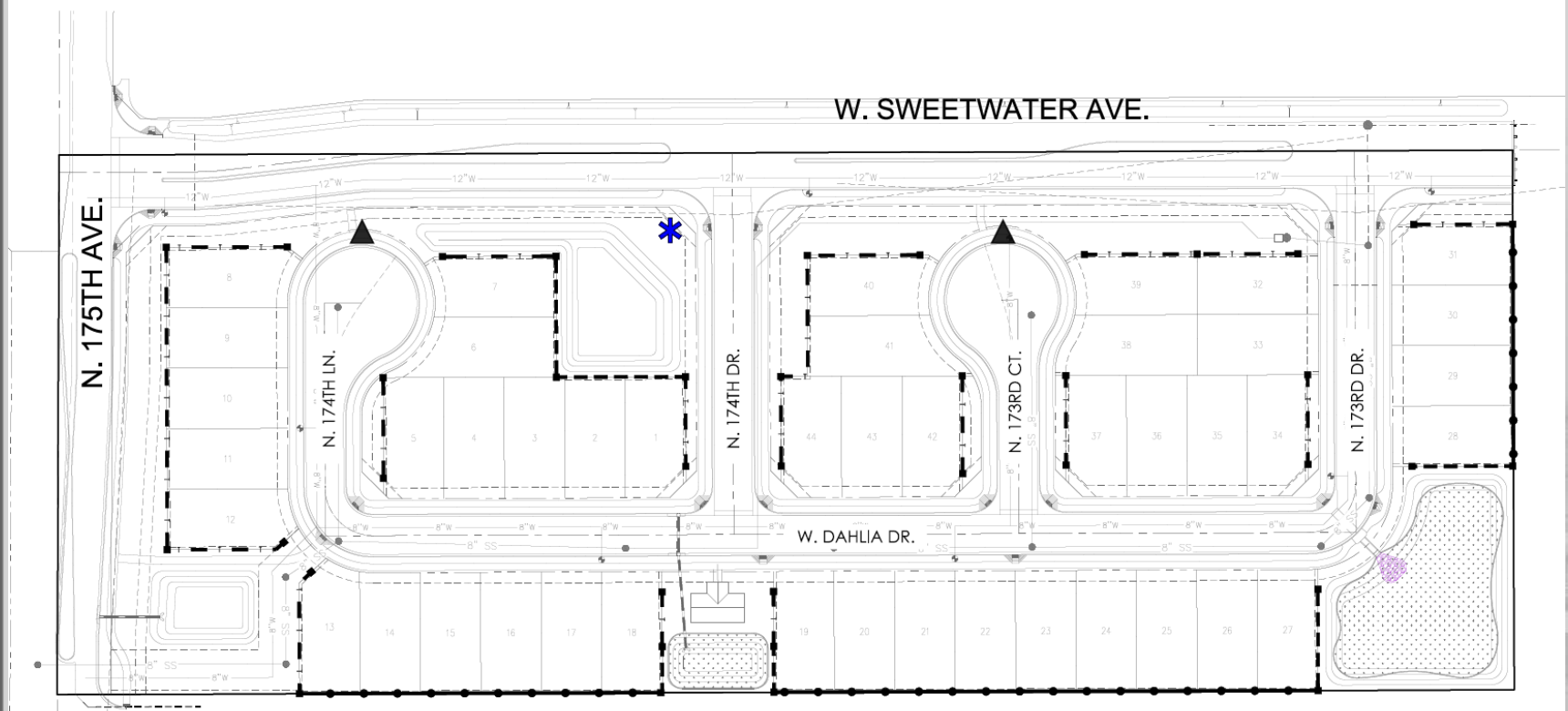
N. 173RD CT.

N. 173RD DR.

W. DAHLIA DR.

175th & Sweetwater

Wall Plan



Staff Recommendation:

175th & Sweetwater

Approve subject to
stipulations “a” through “d”



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD Boards and Commissions	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and action on recommending approval to the Mayor and City Council approving a Zoning Text Amendment for Wireless Facilities.

Motion:

I move to recommend approval to the City Council a Zoning Text Amendment for Wireless Facilities.

Background:

The Arizona Legislature adopted House Bill ("HB") 2365 during the 2017 legislative session. See Laws 2017, Chapter 124. HB 2365 added new Article 8 to Arizona Revised Statutes ("ARS") Title 9 entitled "Use of Public Highways by Wireless Providers." The new statutes are ARS Sections 9-591 through 9-598.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00-FS17-483-Wireless Facilities Zoning Text Amendment-Staff Report](#)
- ☐ [01 - FS17-483 - Wireless Facilities Zoning Text Amendment - Clean](#)
- ☐ [02 - FS17-483 - Wireless Facilities Zoning Text Amendment - Track Changes](#)
- ☐ [03 - FS17-483 - Wireless Facilities Zoning Text Amendment - HB2365](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner II

WIRELESS FACILITIES

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS17-483

Project Name: Wireless Facilities Zoning Text Amendment

Council District: Citywide

Meeting Date: December 7, 2017

Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: City of Surprise

Applicant: City of Surprise

Request: Modification of the Surprise Municipal Code (SMC) to adopt regulations and fees for Wireless Facilities in compliance with federal and state regulations.

General Plan Conformance: The proposal is consistent with the Surprise General Plan

DESCRIPTION:

The Arizona Legislature adopted House Bill (“HB”) 2365 during the 2017 legislative session. See Laws 2017, Chapter 124. HB 2365 added new Article 8 to Arizona Revised Statutes (“ARS”) Title 9 entitled “Use of Public Highways by Wireless Providers.” The new statutes are ARS Sections 9-591 through 9-598.

HB 2365 requires municipalities to allow what are known as “small wireless facilities” (SWFs) or “small cells” to be installed within the public right-of-way and easements. Small cells are different from typical wireless facilities. As the name implies, they are much smaller and cover limited areas. Small cells are low-powered wireless base stations that typically provide coverage for targeted indoor and outdoor areas of varying sizes (e.g., homes, office buildings, shopping malls, and stadiums). Small wireless facilities allow wireless service providers to add capacity to their networks by providing improved access for cell phone coverage and high-speed wireless data services not being served by traditional cell sites.

Small cells typically are attached to vertical structures within the right-of-way, such as light poles, utility poles, and traffic signal poles, to form a network. HB 2365 allows wireless providers to construct, install, modify, mount, maintain, operate, and replace utility poles

associated with the collocation of small cells and to do the same for monopoles that are associated with the collocation of all wireless facilities, not just small cells.

HB 2365 limits the extent to which municipalities (and counties under statutes added to ARS, Title 11) may regulate zoning approval, installation, location, number, and appearance of small wireless facilities and monopoles. Applications to install small wireless facilities are required to be approved unless the desired utility pole does not comply with:

- (1) Applicable codes (e.g., Uniform Building Code, Uniform Electrical Code, etc.);
- (2) Code provisions or regulations that concern public safety;
- (3) Objective design standards;
- (4) Reasonable stealth and concealment requirements;
- (5) Undergrounding requirements (but such requirements may not prohibit the replacement of utility poles or monopoles);
- (6) Contractual requirements between a municipality and a private property owner concerning design standards for utility poles in the public right-of-way (e.g., APS); or
- (7) Reasonable spacing requirements concerning the location of new utility poles in the right-of-way.

City staff is proposing changes and additions to the Surprise Land Development Ordinances to regulate wireless facilities and monopoles within the parameters of HB 2365.

FEES:

HB 2365 also imposes a cap on fees for SWFs. Staff is proposing ROW encroachment fees and application fees for small wireless facilities and wireless facilities on or in monopoles in the ROW. The fee schedule for SWFs in the ROW will be consistent with the statutorily-authorized application fees relating to small wireless facilities and wireless facilities on or in monopoles in the right-of-way. These fees will be applicable to wireless providers as defined by A.R.S. § 9-591(24).

The proposed fees are summarized as follows:

	Current Amount	Proposed Amount	
Annual Use Fees (1)			
• ROW Use Fee	\$ None	\$ 50	Per year x number of SWFs
• ROW Use Fee for Monopoles and associated wireless facilities	\$ None	\$ 50	Per year x number of SWFs
Application for collocating SWFs (Existing with no modifications) (2)			
• One (1) to five (5) applications	\$ None	\$ 100	Each
• Six (6) through 25 applications	\$ None	\$ 50	Each
Application for utility pole and monopole (New or existing with modifications)			

• New, replacement, or modified utility poles not subject to zoning review (3)	\$ None	\$ 400	Each
• New, replacement, or modified monopoles, utility poles, collocations, or wireless facilities subject to zoning review (4)	\$ None	\$ 400	Each

(1) ARS statute maximum of \$50 (Direct and actual cost to manage ROW)

(2) ARS statute maximum of \$100 (1 to 5) and \$50 (6 to 25)

(3) ARS statute maximum of \$1,000

(4) ARS statute maximum of \$1,500

This schedule of fees has been posted on the City's website as required by ARS § 9-499.15. Per this statute, the schedule is to be posted for at least sixty (60) days prior to the City Council's consideration and possible approval of the fees. A copy of the full schedule of fees, including the stated justification for the fees, is attached.

PROPOSED TIMELINE:

December 5, 2017: Discussion with Mayor and City Council during workshop on implementing HB 2365 and the fees required for Small Wireless Facilities in the ROW.

December 6, 2017: Presentation with public hearing to the Planning and Zoning Commission regarding the Zoning Text Amendment for Wireless Facilities followed by written recommendation to the City Council.

December 19, 2017: Discussion with Mayor and City Council during workshop on HB 2365, technical information about the SWF technology, the Zoning Text Amendment, , and the Master License Agreement.

January 2, 2018: Discussion and action on Zoning Text Amendment, Master License Agreement, and Terms and Conditions for small wireless facilities.

February 6, 2018: Discussion and action on the fee schedule for wireless facilities in the ROW to be enacted as an emergency measure due to the statutory deadline imposed by HB 2365.

February 9, 2018: The new law becomes effective.

CONFORMANCE WITH ADOPTED REGULATIONS:

Surprise General Plan 2035: The Land Use element of the General Plan 2035 recognizes the significance of properly designed wireless facilities for community design and economic development. The proposed modifications to the code will be in compliance with the General Plan.

Federal Law: Section 6409 (the "Spectrum Act") of the Middle Class Tax Relief and Job Creation Act of 2012 , and implementing regulations adopted by the Federal Communications Commission ("FCC"), mandate that states and local governments approve certain wireless broadband facility siting requests for modifications and collocations of wireless transmission equipment on existing towers or base stations that do not result in a substantial change to the physical dimensions of the tower or base station. The proposed modifications to the code will be in compliance with the Spectrum Act.

Arizona State Law: HB 2365 establishes a statewide policy surrounding the deployment of small wireless facilities – more commonly known as “small cells” – that will enhance the existing 4G LTE network, accelerate investment in mobile broadband infrastructure, and ready the State of Arizona for the next wave of economic development in the digital economy via 5G technology. The proposed modifications to the code will be in compliance with HB 2365.

SUMMARY:

The proposed Zoning Text Amendment, Master License agreement, Terms and Conditions, and fee schedule for wireless facilities in the ROW will provide opportunity for the city to expand wireless services to the residents and businesses that are located within the city while conforming to federal and state law.

FINDINGS:

- The proposed Zoning Text Amendment demonstrates compliance with the General Plan.
- The proposed Zoning Text Amendment demonstrates compliance with Federal regulations.
- The proposed Zoning Text Amendment demonstrates compliance with State Regulations.
- The reviewing agencies and city staff have indicated no objections to the request.

RECOMMENDATION:

Based on the findings noted above, staff recommends the Commission recommend **approval** to the Mayor and City Council the subject Zoning Text Amendment.

However, should the Commission wish to deny the request, the Commission should make its own findings and base its decision on those alternative findings.

Attachments:

- 01 – Proposed Zoning Text Amendment (Clean)
- 02 – Proposed Zoning Text Amendment (Track Changes)
- 03 – House Bill 2365
- 04 – Schedule of Fees

Zoning Text Amendment

FS17-483

Update From:

Section 122-112 - Wireless Telecommunications Facilities

(WTF)

To:

Section 122-112. – Definitions

Section 122-112.1 - Wireless Facilities

Section 122.112.2 – Monopoles

Section 122.112.3 – Alternative Wireless Facility Locations

Section 122-112.4 - Small Wireless Facilities (SWF)

Section 122-122.5 – Cellular on Wheels (COW)

Section 122-122.6 – Amateur Radio Antennae

November 27, 2017 Draft

Sec. 122-112. - Definitions.

Definitions. The following definitions will apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein will be defined by the city manager or designee. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "will" and "shall" ARE mandatory and not merely directory and the word "may" is discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference will be read to refer to the renumbered or amended provision.

- (a) *Alternative tower structure.* An innovative wireless tower design such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless antennas or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the CITY MANAGER OR DESIGNEE on a case-by-case basis.
- (b) AMATEUR RADIO ANTENNAE. A FREESTANDING OR BUILDING-MOUNTED STRUCTURE, INCLUDING ANY BASE, TOWER, POLE, ANTENNA, AND APPURTANCES, INTENDED FOR AIRWAY TELECOMMUNICATIONS PURPOSES BY A PERSON HOLDING A VALID AMATEUR RADIO (HAM) LICENSE ISSUED BY THE FEDERAL TELECOMMUNICATIONS COMMISSION (FCC).
- (c) ANTENNA. COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN PROVIDING WIRELESS SERVICES.
- (d) *Authorized person.* The person(S), employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit a

WIRELESS FACILITY application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the WIRELESS FACILITY application.

- (e) *Backhaul*. The connection from a WIRELESS FACILITY base station to the core network of the Internet.
- (f) *Base station*. The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower OR MONOPOLE as defined in this chapter or any equipment associated with a tower OR MONOPOLE:
 - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.
 - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
 - c. The term includes any structure other than a tower OR MONOPOLE that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. The term does not include any structure that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, does not support or house equipment described in SUBSECTIONS a. and/or b. above.

- (g) *Cell on wheels (COW)*. A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer, designed to be part of a cellular network and temporary in nature.
- (h) COLLOCATE OR Collocation. TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE, OR REPLACE WIRELESS FACILITIES ON, WITHIN, OR ADJACENT TO A WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.
- (i) COLLOCATION, MINOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT DOES NOT EXCEED TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND DOES NOT EXCEED 50 FEET ABOVE GROUND LEVEL.
- (j) COLLOCATION, MAJOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT EXCEEDS TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND/OR EXCEEDS 50 FEET ABOVE GROUND LEVEL.
- (k) *Conceal or concealment*. WIRELESS FACILITIES designed OR DISGUISED to look like SOMETHING other than a wireless FACILITY or base station.
- (l) *Deemed approved*. A WIRELESS FACILITY modification OR BUILDING PERMIT application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant the FCC, THE STATE OF ARIZONA, and this chapter.
- (m) *Existing*. For purposes of this chapter and as applied to WIRELESS FACILITIES that HAVE been reviewed and approved under the applicable zoning or siting process, provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- (n) *FCC*. The Federal Communications Commission or its successor.
- (o) MICROCELL. A DEVICE THAT IS CONNECTED TO AERIAL FACILITIES AND USED SOLELY FOR TRANSMITTING, PROCESSING AND RECEIVING VOICE

AND DATA WIRELESS TELECOMMUNICATIONS SERVICES, WITHOUT ANY ASSOCIATED GROUND MOUNTED EQUIPMENT. THE DEVICE IS OFTEN REFERRED TO AS AN ASME (AERIAL STRAND MOUNTED EQUIPMENT).

- (p) *Monopole*. A WIRELESS SUPPORT structure composed of a single spire used to support COMMUNICATIONS equipment AND having no guy wires or ground anchors. A MONOPOLE SHALL NOT BE GREATER THAN FORTY (40) INCHES IN DIAMETER AT GROUND LEVEL AND HAVE ALL OF THE WIRELESS FACILITIES MOUNTED ON THE POLE AND WIRING CONTAINED INSIDE OF THE POLE. INCLUDES MONOPALMS, MONOCACTUS, MONOPINES, AND MONOBROADLEAF WIRELESS TOWERS.
- (q) PUBLIC RIGHT-OF-WAY (ROW). AN AREA DEDICATED TO PUBLIC USE FOR MULTIMODAL MOVEMENT, AND MAY INCLUDE PUBLIC AND PRIVATE UTILITIES.
- (r) *Rooftop-mounted WIRELESS FACILITY*. A wireless facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment WHICH ARE adequately screened so as not to appear as stand-alone devices above the top of the roof line.
- (s) *Site*. For WIRELESS FACILITIES other than WIRELESS FACILITIES in the public right-of-way, will mean, and refer to, the current boundaries of the property surrounding the WIRELESS FACILITY and any access or utility easements currently related to the site, and, for other WIRELESS support structures, will mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- (t) SITE PLAN. A REQUIRED PLAN, TO SCALE, OF A PROJECT AREA SHOWING USES AND STRUCTURES BOTH EXISTING AND PROPOSED.
- (u) *Small WIRELESS facility (SWF)*. A wireless facility that MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

a. All antennas are located inside an antenna enclosure of no more than SIX (6) cubic feet in volume or, in the case of antenna's that have exposed elements, the antennas and all of its exposed elements could fit within an imaginary enclosure of no more than SIX (6) cubic feet; and

b. ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT (28) CUBIC FEET IN VOLUME OR FIFTY (50) CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

1. AN ELECTRIC METER.
2. CONCEALMENT ELEMENTS.
3. A TELECOMMUNICATIONS DEMARCATION BOX.
4. GROUNDING EQUIPMENT.
5. A POWER TRANSFER SWITCH.
6. A CUTOFF SWITCH.
7. VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES.

(v) *Small cell network.* A collection of interrelated small cell facilities designed to deliver personal wireless services.

(w) *Structure-mounted wireless facility.* A wireless facility with the antennas located on the wall or roof of a building or on the side or top of a structure, including co-locating on an existing freestanding wireless facility and consisting of antennas, support structures and accessory equipment.

(x) *Transmission equipment.* Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular

and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(y) *Tower.* Any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(z) *Wireless facility.*

- a. EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:
 - 1. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.
 - 2. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.
- b. INCLUDES SMALL WIRELESS FACILITIES.
- c. DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER, OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

- d. DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-584, SUBSECTION E.
- (aa) WIRELESS FACILITY MONOPOLE MODIFICATION, MINOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION DOES NOT EXCEED THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE MONOPOLE LESS THAN TEN (10) FEET; OR
- b. AN INCREASE OF BASE STATION AREA LESS THAN TEN (10) PERCENT OF THE EXISTING FACILITY.
- (bb) WIRELESS FACILITY MONOPOLE MODIFICATION, MAJOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION EXCEEDS THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE TOWER GREATER THAN TEN (10) FEET; OR
- b. AN INCREASE OF BASE STATION AREA GREATER THAN TEN (10) PERCENT OF THE EXISTING FACILITY.
- (cc) WIRELESS SUPPORT STRUCTURE.
- a. MEANS:
1. A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.
 2. A TOWER, EITHER GUYES OR SELF-SUPPORTING.
 3. A SIGN OR BILLBOARD.

4. ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT, OR CAPABLE OF SUPPORTING, SMALL WIRELESS FACILITIES (SWS).
- b. DOES NOT INCLUDE A UTILITY POLE.

DRAFT

Sec. 122-112.1 - Wireless facilities.

The purpose of the wireless facility regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. WIRELESS FACILITIES are allowed in all zoning districts, but the preferred WIRELESS FACILITY locations include locations having the least amount of visual and neighborhood impact. The wireless communications service providers will adhere to all applicable federal, STATE, AND LOCAL regulations.

(a) CUMULATIVE Classifications and application process MATRIX.

<u>SECTION</u>	<u>REQUEST</u>	<u>PROCESS TYPE</u>	<u>MAXIMUM REVIEW TIME (DAYS)</u>
<u>122-112.2</u>	<u>NEW MONOPOLE</u>	<u>2</u>	<u>150</u>
	<u>MONOPOLE COLLOCATION</u>	<u>1</u>	<u>90</u>
	<u>MINOR MONOPOLE MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR MONOPOLE MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>MONOPOLE ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.3</u>	<u>ALTERNATIVE FACILITY LOCATION</u>	<u>1</u>	<u>150</u>
	<u>ALTERNATIVE FACILITY LOCATION COLLOCATION</u>	<u>1</u>	<u>90</u>

	<u>MINOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>ALTERNATIVE FACILITY LOCATION ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.4</u>	<u>SWF IN RIGHT-OF-WAY</u>	<u>ROW ENCROACHMENT PERMIT</u>	<u>75</u>
	<u>SWF OUTSIDE OF RIGHT-OF-WAY</u>	<u>1</u>	<u>90</u>
<u>122-112.2</u>	<u>WIRELESS FACILITIES OTHER THAN DEFINED HEREIN</u>	<u>3</u>	<u>150</u>
<u>122-112.5</u>	<u>CELL ON WHEELS (COW)</u>	<u>1</u>	<u>90</u>
<u>122-112.5</u>	<u>AMATEUR RADIO ANTENNAE</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>AMATEUR RADIO ANTENNAE GREATER THAN 35 FEET</u>	<u>3</u>	<u>150</u>

(b) ALL CHANGES WILL BE MEASURED CUMULATIVELY TO PRESERVE THE LIMITS ESTABLISHED BY FEDERAL, STATE, AND LOCAL LAW.

(c) ALL WIRELESS FACILITIES WILL IDENTIFY A SINGLE PARKING SPACE FOR THE FACILITY. IF THE LOCATION IS ON A SEPARATE PARCEL, OWNER AUTHORIZATION WILL BE REQUIRED.

(d) BASE STATIONS:

(1) BASE STATIONS AND ALL GROUND MOUNTED EQUIPMENT WITH INTEGRATED AIR CONDITIONING WILL BE ENCLOSED BY A SOLID DECORATIVE WALL WITH A HEIGHT EQUAL TO OR EXCEEDING THE HEIGHT OF THE BASE STATION.

(2) UNLESS ALLOWED BY FEDERAL, STATE, OR LOCAL LAW, NO ADVERTISEMENTS OR IDENTIFYING LOGOS WILL BE PLACED ON ANY STRUCTURE IN THE ROW.

(3) LOCATED OUTSIDE THE ROW:

a. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED HEREIN;

b. WILL BE LOCATED UNDERGROUND, INSIDE BUILDINGS, OR BEHIND SCREEN WALLS;

c. ENCLOSURES FOR BASE STATIONS, OTHER THAN THOSE FOR SWFS, WILL BE CONSTRUCTED WITH DECORATIVE CMU BLOCK AND UTILIZE AN OPAQUE DOOR.

d. SWF BASE STATIONS WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.

- e. AN ENCLOSED BASE STATION WILL OCCUPY NO MORE THAN 600 SQUARE FEET.

(4) LOCATED IN THE ROW:

- a. ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS, BUT WILL BE LOCATED AS FAR AWAY FROM THE STREET AS POSSIBLE.
- b. WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.
- c. ENCLOSURES ARE LIMITED TO SIX (6) CUBIC FEET.
- d. WILL BE LOCATED OUTSIDE THE SIGHT VISIBILITY TRIANGLE.

- (e) WHEN INSTALLING THE WIRELESS FACILITY, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THIS CHAPTER.

(f) APPEALS:

- (1) THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.
- (2) THE DECISION OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED TO THE MAYOR AND CITY COUNCIL, WHOSE DECISION WILL BE FINAL. THE THE PLANNING AND ZONING COMMISSION SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(g) DISCONTINUATION OF USE.

(1) IN THE EVENT THE USE OF ANY WIRELESS FACILITY HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WIRELESS FACILITY WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:

- a. REACTIVATE THE USE OF THE WIRELESS FACILITY OR TRANSFER THE WIRELESS FACILITY TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WIRELESS FACILITY; OR
- b. DISMANTLE AND REMOVE THE WIRELESS FACILITY. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.

SEC. 122-112.2 MONOPOLES.

MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS.

(a) TIMING: AN APPLICANT SEEKING A NEW MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW MONOPOLE – MAXIMUM OF 150 DAYS.

(2) COLLOCATIONS OR MAJOR MODIFICATION – MAXIMUM OF 90 DAYS.

(3) MINOR MODIFICATION – MAXIMUM OF 75 DAYS.

(4) MAJOR MONOPOLE MODIFICATION – MAXIMUM OF 90 DAYS.

(5) NEW MONOPOLE ON CITY PROPERTY - MAXIMUM OF 90 DAYS.

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

(3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;

- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- a. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - b. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- a. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES.

(c) REVIEW:

- (1) NEW MONOPOLE APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) COLLOCATIONS, MAJOR MODIFICATIONS, AND MONOPOLES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (3) MINOR MODIFICATIONS WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

- (1) ALL WIRELESS FACILITIES WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND LANDSCAPE OF THE AREA IN WHICH IT IS PLACED;
- (2) ALL WIRELESS FACILITY ANTENNAE, MOUNTING HARDWARE, AND CABLING SHALL BE COVERED OR PAINTED TO MATCH THE COLOR, MONOPOLE ON WHICH IT IS MOUNTED;
- (3) SETBACKS. THE SETBACK OF ALL WIRELESS FACILITIES MONOPOLES SHALL MEET THE YARD DEVELOPMENT STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. THE SETBACK SHALL BE

MEASURED FROM THE LOT LINE TO THE WIRELESS FACILITY TOWER. ADDITIONALLY, ALL TOWERS SHALL BE SET BACK FROM ANY RESIDENTIAL LOT LINES A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER AND FROM ANY NONRESIDENTIALLY LOT LINE A DISTANCE EQUAL TO THE HEIGHT OF THE WIRELESS FACILITY STRUCTURE; AND

(4) WIRELESS FACILITY IDENTIFICATION. EACH WIRELESS FACILITY SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER. THE PLAQUE OR MARKER REQUIRED BY THIS SECTION SHALL BE REVISED WITHIN 30 DAYS OF ANY CHANGE IN THE REQUIRED INFORMATION/CONTENT.

(5) MONOPALM:

- a. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED;
- c. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS;
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- e. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;

- f. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- g. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS;
- h. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE; AND
- i. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(6) MONOCACTUS.

- a. THE MONOCACTUS STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUE TO THE TOP OF THE STRUCTURE;
- b. THE DIAMETER OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP;
- c. THE HEIGHT OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT;
- d. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE MONOCACTUS STRUCTURE; AND
- e. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE MONOCACTUS STRUCTURE.

(7) MONOPINE OR MONOBROADLEAF.

- a. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
 - b. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE;
 - c. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;
 - d. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
1. BRANCHES:
 - i. WILL BE CONSTRUCTED TO A DENSITY OF NO LESS THAN TWO AND ONE-HALF (1 ½) BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE;
 - ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE; AND
 - iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD, CONSISTENT WITH THE SPECIES OF TREE IMITATED BY THE STRUCTURE. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR DECIDUOUS TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO

APPROXIMATELY THE SAME HEIGHT OF THE MONOPINE OR MONOBROADLEAF.

- e. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED;
- f. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
- g. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED PER MONOPINE OR BROADLEAF TREE; AND
- h. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(8) ALTERNATIVE MONOPOLE STRUCTURE:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
- d. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- e. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE EACH, WILL BE PERMITTED ON EACH ALTERNATIVE TOWER STRUCTURE.

- f. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE ALTERNATIVE TOWER STRUCTURE.

(e) INDUSTRIAL ZONING DISTRICTS.

(1) THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND, IN ANY DIRECTION, MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.

- a. THE DIAMETER OF THE MONOPOLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- b. ALL CABLES WILL BE CONCEALED WITHIN THE MONOPOLE STRUCTURE;
- c. THE MAXIMUM HEIGHT OF THE MONOPOLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPOLE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- d. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPOLE. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE; AND
- e. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(f) ALL OTHER WIRELESS FACILITIES THAT DO NOT FALL UNDER ANY OF THE SUBSECTIONS REGARDING WIRELESS FACILITIES WILL FOLLOW THE TYPE III CONDITIONAL USE PERMIT PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. IN ADDITION TO COMPLYING WITH THE CUP CRITERIA, ANY APPLICATION UNDER THIS SUBSECTION WILL COMPLY WITH THE FOLLOWING CRITERIA:

- a. AESTHETICS STANDARDS;
- b. SETBACK AND HEIGHT RESTRICTIONS;

- c. SAFETY CONCERNS INCLUDING, BUT NOT LIMITED TO, FALL ZONES, AND BUFFERING;
- d. ENVIRONMENTAL;
- e. PROTECTIONS OF PROPERTY VALUES; AND
- f. TIMING: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.

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SEC. 122-112.3 ALTERNATIVE WIRELESS FACILITY LOCATIONS.

ALTERNATIVE WIRELESS FACILITIES INCLUDE LOCATIONS SUCH AS BUILDING/STRUCTURE MOUNTED, ROOF MOUNTED, RECREATIONAL LIGHT POLES, AND WATER TOWER/TANK FACILITIES. DESIGN OF THE MOUNTING STRUCTURES WILL CAMOUFLAGE OR CONCEAL THE PRESENCE OF A WIRELESS FACILITY.

(a) TIMING: AN APPLICANT SEEKING A NEW ALTERNATIVE WIRELESS FACILITY INSTALLATION, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 150 DAYS

(2) MINOR ALTERNATIVE WIRELESS FACILITY MODIFICATION – MAXIMUM OF 75 DAYS

(3) COLLOCATIONS OR MAJOR MODIFICATION OF ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 90 DAYS.

(4) NEW ALTERNATIVE WIRELESS FACILITY ON CITY PROPERTY - MAXIMUM OF 90 DAYS

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

- (3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- c. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - d. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- b. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND
 - c. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES

AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES;

(c) REVIEW:

- (1) NEW ALTERNATIVE WIRELESS FACILITIES, COLLOCATIONS, MAJOR MODIFICATIONS, AND ALTERNATIVE WIRELESS FACILITIES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) MINOR MODIFICATIONS OF AN ALTERNATIVE WIRELESS FACILITY WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

(1) BUILDING- OR STRUCTURE-MOUNTED FACILITIES:

- a. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE, THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE

STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL OTHER APPLICABLE STANDARDS;

- b. A BUILDING- OR STRUCTURE-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES;
- c. ANTENNAS MAY ENCROACH INTO A SIDE OR REAR SETBACK A MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A PROPERTY LINE; AND
- d. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - 1. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE UNLESS TECHNICAL REASONS DICTATE ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP OF THE STRUCTURE;
 - 2. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND; AND
 - 3. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED OR WILL BE CAMOUFLAGED AS PART OF THE BUILDING ARCHITECTURE IN A CITY-APPROVED BUILDING ELEVATION.

(2) ROOFTOP-MOUNTED FACILITIES:

- a. ROOFTOP-MOUNTED WIRELESS FACILITIES ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.

1. A ROOFTOP-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
2. A WIRELESS FACILITY LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.
 - i. ANTENNAS SHALL NOT EXTEND ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.

(3) RECREATION FIELD LIGHT POLES:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
- e. THE ADDITION OF A WIRELESS FACILITY TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.

- f. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
- g. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET EACH, ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.
- h. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.

(4) WATER TOWERS/TANKS:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
- d. THE ADDITION OF A WIRELESS FACILITY WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE GREATER THAN TEN (10) FEET.
- e. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- f. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.
- g. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.

SEC. 122-112.4 SMALL WIRELESS FACILITY (SWF).

SMALL WIRELESS FACILITIES PROVIDE INCREASED DATA DISTRIBUTION BY CREATING AN INCREASED NUMBER OF SMALLER WIRELESS FACILITIES.

(a) GENERAL REQUIRMENTS:

(1) SWFS IN ROW REQUIRE A MASTER LICENSE AGREEMENT.

(b) TIMING: AN APPLICANT SEEKING A NEW SWF INSTALLATION OR MODIFICATIONS TO AN EXISTING SWF, ATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) SWFS IN RIGHT-OF-WAY – MAXIMUM OF 75 DAYS.

(2) SWFS OUTSIDE RIGHT-OF-WAY – MAXIMUM OF 90 DAYS.

(c) SUBMITTAL REQUIREMENTS:

(1) SWS IN ROW:

- a. COMPLETED SWS ROW ENCROACHMENT FORM;
- b. COMPLETED BUILDING PERMIT;
- c. SITE PLAN;
- d. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND
- e. ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH FEDERAL, STATE, AND CITY CODE.

(2) SWS OUTSIDE OF ROW:

- a. COMPLETED SWS FORM;
- b. SITE PLAN;
- c. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND

(3) ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY
MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH
FEDERAL, STATE, AND CITY CODE.

(d) REVIEW:

(1) REVIEW OF SWF INSTALLATIONS AND MODIFICATIONS WITHIN THE
RIGHT-OF-WAY WILL BE PROCESSED AS A BUILDING PERMIT.

(2) NEW SWFS LOCATED ON PROPERTY OTHER THAN RIGHTS-OF-WAY
WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN
DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(e) DESIGN STANDARDS:

(1) THE COMPONENTS OF A SWF WILL BE MOUNTED A MINIMUM OF 12
FEET ABOVE THE EXISTING GRADE OF THE WIRELESS SUPPORT
STRUCTURE IT IS ATTACHED TO;

(2) A REPLACEMENT OR NEW POLE IS ALLOWED A TEN (10) PERCENT
HEIGHT INCREASE, NOT TO EXCEED 50 FEET TOTAL.

(3) ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE
OR A CABLE SHROUD.

ALL ANTENNA MOUNTING HARDWARE, CABLE SHROUDS, AND OTHER
EQUIPMENT WILL BE PAINTED TO MATCH THE STRUCTURE ON WHICH IT IS
MOUNTED.

SEC. 122-112.5 - Cellular on wheels (COW).

(1) COWs are allowed during:

- a. Construction of a permanent WIRELESS FACILITY not to exceed duration of one (1) year
- b. Maintenance or replacement of equipment.
 1. Utilization of a COW will be included with the building permit associated with the WIRELESS FACILITY maintenance or replacement of equipment.
- c. Special events.
 1. Utilization of the COW for a special event will require a temporary use permit as per article VII of this chapter. COW placement will be limited FOR a duration not to exceed 30 days unless approved by the city manager or designee.
- d. An emergency or disaster as determined by the city manager or designee.

(2) COWs will be set back from all residential lot lines a minimum distance equal to the fully extended height of the COW.

(3) Permitted power sources:

- a. A generator or other utility source will be used that emits an average noise level not to exceed 60 dB, measured at any property line that is zoned or used for residential purposes.
- b. Use of on-site utility services will require a building permit.

SEC. 122-112.6 - AMATEUR RADIO ANTENNAS.

AMATEUR RADIO ANTENNAS FOR NON-COMMERCIAL USE.

(a) ANTENNAS PERMITTED. AMATEUR RADIO ANTENNAS ARE PERMITTED IN ALL ZONING DISTRICTS SUBJECT TO THE FOLLOWING STANDARDS:

(1) ANTENNA STRUCTURES ARE ALLOWED UP TO THIRTY-FIVE (35) FEET IN HEIGHT;

(2) ANTENNA STRUCTURES SHALL COMPLY WITH SETBACK STANDARDS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED;

(3) ANTENNA STRUCTURES SHALL BE LOCATED IN THE REAR HALF OF THE LOT;

(4) ANTENNAS, INCLUDING SUPPORT STRUCTURES, SHALL NOT EXTEND BEYOND THE PROPERTY LINE; AND

(5) WHEN A FEDERALLY LICENSED RADIO AMATEUR NO LONGER OCCUPIES THE SUBJECT PROPERTY, THE ANTENNA STRUCTURE SHALL BE REMOVED.

(6) AMATEUR RADIO ANTENNAS WITH A CONDITIONAL USE PERMIT - ALL AMATEUR RADIO ANTENNAS THAT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT SHALL REQUIRE APPROVAL OF A CONDITIONAL USE PERMIT. SUCH ANTENNAS SHALL BE OF TELESCOPING DESIGN AND LOWERED TO A HEIGHT OF NO MORE THAN THIRTY-FIVE (35) FEET WHEN NOT IN USE. IN NO EVENT SHALL AN AMATEUR RADIO ANTENNA EXCEED THE HEIGHT OF SEVENTY-FIVE (75) FEET.

Zoning Text Amendment

FS17-483

Update From:

Section 122-112 - Wireless Telecommunications Facilities

(WTF)

To:

Section 122-112. – Definitions

Section 122-112.1 - Wireless Facilities

Section 122.112.2 – Monopoles

Section 122.112.3 – Alternative Wireless Facility Locations

Section 122-112.4 - Small Wireless Facilities (SWF)

Section 122-122.5 – Cellular on Wheels (COW)

Section 122-122.6 – Amateur Radio Antennae

November 27, 2017 Draft

Sec. 122-112. - Definitions.

Definitions. The following definitions will apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein will be defined by the city manager or designee. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "will" and "shall" ARE mandatory and not merely directory and the word "may" is discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference will be read to refer to the renumbered or amended provision.

(a) *Alternative tower structure.* An innovative wireless tower design such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless antennas or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the CITY MANAGER OR DESIGNEE on a case-by-case basis.

(b) *AMATEUR RADIO ANTENNAE.* A FREESTANDING OR BUILDING-MOUNTED STRUCTURE, INCLUDING ANY BASE, TOWER, POLE, ANTENNA, AND APPURTANCES, INTENDED FOR AIRWAY TELECOMMUNICATIONS PURPOSES BY A PERSON HOLDING A VALID AMATEUR RADIO (HAM) LICENSE ISSUED BY THE FEDERAL TELECOMMUNICATIONS COMMISSION (FCC).

(c) *ANTENNA.* COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN PROVIDING WIRELESS SERVICES.

(d) *Authorized person.* The person(S), employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit a

WIRELESS FACILITY application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the WIRELESS FACILITY application.

(e) *Backhaul*. The connection from a WIRELESS FACILITY base station to the core network of the Internet.

(f) *Base station*. The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower OR MONOPOLE as defined in this chapter or any equipment associated with a tower OR MONOPOLE:

a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.

b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

c. The term includes any structure other than a tower OR MONOPOLE that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

d. The term does not include any structure that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, does not support or house equipment described in SUBSECTIONS a. and/or b. above.

- (g) Cell on wheels (COW). A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer, designed to be part of a cellular network and temporary in nature.
- (h) COLLOCATE OR Collocation. TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE, OR REPLACE WIRELESS FACILITIES ON, WITHIN, OR ADJACENT TO A WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.
- (i) COLLOCATION, MINOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT DOES NOT EXCEED TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND DOES NOT EXCEED 50 FEET ABOVE GROUND LEVEL.
- (j) COLLOCATION, MAJOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT EXCEEDS TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND/OR EXCEEDS 50 FEET ABOVE GROUND LEVEL.
- (k) Conceal or concealment. WIRELESS FACILITIES designed OR DISGUISED to look like SOMETHING other than a wireless FACILITY or base station.
- (l) Deemed approved. A WIRELESS FACILITY modification OR BUILDING PERMIT application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant the FCC, THE STATE OF ARIZONA, and this chapter.
- (m)Existing. For purposes of this chapter and as applied to WIRELESS FACILITIES that HAVE been reviewed and approved under the applicable zoning or siting process, provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- (n) FCC. The Federal Communications Commission or its successor.
- (o) MICROCELL. A DEVICE THAT IS CONNECTED TO AERIAL FACILITIES AND USED SOLELY FOR TRANSMITTING, PROCESSING AND RECEIVING VOICE

AND DATA WIRELESS TELECOMMUNICATIONS SERVICES, WITHOUT ANY ASSOCIATED GROUND MOUNTED EQUIPMENT. THE DEVICE IS OFTEN REFERRED TO AS AN ASME (AERIAL STRAND MOUNTED EQUIPMENT).

(p) *Monopole*. A WIRELESS SUPPORT structure composed of a single spire used to support COMMUNICATIONS equipment AND having no guy wires or ground anchors. A MONOPOLE SHALL NOT BE GREATER THAN FORTY (40) INCHES IN DIAMETER AT GROUND LEVEL AND HAVE ALL OF THE WIRELESS FACILITIES MOUNTED ON THE POLE AND WIRING CONTAINED INSIDE OF THE POLE. INCLUDES MONOPALMS, MONOCACTUS, MONOPINES, AND MONOBROADLEAF WIRELESS TOWERS.

(q) *PUBLIC RIGHT-OF-WAY (ROW)*. AN AREA DEDICATED TO PUBLIC USE FOR MULTIMODAL MOVEMENT, AND MAY INCLUDE PUBLIC AND PRIVATE UTILITIES.

(r) *Rooftop-mounted WIRELESS FACILITY*. A wireless facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment WHICH ARE adequately screened so as not to appear as stand-alone devices above the top of the roof line.

(s) *Site*. For WIRELESS FACILITIES other than WIRELESS FACILITIES in the public right-of-way, will mean, and refer to, the current boundaries of the property surrounding the WIRELESS FACILITY and any access or utility easements currently related to the site, and, for other WIRELESS support structures, will mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(t) *SITE PLAN*. A REQUIRED PLAN, TO SCALE, OF A PROJECT AREA SHOWING USES AND STRUCTURES BOTH EXISTING AND PROPOSED.

(u) *Small WIRELESS facility (SWF)*. A wireless facility that MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

a. All antennas are located inside an antenna enclosure of no more than SIX (6) cubic feet in volume or, in the case of antenna's that have exposed elements, the antennas and all of its exposed elements could fit within an imaginary enclosure of no more than SIX (6) cubic feet; and

b. ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT (28) CUBIC FEET IN VOLUME OR FIFTY (50) CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

1. AN ELECTRIC METER.

2. CONCEALMENT ELEMENTS.

3. A TELECOMMUNICATIONS DEMARCATION BOX.

4. GROUNDING EQUIPMENT.

5. A POWER TRANSFER SWITCH.

6. A CUTOFF SWITCH.

7. VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES.

(v) *Small cell network.* A collection of interrelated small cell facilities designed to deliver personal wireless services.

(w) *Structure-mounted wireless facility.* A wireless facility with the antennas located on the wall or roof of a building or on the side or top of a structure, including co-locating on an existing freestanding wireless facility and consisting of antennas, support structures and accessory equipment.

(x) *Transmission equipment.* Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular

and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(y) Tower. Any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(z) Wireless facility.

a. EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:

1. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

2. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.

b. INCLUDES SMALL WIRELESS FACILITIES.

c. DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER, OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

d. DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-584, SUBSECTION E.

(aa) WIRELESS FACILITY MONOPOLE MODIFICATION, MINOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION DOES NOT EXCEED THE GREATER OF EITHER:

a. AN INCREASE IN HEIGHT OF THE MONOPOLE LESS THAN TEN (10) FEET; OR

b. AN INCREASE OF BASE STATION AREA LESS THAN TEN (10) PERCENT OF THE EXISTING FACILITY.

(bb) WIRELESS FACILITY MONOPOLE MODIFICATION, MAJOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION EXCEEDS THE GREATER OF EITHER:

a. AN INCREASE IN HEIGHT OF THE TOWER GREATER THAN TEN (10) FEET; OR

b. AN INCREASE OF BASE STATION AREA GREATER THAN TEN (10) PERCENT OF THE EXISTING FACILITY.

(cc) WIRELESS SUPPORT STRUCTURE.

a. MEANS:

1. A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.

2. A TOWER, EITHER GUYES OR SELF-SUPPORTING.

3. A SIGN OR BILLBOARD.

4. ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT, OR CAPABLE OF SUPPORTING, SMALL WIRELESS FACILITIES (SWS).

b. DOES NOT INCLUDE A UTILITY POLE.

DRAFT

Sec. 122-112.1 - Wireless ~~telecommunications~~ facilities ~~(WTF)~~.

The purpose of the wireless ~~telecommunications~~ facility ~~("WTF")~~ regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. ~~WTFS~~ WIRELESS FACILITES are allowed in all zoning districts, but the preferred WTF WIRELESS FACILITY locations include locations having the least amount of visual and neighborhood impact. The wireless communications service providers will adhere to all applicable federal, STATE, AND LOCAL regulations.

~~(a) Definitions. The following definitions will apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein will be defined by the city manager or designee. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "will" and "shall" will always be mandatory and not merely directory and the word "may" is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference will be read to refer to the renumbered or amended provision.~~

~~(a) Alternative tower structure. An innovative wireless telecommunications tower design such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless telecommunications antennas or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the engineering department on a case-by-case basis.~~

~~(b)~~

~~(c) *Authorized person.* The person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit a WTF application, to include an eligible facilities (EF) application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the WTF application.~~

~~(d) *Backhaul.* The connection from a WTF base station to the core network of the Internet.~~

~~(e) *Base station.* The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.~~

~~a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.~~

~~b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).~~

~~c. The term includes any structure other than a tower that, at the time the relevant WTF WIRELESS FACILITY application is filed with the city under this chapter, supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.~~

~~d. The term does not include any structure that, at the time the relevant WTF application is filed with the city under this chapter, does not support or house equipment described in paragraphs a. and/or b. above.~~

- ~~(f) Cell on wheels (COW). A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer, designed to be part of a cellular network and temporary in nature.~~
- ~~(g) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.~~
- ~~(h) Conceal or concealment. WTFs designed to look like some feature other than a wireless tower or base station.~~
- ~~(i) Deemed approved. An EF modification application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant the FCC eligible facilities request rules and this chapter.~~
- ~~(j) EF modification application. Unless the context clearly requires otherwise, a written document submitted to the city pursuant to this chapter for review and approval of a proposed facilities modification.~~
- ~~(k) EF modification. Any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure.~~
- ~~(l) EF modification permit or permit. Unless the context clearly requires otherwise, a written document issued by the approval authority pursuant to this chapter approving an EF modification application.~~
- ~~(m) Eligible support structure. Any existing tower or base station, provided that it is in existence at the time the EF modification application is filed with the city under this chapter.~~
- ~~(n) Existing. For purposes of this chapter and as applied to a tower or base station, a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process, provided that, a tower that has not been reviewed and approved because it was not in a zoned area~~

- ~~when it was built, but was lawfully constructed, is existing for purposes of this definition.~~
- ~~(o) EF request. A proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act on grounds that it does not substantially change the physical dimensions of such tower or base station, and involving:~~
- ~~a. Collocation of new transmission equipment;~~
 - ~~b. Removal of transmission equipment; or~~
 - ~~c. Replacement of transmission equipment.~~
- ~~(p) FCC. The Federal Communications Commission or its successor.~~
- ~~(q) FCC EF Request Rules. 47 C.F.R. Part One (1) (Part One (1) Practice and Procedure), Subpart CC § 1.40001 as established pursuant to its report and order in, In Re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.~~
- ~~(r) Monopole. A structure composed of a single spire used to support telecommunications equipment having no guy wires or ground anchors.~~
- ~~(s) Rooftop-mounted WTF. A wireless telecommunication facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment, but are adequately screened so as not to appear as stand-alone devices above the top of the roof line.~~
- ~~(t) Site. For towers other than towers in the public rights-of-way, will mean and refer to the current boundaries of the property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, will mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.~~

~~(u) *Small cell facility.* A wireless telecommunication facility that may consist of one or more radio receivers, antennas, interconnecting cables, power supply, other associated electronics, and accessory equipment, which are attached to a structure and meet the parameters in subsections a. and b. below. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or accessory equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.~~

~~a. All antennas are located inside an antenna enclosure of no more than 12 cubic feet in volume or, in the case of antennas that have exposed elements, the antennas and all of its exposed elements could fit within an imaginary enclosure of no more than 12 cubic feet; and~~

~~b. Primary equipment enclosures are no larger than 50 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.~~

~~(v) *Small cell network.* A collection of interrelated small cell facilities designed to deliver personal wireless services.~~

~~(w) *Spectrum Act.* The Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).~~

~~(x) *Structure-mounted wireless telecommunication facility.* A wireless telecommunication facility with the antennas located on the wall or roof of a building or on the side or top of a structure, including co-locating on an existing freestanding wireless telecommunication facility and consisting of antennas, support structures and accessory equipment.~~

~~(y) *Substantial change.* That combination of factors described in section 122-12(b) of this chapter, entitled classifications and application processes.~~

~~(z) Transmission equipment. Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.~~

~~c. Tower. Any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Wireless telecommunication facility (WTF).~~

~~d. Any facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service, and paging service. A WTF can consist of one or more antennas, accessory equipment, support structures and a base station.~~

~~(aa) (23) WIRELESS FACILITY MONOPOLE MODIFICATION, MINOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION DOES NOT EXCEED THE GREATER OF EITHER:~~

~~a. AN INCREASE IN HEIGHT OF THE MONOPOLE LESS THAN TEN (10) FEET; OR~~

~~b. AN INCREASE OF BASE STATION AREA LESS THAN TEN (10) PERCENT OF THE EXISTING FACILITY.~~

~~(bb) (24) WIRELESS FACILITY MONOPOLE MODIFICATION, MAJOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE~~

WHERE THE PROPOSED MONOPOLE AND BASE STATION EXCEEDS THE GREATER OF EITHER:

- a. AN INCREASE IN HEIGHT OF THE TOWER GREATER THAN TEN (10) FEET; OR
- b. AN INCREASE OF BASE STATION AREA GREATER THAN TEN (10) PERCENT OF THE EXISTING FACILITY.

1.—

2.—

3.—

4.—

(b)(a) DOES NOT INCLUDE A UTILITY POLE.CUMLATIVE Classifications and application process MATRIXes.

<u>SECTION</u>	<u>REQUEST</u>	<u>PROCESS TYPE</u>	<u>MAXIMUM REVIEW TIME (DAYS)</u>
<u>122-112.21</u>	<u>NEW MONOPOLE</u>	<u>2</u>	<u>150</u>
	<u>MONOPOLE COLLOCATION</u>	<u>1</u>	<u>90</u>
	<u>MINOR MONOPOLE MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR MONOPOLE MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>MONOPOLE ON CITY PROPERTY</u>	<u>BUILDING PERMIT1</u>	<u>9090</u>
<u>122-112.32</u>	<u>ALTERNATIVE FACILITY LOCATION</u>	<u>1</u>	<u>150</u>

	<u>ALTERNATIVE FACILITY LOCATION COLLOCATION</u>	<u>1</u>	<u>90</u>
	<u>MINOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>ALTERNATIVE FACILITY LOCATION ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.43</u>	<u>SWF IN RIGHT-OF-WAY</u>	<u>ROW ENCROACHMENT PERMIT</u>	<u>75</u>
	<u>SWF OUTSIDE OF RIGHT-OF-WAY</u>	<u>1</u>	<u>90</u>
<u>122-112.21</u>	<u>WIRELESS FACILITIES OTHER THAN DEFINED HEREIN</u>	<u>3</u>	<u>150</u>
<u>122-112.54</u>	<u>CELL ON WHEELS (COW)</u>	<u>1</u>	<u>90</u>
<u>122-112.5</u>	<u>AMATEUR RADIO ANTENNAE</u>	<u>BUILDING PERMIT</u>	<u>75</u>
<u>122-112.5</u>	<u>AMATEUR RADIO</u>	<u>3</u>	<u>150</u>

	<u>ANTENNAE</u> <u>GREATER THAN 35</u> <u>FEET</u>		
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(b) ALL CHANGES WILL BE MEASURED CUMULATIVELY TO PRESERVE THE LIMITS ESTABLISHED BY FEDERAL, STATE, AND LOCAL LAW.

(c) ALL WIRELESS FACILITIES WILL IDENTIFY A SINGLE PARKING SPACE FOR THE FACILITY. IF THE LOCATION IS ON A SEPARATE PARCEL, OWNER AUTHORIZATION WILL BE REQUIRED.

(d) BASE STATIONS:

(1) BASE STATIONS AND ALL GROUND MOUNTED EQUIPMENT WITH INTEGRATED AIR CONDITIONING WILL BE ENCLOSED BY A SOLID DECORATIVE WALL WITH A HEIGHT EQUAL TO OR EXCEEDING THE HEIGHT OF THE BASE STATION.

(2) UNLESS ALLOWED BY FEDERAL, STATE, OR LOCAL LAW, NO ADVERTISEMENTS OR IDENTIFYING LOGOS WILL BE PLACED ON ANY STRUCTURE IN THE ROW.

(3) LOCATED OUTSIDE THE ROW: Will comply with the height and yard development standards of the underlying zoning district, except as provided below:

a. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED HEREIN; Base stations located outside the right-of-way will not exceed eight feet tall and 300 cubic feet, measured above ground level.

b. WILL BE LOCATED UNDERGROUND, INSIDE BUILDINGS, OR BEHIND SCREEN WALLS;

c. ENCLOSURES FOR BASE STATIONS, OTHER THAN THOSE FOR SWFS, WILL BE CONSTRUCTED WITH DECORATIVE CMU BLOCK AND UTILIZE AN OPAQUE DOOR.

d. SWF BASE STATIONS WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.

e. AN ENCLOSED BASE STATION WILL OCCUPY NO MORE THAN 600 SQUARE FEET.

(4) LOCATED IN THE ROW:

a. ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS, BUT WILL BE LOCATED AS FAR AWAY FROM THE STREET AS POSSIBLE.

b. WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.

c. ENCLOSURES ARE LIMITED TO SIX (6) CUBIC FEET.

d. WILL BE LOCATED OUTSIDE THE SIGHT VISIBILITY TRIANGLE.

(e) WHEN INSTALLING THE WIRELESS FACILITY, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THIS CHAPTER.

(f) APPEALS:

(1) THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY

DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(2) THE DECISION OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED TO THE MAYOR AND CITY COUNCIL, WHOSE DECISION WILL BE FINAL. THE THE PLANNING AND ZONING COMMISSION SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

~~(e)~~(g) DISCONTINUATION OF USE.

(1) IN THE EVENT THE USE OF ANY WIRELESS FACILITY HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WIRELESS FACILITY WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:

a. REACTIVATE THE USE OF THE WIRELESS FACILITY OR TRANSFER THE WIRELESS FACILITY TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WIRELESS FACILITY; OR

b. DISMANTLE AND REMOVE THE WIRELESS FACILITY. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.

~~(1) WTF collocation and modification requests governed by Section 6409 of the Spectrum Act ("Act"). Requests for collocation or modification that fall within the Act include qualifying modifications to existing towers, base stations and related facilities that do not substantially change the physical dimensions of the structure.~~

~~(a) A requested change is "substantial" if it meets any of the following criteria:~~

- ~~1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater.~~
 - ~~i. Changes in height will be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Act;~~
- ~~2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;~~
- ~~3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;~~
- ~~4. It entails any excavation or deployment outside the current site;~~

~~5. It would defeat the concealment elements of the eligible support structure; or~~

~~6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in §§ 1.40001(B)(7)(I) through (IV).~~

~~All changes will be measured cumulatively to preserve the limits established by federal law.~~

~~The baseline for measuring changes for antennas on a building or structure will be the original building height, pre-antenna.~~

SEC. 122-112.2 MONOPOLES.

MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS.

(a) TIMING: AN APPLICANT SEEKING A NEW MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW MONOPOLE – MAXIMUM OF 150 DAYS.

(2) COLLOCATIONS OR MAJOR MODIFICATION – MAXIMUM OF 90 DAYS.

(3) MINOR MODIFICATION – MAXIMUM OF 75 DAYS.

(4) MAJOR MONOPOLE MODIFICATION – MAXIMUM OF 90 DAYS.

(5) NEW MONOPOLE ON CITY PROPERTY - MAXIMUM OF 90 DAYS.

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE: THE NARRATIVE SHOULD ADDRESS ANY OTHER LOCATIONS THAT WERE CONSIDERED. THE DISTANCE OF THE PROPOSED SITE TO THE WIRELESS FACILITY LOCATION AND THE CLOSEST EXISTING WIRELESS FACILITY;;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND

SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

- (3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (4) A GRADING AND DRAINAGE PLAN OF THE ENTIRE PROJECT SITE AS DETERMINED BY THE PUBLIC WORKS DEPARTMENTCITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM RESIDENTIAL PROPERTIES OR BUILDINGS, PRIVATE ROADS AND PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RESIDENTIAL BUILDINGS, PROPERTIES, PRIVATE ROADS AND RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS shall be at one-quarter inch equals one foot scale andWILL SHOW THE FOLLOWING:
 - a. ~~c.~~ DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - b. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:

~~a. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES~~ ~~WTFS BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND~~

~~b. THE APPLICANT AGREES TO REMOVE THE WTF AS REQUIRED BY THIS SECTION; AND~~

~~c.a. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.~~

~~(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:~~

~~a. b. Colors represented by samples or a color board showing actual colors proposed;~~

~~b.a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;~~

~~c.b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS SECTIONCHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND~~

~~d.c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES.; AND~~

~~e. THE CITY MANAGER OR DESIGNEE MAY REQUIRE ADDITIONAL INFORMATION OR MAY WAIVE SUBMITTAL REQUIREMENTS~~

DETERMINED UNNECESSARY FOR APPROPRIATE REVIEW OF THE PROJECT.

(c) REVIEW:

- (1) NEW MONOPOLE APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) COLLOCATIONS, MAJOR MODIFICATIONS, AND MONOPOLES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (3) MINOR MODIFICATIONS WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

- (1) ALL WIRELESS FACILITIES WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND LANDSCAPE OF THE AREA IN WHICH IT IS PLACED;
- (2) ALL WIRELESS FACILITY ANTENNAE, MOUNTING HARDWARE, AND CABLING SHALL BE COVERED OR PAINTED TO MATCH THE COLOR, MONOPOLE ON WHICH IT IS MOUNTED;
- (3) SETBACKS. THE SETBACK OF ALL WIRELESS FACILITIES MONOPOLES SHALL MEET THE YARD DEVELOPMENT STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. THE SETBACK SHALL BE MEASURED FROM THE LOT LINE TO THE WIRELESS FACILITY TOWER. ADDITIONALLY, ALL TOWERS SHALL BE SET BACK FROM ANY RESIDENTIAL LOT LINES A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER AND FROM ANY NONRESIDENTIALLY LOT LINE A DISTANCE EQUAL TO THE HEIGHT OF THE WIRELESS FACILITY STRUCTURE; AND
- (4) WIRELESS FACILITY IDENTIFICATION. EACH WIRELESS FACILITY SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR

MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER. THE PLAQUE OR MARKER REQUIRED BY THIS SECTION SHALL BE REVISED WITHIN 30 DAYS OF ANY CHANGE IN THE REQUIRED INFORMATION/CONTENT.

(5) MONOPALM:

- a. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED;
- c. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS;
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- e. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;
- f. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- g. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO

ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS;

h. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE; AND

i. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(6) MONOCACTUS.

a. THE MONOCACTUS STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUE TO THE TOP OF THE STRUCTURE;

b. THE DIAMETER OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP;

c. THE HEIGHT OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT;

d. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE MONOCACTUS STRUCTURE; AND

e. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE MONOCACTUS STRUCTURE.

(7) MONOPINE OR MONOBROADLEAF.

a. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES;

b. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE;

c. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;

d. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;

1. BRANCHES:

i. WILL BE CONSTRUCTED TO A DENSITY OF NO LESS THAN TWO AND ONE-HALF (1 ½) BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE;

ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE; AND

iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD, CONSISTENT WITH THE SPECIES OF TREE IMITATED BY THE STRUCTURE. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR DECIDUOUS TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO APPROXIMATELY THE SAME HEIGHT OF THE MONOPINE OR MONOBROADLEAF.

e. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA

ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED;

f. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES;

g. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED PER MONOPINE OR BROADLEAF TREE; AND

h. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(8) ALTERNATIVE MONOPOLE STRUCTURE:

a. ~~Alternative tower structure.~~

a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.

b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.

c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.

d. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.

e. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE EACH, WILL BE PERMITTED ON EACH ALTERNATIVE TOWER STRUCTURE.

f. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE ALTERNATIVE TOWER STRUCTURE.

~~1. nstallation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~

~~(b)(e)~~ INDUSTRIAL ZONING DISTRICTS.

(1) THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND, IN ANY DIRECTION, MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.

a. THE DIAMETER OF THE MONOPOLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;

b. ALL CABLES WILL BE CONCEALED WITHIN THE MONOPOLE STRUCTURE;

~~a.c.~~ THE MAXIMUM HEIGHT OF THE MONOPOLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A ~~WTF (entire WTF)~~ MONOPOLE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;.

d. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPOLE. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE; AND

~~b.e.~~ CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(f) ALL OTHER WIRELESS FACILITIES THAT DO NOT FALL UNDER ANY OF THE SUBSECTIONS REGARDING WIRELESS FACILITIES WILL FOLLOW THE TYPE III CONDITIONAL USE PERMIT PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. IN ADDITION TO COMPLYING WITH THE CUP CRITERIA, ANY APPLICATION UNDER THIS SUBSECTION WILL COMPLY WITH THE FOLLOWING CRITERIA:

a. AESTHETICS STANDARDS;

b. SETBACK AND HEIGHT RESTRICTIONS;

c. SAFETY CONCERNS INCLUDING, BUT NOT LIMITED TO, FALL ZONES, AND BUFFERING;

d. ENVIRONMENTAL;

e. PROTECTIONS OF PROPERTY VALUES; AND

f. *TIMING*: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.

DRAFT

SEC. 122-112.3 ALTERNATIVE WIRELESS FACILITY LOCATIONS.

ALTERNATIVE WIRELESS FACILITIES INCLUDE LOCATIONS SUCH AS BUILDING/STRUCTURE MOUNTED, ROOF MOUNTED, RECREATIONAL LIGHT POLES, AND WATER TOWER/TANK FACILITIES. DESIGN OF THE MOUNTING STRUCTURES WILL CAMOUFLAGE OR CONCEAL THE PRESENCE OF A WIRELESS FACILITY.

(a) *TIMING*: AN APPLICANT SEEKING A NEW ALTERNATIVE WIRELESS FACILITY INSTALLATION, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 150 DAYS

(2) MINOR ALTERNATIVE WIRELESS FACILITY MODIFICATION – MAXIMUM OF 75 DAYS

(3) COLLOCATIONS OR MAJOR MODIFICATION OF ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 90 DAYS.

(4) NEW ALTERNATIVE WIRELESS FACILITY ON CITY PROPERTY - MAXIMUM OF 90 DAYS

(b) *SUBMITTAL REQUIREMENTS*:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

- (3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- c. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - d. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- b. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND
 - c. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES

AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES;

(c) REVIEW:

(1) NEW ALTERNATIVE WIRELESS FACILITIES, COLLOCATIONS, MAJOR MODIFICATIONS, AND ALTERNATIVE WIRELESS FACILITIES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(2) MINOR MODIFICATIONS OF AN ALTERNATIVE WIRELESS FACILITY WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

(1) BUILDING- OR STRUCTURE-MOUNTED FACILITIES:

- a. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE, THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE

STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL OTHER APPLICABLE STANDARDS;

b. A BUILDING- OR STRUCTURE-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES;

c. ANTENNAS MAY ENCROACH INTO A SIDE OR REAR SETBACK A MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A PROPERTY LINE; AND

d. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:

1. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE UNLESS TECHNICAL REASONS DICTATE ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP OF THE STRUCTURE;

2. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND; AND

3. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED OR WILL BE CAMOUFLAGED AS PART OF THE BUILDING ARCHITECTURE IN A CITY-APPROVED BUILDING ELEVATION.

(2) ROOFTOP-MOUNTED FACILITIES:

a. ROOFTOP-MOUNTED WIRELESS FACILITIES ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.

1. A ROOFTOP-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
2. A WIRELESS FACILITY LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.
 - i. ANTENNAS SHALL NOT EXTEND ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.

(3) RECREATION FIELD LIGHT POLES:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
- e. THE ADDITION OF A WIRELESS FACILITY TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.

f. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.

g. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET EACH, ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.

h. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.

(4) WATER TOWERS/TANKS:

a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.

b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.

c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.

d. THE ADDITION OF A WIRELESS FACILITY WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE GREATER THAN TEN (10) FEET.

e. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.

f. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.

g. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.

SEC. 122-112.4 SMALL WIRELESS FACILITY (SWF).

SMALL WIRELESS FACILITIES PROVIDE INCREASED DATA DISTRIBUTION BY CREATING AN INCREASED NUMBER OF SMALLER WIRELESS FACILITIES.

(a) GENERAL REQUIRMENTS:

(1) SWFS IN ROW REQUIRE A MASTER LICENSE AGREEMENT.

(b) TIMING: AN APPLICANT SEEKING A NEW SWF INSTALLATION OR MODIFICATIONS TO AN EXISTING SWF, ATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) SWFS IN RIGHT-OF-WAY – MAXIMUM OF 75 DAYS.

(2) SWFS OUTSIDE RIGHT-OF-WAY – MAXIMUM OF 90 DAYS.

(c) SUBMITTAL REQUIREMENTS:

(1) SWS IN ROW:

a. COMPLETED SWS ROW ENCROACHMENT FORM;

b. COMPLETED BUILDING PERMIT;

c. SITE PLAN;

d. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND

e. ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH FEDERAL, STATE, AND CITY CODE.

(2) SWS OUTSIDE OF ROW:

a. COMPLETED SWS FORM;

b. SITE PLAN;

c. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND

(3) ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY
MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH
FEDERAL, STATE, AND CITY CODE.

(d) REVIEW:

(1) REVIEW OF SWF INSTALLATIONS AND MODIFICATIONS WITHIN THE
RIGHT-OF-WAY WILL BE PROCESSED AS A BUILDING PERMIT.

(2) NEW SWFS LOCATED ON PROPERTY OTHER THAN RIGHTS-OF-WAY
WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN
DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(e) DESIGN STANDARDS:

(1) ~~Residential, mixed use, commercial and business park zoning districts.~~

a. ~~Small cell facility.~~

(1) ~~THE antenna or power radiating~~ COMPONENTS OF A small cell SWF or
~~wireless mesh network facility must~~ WILL BE MOUNTED A MINIMUM OF 12
FEET ABOVE THE EXISTING GRADE OF THE WIRELESS SUPPORT
STRUCTURE IT IS ATTACHED TO ~~ground~~;

(2) A REPLACEMENT OR NEW POLE IS ALLOWED A TEN (10) PERCENT
HEIGHT INCREASE, NOT TO EXCEED 50 FEET TOTAL.

(3) ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE
OR A CABLE SHROUD.

(1) ~~ALL ANTENNA MOUNTING HARDWARE, CABLE SHROUDS, AND OTHER
EQUIPMENT WILL BE PAINTED TO MATCH THE STRUCTURE ON WHICH
IT IS MOUNTED.~~

a. ~~Wireless small cell or wireless mesh networking facilities may not extend
more than six feet above the facility or structure on which they are
mounted.~~

b. ~~Small cell facilities may not be installed on traffic signal poles or mast
arms and may not utilize traffic signal pull boxes, vaults, conduit, cabinets,~~

~~or other traffic signal infrastructure. Small cell facilities are permitted on mast arms only as long as they do not interfere with city communication equipment. Approval of these facilities on traffic signal poles or mast arms will be determined on a case-by-case basis by the public works department.~~

- ~~c. WTFs located on city property or within rights-of-way.~~
- ~~d. Base stations, towers, or facilities located within the street right-of-way will not be allowed on local residential streets.~~
- ~~e. Are exempt from all setback requirements of the underlying zoning district and are instead subject to those requirements found in this section.~~
- ~~f. The maximum allowable width of an antenna array is four feet.~~
- ~~g. The antenna, whether or not part of an array, will not extend more than 24 inches from the structure to which it is attached. This restriction shall not apply to recreation field light poles, monopalms, monopines, broadleaf trees, or alternative tower structures located on city property.~~
- ~~h. The addition of an antenna or WTF to a utility pole will not increase the height of the utility pole by more than ten feet.~~
- ~~i. All cables will be concealed within the public utility pole or a cable shroud.~~
- ~~j. Microwave dishes will be limited to two square feet in size.~~
- ~~k. No more than two external microwave dishes are permitted on each structure.~~
 - ~~1. All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the structure.~~
- ~~b. Building or structure-mounted facility.~~
 - ~~1. Antennas will be mounted on a building wall or side of a structure to the maximum extent practicable. If the applicant demonstrates that it is not feasible to mount the antennas on a building wall or side of a~~

~~structure, the antennas may be mounted on the roof or top of the structure, provided the facility complies with all other applicable standards.~~

~~2. A building or structure-mounted wireless telecommunication facility shall not be located on a building with primarily residential uses.~~

~~3. Antennas may encroach into a side or rear setback a maximum of two feet, but will not extend over a property line.~~

~~4. Antennas mounted on a building wall or side of a structure shall comply with the following standards:~~

~~i. Antennas will be mounted flush to the building wall or side of a structure to the maximum extent practicable unless technical reasons dictate another type of installation and will not extend above the roof line or parapet of the building or top of the structure.~~

~~ii. Support structures, accessory equipment including equipment cabinets, and all other appurtenances shall be fully screened from view and not visible from the ground.~~

~~iii. Antennas shall be painted a color to match the building or structure to which they are mounted or will be camouflaged as part of the building architecture in a city-approved building elevation.~~

~~c. Rooftop-mounted facilities.~~

~~1. Rooftop-mounted WTFs are not permitted on portions of buildings with pitched roofs.~~

~~2. A rooftop-mounted WTF shall not be located on a building with primarily residential uses.~~

~~3. A WTF located on a building roof or top of structure shall comply with the following standards:~~

~~i. Antennas, support structures, accessory equipment, and all other appurtenance shall be fully screened from view through the use of~~

~~architecturally compatible features, screening materials and colors that match the building or structure to which the facility is mounted.~~

~~ii. Antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted.~~

~~iii. Panel and microwave antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted.~~

~~iv. Accessory equipment structures shall extend no more than eight feet above any parapet of the roof or the structure to which they are mounted and must be fully screened from view.~~

~~d. Monopalms.~~

~~1. Will contain a minimum of 55 palm fronds that disguise the length of the antenna.~~

~~2. The stand-off mounting arm apparatus of the antenna array will not extend more than 30 inches from the structure to which it is attached.~~

~~3. The pole structure will be clad with faux bark that begins at the base of the pole structure and continues to the height of the first palm frond attachment. The balance of the pole structure and the attachments will be painted to blend with the palm fronds.~~

~~4. The diameter of the pole structure will not exceed 26 inches at its widest point.~~

~~5. All cables will be concealed within the pole structure.~~

~~6. The maximum height of the pole structure, excluding antennae, will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopalm will not exceed 80 feet above the finished grade of the site.~~

~~7. No more than two microwave dishes will be permitted on each monopalm. Microwave dishes will be limited to one square foot in size~~

~~and will be concealed within the monopalm, trimmed leaf cluster, or palm fronds.~~

~~8. The trimmed leaf cluster will be mounted directly below the palm fronds and will be painted to blend with the pole structure.~~

~~9. Climbing pegs are prohibited on the pole structure.~~

~~10. When installing the monopalm, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~e. Monocactus.~~

~~1. The monocactus structure will be clad with a faux finish that resembles a saguaro cactus from the base of the structure and continue to the top of the structure.~~

~~2. The diameter of the monocactus structure will not exceed 34 inches at its widest point and will have a natural appearing taper from the bottom to the top.~~

~~3. The height of the monocactus structure will not exceed 30 feet in height.~~

~~4. All antenna and cables will be concealed within the monocactus structure.~~

~~5. External microwave dishes and climbing pegs are prohibited on the monocactus structure.~~

~~6. When installing the monocactus, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~f. Monopine or broadleaf tree.~~

- ~~1. The pole structure will be clad with faux bark. The faux bark will start at the base of the pole structure and continue to the height of the first branch attachment. The balance of the pole structure and the attachments will be painted to blend with the branches.~~
- ~~2. The diameter of the pole structure will not exceed 36 inches at the base and will taper to no greater than 28 inches at the top of the pole structure.~~
- ~~3. All cables will be concealed within the pole structure.~~
- ~~4. The maximum height of the pole structure will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached the pole structure will not exceed 80 feet above the finished grade of the site.~~
- ~~5. Branches:
 - ~~i. Will be constructed to a density of no less than two and one-half branches for each one vertical foot of pole.~~
 - ~~ii. Will start no less than 15 feet above finished grade and continue to the top of the pole structure.~~
 - ~~iii. Will be a minimum of eight feet long around the circumference of the lower level and will taper as the branches progress upward, consistent with the species of tree imitated by the structure. The branches will approximate the appearance of a particular tree species grown in the vicinity of the site and that grows to approximately the height of the monopine or broadleaf tree WTF.~~
 - ~~iv. The entire length of all antennae and their attaching apparatus will be disguised by the branches and the stand-off mounting arm apparatus of the antenna array will not extend more than 30 inches from the pole structure to which it is attached.~~~~

~~6. Microwave dishes will be limited to one square foot in size. Dishes and attaching apparatus will be painted to blend with the branches.~~

~~7. No more than four microwave dishes are permitted per monopine or broadleaf tree.~~

~~8. Climbing pegs are prohibited on the pole structure.~~

~~9. When installing the monopine or broadleaf tree, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~g. Recreation field light poles.~~

~~a. The maximum allowable width of an antenna array is four feet.~~

~~b. The stand off mounting arm apparatus of the antenna array will not extend more than 30 inches from the structure to which it is attached.~~

~~c. The maximum allowable length of each antenna is ten feet.~~

~~d. The diameter of the pole structure will not exceed 36 inches.~~

~~e. The addition of a WTF to a recreation field light will not increase the height of the light structure by more than ten feet.~~

~~f. All cables will be concealed within the pole structure.~~

~~g. Microwave dishes will be limited to two square feet in size.~~

~~h. No more than two external microwave dishes are permitted on each recreation field light pole.~~

~~i. All microwave dishes, antennas, and attaching apparatus will be painted to match the recreation field light pole.~~

~~j. Installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~

~~h. Water towers/tanks.~~

- ~~1. The maximum allowable width of an antenna array is four feet. There is no width limit for antenna arrays installed inside a faux water tower/tank.~~
- ~~2. The antenna will not extend more than 18 inches from the structure to which it is attached. This restriction does not apply to antennas installed inside a faux water tower/tank.~~
- ~~3. The maximum allowable length of each antenna array is ten feet.~~
- ~~4. The addition of a WTF will not increase the height of the water tower/tank structure.~~
- ~~5. All cables will be concealed within the support structure or fully enclosed within a cable shroud.~~
- ~~6. Microwave dishes will be limited to two square feet in size.~~
- ~~7. No more than two microwave dishes will be permitted on each water tower or water tank.~~
- ~~8. All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the water tower or water tank.~~
- ~~9. Installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~
- ~~i. Base station(s) will be located inside buildings, screened behind walls, pole mounted, or buried underground.~~
 - ~~1. Will comply with the height and yard development standards of the underlying zoning district, except as provided below:~~
 - ~~i. Base stations located outside the right-of-way will not exceed eight feet tall and 300 cubic feet, measured above ground level.~~
 - ~~ii. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development~~

~~standards, but must be located as far away from the street as possible.~~

~~(a) Submittal requirements.~~

- ~~(1) A site plan showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the base station and cell tower, including type and extent and point of entry on the site; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways signed and sealed by a professional registrant from the State of Arizona including expiration date;~~
- ~~(2) A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with city landscape guidelines;~~
- ~~(3) A grading and drainage plan of the entire project site as determined by the public works department.~~
- ~~(4) Photographs, diagrams, photosimulations and sight line representations as listed below:~~
 - ~~a. Sight line representation unless deemed unnecessary by the community development director or designee;~~
 - ~~b. Existing (before condition) photographs and proposed (after condition) photosimulations of the proposed facility from residential properties or buildings, private roads and public rights-of-way adjacent to the site. Such photosimulations shall include, but not be limited to, superimposed representations of the proposed base station and tower to show what will be seen from residential buildings, properties, private roads and rights-of-way adjacent to the site;~~
 - ~~c. Aerial photograph(s).~~

~~(5) Elevations from all directions (north, south, east, and west) for a 50-foot radius around the proposed base station and tower. Elevations shall be at one-quarter inch equals one foot scale and show the following:~~

- ~~a. Materials of the base station and security barrier, if any, specified by generic type and specific treatment, such as brick, masonry with stucco finish, anodized aluminum, stained wood, etc.;~~
- ~~b. Colors represented by samples or a color board showing actual colors proposed;~~
- ~~c. Dimensions of all equipment specified for all three dimensions: height, width and depth;~~

~~(6) Market and service maps. Except for those application covered by Section 6409(a) of the Spectrum Act, the applicant must submit the following market and service maps:~~

- ~~a. A map showing the service area of the proposed facility and the explanation of the need for that facility;~~
- ~~b. A map showing the locations and service areas of other base stations and tower sites operated by the applicant and those that are proposed by the applicant which are within a two-mile radius of the limits of the site;~~

~~(7) Collocation submittals, including signed statements indicating:~~

- ~~a. The applicant agrees to allow for the potential collocation of additional WTFs by other wireless services and carriers on the applicant's structure or facility or within the same site;~~
- ~~b. That the applicant agrees to remove the WTF as required by this section;~~
- ~~c. That the applicant has made a good faith effort to achieve collocation with other carriers and facilities as required in this section, and if collocation is not feasible for this application for a substantial technical or other reason(s), a written statement of the reasons for the infeasibility.~~

~~(8) An executed lease agreement with the owner or landholder that:~~

- ~~a. Allows the landholder to enter into leases with other providers;~~
 - ~~b. Specifies that if the carrier fails to remove the base station and tower when required by this section, the responsibility for removal falls upon the landholder; and~~
 - ~~c. Allows entry by the city and its agent for the purpose of inspection and compliance with city codes.~~
- ~~(9) The city manager or designee may require additional information or may waive submittal requirements determined unnecessary for appropriate review of the project.~~

SEC. 122-112.5 - Cellular on wheels (COW).

(1) COWs are allowed during:

- a. Construction of a permanent WTF-WIRELESS FACILITY not to exceed duration of one (1) year.
 - ~~1. Utilization of the COW will require a type I administrative site review as per article XII of this chapter.~~
- b. Maintenance or replacement of equipment.

1. Utilization of a COW will be included with the building permit associated with the WIRELESS FACILITYWTF maintenance or replacement of equipment.

c. Special events.

1. Utilization of the COW for a special event will require a temporary use permit as per article VII of this chapter. COW placement will be limited FORto a duration not to exceed 30 days unless approved by the city manager or designee.

d. An emergency or disaster as determined by the city manager or designee.

- (2) COWs will be set back from all residential lot lines a minimum distance equal to the fully extended height of the COW.

~~(3) COWs are permitted on a utility trailer with a maximum width of ten feet and maximum length of 35 feet.~~

~~(4)~~(3) Permitted power sources:

- a. A generator or other utility source will be used that emits an average noise level not to exceed 60 dB, measured at any property line that is zoned or used for residential purposes.
- b. Use of on-site utility services will require a building permit.

~~(d) Continued monitoring. Every five years, each wireless communications service provider shall submit to the city a written report verifying that, at its maximum load, including cumulative effects of multiple facilities, each WTF was tested and certified to meet or exceed the FCC's radio frequency safety standards. The five~~

years will be from the most recent approval of the respective WTF or from the effective date of this section, whichever is earlier, and every five years thereafter.

(e) Discontinuation of use:

(1) In the event the use of any WTF has been discontinued for a period of 90 consecutive days, the WTF will be deemed to be abandoned. Upon such abandonment, the owner and/or operator of the tower and/or property owner will have an additional 90 days to:

- a. Reactivate the use of the WTF or transfer the WTF to another owner/operator who makes active use of the WTF; or
- b. Dismantle and remove the WTF. Upon removal of the wireless service facility, the site will be returned to its built or natural state and topography and vegetated consistent with the natural surroundings.

SEC. 122-112.6 - AMATEUR RADIO ANTENNAS.

AMATEUR RADIO ANTENNAS FOR NON-COMMERCIAL USE.

(a) ANTENNAS PERMITTED. AMATEUR RADIO ANTENNAS ARE PERMITTED IN ALL ZONING DISTRICTS SUBJECT TO THE FOLLOWING STANDARDS:

(1) ANTENNA STRUCTURES ARE ALLOWED UP TO THIRTY-FIVE (35) FEET IN HEIGHT;

(2) ANTENNA STRUCTURES SHALL COMPLY WITH SETBACK STANDARDS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED;

(3) ANTENNA STRUCTURES SHALL BE LOCATED IN THE REAR HALF OF THE LOT;

(4) ANTENNAS, INCLUDING SUPPORT STRUCTURES, SHALL NOT EXTEND BEYOND THE PROPERTY LINE; AND

(5) WHEN A FEDERALLY LICENSED RADIO AMATEUR NO LONGER OCCUPIES THE SUBJECT PROPERTY, THE ANTENNA STRUCTURE SHALL BE REMOVED.

(6) AMATEUR RADIO ANTENNAS WITH A CONDITIONAL USE PERMIT - ALL AMATEUR RADIO ANTENNAS THAT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT SHALL REQUIRE APPROVAL OF A CONDITIONAL USE PERMIT. SUCH ANTENNAS SHALL BE OF TELESCOPING DESIGN AND LOWERED TO A HEIGHT OF NO MORE THAN THIRTY-FIVE (35) FEET WHEN NOT IN USE. IN NO EVENT SHALL AN AMATEUR RADIO ANTENNA EXCEED THE HEIGHT OF SEVENTY-FIVE (75) FEET.

DRAFT

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 124
HOUSE BILL 2365

AN ACT

AMENDING TITLE 9, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 13; RELATING TO WIRELESS SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 5, Arizona Revised Statutes, is amended
3 by adding article 8, to read:

4 ARTICLE 8. USE OF PUBLIC HIGHWAYS BY WIRELESS PROVIDERS

5 9-591. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR
8 RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN
9 PROVIDING WIRELESS SERVICES.

10 2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,
11 PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL
12 CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO
13 ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN
14 EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

15 3. "APPLICANT" MEANS ANY PERSON THAT SUBMITS AN APPLICATION AND
16 THAT IS A WIRELESS PROVIDER.

17 4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT
18 TO AN AUTHORITY FOR A PERMIT TO COLLOCATE SMALL WIRELESS FACILITIES OR TO
19 APPROVE THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR
20 WIRELESS SUPPORT STRUCTURE.

21 5. "AUTHORITY" MEANS ANY CITY, TOWN, SPECIAL DISTRICT OR POLITICAL
22 SUBDIVISION OF THIS STATE THAT IS AUTHORIZED TO MAKE LEGISLATIVE,
23 QUASI-JUDICIAL OR ADMINISTRATIVE DECISIONS CONCERNING AN APPLICATION.
24 AUTHORITY DOES NOT INCLUDE ANY STATE COURT THAT HAS JURISDICTION OVER AN
25 AUTHORITY AND DOES NOT INCLUDE A COUNTY, SPECIAL TAXING DISTRICT, OR
26 ELECTRIC COOPERATIVE.

27 6. "AUTHORITY UTILITY POLE" MEANS A UTILITY POLE THAT IS OWNED OR
28 OPERATED BY AN AUTHORITY AND THAT IS IN A RIGHT-OF-WAY. AUTHORITY UTILITY
29 POLE DOES NOT INCLUDE A UTILITY POLE FOR ELECTRIC DISTRIBUTION.

30 7. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION
31 9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

32 8. "COLLOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN,
33 MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON, WITHIN OR ADJACENT TO A
34 WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.

35 9. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN
36 47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN
37 47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS
38 DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.

39 10. "COMMUNICATIONS SERVICE PROVIDER" MEANS A CABLE OPERATOR, A
40 PROVIDER OF INFORMATION SERVICE AS DEFINED IN 47 UNITED STATES CODE
41 SECTION 153(24), A TELECOMMUNICATIONS CARRIER AS DEFINED IN 47 UNITED
42 STATES CODE SECTION 153(51) OR A WIRELESS SERVICES PROVIDER.

43 11. "FEE" MEANS A ONE-TIME CHARGE.

44 12. "LAW" MEANS ANY FEDERAL, STATE OR LOCAL LAW, STATUTE, COMMON
45 LAW, CODE, RULE, REGULATION, ORDER OR ORDINANCE.

1 13. "MONOPOLE" MEANS A WIRELESS SUPPORT STRUCTURE THAT IS NOT MORE
2 THAN FORTY INCHES IN DIAMETER AT THE GROUND LEVEL AND THAT HAS ALL OF THE
3 WIRELESS FACILITIES MOUNTED ON THE POLE OR CONTAINED INSIDE OF THE POLE.

4 14. "PERMIT" MEANS WRITTEN PERMISSION REQUIRED BY AN AUTHORITY TO
5 INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A UTILITY POLE OR
6 MONOPOLE, TO COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR
7 WIRELESS SUPPORT STRUCTURE OR TO COLLOCATE WIRELESS FACILITIES ON A
8 MONOPOLE.

9 15. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
10 COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION,
11 INCLUDING AN AUTHORITY.

12 16. "PRIVATE EASEMENT" MEANS AN EASEMENT OR OTHER REAL PROPERTY
13 RIGHT THAT IS ONLY FOR THE BENEFIT OF THE GRANTOR AND GRANTEE AND THE
14 GRANTOR'S OR GRANTEE'S SUCCESSORS AND ASSIGNS.

15 17. "RATE" MEANS A RECURRING CHARGE.

16 18. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A PUBLIC
17 ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT.
18 RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE
19 HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF
20 TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL
21 TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE
22 DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.

23 19. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS
24 BOTH OF THE FOLLOWING QUALIFICATIONS:

25 (a) ALL ANTENNAS ARE LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN
26 SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED
27 ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT
28 WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.

29 (b) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS
30 CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME, OR FIFTY
31 CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE
32 EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED
33 ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT
34 VOLUME PURSUANT TO THIS SUBDIVISION:

35 (i) AN ELECTRIC METER.

36 (ii) CONCEALMENT ELEMENTS.

37 (iii) A TELECOMMUNICATIONS DEMARCATION BOX.

38 (iv) GROUNDING EQUIPMENT.

39 (v) A POWER TRANSFER SWITCH.

40 (vi) A CUTOFF SWITCH.

41 (vii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER
42 SERVICES.

43 20. "SPECIAL TAXING DISTRICT" MEANS A SPECIAL DISTRICT FORMED
44 PURSUANT TO TITLE 48, CHAPTER 11, 12, 17, 18, 19, 20 OR 22.

1 21. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED
2 IN WHOLE OR IN PART FOR COMMUNICATIONS SERVICES, ELECTRIC DISTRIBUTION,
3 LIGHTING OR TRAFFIC SIGNALS. UTILITY POLE DOES NOT INCLUDE A MONOPOLE.

4 22. "WIRELESS FACILITY":

5 (a) MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS
6 COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK,
7 INCLUDING BOTH OF THE FOLLOWING:

8 (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

9 (ii) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES,
10 REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF
11 TECHNOLOGICAL CONFIGURATION.

12 (b) INCLUDES SMALL WIRELESS FACILITIES.

13 (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR
14 WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES,
15 COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES
16 OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT
17 IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

18 (d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION
19 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-584,
20 SUBSECTION E.

21 23. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON THAT IS
22 AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS STATE AND THAT
23 BUILDS OR INSTALLS WIRELESS COMMUNICATIONS TRANSMISSION EQUIPMENT,
24 WIRELESS FACILITIES, UTILITY POLES OR MONOPOLES BUT THAT IS NOT A WIRELESS
25 SERVICES PROVIDER. WIRELESS INFRASTRUCTURE PROVIDER DOES NOT INCLUDE A
26 SPECIAL TAXING DISTRICT.

27 24. "WIRELESS PROVIDER" MEANS A CABLE OPERATOR, WIRELESS
28 INFRASTRUCTURE PROVIDER OR WIRELESS SERVICES PROVIDER.

29 25. "WIRELESS SERVICES" MEANS ANY SERVICES THAT ARE PROVIDED TO THE
30 PUBLIC AND THAT USE LICENSED OR UNLICENSED SPECTRUM, WHETHER AT A FIXED
31 LOCATION OR MOBILE, USING WIRELESS FACILITIES.

32 26. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES
33 WIRELESS SERVICES. WIRELESS SERVICES PROVIDER DOES NOT INCLUDE A SPECIAL
34 TAXING DISTRICT.

35 27. "WIRELESS SUPPORT STRUCTURE":

36 (a) MEANS:

37 (i) A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.

38 (ii) A TOWER, EITHER GUYED OR SELF-SUPPORTING.

39 (iii) A SIGN OR BILLBOARD.

40 (iv) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT
41 OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.

42 (b) DOES NOT INCLUDE A UTILITY POLE.

9-592. Applicability; wireless provider; use of right-of-way; rates, fees and terms; right to access; damage and repair

A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER WITHIN A RIGHT-OF-WAY.

B. AN AUTHORITY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH A WIRELESS PROVIDER FOR USE OF A RIGHT-OF-WAY FOR ANY OF THE FOLLOWING:

1. THE CONSTRUCTION, INSTALLATION, MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT OF UTILITY POLES OR MONOPOLES.

2. THE COLLOCATION OF SMALL WIRELESS FACILITIES ON UTILITY POLES OR WIRELESS SUPPORT STRUCTURES.

3. THE COLLOCATION OF WIRELESS FACILITIES ON MONOPOLES.

C. AN AUTHORITY MAY CHARGE A WIRELESS PROVIDER A RATE OR FEE FOR THE USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT OF A UTILITY POLE IN THE RIGHT-OF-WAY OR THE COLLOCATION OF A SMALL WIRELESS FACILITY IN THE RIGHT-OF-WAY, ONLY IF THE AUTHORITY CHARGES OTHER COMMUNICATIONS SERVICE PROVIDERS OR PUBLICLY, COOPERATIVELY OR MUNICIPALLY OWNED UTILITIES FOR THE USE OF THE RIGHT-OF-WAY AND THE AUTHORITY HAS THE LEGAL AUTHORITY TO DO SO. IF AN AUTHORITY CHARGES A RATE OR FEE PURSUANT TO THIS SECTION, THE RATE OR FEE FOR A WIRELESS PROVIDER MUST BE:

1. LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COST OF MANAGING THE RIGHT-OF-WAY.

2. COMPETITIVELY NEUTRAL IN REGARD TO OTHER USERS OF THE RIGHT-OF-WAY, INCLUDING INVESTOR-OWNED, AUTHORITY-OWNED OR COOPERATIVELY OWNED ENTITIES, UNLESS OTHER USERS ARE EXEMPT FROM SUCH RATES OR FEES UNDER APPLICABLE LAW.

D. A RATE OR FEE CHARGED PURSUANT TO SUBSECTION C OF THIS SECTION MAY NOT DO ANY OF THE FOLLOWING:

1. RESULT IN A DOUBLE RECOVERY WHERE EXISTING RATES, FEES OR TAXES ALREADY RECOVER THE DIRECT AND ACTUAL COSTS OF MANAGING A RIGHT-OF-WAY.

2. BE IN THE FORM OF A FRANCHISE OR OTHER FEE BASED ON REVENUE OR CUSTOMER COUNTS.

3. BE UNREASONABLE OR DISCRIMINATORY.

4. EXCEED AN ANNUAL AMOUNT EQUAL TO FIFTY DOLLARS MULTIPLIED BY THE NUMBER OF SMALL WIRELESS FACILITIES THAT ARE IN THE AUTHORITY'S GEOGRAPHIC JURISDICTION AND THAT ARE PLACED BY THE WIRELESS PROVIDER IN THE RIGHT-OF-WAY.

E. AN AUTHORITY SHALL ESTABLISH AND MAKE AVAILABLE RATES, FEES AND TERMS FOR ALL OF THE FOLLOWING, WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION OR THREE MONTHS AFTER RECEIVING THE FIRST REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER:

1. THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT OF A UTILITY POLE OR MONOPOLE BY A WIRELESS PROVIDER IN A RIGHT-OF-WAY.

1 2. THE COLLOCATION OF A SMALL WIRELESS FACILITY BY A WIRELESS
2 PROVIDER IN A RIGHT-OF-WAY.

3 3. THE COLLOCATION OF A WIRELESS FACILITY ON OR WITHIN A MONOPOLE
4 BY A WIRELESS PROVIDER IN A RIGHT-OF-WAY.

5 F. THE RATES, FEES AND TERMS ESTABLISHED PURSUANT TO SUBSECTION E
6 OF THIS SECTION MUST BE MADE AVAILABLE FOR ACCEPTANCE BY A WIRELESS
7 PROVIDER. AT THE WIRELESS PROVIDER'S OPTION, A WIRELESS PROVIDER MAY
8 REQUEST DIFFERENT OR ADDITIONAL TERMS THAT THE PARTIES SHALL NEGOTIATE IN
9 GOOD FAITH. DOCUMENTS THAT REFLECT RATES, FEES AND TERMS WITH EACH
10 WIRELESS PROVIDER ARE PUBLIC RECORDS. RATES, FEES AND TERMS MUST COMPLY
11 WITH THIS ARTICLE, AND THE TERMS:

12 1. MAY NOT BE UNREASONABLE OR DISCRIMINATORY.

13 2. MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE
14 RIGHT-OF-WAY.

15 3. MAY REQUIRE THAT THE WIRELESS PROVIDER'S OPERATION OF THE SMALL
16 WIRELESS FACILITIES IN THE RIGHT-OF-WAY DOES NOT INTERFERE WITH THE
17 AUTHORITY'S PUBLIC SAFETY COMMUNICATIONS.

18 4. SUBJECT TO SUBSECTION K OF THIS SECTION AND SECTION 9-593,
19 SUBSECTION F, MAY NOT REQUIRE THE PLACEMENT OF SMALL WIRELESS FACILITIES
20 ON ANY SPECIFIC UTILITY POLE OR CATEGORY OF POLES OR REQUIRE MULTIPLE
21 ANTENNA SYSTEMS ON A SINGLE UTILITY POLE.

22 5. SUBJECT TO SUBSECTION K OF THIS SECTION AND SECTION 9-593,
23 SUBSECTION F, MAY NOT LIMIT THE PLACEMENT OF SMALL WIRELESS FACILITIES BY
24 MINIMUM SEPARATION DISTANCES.

25 G. AGREEMENTS BETWEEN AUTHORITIES AND WIRELESS PROVIDERS THAT ARE
26 IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION AND THAT RELATE TO THE
27 COLLOCATION OF SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY, INCLUDING
28 THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES,
29 REMAIN IN EFFECT, SUBJECT TO APPLICABLE TERMINATION PROVISIONS. THE
30 WIRELESS PROVIDER MAY ACCEPT THE RATES, FEES AND TERMS ESTABLISHED UNDER
31 SUBSECTIONS E AND F OF THIS SECTION FOR SMALL WIRELESS FACILITIES AND
32 UTILITY POLES THAT ARE THE SUBJECT OF AN APPLICATION SUBMITTED AFTER THE
33 RATES, FEES AND TERMS BECOME EFFECTIVE.

34 H. SUBJECT TO THIS SECTION AND THE APPROVAL OF AN APPLICATION, IF
35 REQUIRED, A WIRELESS PROVIDER MAY DO ANY OF THE FOLLOWING:

36 1. COLLOCATE SMALL WIRELESS FACILITIES.

37 2. CONSTRUCT, INSTALL, MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE
38 UTILITY POLES THAT ARE ASSOCIATED WITH THE COLLOCATION OF SMALL WIRELESS
39 FACILITIES ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY.

40 3. CONSTRUCT, INSTALL, MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE
41 MONOPOLES THAT ARE ASSOCIATED WITH THE COLLOCATION OF WIRELESS FACILITIES
42 ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY. THE INSTALLATION,
43 MODIFICATION AND REPLACEMENT OF MONOPOLES ARE SUBJECT TO REVIEW UNDER
44 SECTION 9-594 REGARDLESS OF THE HEIGHT OF THE MONOPOLE.

1 I. SUBJECT TO SUBSECTION K, PARAGRAPH 2, SUBDIVISION (c) OF THIS
2 SECTION, A NEW, REPLACEMENT OR MODIFIED UTILITY POLE THAT IS ASSOCIATED
3 WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES AND THAT IS INSTALLED IN
4 THE RIGHT-OF-WAY IS NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER
5 SECTION 9-594 IF THE UTILITY POLE DOES NOT EXCEED THE GREATER OF EITHER:

6 1. TEN FEET IN HEIGHT ABOVE THE TALLEST EXISTING UTILITY POLE,
7 OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS FACILITIES, THAT IS IN
8 PLACE ON THE EFFECTIVE DATE OF THIS SECTION, THAT IS LOCATED WITHIN FIVE
9 HUNDRED FEET OF THE NEW, REPLACEMENT OR MODIFIED UTILITY POLE AND THAT IS
10 IN THE SAME RIGHT-OF-WAY WITHIN THE JURISDICTIONAL BOUNDARY OF THE
11 AUTHORITY, BUT NOT MORE THAN FIFTY FEET ABOVE GROUND LEVEL.

12 2. FORTY FEET ABOVE GROUND LEVEL.

13 J. NEW SMALL WIRELESS FACILITIES COLLOCATED ON A UTILITY POLE OR
14 WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY ARE NOT SUBJECT TO ZONING
15 REVIEW AND APPROVAL IF THEY DO NOT EXTEND MORE THAN TEN FEET ABOVE THE
16 UTILITY POLE OR WIRELESS SUPPORT STRUCTURE AND DO NOT EXCEED FIFTY FEET
17 ABOVE GROUND LEVEL.

18 K. AN AUTHORITY MAY REQUIRE AN APPLICATION UNDER THIS SECTION FOR
19 THE INSTALLATION OF NEW, REPLACEMENT OR MODIFIED UTILITY POLES ASSOCIATED
20 WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES. AN AUTHORITY SHALL
21 APPROVE AN APPLICATION UNLESS THE AUTHORITY FINDS THAT THE UTILITY POLE
22 FAILS TO COMPLY WITH ANY OF THE FOLLOWING:

23 1. APPLICABLE CODES.

24 2. LOCAL CODE PROVISIONS OR REGULATIONS THAT CONCERN ANY OF THE
25 FOLLOWING:

26 (a) PUBLIC SAFETY.

27 (b) OBJECTIVE DESIGN STANDARDS AND REASONABLE STEALTH AND
28 CONCEALMENT REQUIREMENTS.

29 (c) UNDERGROUNDING REQUIREMENTS THAT PROHIBIT THE INSTALLATION OF
30 NEW OR THE MODIFICATION OF EXISTING UTILITY POLES OR MONOPOLES IN A
31 RIGHT-OF-WAY WITHOUT PRIOR APPROVAL, IF SUCH REQUIREMENTS INCLUDE A
32 WAIVER, ZONING OR ANOTHER PROCESS THAT ADDRESSES REQUESTS TO INSTALL SUCH
33 NEW UTILITY POLES OR MONOPOLES OR MODIFY SUCH EXISTING UTILITY POLES OR
34 MONOPOLES AND DO NOT PROHIBIT THE REPLACEMENT OF UTILITY POLES OR
35 MONOPOLES.

36 3. REQUIREMENTS THAT ARE IMPOSED BY A CONTRACT BETWEEN AN AUTHORITY
37 AND A PRIVATE PROPERTY OWNER AND THAT CONCERN DESIGN STANDARDS APPLICABLE
38 TO UTILITY POLES IN THE RIGHT-OF-WAY.

39 4. THE AUTHORITY'S PUBLIC SAFETY AND REASONABLE SPACING
40 REQUIREMENTS THAT CONCERN THE LOCATION OF NEW UTILITY POLES IN A
41 RIGHT-OF-WAY.

42 L. AN AUTHORITY SHALL PROCESS APPLICATIONS UNDER SUBSECTION K OF
43 THIS SECTION IN COMPLIANCE WITH APPLICABLE LAW. IF AN AUTHORITY FAILS TO
44 APPROVE OR DENY AN APPLICATION WITHIN THE TIME FRAME SPECIFIED BY
45 APPLICABLE LAW, THE APPLICATION SHALL BE DEEMED APPROVED. ANY APPLICATION

1 FEE IS SUBJECT TO THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION
2 I. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED SEVEN HUNDRED
3 FIFTY DOLLARS.

4 M. THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE,
5 MODIFICATION, OPERATION OR REPLACEMENT FOR WHICH A PERMIT IS GRANTED SHALL
6 BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE
7 DATE, UNLESS THE AUTHORITY AND WIRELESS PROVIDER AGREE TO EXTEND THIS
8 PERIOD OR A DELAY IS CAUSED BY A LACK OF COMMERCIAL POWER AT THE
9 SITE. APPROVAL OF AN APPLICATION BY AN AUTHORITY AUTHORIZES THE APPLICANT
10 TO DO BOTH OF THE FOLLOWING:

11 1. UNDERTAKE THE REQUESTED DEPLOYMENT.

12 2. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S
13 TERMS AS DESCRIBED IN THIS SECTION AND THE WIRELESS PROVIDER'S RIGHT TO
14 TERMINATE AT ANY TIME, OPERATE AND MAINTAIN THE WIRELESS PROVIDER'S NEW,
15 MODIFIED OR REPLACEMENT UTILITY POLE FOR A PERIOD OF NOT LESS THAN TEN
16 YEARS, WHICH MUST BE RENEWED FOR EQUIVALENT DURATIONS UNLESS THE AUTHORITY
17 MAKES A FINDING THAT THE NEW OR MODIFIED UTILITY POLE DOES NOT COMPLY WITH
18 THE REQUIREMENTS DESCRIBED IN SUBSECTION K OF THIS SECTION.

19 N. AN AUTHORITY MAY REQUIRE A WIRELESS PROVIDER TO REPAIR ALL
20 DAMAGE TO THE AUTHORITY'S PROPERTY AND THE RIGHT-OF-WAY THAT IS CAUSED BY
21 THE ACTIVITIES OF THE WIRELESS PROVIDER OR THE WIRELESS PROVIDER'S
22 CONTRACTOR WHILE OCCUPYING, INSTALLING, REPAIRING OR MAINTAINING SMALL
23 WIRELESS FACILITIES, WIRELESS SUPPORT STRUCTURES OR UTILITY POLES IN THE
24 RIGHT-OF-WAY AND TO RETURN THE DAMAGED PROPERTY TO THE SAME CONDITION AS
25 BEFORE THE DAMAGE PURSUANT TO THE COMPETITIVELY NEUTRAL, REASONABLE
26 REQUIREMENTS AND SPECIFICATIONS OF THE AUTHORITY. IF THE WIRELESS
27 PROVIDER FAILS TO MAKE THE REPAIRS REQUIRED BY THE AUTHORITY WITHIN A
28 REASONABLE TIME AFTER THE AUTHORITY PROVIDES WRITTEN NOTICE TO THE
29 WIRELESS PROVIDER, THE AUTHORITY MAY MAKE THE REPAIRS AND CHARGE THE
30 APPLICABLE PARTY THE REASONABLE, DOCUMENTED COST OF THE REPAIRS.

31 O. THIS ARTICLE DOES NOT RELIEVE A WIRELESS PROVIDER FROM ANY
32 APPLICABLE REQUIREMENT TO OBTAIN A FRANCHISE, LICENSE OR OTHER PERMISSION
33 TO PROVIDE COMMUNICATIONS SERVICE OR TO INSTALL, PLACE, MAINTAIN OR
34 OPERATE FACILITIES OR STRUCTURES THAT ARE NOT AUTHORIZED BY THIS ARTICLE
35 IN THE RIGHT-OF-WAY TO PROVIDE A COMMUNICATIONS SERVICE.

36 9-593. Applicability; collocation of small wireless
37 facilities; permits; application; fee

38 A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER
39 WITHIN A RIGHT-OF-WAY.

40 B. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 9-592, 9-594,
41 9-595, 9-597, 9-598 AND 9-599, AS APPLICABLE, AN AUTHORITY MAY NOT
42 PROHIBIT, REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS
43 FACILITIES.

44 C. SUBJECT TO THIS SECTION AND SECTION 9-592, SUBSECTION J, A SMALL
45 WIRELESS FACILITY IS CLASSIFIED AS A PERMITTED USE AND IS NOT SUBJECT TO

1 ZONING REVIEW OR APPROVAL IF THE SMALL WIRELESS FACILITY IS COLLOCATED IN
2 A RIGHT-OF-WAY IN ANY ZONE.

3 D. AN AUTHORITY MAY REQUIRE AN APPLICANT TO OBTAIN ONE OR MORE
4 PERMITS TO COLLOCATE A SMALL WIRELESS FACILITY IF THE PERMIT REQUIREMENT
5 IS OF GENERAL APPLICABILITY AND DOES NOT APPLY EXCLUSIVELY TO WIRELESS
6 FACILITIES. AN APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS
7 FACILITIES WITHIN THE JURISDICTION OF A SINGLE AUTHORITY MAY FILE A
8 CONSOLIDATED APPLICATION FOR THE COLLOCATION OF UP TO TWENTY-FIVE SMALL
9 WIRELESS FACILITIES IF THE COLLOCATIONS EACH INVOLVE SUBSTANTIALLY THE
10 SAME TYPE OF SMALL WIRELESS FACILITIES AND SUBSTANTIALLY THE SAME TYPE OF
11 STRUCTURE.

12 E. AN APPLICATION MUST INCLUDE AN ATTESTATION THAT THE SMALL
13 WIRELESS FACILITIES WILL BE COLLOCATED ON THE UTILITY POLE OR WIRELESS
14 SUPPORT STRUCTURE AND THAT THE SMALL WIRELESS FACILITIES WILL BE
15 OPERATIONAL FOR USE BY A WIRELESS SERVICES PROVIDER TO PROVIDE SERVICE
16 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE DATE, UNLESS THE
17 AUTHORITY AND THE WIRELESS PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY
18 IS CAUSED BY A LACK OF COMMERCIAL POWER AT THE SITE.

19 F. AN AUTHORITY:

20 1. SHALL ACCEPT APPLICATIONS FOR, PROCESS AND ISSUE PERMITS TO
21 COLLOCATE SMALL WIRELESS FACILITIES.

22 2. WITHIN TWENTY DAYS AFTER RECEIVING AN APPLICATION, SHALL
23 DETERMINE AND NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE.
24 IF AN APPLICANT IS NOT NOTIFIED WITHIN THE TWENTY-DAY PERIOD, THE
25 APPLICATION IS DEEMED COMPLETE. IF AN APPLICATION IS INCOMPLETE, THE
26 AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION MISSING FROM THE
27 APPLICATION.

28 3. SHALL PROCESS EACH APPLICATION ON A NONDISCRIMINATORY BASIS. A
29 COMPLETE APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO APPROVE
30 OR DENY THE APPLICATION WITHIN SEVENTY-FIVE DAYS AFTER RECEIVING A
31 COMPLETE APPLICATION.

32 4. SHALL APPROVE AN APPLICATION UNLESS THE APPLICATION DOES NOT
33 MEET THE APPLICABLE CODES, LOCAL CODE PROVISIONS OR REGULATIONS THAT
34 CONCERN PUBLIC SAFETY, OBJECTIVE DESIGN STANDARDS FOR DECORATIVE UTILITY
35 POLES OR REASONABLE STEALTH AND CONCEALMENT REQUIREMENTS OR PUBLIC SAFETY
36 AND REASONABLE SPACING REQUIREMENTS CONCERNING THE LOCATION OF
37 GROUND-MOUNTED EQUIPMENT IN A RIGHT-OF-WAY. IF AN AUTHORITY DETERMINES
38 THAT APPLICABLE CODES OR LOCAL CODE PROVISIONS OR REGULATIONS REQUIRE THAT
39 THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE BE REPLACED BEFORE THE
40 REQUESTED COLLOCATION, APPROVAL MAY BE CONDITIONED ON SUCH REPLACEMENT OF
41 THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE. THE WIRELESS PROVIDER'S
42 REQUEST FOR A REPLACEMENT UTILITY POLE OR WIRELESS SUPPORT STRUCTURE WILL
43 BE PROCESSED PURSUANT TO SECTION 9-592.

44 5. IF AN APPLICATION IS DENIED, SHALL DOCUMENT THE BASIS FOR THE
45 DENIAL, INCLUDING THE SPECIFIC CODE PROVISIONS, REGULATIONS OR

1 REQUIREMENTS ON WHICH THE DENIAL WAS BASED, AND SEND THE DOCUMENTATION TO
2 THE APPLICANT ON OR BEFORE THE DATE THAT THE APPLICATION IS DENIED. THE
3 APPLICANT MAY CURE THE DEFICIENCIES IDENTIFIED BY THE AUTHORITY AND
4 RESUBMIT THE APPLICATION WITHIN THIRTY DAYS AFTER THE DENIAL WITHOUT
5 PAYING AN ADDITIONAL APPLICATION FEE. THE AUTHORITY SHALL APPROVE OR DENY
6 THE REVISED APPLICATION WITHIN THIRTY DAYS AFTER RECEIVING THE REVISED
7 APPLICATION. ANY SUBSEQUENT REVIEW IS LIMITED TO THE DEFICIENCIES CITED
8 IN THE DENIAL.

9 6. IF AN APPLICATION INCLUDES MULTIPLE SMALL WIRELESS FACILITIES,
10 MAY REMOVE SMALL WIRELESS FACILITY COLLOCATIONS FROM THE APPLICATION AND
11 TREAT SEPARATELY SMALL WIRELESS FACILITY COLLOCATIONS FOR WHICH INCOMPLETE
12 INFORMATION HAS BEEN PROVIDED OR THAT DO NOT QUALIFY FOR CONSOLIDATED
13 TREATMENT OR THAT ARE DENIED. THE AUTHORITY MAY ISSUE SEPARATE PERMITS
14 FOR EACH COLLOCATION THAT IS APPROVED IN A CONSOLIDATED APPLICATION.

15 G. AN AUTHORITY MAY NOT:

16 1. DIRECTLY OR INDIRECTLY REQUIRE AN APPLICANT TO PERFORM SERVICES
17 THAT ARE UNRELATED TO THE COLLOCATION FOR WHICH APPROVAL IS SOUGHT, SUCH
18 AS IN-KIND CONTRIBUTIONS TO THE AUTHORITY, INCLUDING RESERVING FIBER,
19 CONDUIT OR POLE SPACE ON THE WIRELESS PROVIDER'S MONOPOLE OR UTILITY POLE
20 FOR THE AUTHORITY.

21 2. REQUIRE AN APPLICANT TO PROVIDE MORE INFORMATION TO OBTAIN A
22 PERMIT THAN THE AUTHORITY REQUIRES OF A COMMUNICATIONS SERVICE PROVIDER
23 THAT IS NOT A WIRELESS PROVIDER AND THAT REQUESTS TO ATTACH FACILITIES TO
24 A STRUCTURE. AN AUTHORITY MAY REQUIRE THE APPLICANT TO CERTIFY THAT THE
25 SMALL WIRELESS FACILITIES TO BE COLLOCATED COMPLY WITH THE FEDERAL
26 COMMUNICATIONS COMMISSION'S REGULATIONS CONCERNING RADIO FREQUENCY
27 EMISSIONS REFERENCED IN 47 UNITED STATES CODE SECTION 332(c)(7)(B)(iv).

28 3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
29 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING PERMITS OR OTHER
30 APPROVALS, IF ANY, FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY.

31 4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE
32 REPLACEMENT OF SMALL WIRELESS FACILITIES WITH SMALL WIRELESS FACILITIES
33 THAT ARE SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. AN AUTHORITY
34 MAY REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF
35 APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE
36 REQUIREMENTS OF THIS SECTION.

37 H. COLLOCATION FOR WHICH A PERMIT IS GRANTED SHALL BE COMPLETED
38 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE DATE, UNLESS THE
39 AUTHORITY AND THE WIRELESS PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY
40 IS CAUSED BY THE LACK OF COMMERCIAL POWER AT THE SITE. APPROVAL OF AN
41 APPLICATION BY AN AUTHORITY ALLOWS THE APPLICANT TO DO BOTH OF THE
42 FOLLOWING:

43 1. COLLOCATE THE SMALL WIRELESS FACILITIES.

44 2. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE WIRELESS
45 PROVIDER'S RIGHT TO TERMINATE AT ANY TIME AND THE AUTHORITY'S TERMS

1 DESCRIBED IN SECTION 9-592, OPERATE AND MAINTAIN THE SMALL WIRELESS
2 FACILITIES FOR A PERIOD OF NOT LESS THAN TEN YEARS, WHICH MUST BE RENEWED
3 FOR EQUIVALENT DURATIONS UNLESS THE AUTHORITY MAKES A FINDING THAT THE
4 SMALL WIRELESS FACILITIES DO NOT COMPLY WITH THE APPLICABLE CODES OR LOCAL
5 CODE PROVISIONS OR REGULATIONS DESCRIBED IN SUBSECTION F, PARAGRAPH 4 OF
6 THIS SECTION.

7 I. AN AUTHORITY MAY CHARGE AN APPLICATION FEE THAT IS LIMITED TO
8 THE ACTUAL, DIRECT AND REASONABLE COSTS THAT ARE INCURRED BY THE AUTHORITY
9 AND THAT RELATE TO THE GRANTING OR PROCESSING OF AN APPLICATION. AN
10 APPLICATION FEE SHALL BE REASONABLY RELATED IN TIME TO THE INCURRING OF
11 SUCH COSTS. IF SUCH COSTS ARE ALREADY RECOVERED BY EXISTING FEES, RATES
12 OR TAXES THAT ARE PAID BY A WIRELESS PROVIDER, AN AUTHORITY MAY NOT CHARGE
13 AN APPLICATION FEE TO RECOVER SUCH COSTS. AN APPLICATION FEE MAY NOT
14 INCLUDE:

15 1. THIRD-PARTY TRAVEL EXPENSES THAT ARE INCURRED TO REVIEW AN
16 APPLICATION.

17 2. THE DIRECT PAYMENT OR REIMBURSEMENT OF THIRD-PARTY RATES OR FEES
18 THAT ARE CHARGED ON A CONTINGENCY BASIS OR PURSUANT TO A RESULT-BASED
19 ARRANGEMENT.

20 J. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED ONE
21 HUNDRED DOLLARS EACH FOR UP TO FIVE SMALL WIRELESS FACILITIES ADDRESSED IN
22 AN APPLICATION AND FIFTY DOLLARS FOR EACH ADDITIONAL SMALL WIRELESS
23 FACILITY ADDRESSED IN THE APPLICATION.

24 K. THIS ARTICLE DOES NOT ALLOW A PERSON TO COLLOCATE SMALL WIRELESS
25 FACILITIES ON A PRIVATELY OWNED UTILITY POLE, A PRIVATELY OWNED WIRELESS
26 SUPPORT STRUCTURE OR PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY
27 OWNER.

28 9-594. Structures subject to zoning; time frames;
29 application; fees

30 A. THE FOLLOWING ACTIVITIES THAT TAKE PLACE INSIDE OF A
31 RIGHT-OF-WAY ARE SUBJECT TO THIS SECTION AND ALL OF THE AUTHORITY'S CODES
32 AND REGULATIONS, INCLUDING THE AUTHORITY'S ZONING CODES AND OTHER
33 REGULATORY PROCESSES GOVERNING USE OF THE RIGHTS-OF-WAY, UNLESS THE
34 ACTIVITIES ARE EXEMPT FROM ZONING REVIEW AND APPROVAL UNDER SECTION 9-592,
35 SUBSECTION I OR J OR SECTION 9-593, SUBSECTION C:

36 1. THE INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS
37 FACILITIES.

38 2. THE COLLOCATION OF WIRELESS FACILITIES.

39 B. NOTWITHSTANDING ANY PROVISION IN THIS ARTICLE TO THE CONTRARY,
40 THE CONSTRUCTION, INSTALLATION, MAINTENANCE, MODIFICATION, OPERATION OR
41 REPLACEMENT OF A MONOPOLE OR ASSOCIATED WIRELESS FACILITY IN A RIGHT-
42 OF-WAY IS SUBJECT TO ALL OF THE AUTHORITY'S CODES AND REGULATIONS,
43 INCLUDING THE AUTHORITY'S ZONING CODES AND OTHER REGULATORY PROCESSES
44 GOVERNING USE OF THE RIGHTS-OF-WAY.

45 C. AN AUTHORITY SHALL:

1 1. ACCEPT AND PROCESS APPLICATIONS FOR THE MODIFICATION OF EXISTING
2 OR THE INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS FACILITIES
3 AND THE COLLOCATION OF WIRELESS FACILITIES.

4 2. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION, NOTIFY THE
5 APPLICANT WHETHER THE APPLICATION IS COMPLETE. IF AN APPLICATION IS
6 INCOMPLETE, THE AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION
7 MISSING FROM THE APPLICATION.

8 3. PROCESS EACH COMPLETE APPLICATION ON A NONDISCRIMINATORY BASIS.
9 A COMPLETE APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO
10 APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED FIFTY DAYS AFTER
11 RECEIPT OF AN APPLICATION FOR THE MODIFICATION OF EXISTING OR THE
12 INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS FACILITIES OR
13 WITHIN NINETY DAYS AFTER RECEIPT OF A COMPLETE APPLICATION FOR THE
14 COLLOCATION OF WIRELESS FACILITIES. THE TIME PERIOD FOR APPROVAL MAY BE
15 TOLLED TO ACCOMMODATE TIMELY REQUESTS FOR INFORMATION REQUIRED TO COMPLETE
16 THE APPLICATION OR MAY BE EXTENDED BY MUTUAL AGREEMENT BETWEEN THE
17 APPLICANT AND AUTHORITY.

18 4. IF A COMPLETE APPLICATION IS DENIED, NOTIFY THE APPLICANT IN
19 WRITING AND PROVIDE SUBSTANTIAL SUPPORTING EVIDENCE OF THE REASON FOR
20 DENIAL IN THE WRITTEN RECORD. THE WRITTEN NOTIFICATION OF THE DENIAL AND
21 THE SUPPORTING EVIDENCE SHALL BE PUBLICLY RELEASED
22 CONTEMPORANEOUSLY. THERE MUST BE A REASONABLE BASIS FOR THE DENIAL OF AN
23 APPLICATION. AN AUTHORITY MAY NOT DENY AN APPLICATION IF THE DENIAL IS
24 DISCRIMINATORY AGAINST THE APPLICANT WITH RESPECT TO THE PLACEMENT OF THE
25 FACILITIES OF OTHER WIRELESS PROVIDERS.

26 D. AN AUTHORITY MAY NOT:

27 1. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT THE APPLICANT'S
28 BUSINESS DECISIONS REGARDING THE NEED FOR THE MONOPOLE, UTILITY POLE OR
29 WIRELESS FACILITIES.

30 2. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT, OR EVALUATE AN
31 APPLICANT'S BUSINESS DECISIONS REGARDING, THE APPLICANT'S SERVICE,
32 CUSTOMER DEMAND FOR SERVICE OR QUALITY OF SERVICE.

33 3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
34 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING DECISIONS FOR
35 MODIFICATIONS OR INSTALLATIONS THAT ARE NOT A PERMITTED USE.

36 E. AN AUTHORITY, IN ADDITION TO OTHER RIGHTS THE AUTHORITY HAS
37 UNDER FEDERAL, STATE OR LOCAL LAW, MAY:

38 1. ADOPT REASONABLE REQUIREMENTS REGARDING THE APPEARANCE AND
39 CONCEALMENT OF FACILITIES, INCLUDING THOSE RELATING TO MATERIALS USED FOR
40 ARRANGING, SCREENING OR LANDSCAPING.

41 2. ADOPT SETBACK OR FALL ZONE REQUIREMENTS THAT ARE SUBSTANTIALLY
42 SIMILAR TO SETBACK OR FALL ZONE REQUIREMENTS THAT ARE IMPOSED ON OTHER
43 TYPES OF COMMERCIAL STRUCTURES OF A SIMILAR HEIGHT.

44 3. CHARGE AN APPLICATION FEE. ANY APPLICATION FEE IS SUBJECT TO
45 THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION I. THE TOTAL

1 APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED ONE THOUSAND DOLLARS FOR THE
2 MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW MONOPOLES OR UTILITY
3 POLES OR FOR THE COLLOCATION OF WIRELESS FACILITIES.

4 4. CHARGE A RATE OR FEE FOR THE USE OF THE RIGHT-OF-WAY FOR THE
5 INSTALLATION OF A MONOPOLE AND ASSOCIATED WIRELESS FACILITY THAT IS
6 LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COSTS OF MANAGING THE
7 RIGHT-OF-WAY AND THAT IS NOT IN THE FORM OF A FRANCHISE OR OTHER FEE BASED
8 ON REVENUE OR CUSTOMER COUNTS.

9 F. AN APPLICANT'S BUSINESS DECISIONS REGARDING THE TYPE AND
10 LOCATION OF WIRELESS FACILITIES, MONOPOLES OR UTILITY POLES OR THE
11 TECHNOLOGY TO BE USED ARE PRESUMED TO BE REASONABLE. THIS PRESUMPTION
12 DOES NOT APPLY TO THE HEIGHT OR APPEARANCE OF WIRELESS FACILITIES,
13 MONOPOLES OR UTILITY POLES. AN AUTHORITY MAY CONSIDER THE HEIGHT OF SUCH
14 STRUCTURES IN THE ZONING OR OTHER REGULATORY REVIEW, PROVIDED THAT THE
15 AUTHORITY DOES NOT UNREASONABLY DISCRIMINATE BETWEEN THE APPLICANT AND
16 OTHER COMMUNICATIONS SERVICE PROVIDERS THAT INSTALL WIRELESS FACILITIES.

17 G. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S
18 TERMS DESCRIBED IN SECTION 9-592 AND THE WIRELESS PROVIDER'S RIGHT TO
19 TERMINATE AT ANY TIME, THE APPROVAL TERM OF AN APPLICATION SHALL BE FOR A
20 PERIOD OF NOT LESS THAN TEN YEARS, WHICH MUST BE RENEWED FOR EQUIVALENT
21 DURATIONS UNLESS THE AUTHORITY MAKES A FINDING THAT THE STRUCTURE OR
22 FACILITIES DO NOT COMPLY WITH THE APPLICABLE CODES OR TERMS OF THE ZONING
23 OR OTHER REGULATORY PROCESS APPROVAL. CONSTRUCTION OF THE APPROVED
24 STRUCTURE OR FACILITIES SHALL BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS
25 AFTER THE PERMIT ISSUANCE DATE, UNLESS THE AUTHORITY AND THE WIRELESS
26 PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY IS CAUSED BY THE LACK OF
27 COMMERCIAL POWER AT THE SITE.

28 9-595. Access to authority utility poles; rates and fees;
29 collocations for other commercial projects or uses

30 A. AN AUTHORITY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH
31 ANY PERSON FOR THE RIGHT TO ATTACH TO AUTHORITY UTILITY POLES.

32 B. THE RATES AND FEES FOR THE COLLOCATION OF SMALL WIRELESS
33 FACILITIES ON AUTHORITY UTILITY POLES SHALL BE NONDISCRIMINATORY
34 REGARDLESS OF THE SERVICES PROVIDED BY THE COLLOCATING PERSON.

35 C. THE RATE TO COLLOCATE SMALL WIRELESS FACILITIES ON AUTHORITY
36 UTILITY POLES MAY NOT EXCEED FIFTY DOLLARS PER AUTHORITY UTILITY POLE, PER
37 YEAR.

38 D. AN AUTHORITY SHALL ESTABLISH AND MAKE AVAILABLE RATES, FEES AND
39 TERMS FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY
40 UTILITY POLES WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION
41 OR THREE MONTHS AFTER RECEIVING A REQUEST TO COLLOCATE THE FIRST SMALL
42 WIRELESS FACILITY ON SUCH POLES, WHICHEVER IS LATER. THE RATES, FEES AND
43 TERMS SHALL BE MADE AVAILABLE FOR ACCEPTANCE BY A WIRELESS PROVIDER. AT
44 THE WIRELESS PROVIDER'S OPTION, A WIRELESS PROVIDER MAY REQUEST DIFFERENT
45 OR ADDITIONAL TERMS THAT THE PARTIES SHALL NEGOTIATE IN GOOD

1 FAITH. DOCUMENTS REFLECTING RATES, FEES AND TERMS WITH EACH WIRELESS
2 PROVIDER SHALL BE MADE PUBLICLY AVAILABLE. THE RATES, FEES AND TERMS
3 SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

4 1. THE RATES, FEES AND TERMS MUST BE NONDISCRIMINATORY,
5 COMPETITIVELY NEUTRAL AND COMMERCIALY REASONABLE AND COMPLY WITH THIS
6 SECTION AND SECTION 9-592, SUBSECTIONS E AND F. REQUESTS FOR COLLOCATING
7 A SMALL WIRELESS FACILITY ON AN AUTHORITY UTILITY POLE WILL BE PROCESSED
8 PURSUANT TO SECTION 9-593. THE AUTHORITY MAY REQUIRE A WIRELESS PROVIDER
9 TO REPLACE THE AUTHORITY UTILITY POLE IF THE AUTHORITY DETERMINES THAT
10 APPLICABLE CODES OR LOCAL CODE OR REGULATORY PROVISIONS THAT CONCERN
11 PUBLIC SAFETY REQUIRE REPLACEMENT OF THE AUTHORITY UTILITY POLE. THE
12 WIRELESS PROVIDER'S REQUEST TO INSTALL A REPLACEMENT UTILITY POLE WILL BE
13 PROCESSED PURSUANT TO SECTION 9-592. THE AUTHORITY SHALL RETAIN OWNERSHIP
14 OF THE UTILITY POLE.

15 2. TERMS MUST REASONABLY ACCOMMODATE POWER SUPPLY AND ELECTRIC
16 METERING FOR THE SMALL WIRELESS FACILITY.

17 E. AN AUTHORITY MAY PROHIBIT, REGULATE AND CHARGE FOR THE
18 COLLOCATION OF A WIRELESS FACILITY ON A WIRELESS SUPPORT STRUCTURE OWNED
19 BY THE AUTHORITY.

20 9-596. Scope of local authority

21 A. SUBJECT TO THIS ARTICLE AND APPLICABLE FEDERAL LAW, AN AUTHORITY
22 MAY EXERCISE ZONING, LAND USE, PLANNING AND PERMITTING AUTHORITY AND THE
23 AUTHORITY'S POLICE POWER WITHIN THE AUTHORITY'S TERRITORIAL BOUNDARIES,
24 INCLUDING FOR THE INSTALLATION, MODIFICATION AND REPLACEMENT OF WIRELESS
25 SUPPORT STRUCTURES AND UTILITY POLES.

26 B. AN AUTHORITY DOES NOT HAVE ANY JURISDICTION OR AUTHORITY OVER
27 THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION OR OPERATION OF ANY
28 SMALL WIRELESS FACILITY LOCATED IN AN INTERIOR STRUCTURE OR ON THE SITE OF
29 ANY CAMPUS, STADIUM OR ATHLETIC FACILITY THAT IS NOT OWNED OR CONTROLLED
30 BY THE AUTHORITY, OTHER THAN TO REQUIRE COMPLIANCE WITH APPLICABLE CODES.

31 C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL
32 SUBDIVISION OF THIS STATE, INCLUDING AN AUTHORITY, TO REQUIRE SMALL
33 WIRELESS FACILITY DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

34 D. IF AN AUTHORITY DETERMINES THAT A UTILITY POLE, MONOPOLE OR
35 WIRELESS SUPPORT STRUCTURE OF A WIRELESS PROVIDER WILL BE RELOCATED TO
36 ACCOMMODATE A PUBLIC PROJECT, ALL WIRELESS FACILITIES DEPLOYED ON SUCH
37 UTILITY POLE, MONOPOLE OR WIRELESS SUPPORT STRUCTURE SHALL BE RELOCATED AT
38 NO COST TO THE AUTHORITY.

39 9-597. Dispute resolution

40 A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL
41 DISPUTES ARISING UNDER THIS ARTICLE.

42 9-598. General requirements for use of the right-of-way

43 STRUCTURES AND FACILITIES DEPLOYED BY WIRELESS PROVIDERS PURSUANT TO
44 THIS ARTICLE SHALL BE CONSTRUCTED, MAINTAINED AND LOCATED AS TO NOT
45 OBSTRUCT, ENDANGER OR HINDER THE USUAL TRAVEL OR PUBLIC SAFETY ON THE

1 RIGHT-OF-WAY, DAMAGE OR INTERFERE WITH ANY OTHER UTILITY FACILITIES IN THE
2 RIGHT-OF-WAY OR INTERFERE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES
3 IN THE RIGHT-OF-WAY. CONSTRUCTION AND MAINTENANCE BY THE WIRELESS
4 PROVIDER SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AND ALL
5 APPLICABLE LAWS AND REGULATIONS FOR THE PROTECTION OF UNDERGROUND AND
6 OVERHEAD UTILITY FACILITIES. AN AUTHORITY SHALL TREAT A WIRELESS
7 PROVIDER'S FACILITIES LOCATED WITHIN A RIGHT-OF-WAY ON AN EQUAL BASIS WITH
8 OTHER UTILITY FACILITIES, EXCEPT THAT AN AUTHORITY MAY ADOPT REASONABLE
9 REGULATIONS TO ADDRESS THE SEPARATION OF THE WIRELESS PROVIDER'S
10 FACILITIES FROM THE OTHER UTILITY FACILITIES WITHIN THE RIGHT-OF-WAY TO
11 PREVENT ANY DAMAGE TO OR INTERFERENCE WITH SUCH OTHER UTILITY FACILITIES
12 OR INTERFERENCE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES LOCATED
13 OR TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

14 9-599. Applicability

15 THIS ARTICLE DOES NOT:

16 1. AFFECT THE AUTHORITY OF A SPECIAL TAXING DISTRICT,
17 INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE THAT OWNS,
18 CONTROLS OR OPERATES UTILITY POLES OR WIRELESS SUPPORT STRUCTURES TO DENY,
19 LIMIT, RESTRICT OR DETERMINE THE RATES, FEES, TERMS AND CONDITIONS FOR THE
20 USE OF OR ATTACHMENT TO ITS UTILITY POLES OR WIRELESS SUPPORT STRUCTURES
21 BY A WIRELESS PROVIDER.

22 2. CONFER ON ANY AUTHORITY ANY ZONING, LAND USE, PLANNING,
23 PERMITTING OR OTHER REGULATORY AUTHORITY OVER THE UTILITY POLES, WIRELESS
24 SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES OWNED, CONTROLLED OR
25 OPERATED BY A SPECIAL TAXING DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR
26 ELECTRIC COOPERATIVE OR THE INSTALLATION OF SUCH UTILITY POLES, WIRELESS
27 SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES BY A SPECIAL TAXING
28 DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE.

29 3. AMEND, MODIFY OR OTHERWISE AFFECT ANY PRIVATE EASEMENT. ANY AND
30 ALL RIGHTS FOR THE USE OF A RIGHT-OF-WAY ARE SUBJECT TO THE RIGHTS GRANTED
31 PURSUANT TO ANY PRIVATE EASEMENT.

32 4. APPLY TO ANY AUTHORITY WITHIN TEN MILES OF THE BORDER OF MEXICO
33 THAT IS NEGOTIATING A CONTRACT OR HAS A CONTRACT IN PLACE ON OR BEFORE
34 JULY 1, 2018 AND THAT CONTRACT ASSISTS AND SUPPORTS NATIONAL SECURITY
35 OBJECTIVES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

36 Sec. 2. Title 11, Arizona Revised Statutes, is amended by adding
37 chapter 13, to read:

38 CHAPTER 13

39 WIRELESS STRUCTURES AND FACILITIES

40 ARTICLE 1. GENERAL PROVISIONS

41 11-1801. Definitions

42 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

43 1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR
44 RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN
45 PROVIDING WIRELESS SERVICES.

1 2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,
2 PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL
3 CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO
4 ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN
5 EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

6 3. "APPLICANT" MEANS ANY PERSON THAT SUBMITS AN APPLICATION AND
7 THAT IS A WIRELESS PROVIDER.

8 4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT
9 TO A COUNTY ON A FORM PROVIDED BY THE COUNTY FOR A PERMIT TO COLLOCATE
10 SMALL WIRELESS FACILITIES OR TO APPROVE THE INSTALLATION, MODIFICATION OR
11 REPLACEMENT OF A UTILITY POLE.

12 5. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

14 6. "COLLOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN,
15 MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON, WITHIN OR ADJACENT TO A
16 WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.

17 7. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN
18 47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN
19 47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS
20 DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.

21 8. "COMMUNICATIONS SERVICE PROVIDER" MEANS A CABLE OPERATOR, A
22 PROVIDER OF INFORMATION SERVICE AS DEFINED IN 47 UNITED STATES CODE
23 SECTION 153(24), A TELECOMMUNICATIONS CARRIER AS DEFINED IN 47 UNITED
24 STATES CODE SECTION 153(51) OR A WIRELESS SERVICES PROVIDER.

25 9. "COUNTY UTILITY POLE" MEANS A UTILITY POLE THAT IS OWNED OR
26 OPERATED BY A COUNTY AND THAT IS IN A RIGHT-OF-WAY.

27 10. "FEE" MEANS A ONE-TIME CHARGE TO PROCESS AN APPLICATION AND
28 INSPECT ANY WORK PERFORMED BY AN APPLICANT PURSUANT TO A PERMIT ISSUED BY
29 THE COUNTY.

30 11. "LAW" MEANS ANY FEDERAL, STATE OR LOCAL LAW, STATUTE, COMMON
31 LAW, CODE, RULE, REGULATION, ORDER OR ORDINANCE.

32 12. "PERMIT" MEANS WRITTEN PERMISSION ISSUED BY A COUNTY TO
33 INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A UTILITY POLE OR TO
34 COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR WIRELESS SUPPORT
35 STRUCTURE.

36 13. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
37 COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION,
38 INCLUDING A COUNTY.

39 14. "PRIVATE EASEMENT" MEANS AN EASEMENT OR OTHER REAL PROPERTY
40 RIGHT THAT IS ONLY FOR THE BENEFIT OF THE GRANTOR AND GRANTEE AND THE
41 GRANTOR'S OR GRANTEE'S SUCCESSORS AND ASSIGNS.

42 15. "RATE" MEANS A ONE-TIME CHARGE FOR THE GRANTING OF A RIGHT TO
43 USE A PORTION OF A RIGHT-OF-WAY AS SPECIFIED IN A PERMIT OR TO COLLOCATE A
44 SMALL WIRELESS FACILITY ON OR ADJACENT TO A UTILITY POLE OR TO INSTALL,
45 MODIFY OR REPLACE A UTILITY POLE AS SPECIFIED IN A PERMIT.

1 16. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A COUNTY
2 ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT.
3 RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE
4 HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF
5 TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL
6 TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE
7 DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.

8 17. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS
9 BOTH OF THE FOLLOWING QUALIFICATIONS:

10 (a) ALL ANTENNAS ARE LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN
11 SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED
12 ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT
13 WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.

14 (b) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS
15 CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME, OR FIFTY
16 CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE
17 EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED
18 ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT
19 VOLUME PURSUANT TO THIS SUBDIVISION:

20 (i) AN ELECTRIC METER.

21 (ii) CONCEALMENT ELEMENTS.

22 (iii) A TELECOMMUNICATIONS DEMARCATION BOX.

23 (iv) GROUNDING EQUIPMENT.

24 (v) A POWER TRANSFER SWITCH.

25 (vi) A CUTOFF SWITCH.

26 (vii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER
27 SERVICES.

28 18. "SPECIAL TAXING DISTRICT" MEANS A SPECIAL DISTRICT FORMED
29 PURSUANT TO TITLE 48, CHAPTER 11, 12, 17, 18, 19, 20 OR 22.

30 19. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED
31 IN WHOLE OR IN PART FOR COMMUNICATIONS SERVICES, ELECTRIC DISTRIBUTION,
32 LIGHTING OR TRAFFIC SIGNALS OR A SIMILAR FUNCTION.

33 20. "WIRELESS FACILITY":

34 (a) MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS
35 COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK,
36 INCLUDING BOTH OF THE FOLLOWING:

37 (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

38 (ii) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES,
39 REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF
40 TECHNOLOGICAL CONFIGURATION.

41 (b) INCLUDES SMALL WIRELESS FACILITIES.

42 (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR
43 WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES,
44 COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES

1 OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT
2 IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

3 (d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION
4 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-584,
5 SUBSECTION E.

6 21. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON THAT IS
7 AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS STATE AND THAT
8 BUILDS OR INSTALLS WIRELESS COMMUNICATIONS TRANSMISSION EQUIPMENT,
9 WIRELESS FACILITIES OR UTILITY POLES BUT THAT IS NOT A WIRELESS SERVICES
10 PROVIDER. WIRELESS INFRASTRUCTURE PROVIDER DOES NOT INCLUDE A SPECIAL
11 TAXING DISTRICT.

12 22. "WIRELESS PROVIDER" MEANS A CABLE OPERATOR, WIRELESS
13 INFRASTRUCTURE PROVIDER OR WIRELESS SERVICES PROVIDER.

14 23. "WIRELESS SERVICES" MEANS ANY SERVICES THAT ARE PROVIDED TO THE
15 PUBLIC AND THAT USE LICENSED OR UNLICENSED SPECTRUM, WHETHER AT A FIXED
16 LOCATION OR MOBILE, USING WIRELESS FACILITIES.

17 24. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES
18 WIRELESS SERVICES. WIRELESS SERVICES PROVIDER DOES NOT INCLUDE A SPECIAL
19 TAXING DISTRICT.

20 25. "WIRELESS SUPPORT STRUCTURE":

21 (a) MEANS:

22 (i) A FREESTANDING STRUCTURE.

23 (ii) A TOWER, EITHER GUYED OR SELF-SUPPORTING.

24 (iii) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT
25 OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.

26 (b) DOES NOT INCLUDE A UTILITY POLE.

27 11-1802. Exclusive arrangements prohibited; permit; rates,
28 fees and terms; access and use of county
29 structures

30 A. A COUNTY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH ANY
31 WIRELESS PROVIDER FOR USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION,
32 OPERATION OR MAINTENANCE OF UTILITY POLES OR THE COLLOCATION OF SMALL
33 WIRELESS FACILITIES ON UTILITY POLES OR WIRELESS SUPPORT STRUCTURES.

34 B. SUBJECT TO SUBSECTION C OF THIS SECTION, A COUNTY MAY REQUIRE A
35 PERMIT AND CHARGE A FEE FOR PROCESSING AN APPLICATION BY A WIRELESS
36 PROVIDER AND CONDUCTING ASSOCIATED INSPECTIONS FOR THE INSTALLATION,
37 MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR THE COLLOCATION OF A
38 SMALL WIRELESS FACILITY ON A UTILITY POLE OR A WIRELESS SUPPORT STRUCTURE
39 IN A RIGHT-OF-WAY. ANY FEE CHARGED PURSUANT TO THIS SECTION MUST BE
40 REASONABLE AND CONFORM TO AUTHORIZED AND PUBLISHED FEES FOR SIMILAR
41 PERMITS ISSUED BY THE COUNTY AND MAY NOT EXCEED ONE HUNDRED DOLLARS PER
42 COLLOCATION OR INSTALLATION.

43 C. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY
44 POLE OR WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY THAT IS NOT OWNED
45 BY THE COUNTY AND THAT DOES NOT INCLUDE GROUND-MOUNTED EQUIPMENT, THE

1 COUNTY MAY NOT CHARGE A WIRELESS PROVIDER A RATE OR FEE AND MAY NOT
2 REQUIRE A PERMIT.

3 D. A COUNTY MAY CHARGE A WIRELESS PROVIDER A RATE FOR THE WIRELESS
4 PROVIDER'S USE OF A RIGHT-OF-WAY IN ACCORDANCE WITH THIS SECTION. THE
5 COUNTY MAY:

6 1. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY
7 POLE OR WIRELESS SUPPORT STRUCTURE THAT IS NOT OWNED BY THE COUNTY THAT
8 INCLUDES GROUND-MOUNTED EQUIPMENT, CHARGE A RATE FOR THE GROUND-MOUNTED
9 EQUIPMENT USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS
10 SUBSECTION, REQUIRE AN APPLICATION AND CHARGE A FEE. THE RATE FOR
11 GROUND-MOUNTED EQUIPMENT MAY NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS.

12 2. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A COUNTY
13 UTILITY POLE THAT DOES NOT INCLUDE GROUND-MOUNTED EQUIPMENT, CHARGE A RATE
14 USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION THAT
15 DOES NOT EXCEED TWENTY DOLLARS. IF THE COLLOCATION INCLUDES
16 GROUND-MOUNTED EQUIPMENT, THE COUNTY MAY CHARGE AN ADDITIONAL RATE USING
17 THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION. THE RATE FOR
18 GROUND-MOUNTED EQUIPMENT MAY NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS.

19 3. FOR THE INSTALLATION OF A UTILITY POLE, TOGETHER WITH THE
20 COLLOCATION OF SMALL WIRELESS FACILITIES, THAT WILL NOT BE OWNED BY THE
21 COUNTY, CHARGE A WIRELESS PROVIDER A RATE USING THE METHODOLOGY DESCRIBED
22 IN PARAGRAPH 5 OF THIS SUBSECTION. THE RATE MAY NOT EXCEED ONE HUNDRED
23 SEVENTY-FIVE DOLLARS. AN ADDITIONAL RATE MAY NOT BE CHARGED FOR
24 COLLOCATED SMALL WIRELESS FACILITIES, INCLUDING GROUND-MOUNTED EQUIPMENT
25 THAT IS REQUESTED IN THE APPLICATION.

26 4. FOR THE REPLACEMENT OF A UTILITY POLE OWNED BY THE COUNTY,
27 REQUIRE THE APPLICANT TO COMPLY WITH THE COUNTY'S PROCESSES AND
28 REQUIREMENTS FOR INSTALLING SUCH STRUCTURES. THE COUNTY MAY NOT CHARGE A
29 RATE FOR THE REPLACED UTILITY POLE.

30 5. CHARGE A RATE THAT HAS BEEN LAWFULLY ADOPTED AND PUBLISHED. THE
31 RATE SHALL BE BASED ON THE AVERAGE FAIR MARKET VALUE OF THE COUNTY
32 RIGHT-OF-WAY THAT IS SUITABLE FOR THE DEPLOYMENT OF WIRELESS FACILITIES
33 AND UTILITY POLES. ALL MATERIALS USED TO DERIVE THESE VALUES SHALL BE
34 READILY AVAILABLE TO THE PUBLIC AT LEAST NINETY DAYS BEFORE THE ADOPTION
35 OF THE RATE. THE RATE ADOPTED SHALL BE BASED ON NINETY PERCENT OF THE
36 AVERAGE FAIR MARKET VALUES THAT HAVE BEEN DETERMINED AND ARE SUBJECT TO
37 THE APPLICABLE RATE CAPS IN PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION.

38 E. A COUNTY SHALL:

39 1. ADOPT AN ORDINANCE ESTABLISHING RATES, FEES AND TERMS FOR THE
40 FOLLOWING:

41 (a) THE INSTALLATION, MODIFICATION OR REPLACEMENT BY A WIRELESS
42 PROVIDER OF A UTILITY POLE LOCATED IN A RIGHT-OF-WAY.

43 (b) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS
44 FACILITY IN A RIGHT-OF-WAY.

1 (c) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS
2 FACILITY ON A COUNTY UTILITY POLE.

3 2. ADOPT THE ORDINANCE DESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION
4 WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
5 ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY'S PROCEDURES ADOPTED UNDER
6 SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY DAYS AFTER
7 RECEIVING THE FIRST REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.

8 3. ESTABLISH RATES, FEES AND TERMS THAT COMPLY WITH THIS SECTION.
9 THE TERMS:

10 (a) MAY NOT BE UNREASONABLE OR DISCRIMINATORY.

11 (b) MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE
12 RIGHT-OF-WAY.

13 (c) MAY REQUIRE THAT THE WIRELESS PROVIDER'S OPERATION OF THE SMALL
14 WIRELESS FACILITIES AND WIRELESS FACILITIES IN THE RIGHT-OF-WAY DOES NOT
15 INTERFERE WITH THE COUNTY'S PUBLIC SAFETY COMMUNICATIONS.

16 (d) MAY NOT REQUIRE THE PLACEMENT OF SMALL WIRELESS FACILITIES ON
17 ANY SPECIFIC UTILITY POLE OR CATEGORY OF UTILITY POLES OR REQUIRE MULTIPLE
18 ANTENNA SYSTEMS ON A SINGLE UTILITY POLE.

19 (e) MAY NOT LIMIT THE PLACEMENT OF POLE-MOUNTED SMALL WIRELESS
20 FACILITIES BY MINIMUM SEPARATION DISTANCES BUT MAY REQUIRE REASONABLE
21 SPACING REQUIREMENTS THAT CONCERN THE LOCATION OF GROUND-MOUNTED
22 EQUIPMENT.

23 F. AGREEMENTS THAT ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS
24 SECTION BETWEEN COUNTIES AND WIRELESS PROVIDERS AND THAT RELATE TO THE
25 COLLOCATION OF SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY, INCLUDING
26 THE COLLOCATION OF SMALL WIRELESS FACILITIES ON COUNTY UTILITY POLES,
27 REMAIN IN EFFECT, SUBJECT TO APPLICABLE TERMINATION PROVISIONS. THE
28 WIRELESS PROVIDER MAY ELECT TO PAY THE RATES AND FEES PROVIDED UNDER
29 SUBSECTION D OF THIS SECTION FOR SMALL WIRELESS FACILITIES AND UTILITY
30 POLES THAT ARE THE SUBJECT OF AN APPLICATION SUBMITTED AFTER THE RATES,
31 FEES AND TERMS BECOME EFFECTIVE, IF THE WIRELESS PROVIDER NOTIFIES THE
32 COUNTY OF THE WIRELESS PROVIDER'S ELECTION AND AGREEMENT TO COMPLY WITH
33 THE TERMS ADOPTED BY THE COUNTY UNDER SUBSECTION E OF THIS SECTION.

34 G. THIS CHAPTER DOES NOT RELIEVE A WIRELESS PROVIDER FROM ANY
35 APPLICABLE REQUIREMENT TO OBTAIN A FRANCHISE, LICENSE OR OTHER PERMISSION
36 TO PROVIDE COMMUNICATIONS SERVICE OR TO INSTALL, PLACE, MAINTAIN OR
37 OPERATE FACILITIES OR STRUCTURES THAT ARE NOT AUTHORIZED BY THIS CHAPTER
38 IN THE RIGHT-OF-WAY TO PROVIDE A COMMUNICATIONS SERVICE.

39 11-1803. Access to right-of-way by wireless providers

40 A. SUBJECT TO THIS SECTION AND SECTIONS 11-1802, 11-1804, 11-1806,
41 11-1807, 11-1809 AND 11-1810, A WIRELESS PROVIDER MAY CONSTRUCT, INSTALL,
42 MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE UTILITY POLES ALONG, ACROSS,
43 ON AND UNDER THE RIGHT-OF-WAY AND COLLOCATE SMALL WIRELESS FACILITIES ON
44 UTILITY POLES AND WIRELESS SUPPORT STRUCTURES.

1 B. THE FOLLOWING REQUIREMENTS APPLY TO THE CONSTRUCTION,
2 INSTALLATION, MOUNTING, MAINTENANCE, MODIFICATION, OPERATION OR
3 REPLACEMENT OF UTILITY POLES BY A WIRELESS PROVIDER IN THE RIGHT-OF-WAY
4 AND THE COLLOCATION OF SMALL WIRELESS FACILITIES ON UTILITY POLES OR
5 WIRELESS SUPPORT STRUCTURES BY WIRELESS PROVIDERS IN THE RIGHT-OF-WAY:

6 1. A COUNTY SHALL ISSUE A PERMIT FOR THE COLLOCATION OF SMALL
7 WIRELESS FACILITIES ON OR ADJACENT TO A COUNTY UTILITY POLE OR THE
8 COLLOCATION OF SMALL WIRELESS FACILITIES WITH GROUND-MOUNTED EQUIPMENT
9 ADJACENT TO ANY OTHER PARTY'S UTILITY POLE OR WIRELESS SUPPORT STRUCTURE
10 IF BOTH OF THE FOLLOWING APPLY:

11 (a) THE APPLICANT PROVIDES THE SEALED STATEMENT OF A REGISTERED
12 ENGINEER DEMONSTRATING THAT THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE
13 IS STRUCTURALLY SOUND AND ABLE TO SUPPORT THE PROPOSED SMALL WIRELESS
14 FACILITY.

15 (b) THE COLLOCATION COMPLIES WITH APPLICABLE CODES AND THE TERMS
16 FOR COLLOCATION ADOPTED UNDER SECTION 11-1802, SUBSECTION E.

17 2. THE COLLOCATION OF SMALL WIRELESS FACILITIES PURSUANT TO
18 PARAGRAPH 1 OF THIS SUBSECTION IS A PERMITTED USE IN ALL ZONING DISTRICTS
19 AND ZONING REVIEW AND APPROVAL IS NOT REQUIRED. IF THE APPLICANT FAILS TO
20 DEMONSTRATE THAT A COUNTY UTILITY POLE IS STRUCTURALLY SOUND AND ABLE TO
21 SUPPORT THE PROPOSED SMALL WIRELESS FACILITY, THE COUNTY MAY CONDITION A
22 PERMIT ON REPLACEMENT OF THE COUNTY UTILITY POLE AT THE APPLICANT'S
23 EXPENSE. THE WIRELESS PROVIDER'S REQUEST TO INSTALL A REPLACEMENT UTILITY
24 POLE WILL BE PROCESSED UNDER SECTION 11-1802, SUBSECTION D, PARAGRAPH
25 4. THE COUNTY SHALL OWN THE REPLACEMENT UTILITY POLE.

26 3. A COUNTY SHALL ISSUE A PERMIT FOR THE INSTALLATION, MODIFICATION
27 OR REPLACEMENT OF A UTILITY POLE IF ALL OF THE FOLLOWING APPLY:

28 (a) THE APPLICANT PROVIDES THE SEALED STATEMENT OF A REGISTERED
29 ENGINEER DEMONSTRATING THAT THE UTILITY POLE IS STRUCTURALLY SOUND AND
30 ABLE TO SUPPORT THE PROPOSED SMALL WIRELESS FACILITY.

31 (b) THE PROPOSED LOCATION OF THE UTILITY POLE COMPLIES WITH
32 REASONABLE RESTRICTIONS ADOPTED BY THE COUNTY THAT REQUIRE DISTANCES OF
33 SEPARATION BETWEEN UTILITY POLES, GROUND-MOUNTED EQUIPMENT AND WIRELESS
34 SUPPORT STRUCTURES.

35 (c) THE INSTALLATION, MODIFICATION OR REPLACEMENT COMPLIES WITH THE
36 APPLICABLE CODES AND TERMS FOR INSTALLATION, MODIFICATION OR REPLACEMENT
37 ADOPTED UNDER SECTION 11-1802, SUBSECTION E.

38 4. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE
39 APPROVED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION IS A PERMITTED USE IN
40 ALL ZONING DISTRICTS AND SUBJECT TO ONLY ADMINISTRATIVE ZONING REVIEW AND
41 APPROVAL UNLESS THE INSTALLATION, MODIFICATION OR REPLACEMENT WOULD NOT
42 COMPLY WITH THE HEIGHT REQUIREMENTS OF PARAGRAPH 5 OF THIS SUBSECTION, AN
43 UNDERGROUNDING REQUIREMENT DESCRIBED IN PARAGRAPH 6 OF THIS SUBSECTION OR
44 A POLE SPACING REQUIREMENT DESCRIBED IN PARAGRAPH 7 OF THIS SUBSECTION.

1 5. A PROPOSED OR MODIFIED UTILITY POLE INSTALLED IN A COUNTY
2 RIGHT-OF-WAY MAY NOT EXCEED THE GREATER OF TEN FEET IN HEIGHT ABOVE THE
3 TALLEST UTILITY POLE, OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS
4 FACILITIES, THAT IS IN PLACE ON THE EFFECTIVE DATE OF THIS SECTION AND
5 THAT IS LOCATED WITHIN FIVE HUNDRED FEET OF THE PROPOSED UTILITY POLE IN
6 THE SAME RIGHT-OF-WAY OR FIFTY FEET ABOVE GROUND LEVEL. AN APPLICANT MAY
7 APPLY FOR AN ADMINISTRATIVE WAIVER TO EXCEED THESE HEIGHT LIMITATIONS.

8 6. WIRELESS PROVIDERS MUST COMPLY WITH UNDERGROUNDING REQUIREMENTS
9 THAT PROHIBIT THE INSTALLATION OF NEW STRUCTURES IN A RIGHT-OF-WAY WITHOUT
10 PRIOR APPROVAL IF SUCH REQUIREMENTS DO NOT PROHIBIT THE REPLACEMENT OF
11 EXISTING STRUCTURES AND FACILITIES. AN APPLICANT MAY APPLY FOR AN
12 ADMINISTRATIVE WAIVER TO INSTALL A UTILITY POLE IN A RIGHT-OF-WAY WHERE
13 SUCH UNDERGROUNDING REQUIREMENTS APPLY.

14 7. WIRELESS PROVIDERS SHALL COMPLY WITH REASONABLE REQUIREMENTS
15 CONCERNING SPACING BETWEEN UTILITY POLES AND GROUND-MOUNTED EQUIPMENT IN
16 THE RIGHT-OF-WAY. AN APPLICANT MAY APPLY FOR AN ADMINISTRATIVE WAIVER TO
17 INSTALL A UTILITY POLE IN CLOSER PROXIMITY TO ANOTHER POLE OR
18 GROUND-MOUNTED EQUIPMENT THAN THESE SPACING REQUIREMENTS WOULD PERMIT.

19 C. A COUNTY SHALL ADOPT AN ADMINISTRATIVE WAIVER PROCESS FOR
20 SUBSECTION B, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION THAT COMPLIES WITH
21 SECTION 11-1605. THE APPLICATION PROCESS AND TIME FRAMES SHALL BE ADOPTED
22 WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
23 ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY'S PROCEDURES ADOPTED
24 PURSUANT TO SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
25 DAYS AFTER RECEIVING A REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.
26 AN APPLICANT IS ENTITLED TO ALL OF THE RIGHTS GRANTED IN CHAPTER 11,
27 ARTICLE 1 OF THIS TITLE.

28 11-1804. Collocation of small wireless facilities; permits

29 A. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 11-1802,
30 11-1803, 11-1806, 11-1807, 11-1809 AND 11-1810, A COUNTY MAY NOT PROHIBIT,
31 REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES INSIDE
32 A RIGHT-OF-WAY.

33 B. FOR COLLOCATIONS FOR WHICH AN APPLICATION IS REQUIRED, AN
34 APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS FACILITIES WITHIN
35 THE JURISDICTION OF A SINGLE COUNTY MAY FILE A CONSOLIDATED APPLICATION
36 FOR THE COLLOCATION OF UP TO THIRTY-FIVE SMALL WIRELESS FACILITIES WITHIN
37 A RIGHT-OF-WAY IF THE COLLOCATIONS EACH INVOLVE SUBSTANTIALLY THE SAME
38 TYPE OF SMALL WIRELESS FACILITIES AND SUBSTANTIALLY THE SAME TYPE OF
39 UTILITY POLE OR WIRELESS SUPPORT STRUCTURE. THE COUNTY MAY REMOVE FROM THE
40 CONSOLIDATED APPLICATION AND TREAT SEPARATELY SMALL WIRELESS FACILITY
41 COLLOCATIONS FOR WHICH INCOMPLETE INFORMATION HAS BEEN PROVIDED, THAT DO
42 NOT QUALIFY FOR CONSOLIDATED TREATMENT OR THAT ARE DENIED. THE COUNTY MAY
43 ISSUE SEPARATE PERMITS FOR EACH COLLOCATION THAT IS APPROVED IN A
44 CONSOLIDATED APPLICATION. APPLICATION FEES, IF REQUIRED, SHALL BE CAPPED
45 AT ONE HUNDRED DOLLARS FOR EACH SMALL WIRELESS FACILITY FOR UP TO FIVE

1 SMALL WIRELESS FACILITIES ADDRESSED IN A SINGLE APPLICATION AND SIXTY-FIVE
2 DOLLARS FOR EACH ADDITIONAL SMALL WIRELESS FACILITY ADDRESSED IN THE
3 APPLICATION.

4 C. AN APPLICATION SHALL INCLUDE AN ATTESTATION THAT THE SMALL
5 WIRELESS FACILITIES WILL BE COLLOCATED ON THE UTILITY POLE OR WIRELESS
6 SUPPORT STRUCTURE AND THAT THE SMALL WIRELESS FACILITIES WILL BE
7 OPERATIONAL FOR USE BY A WIRELESS SERVICES PROVIDER TO PROVIDE SERVICE
8 WITHIN ONE YEAR AFTER THE DATE ON WHICH THE PERMIT IS ISSUED.

9 11-1805. Applicability; location outside of a county-owned
10 right-of-way

11 A. THIS SECTION APPLIES TO THE INSTALLATION, MODIFICATION OR
12 REPLACEMENT BY A WIRELESS PROVIDER OF A UTILITY POLE OR THE COLLOCATION BY
13 A WIRELESS PROVIDER OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A
14 WIRELESS SUPPORT STRUCTURE OUTSIDE OF THE RIGHT-OF-WAY.

15 B. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE
16 OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A
17 WIRELESS SUPPORT STRUCTURE IS A PERMITTED USE IN EVERY ZONING DISTRICT IN
18 THE COUNTY EXCEPT FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

19 C. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE
20 OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A
21 WIRELESS SUPPORT STRUCTURE IS NOT A PROHIBITED USE IN ANY ZONING DISTRICT
22 IN THE COUNTY.

23 D. IN ANY ZONING DISTRICT IN WHICH THE INSTALLATION, MODIFICATION
24 OR REPLACEMENT OF A UTILITY POLE OR THE COLLOCATION OF A SMALL WIRELESS
25 FACILITY ON A UTILITY POLE OR A WIRELESS SUPPORT STRUCTURE IS NOT A
26 PERMITTED USE, THE COUNTY SHALL ESTABLISH A PROCEDURE BY WHICH AN
27 APPLICANT MAY SEEK TO INSTALL, MODIFY OR REPLACE A UTILITY POLE OR
28 COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A WIRELESS
29 SUPPORT STRUCTURE.

30 E. EXCEPT AS PROVIDED IN THIS SECTION, ALL ZONING REQUIREMENTS OF
31 THE ZONING DISTRICT IN WHICH THE APPLICANT SEEKS TO INSTALL, MODIFY OR
32 REPLACE A UTILITY POLE OR COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY
33 POLE OR A WIRELESS SUPPORT STRUCTURE OUTSIDE THE RIGHT-OF-WAY THAT ARE
34 GENERALLY APPLICABLE TO ALL APPLICANTS WITHIN THAT ZONING DISTRICT APPLY
35 TO THE APPLICANT.

36 F. THE COUNTY MAY ADOPT REASONABLE ZONING REQUIREMENTS THAT ARE
37 APPLICABLE ONLY TO THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A
38 UTILITY POLE OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY
39 POLE OR A WIRELESS SUPPORT STRUCTURE AND THAT REFLECT SOUND ZONING AND
40 PLANNING.

41 G. A FEE FOR A ZONING APPLICATION AND APPROVAL REQUIRED UNDER THIS
42 SECTION SHALL CONFORM TO THE FEES APPLICABLE TO SIMILAR APPLICATIONS
43 WITHIN THE COUNTY.

44 H. FOR ZONING APPLICATIONS REQUIRED UNDER THIS SECTION, A COUNTY
45 SHALL EITHER:

1 1. INCORPORATE THE APPLICATION PROCESS AND TIME FRAMES FOR THE
2 INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR WIRELESS
3 SUPPORT STRUCTURES, OR FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES,
4 INTO PROCESSES AND TIME FRAMES PREVIOUSLY ADOPTED BY THE COUNTY PURSUANT
5 TO SECTION 11-1605.

6 2. ADOPT AN APPLICATION PROCESS AND TIME FRAMES FOR THE
7 INSTALLATION, MODIFICATION OR REPLACEMENT OF UTILITY POLES OR WIRELESS
8 SUPPORT STRUCTURES, OR FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES,
9 THAT COMPLY WITH SECTION 11-1605. THE APPLICATION PROCESS AND TIME FRAMES
10 SHALL BE ADOPTED WITHIN THE PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS
11 SECTION AND ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY'S PROCEDURES
12 ADOPTED UNDER SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
13 DAYS AFTER RECEIVING A REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.

14 11-1806. Application processing

15 A. A COUNTY SHALL ADOPT AN APPLICATION PROCESS AND TIME FRAMES FOR
16 THE INSTALLATION, MODIFICATION OR REPLACEMENT OF UTILITY POLES OR WIRELESS
17 SUPPORT STRUCTURES INSIDE OF THE RIGHT-OF-WAY OR FOR THE COLLOCATION OF
18 SMALL WIRELESS FACILITIES INSIDE OF THE RIGHT-OF-WAY THAT COMPLY WITH
19 SECTION 11-1605. THE APPLICATION PROCESS AND TIME FRAMES SHALL BE ADOPTED
20 WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
21 ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY'S PROCEDURES ADOPTED
22 PURSUANT TO SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
23 DAYS AFTER RECEIVING THE FIRST REQUEST BY A WIRELESS PROVIDER, WHICHEVER
24 IS LATER.

25 B. AN APPLICANT IS ENTITLED TO ALL OF THE RIGHTS GRANTED IN CHAPTER
26 11, ARTICLE 1 OF THIS TITLE.

27 C. A COUNTY MAY NOT:

28 1. DIRECTLY OR INDIRECTLY REQUIRE AN APPLICANT TO PERFORM SERVICES
29 THAT ARE UNRELATED TO THE APPLICATION, SUCH AS IN-KIND CONTRIBUTIONS TO
30 THE COUNTY, INCLUDING RESERVING FIBER, CONDUIT OR POLE SPACE ON THE
31 WIRELESS PROVIDER'S POLE FOR THE COUNTY.

32 2. REQUIRE AN APPLICANT TO PROVIDE MORE INFORMATION TO OBTAIN A
33 PERMIT THAN THE COUNTY REQUIRES OF A COMMUNICATIONS SERVICE PROVIDER THAT
34 IS NOT A WIRELESS PROVIDER AND THAT REQUESTS TO ATTACH FACILITIES TO A
35 STRUCTURE.

36 3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
37 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING PERMITS OR OTHER
38 APPROVALS, IF ANY, FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY.

39 4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE
40 REPLACEMENT OF SMALL WIRELESS FACILITIES WITH SMALL WIRELESS FACILITIES
41 THAT ARE SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. A COUNTY MAY
42 REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF
43 APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE
44 REQUIREMENTS OF THIS SECTION.

1 D. ISSUANCE OF A PERMIT BY A COUNTY SHALL ALLOW THE APPLICANT TO DO
2 BOTH OF THE FOLLOWING:

3 1. COLLOCATE THE SMALL WIRELESS FACILITIES OR CONSTRUCT, INSTALL,
4 MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE THE UTILITY POLE OR WIRELESS
5 SUPPORT STRUCTURE, AS SPECIFIED IN THE PERMIT.

6 2. ON FINAL INSPECTION OF ALL WORK COMPLETED PURSUANT TO THE
7 PERMIT, SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS AND THE WIRELESS
8 PROVIDER'S RIGHT TO TERMINATE AT ANY TIME, OPERATE AND MAINTAIN THE SMALL
9 WIRELESS FACILITIES. A PERMIT MAY NOT STATE A DURATION PERIOD FOR
10 OPERATION AND MAINTENANCE.

11 E. THIS ARTICLE DOES NOT ALLOW A PERSON TO COLLOCATE SMALL WIRELESS
12 FACILITIES ON A PRIVATELY OWNED UTILITY POLE, A PRIVATELY OWNED WIRELESS
13 SUPPORT STRUCTURE OR PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY
14 OWNER.

15 11-1807. General requirements concerning use of the
16 right-of-way by wireless providers

17 UTILITY POLES, WIRELESS SUPPORT STRUCTURES AND WIRELESS FACILITIES
18 DEPLOYED BY WIRELESS PROVIDERS PURSUANT TO THIS ARTICLE SHALL BE
19 CONSTRUCTED AND MAINTAINED AS TO NOT OBSTRUCT, ENDANGER OR HINDER THE
20 USUAL TRAVEL OR PUBLIC SAFETY ON THE RIGHT-OF-WAY, DAMAGE OR INTERFERE
21 WITH ANY OTHER UTILITY FACILITIES IN THE RIGHT-OF-WAY OR INTERFERE WITH A
22 UTILITY'S USE OF THE UTILITY'S FACILITIES IN THE RIGHT-OF-WAY.
23 CONSTRUCTION AND MAINTENANCE BY THE WIRELESS PROVIDER SHALL COMPLY WITH
24 THE NATIONAL ELECTRICAL SAFETY CODE AND ALL APPLICABLE LAWS AND
25 REGULATIONS FOR THE PROTECTION OF UNDERGROUND AND OVERHEAD UTILITY
26 FACILITIES. A COUNTY SHALL TREAT A WIRELESS PROVIDER'S UTILITY FACILITIES
27 LOCATED WITHIN A RIGHT-OF-WAY ON AN EQUAL BASIS WITH OTHER UTILITY
28 FACILITIES, EXCEPT THAT A COUNTY MAY ADOPT REASONABLE REGULATIONS TO
29 ADDRESS THE SEPARATION OF THE WIRELESS PROVIDER'S UTILITY FACILITIES FROM
30 THE OTHER UTILITY FACILITIES WITHIN THE RIGHT-OF-WAY TO PREVENT ANY DAMAGE
31 TO OR INTERFERENCE WITH OTHER UTILITY FACILITIES OR INTERFERENCE WITH A
32 UTILITY'S USE OF THE UTILITY'S FACILITIES LOCATED OR TO BE LOCATED WITHIN
33 THE RIGHT-OF-WAY.

34 11-1808. Scope of local authority

35 A. SUBJECT TO THIS ARTICLE AND APPLICABLE FEDERAL LAW, A COUNTY MAY
36 EXERCISE ZONING, LAND USE, PLANNING AND PERMITTING AUTHORITY AND THE
37 COUNTY'S POLICE POWER WITHIN THE COUNTY'S TERRITORIAL BOUNDARIES,
38 INCLUDING FOR THE INSTALLATION, MODIFICATION AND REPLACEMENT OF WIRELESS
39 SUPPORT STRUCTURES AND UTILITY POLES.

40 B. A COUNTY DOES NOT HAVE ANY JURISDICTION OR AUTHORITY OVER THE
41 DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION OR OPERATION OF ANY SMALL
42 WIRELESS FACILITY LOCATED IN AN INTERIOR STRUCTURE OR ON THE SITE OF ANY
43 CAMPUS, STADIUM OR ATHLETIC FACILITY THAT IS NOT OWNED OR CONTROLLED BY
44 THE COUNTY OTHER THAN TO COMPLY WITH APPLICABLE CODES.

1 C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL
2 SUBDIVISION OF THIS STATE, INCLUDING A COUNTY, TO REQUIRE SMALL WIRELESS
3 FACILITY DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

4 11-1809. Dispute resolution

5 A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL
6 DISPUTES ARISING UNDER THIS ARTICLE.

7 11-1810. Applicability

8 THIS ARTICLE DOES NOT:

9 1. AFFECT THE AUTHORITY OF A SPECIAL TAXING DISTRICT,
10 INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE THAT OWNS,
11 CONTROLS OR OPERATES UTILITY POLES OR WIRELESS SUPPORT STRUCTURES TO DENY,
12 LIMIT, RESTRICT OR DETERMINE THE RATES, FEES, TERMS AND CONDITIONS FOR THE
13 USE OF OR ATTACHMENT TO ITS UTILITY POLES OR WIRELESS SUPPORT STRUCTURES
14 BY A WIRELESS PROVIDER.

15 2. CONFER ON ANY COUNTY ANY ZONING, LAND USE, PLANNING, PERMITTING
16 OR OTHER REGULATORY AUTHORITY OVER THE UTILITY POLES, WIRELESS SUPPORT
17 STRUCTURES OR SMALL WIRELESS FACILITIES OWNED, CONTROLLED OR OPERATED BY A
18 SPECIAL TAXING DISTRICT OR THE INSTALLATION OF SUCH UTILITY POLES,
19 WIRELESS SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES BY A SPECIAL
20 TAXING DISTRICT.

21 3. AMEND, MODIFY OR OTHERWISE AFFECT ANY PRIVATE EASEMENT. ANY AND
22 ALL RIGHTS FOR THE USE OF A RIGHT-OF-WAY ARE SUBJECT TO THE RIGHTS GRANTED
23 PURSUANT TO ANY PRIVATE EASEMENT.

APPROVED BY THE GOVERNOR MARCH 31, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2017.



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	December 7, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD Boards and Commissions	District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action approving a Rezone of the Rio Rancho Estates Residential Development generally located one (1) mile west of the intersection of West Grand Avenue and West Happy Valley Road from Medium Density Residential PAD (R-2-PAD) and Low Density Residential PAD (R1-5-PAD) to Medium Density Residential (RM-6-PUD and RM-9-PUD) and Low Density Residential (RL-1-PUD).

Motion:

I move to recommend approval to the City Council a rezone of the Rio Rancho Estates Residential Development subject to Stipulations 'A' thru 'C' as listed in the Staff Report.

Background:

Goodwin and Marshall, Inc. on behalf of Klondike Land Portfolio, seeks approval of a Rezone with PUD Overlay for the approximately 188.01 acre residential portion of the 232.90 acre Rio Rancho PAD. The amendment proposes to lower the overall density from 4.92 du/A to 3.55 du/A, lower the lot count from 906 units to 669 units, and provide for more traditional product types.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Staff Report](#)
- ☐ [01 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Vicinity Maps](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 1 Narrative](#)

- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 2 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 3 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 4 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 5 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 6 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 7 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 8 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 9 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 10 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 11 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 12 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 13 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 14 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 15 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 16 Graphics](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 17 Legal](#)
- ☐ [02 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Pt 18 School](#)
- ☐ [03 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Citizen Participation](#)
- ☐ [04 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Citizen Engagement](#)
- ☐ [05 - FS17-259 - Rio Rancho Estates Rezone with Planned Unit Development \(PAD\) Overlay - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner II

REZONE WITH PUD OVERLAY

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS17-259

Project Name: Rio Rancho Estates Residential Development

Council District: 1 - Acacia

Meeting Date: December 7, 2017

Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: Klondike Land Portfolio

Applicant: Goodwin and Marshall, Inc.

Request: A Rezone of the residential portion of the Rio Rancho Planned Area Development (PAD) to a Planned Unit Development (PUD) Overlay to accommodate modified development standards and densities.

Site Location: Generally, one (1) mile west of the intersection of West Grand Avenue and West Happy Valley Road.

Site Size: Approximately 188.01 acres of the approximately 232.90 acre Rio Rancho PAD.

Density: Approximately 3.55 dwelling units per acre (du/A)

General Plan Conformance: The proposal is consistent with the Surprise General Plan

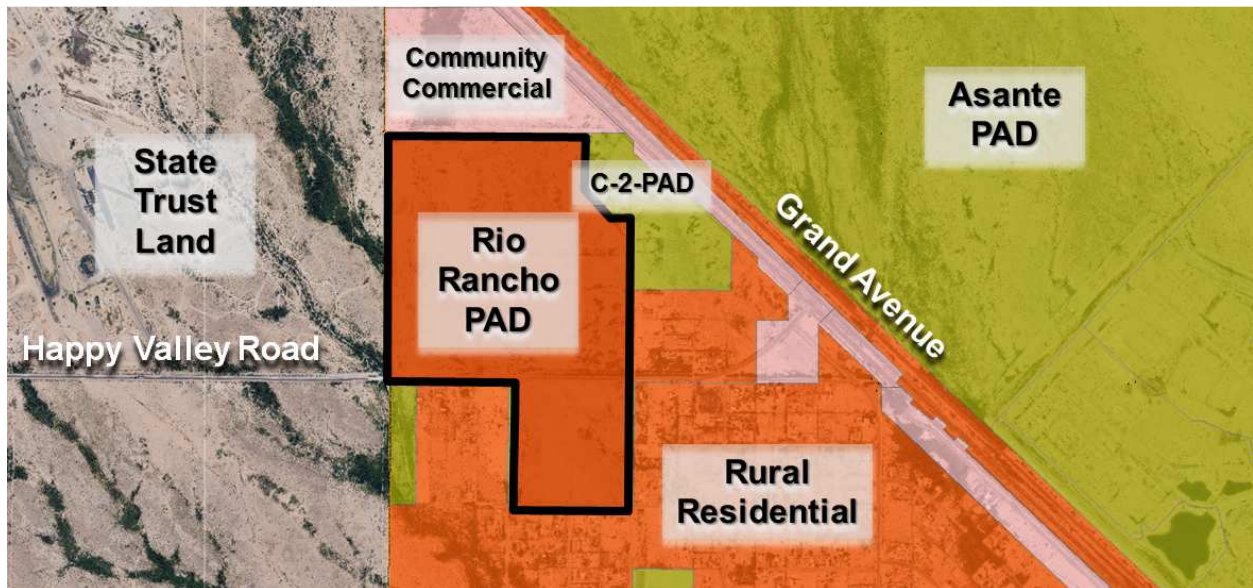
Support/Opposition: A Citizens Review meeting was held on Wednesday July 12, 2017 at the Comfort Inn & Suites located on the southwest corner of Bell Road and Grand Avenue. While most attendees sought additional information regarding the proposal, a single resident voiced concerns over the plans for Happy Valley Road as the speed limit may increase and additional traffic may negatively impact the character of the neighborhood. Additional information may be found in the Citizen Review Participation Report.

PROJECT DESCRIPTION:

Goodwin and Marshall, Inc. on behalf of Klondike Land Portfolio, seeks approval of a Rezone with PUD Overlay for the approximately 188.01 acre residential portion of the 232.90 acre Rio Rancho PAD. The amendment proposes to lower the overall density from 4.92 du/A to 3.55 du/A, lower the lot count from 906 units to 669 units, and provide for more traditional product types.

EXISTING ZONING:

The following map and chart depicts the existing zoning of the subject parcels and its surroundings for the specific area to be developed:



State Trust Land	Community Commercial (CC) Vacant	Rural Residential (RR) Vacant
	Rio Rancho PAD	Rio Rancho PAD Vacant Commercial
	Rural Residential (RR) Vacant	

BACKGROUND:

April 12, 2001: The subject parcels were annexed into the City of Surprise by the Mayor and City Council under Ordinance 01-04.

April 12, 2001: The Mayor and City Council approved a PAD for Rio Rancho Estates under Case PAD00-035.

January 27, 2005: The Mayor and City Council approved a PAD Amendment for Rio Rancho Estates under Case PADA04-201.

June 23, 2005: The Mayor and City Council approved a Preliminary Plat for Rio Rancho North under Case FP04-203.

June 23, 2005: The Mayor and City Council approved a Preliminary Plat for Rio Rancho South under Case FP04-303.

July 13, 2006: The Mayor and City Council approved a Final Plat for Rio Rancho Parcel 5 under Case FP05-463.

July 13, 2006: The Mayor and City Council approved a Final Plat for Rio Rancho Parcel 6 under Case FP06-464.

June 14, 2007: The Mayor and City Council approved a Final Plat for Rio Rancho Parcel 2 under Case FP06-266.

June 14, 2007: The Mayor and City Council approved a Final Plat for Rio Rancho Parcel 1 under Case FP06-267.

September 18, 2014: Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under Case CR14-337.

February 16, 2017: Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under Case CR17-050.

May 23, 2017: The applicant filed a request for a Rezone with PUD Overlay under Case FS17-259, the subject case.

July 12, 2017: The applicant held a Citizen Review Meeting at the Comfort Inn and Suites located at 13337 West Grand Avenue at 6:00 PM.

December 7, 2017: Staff met with the applicant to discuss a Preliminary Plat during a regularly scheduled Concept Review meeting under Case CR17-649.

ANALYSIS AND DISCUSSION:

The Rio Rancho development was initiated in 2001. The initial PAD envisioned a 194.3 acre community with 39.5 acres of commercial land and 154.8 acres of low to high density residential. In 2005, an amendment to the PAD resulted in a proposed 233 acre community that increased the residential portion by 39 acres.

The current request is to only modify the approximately 188.01 acre residential portion of the 232.90 acre Rio Rancho PAD. The proposal proposes to lower the overall density from 4.92 du/A to 3.55 du/A, lower the lot count from 926 to 669 dwelling units, a reduction of 26 percent.

The PAD Zoning Amendment sought in this request will:

- Rezone 188.01 acres of PAD residential zoning.
- Introduce four (4) residential lot types.
- Modify and identify setbacks for residential lots.
- Modification of block length requirements.
- Modified open space and trails.

Rezoning:

The Rezoning of the residential portion of the Rio Rancho PAD is proposed to be modified to provide a more traditional type of development as opposed to the multiple types of medium density residential products planned previously such as 'Z' lots, 6 pack clusters, and attached housing. The residential parcels will be removed from the Rio Rancho PAD and provided a PUD Overlay. The advantage of the PUD type of development is that the various regulations of the code, such as lighting, parking, landscaping, will be associated with the code in effect at the time of design verses the PAD which often 'freezes' the code to the version in effect of the time of the PAD.

Lot Types:

The lot types for the project are planned to evolve from the existing PAD which allowed for 810 lots provided for attached and detached medium density parcels and 116 low density residential lots:

Current PAD Zoning	Dimensions	Lot Count
R1-5-PAD - Low Density Residential	68 feet by 120 feet 58 feet by 115 feet	116
R-2-PAD - Medium Density Residential	52 feet by 90 feet 42 feet by 90 feet 48 feet by 110 feet	504
R-2-PAD - Medium Density Residential	Dimensions to be established at site plan review. Typical of 'Z' Lots, cluster, and attached housing	306
Total		926

The Rio Rancho Estates PUD proposes the following matrix of residential lot types, a reduction of 257 units (28 percent decrease):

Proposed PUD Zoning	Dimensions	Lot Count
R1-5-PUD - Low Density Residential	63 feet by 115 feet	98
RM-6-PUD - Medium Density Residential	58 feet by 115 feet 53 feet by 115 feet	286
RM-9-PUD - Medium Density Residential	48 feet by 110 feet	285
Total		669

Setbacks:

The applicant is requesting the setbacks provide for the proposed zoning districts be modified slightly to accommodate the proposed housing product:

- RL-5 Low Density Residential – Proposes ‘Total Side Setbacks’ to be modified from 15 feet to 13 feet and the maximum height from 30 to 35 feet.
- RM-6 and RM-9 Medium Density Residential – As the variety of products range widely for the medium density designation, the SUDC indicates that the side setbacks are to be determined (TBD). The PUD Overlay will provide side setbacks identical to the low density district.

Block Length:

The current SUDC indicates that the maximum size of residential blocks within a subdivision shall either generally have a maximum width of 800 feet or be designed to accommodate no more than ten (10) single-family residential lots on either side of a local street.

The Rio Rancho Rezone with PUD Overlay proposes to eliminate this requirement because of the amount and quality of open space and the smaller overall size compared to a majority of the PADs on file with the City.

Open Space:

The Rio Rancho Estates is proposing to provide substantial open space, trails, and recreational amenities. Total open space as conceptually planned is approximately 20.63 percent of the overall gross acreage. 38.78 acres of open space is proposed consisting of 11.5 acres of active open space and 27.28 acres of passive open space. Proposed is approximately 2 miles of open space trails connecting all of the community to the major park features. In addition, as the southeastern corner of the project intersects a regional trail proposed by the City of Surprise Parks and Recreation Master Plan, the trail along the western side of the development is available to be included in the Regional Trail system and may be open to the public if so desired by the City.

UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	Beardsley
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	SWG

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject properties as lying within the Neighborhood Character Area, which supports Suburban Neighborhoods at a density of two (2) to eight (8) dwelling units per acre (du/A). The Rio Rancho development is proposing a density of 3.55 du/A.

REVIEWING AGENCIES:

In addition to the standard City reviewing agencies, who indicate no objections to the requests, Luke Air force Base, Maricopa Water District, and ADOT were included in the routing of this case and posed no opposition.

SUMMARY:

This proposed Planned Unit Development Overlay is well designed and will provide specific development standards to allow for the development of the 188.01 acres residential community west of the intersection of Grand Avenue and Happy Valley Road.

FINDINGS:

- The proposed PAD Zoning Amendment is consistent with the Surprise General Plan.
- The reviewing agencies have indicated no objections to the request.

RECOMMENDATION:

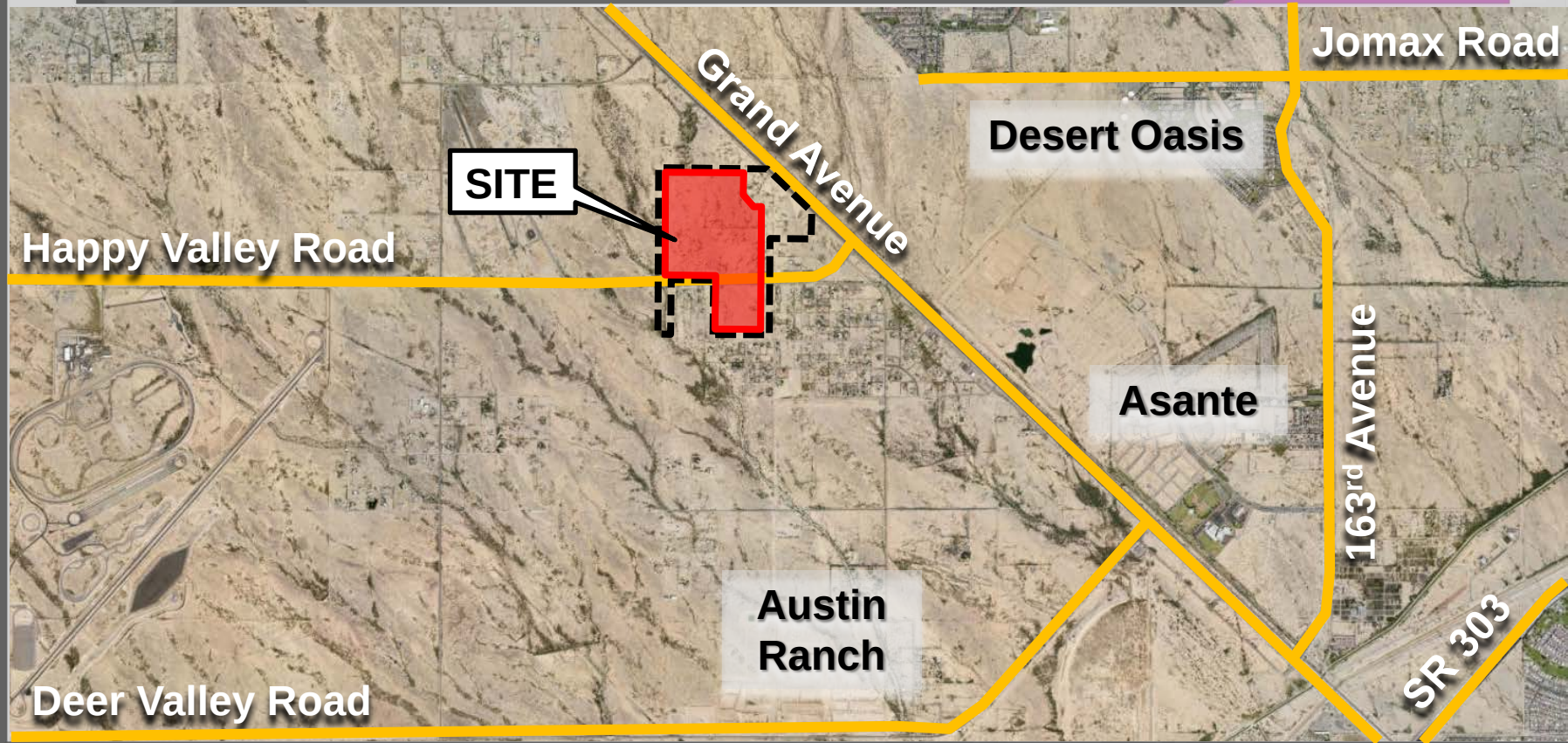
Based on the findings noted above, staff recommends the Commission recommend the City Council approve the proposed Rio Rancho Rezone with PUD Overlay subject to Stipulations 'A.' through 'C.' as shown below:

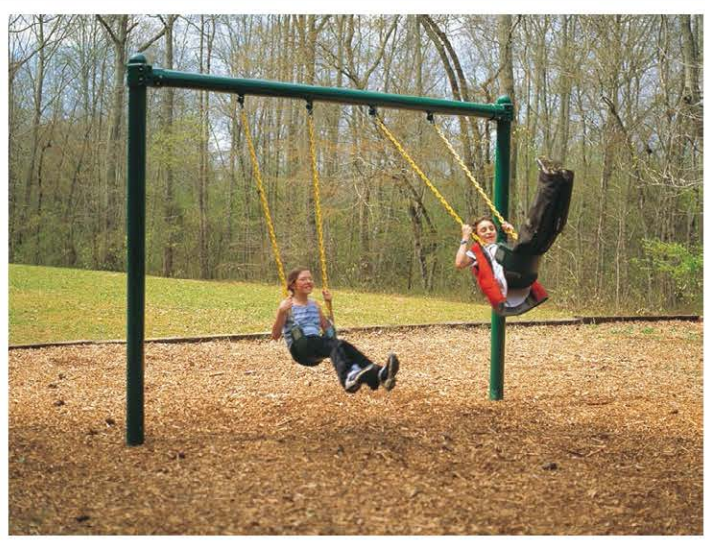
- A. Development and use of the Rio Rancho Residential Development site will be in conformance with the project narrative entitled "*Rezoning Case for Rio Rancho Estates*," prepared by Goodwin and Marshall, Inc., consisting of 54 pages date revised October 16, 2017.
- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owner and successors waive claim for diminution in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

Should the Commission wish to recommend denial of the request, the Commission should make its own findings and base its decision on those alternative findings.

- 181 **Attachments:**
- 182 01 - Vicinity Maps
- 183 02 - PAD Rezone Document
- 184 03 - PowerPoint
- 185 04 - Citizen Review Participation Report
- 186 05 - Public Engagement Form

VICINITY MAP





SWINGSET (TYP)



SHADE PAVILION



PLAY EQUIPMENT (TYP)



GRASS PLAY HILL (TYP)



SAND VOLLEYBALL COURT (TYP)



STREET TREES - RIO GRANDE ASH

Rio Rancho

City of Surprise, Arizona

GOODWIN & MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Phase 1A1
Neighborhood Park
Plate A6
SEPTEMBER 2017



SHADE PAVILION



SEATWALL



PLAY EQUIPMENT (TYP)



GRASS PLAY (TYP)



STREET TREES - RIO GRANDE ASH

Rio Rancho

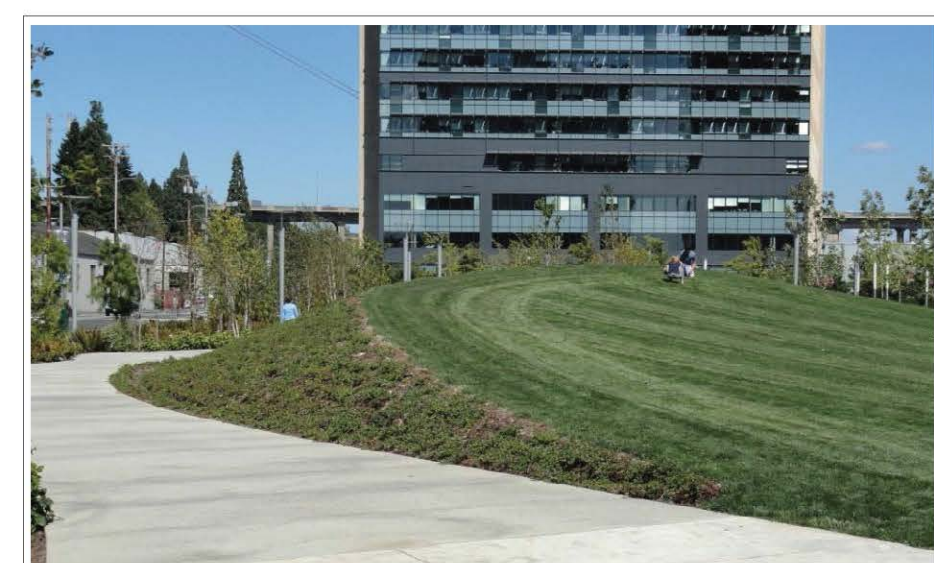
City of Surprise, Arizona

GOODWIN & MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Phase 1B1
Neighborhood Park
Plate A7
SEPTEMBER 2017



PLAY HILL (TYP)



SHADE PAVILION



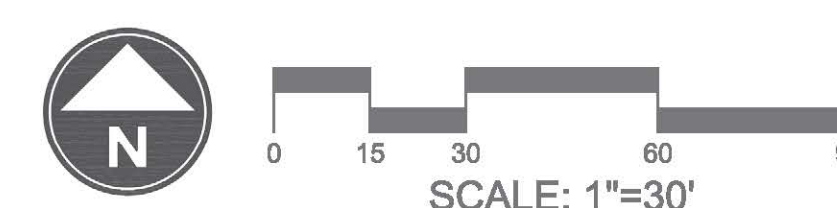
PLAY EQUIPMENT (TYP)



TWO SPORT COURTS (TYP)



BENCH WITH BACK



GRASS PLAY (TYP)



STREET TREES - RIO GRANDE ASH

Rio Rancho

City of Surprise,
Arizona

GOODWIN & MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry

7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Phase 2
Neighborhood Park

Plate A8
SEPTEMBER 2017

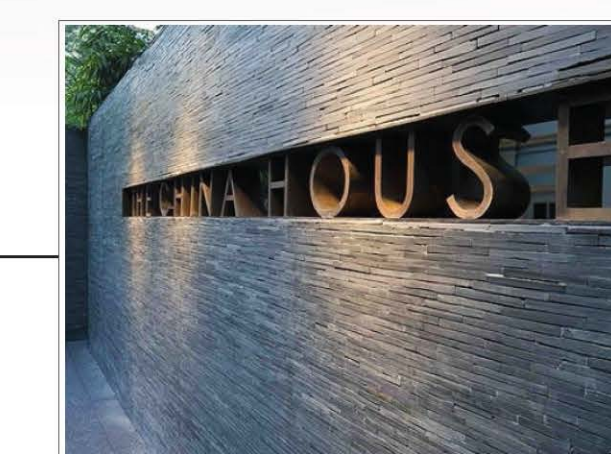
COMMUNITY ENTRY MONUMENTATION



NEIGHBORHOOD ENTRY MONUMENTATION



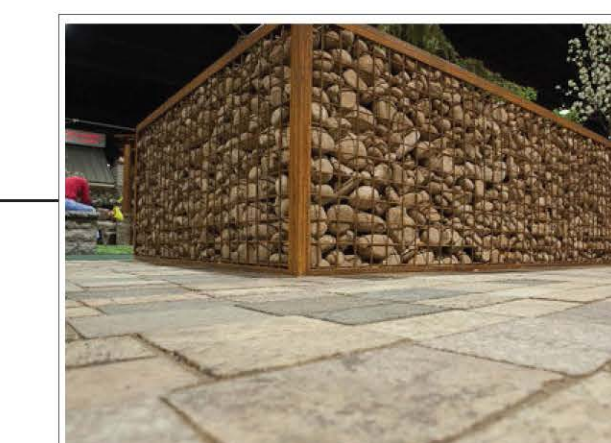
6' EARTH TONE
CMU BLOCK WALL
W/ CMU CAP



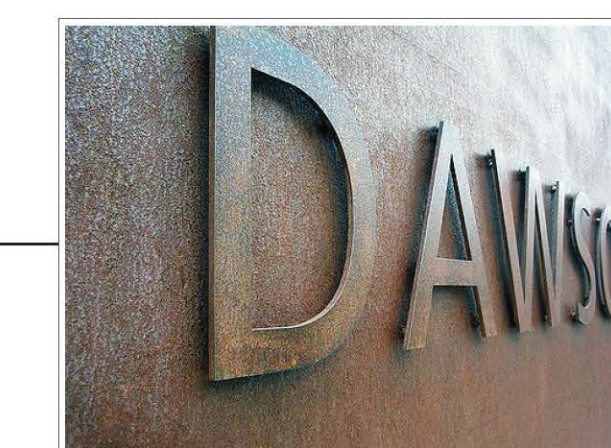
EXTRUDED STEEL SIGN BUILT INTO
ENTRY MONUMENT WALL



CORTEN STEEL WALL



GABION BASKET W/ ANGLE
IRON EDGES



METAL SIGNAGE ATTACHED TO
CMU COMMUNITY WALL

Rio Rancho

City of Surprise,
Arizona

GOODWIN
MARSHALL

CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry

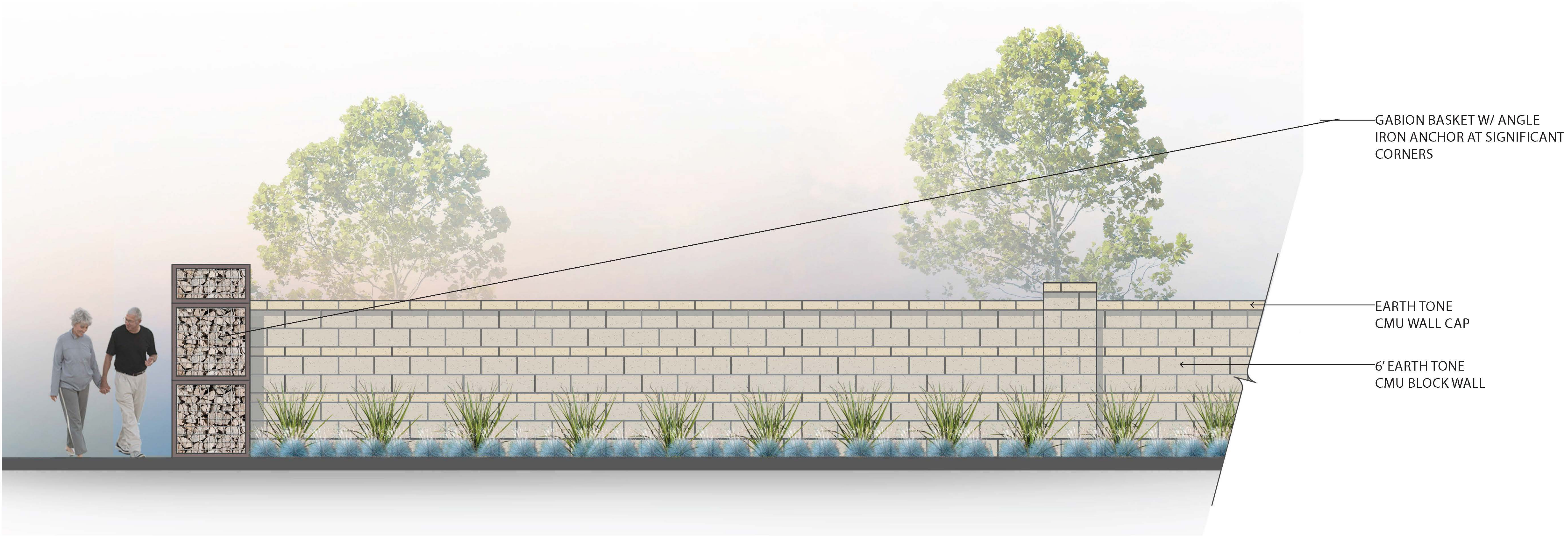
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Entry
Monumentation

Plate A9
SEPTEMBER 2017

COMMUNITY WALL



Rio
Rancho
City of Surprise,
Arizona

GOODWIN
MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



PRIVACY WALL



Community Wall
Types

Plate A10
SEPTEMBER 2017

PARTIAL NEIGHBORHOOD VIEW WALL



FULL NEIGHBORHOOD VIEW WALL



Rio
Rancho
City of Surprise,
Arizona

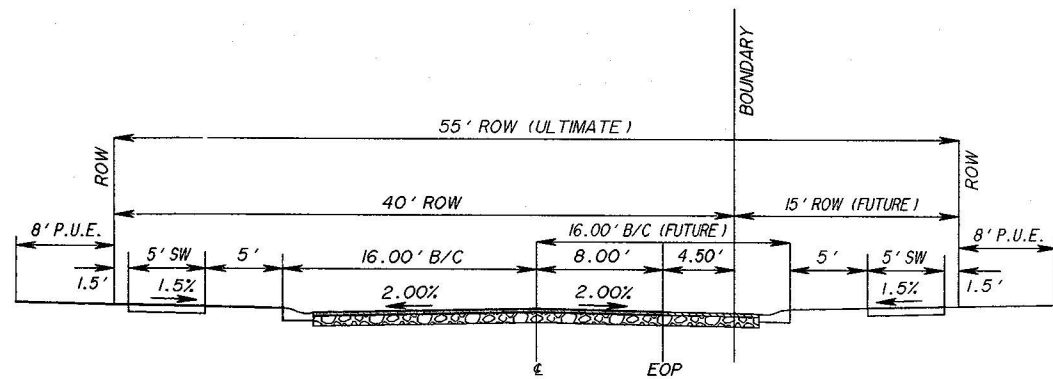
GOODWIN
MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
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Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258

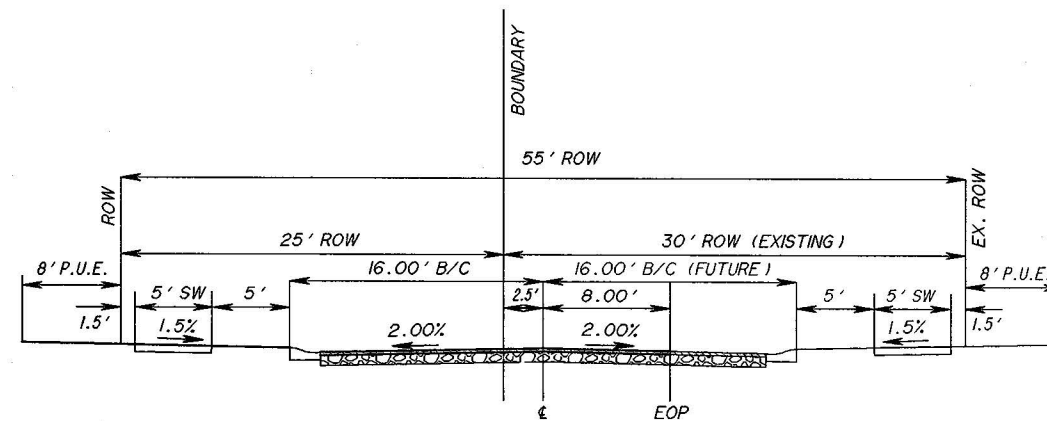


View Wall Types

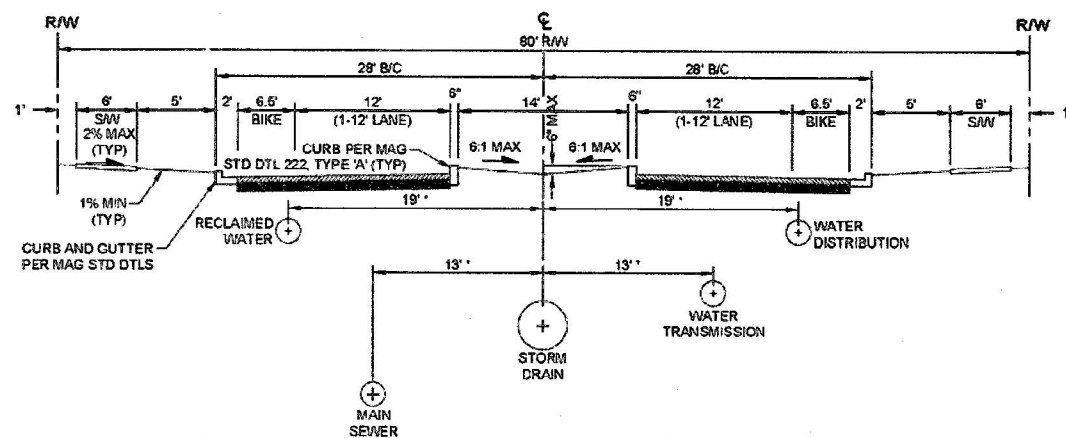
Plate A11
SEPTEMBER 2017



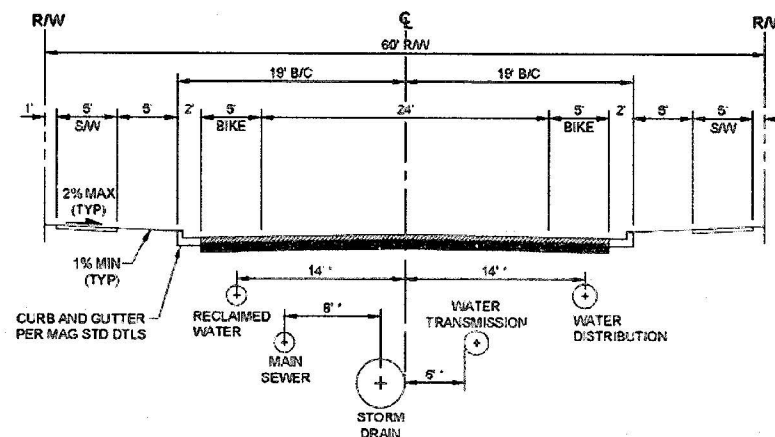
PROPOSED 183RD AVE. NORTH OF TRANSITION
LOOKING NORTH



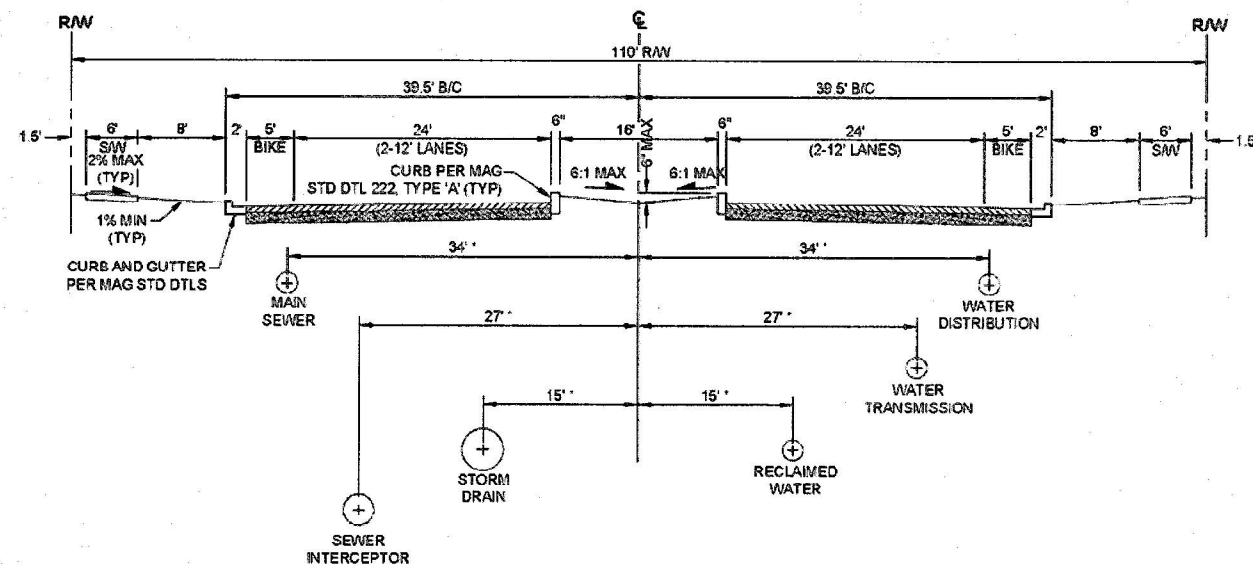
PROPOSED 183RD AVE. SOUTH OF TRANSITION
LOOKING NORTH



PROPOSED RIO RANCHO BLVD.
LOOKING NORTH



ULTIMATE ENOCH DR.
LOOKING EAST



ULTIMATE HAPPY VALLEY RD.
LOOKING EAST

NOTES:

- DURING CONSTRUCTION OF PHASES IA1 & IA2
 -RIO RANCHO BOULEVARD WILL BE CONSTRUCTED IN ITS ENTIRETY
 -A HALF SECTION OF 183RD AVENUE WILL BE CONSTRUCTED ADJACENT TO PHASES IA1 & IA2
 -A FULL SECTION OF 183RD AVENUE WILL BE CONSTRUCTED WITHIN PHASE IA2
 -A HALF SECTION OF HAPPY VALLEY RD WILL BE CONSTRUCTED ADJACENT TO PHASE IA1
- DURING CONSTRUCTION OF PHASES IB1 & IB2
 -A HALF SECTION OF 183RD AVENUE WILL BE CONSTRUCTED ADJACENT TO PHASES IB1 & IB2
 -A HALF SECTION OF ENOCH DRIVE WILL BE CONSTRUCTED ADJACENT TO PHASE IB2
 -A HALF SECTION OF HAPPY VALLEY RD WILL BE CONSTRUCTED ADJACENT TO PHASE IB1
- DURING CONSTRUCTION OF PHASE 2A
 -A HALF SECTION OF HAPPY VALLEY ROAD WILL BE CONSTRUCTED ADJACENT TO PARCEL 2A



ROADWAY PHASING PLAN

FOR

RIO RANCHO

CITY OF SUPRISE,
MARICOPA COUNTY, TEXAS
SEPTEMBER, 2017

SOUTHWEST VALUE PARTNERS

SOUTHWEST VALUE PARTNERS
7600 E. DOUBLETREE RANCH ROAD, SUITE 120
SCOTTSDALE AZ 85258
TEL. 480-800-7994

GOODWIN & MARSHALL

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

2705 S. Alma School Road, Ste 2
Chandler, Arizona 85286
(602)218-7285

PARK SYSTEM MASTER PLAN



EXISTING CITY PARK

EXISTING COMMUNITY PARK

EXISTING NEIGHBORHOOD PARK

EXISTING POCKET PARK

NEW CITY PARK

NEW COMMUNITY PARK

CITY OF SURPRISE PLANNING AREA

NEW MAJOR TRAILHEADS

TRAILHEADS

REGIONAL PATH

LOCAL / COMMUNITY PATH

SPORTS COMPLEX

MULTIGENERATIONAL RECREATION CENTER

AQUATIC CENTER

LIBRARY

SKATE PARK/BMX PARK

RIO RANCHO
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, and the Northwest Quarter of Section 10, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 1/2" rebar with cap stamped "RLS #38863" for the Southwest corner of said Section 3, same being the Northwest corner of said Section 10;

THENCE North 00 deg. 09 min. 08 sec. West (Basis of Bearings) along the West line of the Southwest Quarter of said Section 3, a distance of 2631.54 feet to a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3;

THENCE South 89 deg. 46 min. 33 sec. East along the North line of the Southwest Quarter of said Section 3, a distance of 2137.51 feet, from which a found 2" Maricopa County aluminum cap for the East Quarter corner of said Section 3 bears South 89 deg. 46 min. 33 sec. East - 3130.52 feet;

THENCE South 01 deg. 01 min. 16 sec. West departing said North line, a distance of 545.88 feet;

THENCE South 43 deg. 22 min. 03 sec. West, a distance of 49.90 feet;

THENCE South 46 deg. 37 min. 57 sec. East, a distance of 403.84 feet to a Point of Curvature of a circular curve to the left, having a radius of 70.00 feet, a central angle of 44 deg. 29 min. 10 sec., and being subtended by a chord which bears South 68 deg. 52 min. 32 sec. East - 53.00 feet;

THENCE in a southeasterly direction along said curve to the left, a distance of 54.35 feet;

THENCE North 88 deg. 52 min. 56 sec. East tangent to said curve, a distance of 193.35 feet to the East line of the Southwest Quarter of said Section 3, from which a found 2" Maricopa County aluminum cap for the North Quarter corner of said Section 3 bears North 00 deg. 12 min. 58 sec. East - 3049.48 feet;

THENCE South 00 deg. 12 min. 58 sec. West along said East line, a distance of 1760.38 feet to a calculated position of the South Quarter corner of said Section 3, same being the North Quarter of said Section 10;

THENCE South 00 deg. 22 min. 29 sec. West along the East line of the Northwest Quarter of said Section 10, a distance of 1286.09 feet;

THENCE North 89 deg. 43 min. 43 sec. West departing said East line, a distance of 1310.92 feet to a found 1/2" rebar with cap stamped "RLS #38863" in the West line of the Northeast Quarter of the Northwest Quarter of said Section 10;

THENCE North 00 deg. 30 min. 00 sec. East along said West line, a distance of 1285.85 feet to a found 1" iron pipe for the North 16th corner of the Northwest Quarter of said Section 10;

THENCE North 89 deg. 44 min. 22 sec. West along the North line of the Northwest Quarter of said Section 10, same being the South line of the Southwest Quarter of said Section 3, a distance of 1308.11 feet to the POINT OF BEGINNING, containing 8,189,796 square feet or 188.012 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 1A1
LEGAL DESCRIPTION FOR PROPOSED RM-6

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3, from which a found 2" Maricopa County aluminum cap for the East Quarter corner of said Section 3 bears South 89 deg. 46 min. 33 sec. East (Basis of Bearings) – 5268.03 feet;

THENCE South 89 deg. 46 min. 33 sec. East along the North line of the Southwest Quarter of said Section 3, a distance of 2633.14 feet to the calculated center of said Section 3, from which a found 2" Maricopa County aluminum cap for the North Quarter corner of said Section 3 bears North 01 deg. 12 min. 58 sec. East – 2176.71 feet;

THENCE South 01 deg. 12 min. 58 sec. West along the East line of the Southwest Quarter of said Section 3, a distance of 872.77 feet to the TRUE POINT OF BEGINNING;

THENCE South 00 deg. 12 min. 33 sec. West along said East line, a distance of 836.25 feet;

THENCE North 89 deg. 46 min. 10 sec. West departing said East line, a distance of 597.90 feet to a Point of Curvature of a circular curve to the right, having a radius of 570.00 feet, a central angle of 43°08'19", and being subtended by a chord which bears North 68 deg. 12 min. 00 sec. West - 419.09 feet;

THENCE in a northwesterly direction along said curve to the right, a distance of 429.16 feet;

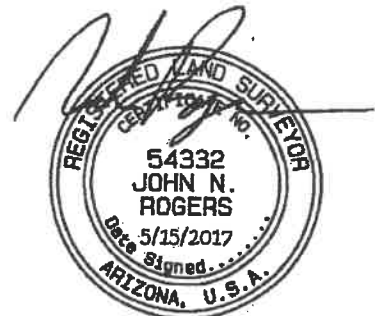
THENCE North 46 deg. 37 min. 51 sec. West tangent to said curve, a distance of 296.65 feet;

THENCE North 43 deg. 22 min. 09 sec. East, a distance of 1017.32 feet;

THENCE South 46 deg. 37 min. 57 sec. East, a distance of 363.67 feet to a Point of Curvature of a circular curve to the left, having a radius of 70.00 feet, a central angle of 44 deg. 29 min. 10 sec., and being subtended by a chord which bears South 68 deg. 52 min. 32 sec. East - 53.00 feet;

THENCE in an easterly direction along said curve to the left, a distance of 54.35 feet;

THENCE North 88 deg. 52 min. 56 sec. East tangent to said curve, a distance of 193.35 feet to the POINT OF BEGINNING, containing 893,888 square feet or 20.521 acres of land, more or less.



RIO RANCHO PARCEL 1A2
LEGAL DESCRIPTION FOR PROPOSED RM-9

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found 1/2" rebar with cap stamped "RLS #38863" for the Southwest corner of said Section 3, from which a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3 bears North 00 deg. 09 min. 08 sec, West (Basis of Bearings) – 2631.54 feet;

THENCE South 89 deg. 44 min. 22 sec. West along the South line of the Southwest Quarter of said Section 3, a distance of 1303.33 to the TRUE POINT OF BEGINNING;

THENCE North 00 deg. 15 min. 38 sec. East departing said South line, a distance of 1007.06 feet to a Point of Curvature of a circular curve to the right, having a radius of 400.00 feet, a central angle of 43 deg. 06 min. 31 sec., and being subtended by a chord which bears North 21 deg. 48 min. 54 sec. East - 293.91 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 300.96 feet;

THENCE South 46 deg. 37 min. 51 sec. East radial to said curve, a distance of 296.65 feet to a Point of Curvature of a circular curve to the left, having a radius of 570.00 feet, a central angle of 43 deg. 08 min. 19 sec., and being subtended by a chord which bears South 68 deg. 12 min. 00 sec. East - 419.09 feet;

THENCE in a southeasterly direction along said curve to the left, a distance of 429.16 feet;

THENCE South 89 deg. 46 min. 10 sec. East tangent to said curve, a distance of 597.90 feet to the East line of the Southwest Quarter of said Section 3, from which a found 2" Maricopa County aluminum cap for the North Quarter corner of said Section 3, bears North 00 deg. 12 min. 58 sec. East – 3885.73 feet;

THENCE South 00 deg. 13 min. 21 sec. West along the East line of the Southwest Quarter of said Section 3, a distance of 924.13 feet to a calculated position of the South Quarter corner of said Section 3;

THENCE North 89 deg. 44 min. 22 sec. West along the South line of the Southwest Quarter of said Section 3, at 1308.11 feet pass a found 1" iron pipe for the South 16th corner of the Southwest Quarter of said Section 3, continuing along said South line, in all a distance of 1312.89 feet to the POINT OF BEGINNING, containing 1,315,983 square feet or 30.211 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 1B1
LEGAL DESCRIPTION FOR PROPOSED RM-9

All that certain lot, tract, or parcel of land, situated in a portion of the Northwest Quarter of Section 10, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 1" iron pipe for the North 16th corner of the Northwest Quarter of said Section 10, from which a found 1/2" rebar with cap stamped "RLS #38863" for the Northwest corner of said Section 10 bears North 89 deg. 44 min. 22 sec. West (Basis of Bearings) – 1308.11 feet;

THENCE South 89 deg. 44 min. 22 sec. East along the North line of the Northwest Quarter of said Section 10, a distance of 1308.11 feet to a calculated position of the North Quarter corner of said Section 10, from which a found 2" Maricopa County Aluminum cap for the South Quarter corner of said Section 10 bears South 00 deg. 22 min. 29 sec. West – 5279.88 feet;

THENCE South 00 deg. 22 min. 29 sec. West along the East line of the Northwest Quarter of said Section 10, a distance of 641.35 feet;

THENCE North 89 deg. 44 min. 22 sec. West departing said East line, a distance of 1309.51 feet to the West line of the of the Northeast Quarter of the Northwest Quarter of said Section 10;

THENCE North 00 deg. 30 min. 00 sec. East along said West line, a distance of 641.35 feet to the POINT OF BEGINNING, containing 839,401 square feet or 19.270 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 1B2
LEGAL DESCRIPTION FOR PROPOSED RM-6

All that certain lot, tract, or parcel of land, situated in a portion of the Northwest Quarter of Section 10, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found 1" iron pipe for the North 16th corner of the Northwest Quarter of said Section 10, from which a found 1/2" rebar with cap stamped "RLS #38863" for the Northwest corner of said Section 10 bears North 89 deg. 44 min. 22 sec. West (Basis of Bearings) – 1308.11 feet;

THENCE South 00 deg. 30 min. 00 sec. West along the West line of the Northeast Quarter of the Northwest Quarter of said Section 10, a distance of 641.35 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 44 min. 22 sec. East departing said West line, a distance of 1309.51 feet to the East line of the Northwest Quarter of said Section 10;

THENCE South 00 deg. 22 min. 29 sec. West along said East line, a distance of 644.74 feet;

THENCE North 89 deg. 43 min. 43 sec. West departing said East line, a distance of 1310.92 feet to a found 1/2" rebar with cap stamped "RLS #38863" in the West line of the Northeast Quarter of the Northwest Quarter of said Section 10;

THENCE North 00 deg. 30 min. 00 sec. East along said West line, a distance of 644.50 feet to the POINT OF BEGINNING, containing 844,585 square feet or 19.389 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 2A
LEGAL DESCRIPTION FOR PROPOSED RM-6

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 1/2" rebar with cap stamped "RLS #38863" for the Southwest corner of said Section 3, from which a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3 bears North 00 deg. 09 min. 08 sec. West (Basis of Bearings) – 2631.54 feet;

THENCE North 00 deg. 09 min. 08 sec. West along the West line of the Southwest Quarter of said Section 3, a distance of 639.22 feet;

THENCE South 89 deg. 55 min. 01 sec. East departing said West line, a distance of 272.81 feet;

THENCE North 00 deg. 13 min. 27 sec. East, a distance of 10.00 feet;

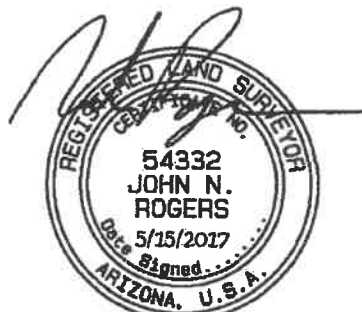
THENCE South 89 deg. 46 min. 33 sec. East, a distance of 832.50 feet;

THENCE South 00 deg. 13 min. 27 sec. West, a distance of 2.52 feet;

THENCE South 89 deg. 44 min. 22 sec. East, a distance of 202.63 feet;

THENCE South 00 deg. 15 min. 38 sec. West a distance of 648.07 feet to the South line of the Southwest Quarter of said Section 3, from which a found 1" iron pipe for the South 16th corner of the Southwest Quarter of said Section 3 bears South 89 deg. 44 min. 22 sec. East – 4.78 feet;

THENCE North 89 deg. 44 min. 22 sec. West along the South line of the Southwest Quarter of said Section 3, a distance of 1303.33 feet to the POINT OF BEGINNING, containing 845,731 square feet or 19.415 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 2B
LEGAL DESCRIPTION FOR PROPOSED RM-9

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found 1/2" rebar with cap stamped "RLS #38863" for the Southwest Quarter of said Section 3, from which a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3 bears North 00 deg. 09 min. 08 sec. West (Basis of Bearings) – 2631.54 feet;

THENCE North 00 deg. 09 min. 08 sec. West along the West line of the Southwest Quarter of said Section 3, a distance of 639.22 feet to the TRUE POINT OF BEGINNING;

THENCE North 00 deg. 09 min. 08 sec. West along said West line, a distance of 759.17 feet;

THENCE South 89 deg. 52 min. 55 sec. East departing said West line, a distance of 357.21 feet;

THENCE North 00 deg. 13 min. 27 sec. East, a distance of 2.45 feet;

THENCE South 89 deg. 46 min. 33 sec. East, a distance of 592.47 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 300.00 feet, a central angle of 19 deg. 39 min. 28 sec., and being subtended by a chord which bears North 09 deg. 36 min. 17 sec. West - 102.42 feet;

THENCE in a northerly direction along said curve to the right, a distance of 102.93 feet;

THENCE North 00 deg. 13 min. 27 sec. East tangent to said curve, a distance of 46.58 feet;

THENCE South 89 deg. 46 min. 33 sec. East, a distance of 43.50 feet to a Point of Curvature of a circular curve to the left, having a radius of 300.00 feet, a central angle of 15 deg. 35 min. 49 sec., and being subtended by a chord which bears North 82 deg. 25 min. 32 sec. East - 81.41 feet;

THENCE in an easterly direction along said curve to the left, a distance of 81.66 feet;

THENCE North 74 deg. 37 min. 38 sec. East tangent to said curve, a distance of 48.00 feet to a Point of Curvature of a circular curve to the right, having a radius of 300.00 feet, a central angle of 15 deg. 35 min. 49 sec., and being subtended by a chord which bears North 82 deg. 25 min. 32 sec. East - 81.41 feet;

THENCE in an easterly direction along said curve to the right, a distance of 81.66 feet;

THENCE South 89 deg. 46 min. 33 sec. East tangent to said curve, a distance of 144.44 feet to a Point of Curvature of a circular curve to the right, having a radius of 200.00 feet, a central angle

of 43 deg. 08 min. 42 sec., and being subtended by a chord which bears South 68 deg. 12 min. 12 sec. East - 147.07 feet;

THENCE in a southeasterly direction along said curve to the right, a distance of 150.60 feet;

THENCE South 46 deg. 37 min. 51 sec. East tangent to said curve, a distance of 139.75 feet;

THENCE South 43 deg. 22 min. 09 sec. West, a distance of 212.20 feet to a Point of Curvature of a circular curve to the left, having a radius of 400.00 feet, a central angle of 43 deg. 06 min. 31 sec., and being subtended by a chord which bears South 21 deg. 48 min. 54 sec. West - 293.91 feet;

THENCE in a southwesterly direction along said curve to the left, a distance of 300.96 feet;

THENCE South 00 deg. 15 min. 38 sec. West tangent to said curve, a distance of 358.99 feet;

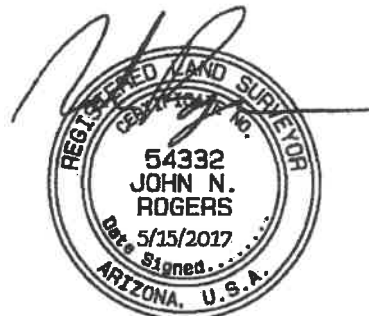
THENCE North 89 deg. 44 min. 22 sec. West, a distance of 202.63 feet;

THENCE North 00 deg. 13 min. 27 sec. East, a distance of 2.52 feet;

THENCE North 89 deg. 46 min. 33 sec. West, a distance of 832.50 feet;

THENCE South 00 deg. 13 min. 27 sec. West, a distance of 10.00 feet;

THENCE North 89 deg. 55 min. 01 sec. West, a distance of 272.81 feet to the POINT OF BEGINNING, containing 1,113,662 square feet or 25.566 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 3A
LEGAL DESCRIPTION FOR PROPOSED RL-5

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3, from which a found 1/2" rebar with cap stamped "RLS #38863" for the Southwest corner of said Section 3 bears South 00 deg. 09 min. 08 sec. West (Basis of Bearings) – 2631.54 feet and from which a found 2" Maricopa County aluminum cap for the East Quarter corner of said Section 3 bears South 89 deg. 46 min. 33 sec. East – 5268.03 feet;

THENCE South 89 deg. 46 min. 33 sec. East along the North line of the Southwest Quarter of said Section 3, a distance of 1087.79 feet;

THENCE South 00 deg. 13 min. 27 sec. West departing said North line, a distance of 1064.94 feet;

THENCE South 74 deg. 37 min. 38 sec. West, a distance of 24.23 feet to a Point of Curvature of a circular curve to the right, having a radius of 300.00 feet, a central angle of 15 deg. 35 min. 49 sec., and being subtended by a chord which bears South 82 deg. 25 min. 32 sec. West - 81.41 feet;

THENCE in a westerly direction along said curve to the right, a distance of 81.66 feet;

THENCE North 89 deg. 46 min. 33 sec. West tangent to said curve, a distance of 43.50 feet;

THENCE South 00 deg. 13 min. 27 sec. West, a distance of 46.58 feet to a Point of Curvature of a circular curve to the left, having a radius of 300.00 feet, a central angle of 19 deg. 39 min. 28 sec., and being subtended by a chord which bears South 09 deg. 36 min. 17 sec. East - 102.42 feet;

THENCE in a southerly direction along said curve to the left, a distance of 102.93 feet;

THENCE North 89 deg. 46 min. 33 sec. West non-tangent to said curve, a distance of 592.47 feet;

THENCE South 00 deg. 13 min. 27 sec. West, a distance of 2.45 feet;

THENCE North 89 deg. 52 min. 55 sec. West, a distance of 357.21 feet to the West line of the Southwest Quarter of said Section 3;

THENCE North 00 deg. 09 min. 08 sec. West along said West line, a distance of 1233.14 feet to the POINT OF BEGINNING, containing 1,312,208 square feet or 30.124 acres of land, more or less.



EXPIRES 3/31/2019

RIO RANCHO PARCEL 3B
LEGAL DESCRIPTION FOR PROPOSED RM-6

All that certain lot, tract, or parcel of land, situated in a portion of the Southwest Quarter of Section 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found 3" Maricopa County Department of Transportation brass cap for the West Quarter corner of said Section 3, from which a found 2" Maricopa County aluminum cap for the East Quarter corner of said Section 3 bears South 89 deg. 46 min. 33 sec. East (Basis of Bearings) – 5268.03 feet;

THENCE South 89 deg. 46 min. 33 sec. East along the North line of the Southwest Quarter of said Section 3, a distance of 1087.79 feet to TRUE POINT OF BEGINNING;

THENCE South 89 deg. 46 min. 33 sec. East along said North line, a distance of 1049.72 feet;

THENCE South 01 deg. 01 min. 16 sec. West departing said North line, a distance of 545.88 feet;

THENCE South 43 deg. 22 min. 03 sec. West, a distance of 49.90 feet;

THENCE South 46 deg. 37 min. 57 sec. East, a distance of 40.17 feet;

THENCE South 43 deg. 22 min. 09 sec. West, a distance of 805.12 feet;

THENCE North 46 deg. 37 min. 51 sec. West, a distance of 139.75 feet to a Point of Curvature of a circular curve to the left, having a radius of 200.00 feet, a central angle of 43 deg. 08 min. 42 sec., and being subtended by a chord which bears North 68 deg. 12 min. 12 sec. West - 147.07 feet;

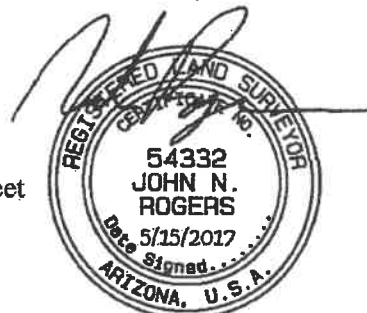
THENCE in a northwesterly direction along said curve to the left, a distance of 150.60 feet;

THENCE North 89 deg. 46 min. 33 sec. West tangent to said curve, a distance of 144.44 feet to a Point of Curvature of a circular curve to the left, having a radius of 300.00 feet, a central angle of 15 deg. 35 min. 49 sec., and being subtended by a chord which bears South 82 deg. 25 min. 32 sec. West - 81.41 feet;

THENCE in a westerly direction along said curve to the left, a distance of 81.66 feet;

THENCE South 74 deg. 37 min. 38 sec. West tangent to said curve, a distance of 23.77 feet;

THENCE North 00 deg. 13 min. 27 sec. East, a distance of 1064.94 feet to the POINT OF BEGINNING, containing 1,024,427 square feet or 23.518 acres of land, more or less.





Dysart Unified School District No. 89
Nathaniel Dysart Education Center

Jack Eaton
Executive Director
Business Services

May 8, 2017

15802 North Parkview Place
Surprise, Arizona 85374
Phone: 623-876-7008
Fax: 623-876-7046
jack.eaton@dysart.org

Heather Donaldson
Planning Project Coordinator
City of Surprise/Community Development
16000 N. Civic Center Plaza
Surprise AZ 85374

www.dysart.org

RE: Rio Rancho Estates

Dear Ms. Donaldson,

Thank you for your continued cooperation with the Dysart Unified School District. The District has received a letter of assurance from Southwest Value Partners, the current developer of the Rio Rancho Estates development, in reference to their planned project in the City of Surprise and the Dysart Unified School District.

The developer will honor the original Donation Agreement as a successor owner of the property which is satisfactory to the District. Therefore, the District has no objection to the rezone and the eventual development of the property as traditional detached housing.

We appreciate the opportunity to comment on developments that the City is reviewing for approval. We will continue to work together in meeting the educational needs of the residents.

Sincerely,

Jack Eaton
Executive Director for Business Services

cc: Matthew Goodwin, P.E., Goodwin & Marshall
Laura Sever Blanco, Gust Rosenfeld P.L.C.

Superintendent
Gail Pletnick, Ed.D.

Governing Board
Spencer Bailey
Jay Leonard
Christine Pritchard
Traci Sawyer-Sinkbeil
Jennifer Tanner

Southwest Value Partners



April 17, 2017

Jack Eaton
Dysart Unified School District
15802 N. Parkview Place
Surprise, AZ. 85374

RE: RIO RANCHO- DONATION AGREEMENT

Mr. Eaton,

Please accept this letter as assurance that the attached donation agreement between the Dysart Unified School District and the Rio Rancho Community, assumed by Klondike Land Portfolio LLC on February 2, 2009, will be honored as originally drafted and signed

Best Regards,

Southwest Value Partners

By: Justin Merritt

Its: Director- Real Estate Investments

DYSART UNIFIED SCHOOL DISTRICT #89

TO:	Governing Board	<u> X </u>	Action
		<u> X </u>	Discussion
FROM:	Dr. Margo Seck, Superintendent	<u> </u>	Information
		<u> </u>	1st Reading
DATE:	February 27, 2001		
AGENDA ITEM:	<u>Donation Agreement with Rio Rancho Development</u>		
INITIATED BY:	<u>Mr. Tom Murphy</u>	SUBMITTED BY:	<u>Dr. Margo Seck</u>
GOVERNING BOARD POLICY REFERENCE OR STATUTORY CITATION:		<u>BBA</u>	

SUPPORTING DATA

The developers of the Rio Rancho development in Surprise have offered a cash donation to the District for every residence that is constructed in the new subdivision based on the varying residential products produced. The PAD Plan envisions several different residential components, of varying density, with the different residential products having varying demands upon the school system. There will be a demand for housing for senior living within the property and with increased density a reduced demand for families with school-age children. The agreed upon donation per dwelling unit, with appropriate adjustments for higher density, shall be as follows:

<u>Units</u>	<u>Parcel Density</u>	<u>Gross Donation Per Dwelling Unit</u>	<u>Density Adjustment</u>	<u>Net Donation Per Dwelling Unit</u>
309	0-5 D.U./Acre	\$1,000.00	N/A	\$1,000.00
138	5.1-6.4 D.U./Acre	\$ 750.00	20%	\$ 600.00
315	6.5+ D.U./Acre	\$ 400.00	25%	\$ 300.00

The proposed donation agreement would formalize acceptance of the donation.

SUMMARY AND RECOMMENDATION

It is recommended the Governing Board accept the donation agreement with the developers of the Rio Rancho development.

Superintendent Margo Seck

ACTION BY BOARD

Motion _____ Second _____

Vote _____

Agenda Item III. 8

MILLER LASOTA & PETERS PLC

Tel 602 248 2900
Fax 602 248 2999
5225 North Central Avenue, Suite 235
Phoenix, Arizona 85012
azgovrel@aol.com

DONALD M. PETERS

January 29, 2001

Margo Seck, Ed.D., Superintendent
Dysart Unified School District No. 89
11405 North Dysart Road
El Mirage, AZ 85335

FEB 1
MAR 2 1000

Dear Margo:

Enclosed is a proposed donation agreement regarding the Rio Rancho development. It differs from the standard agreement only in that this developer plans some unusual types of housing and we had to come up with appropriate donation figures for the kinds of housing in question. Tom Murphy and I discussed the donation figures and we both thought they were reasonable. I think the agreement is fine. Let me know if you have any questions.

Sincerely,



Donald M. Peters

DMP/jp

Enclosure

cc: Without enclosures: Bob Koch

Maracay Homes

flex design.

Flex Design . . . it's all about choices.

15160 N. Hayden Road
Scottsdale, AZ 85260
480-970-6000
Fax 480-970-8889
www.maracayhomes.com
License # ROC172120

February 2, 2009

**BY MAIL
RETURN RECEIPT REQUESTED**

Gall Pletnick, Ed.D.
Dysart Unified School District
Attn: Superintendent
11405 N. Dysart Rd
El Mirage, Arizona 85338

Miller LaSota & Peters, PLC
Attn.: Donald M. Peters
5225 N. Central, Suite 235
Phoenix, Az. 85012

**Re: Maracay Rio Rancho, L.L.C.
Sale of Land & Related Assets to Klondike Land Portfolio LLC
Contract Notice: Donation Agreement, MCR No. 2002-0727043
("Agreement")**

Dear Dr. Pletnick, and Mr. Peters:

On December 23, 2008, Maracay Homes sold certain real estate assets, properties, lots and/or parcels of land and related assets to Klondike Land Portfolio LLC, an Arizona limited liability company ("Klondike"). This sale was a strategic disposition by Maracay, of land holdings that are in excess to current and forecasted needs to support sales and homebuilding operations.

Maracay currently has 12 communities open and active in sales in the Phoenix metro area and 2 in Tucson with a solid reserve of finished lot inventory to keep us going. Included among the land assets sold was the 190 acres, 926 unit residential component of the Rio Rancho planned community West of Grand Ave. /Hwy. 60, north and south of Happy Valley Road in Surprise Arizona.

The property is subject to the Donation Agreement noted above with the Dysart Unified School District and in accordance with the terms thereof we hereby notify you of this transaction, that title has transferred to the new ownership and that we are completing the transition of practical matters. Be advised that the agreement related to this matter has been assigned to the new owners effective the date of sale noted above.

We look to continuing our relationship with you in the future on other communities as opportunities arise. The new owner's designated contact person:

Mr. Rick Merritt, AICP
President, Elliott D. Pollack & company
7505 East 6th Avenue, Suite 100
Scottsdale, Arizona 85251
Phone: (480) 423-9200
Email: merritt@edpco.com

An alternative contact is Mr. Mark Schlossberg with Southwest Value Partners who can be reached in San Diego at (858) 480-2900 and email at mschlossberg@swvp.com.

The sale of this land and the related assets is a tactical decision by Maracay in light of the current market conditions. Maracay Homes continues in its commitment to managing and growing its business and to serving our customers in partnership with Maracay staff, municipal agencies, education districts, vendors, realtors, the real estate and homebuilding community and industry advisors.

As a confirmation that you have received this notification, and for our file, please sign the acknowledgement in the space provided below and return it to me by February 9, 2009. Please contact me with any questions or comments. Thank you.

Sincerely,



Thomas Lemon
Vice President, Land Acquisition

cc: file
LOF Notification Bond
Rick Merritt, AICP, President EDP&co.

The undersigned acknowledges receipt of the foregoing letter and agrees to proceed accordingly (please e-mail return to tlemon@maracayhomes.com and/or fax to 480-556-7894)

Signature: _____



Name: SCOTT W. THOMASON

Company: DYSART UNIFIED SCHOOL DIST.

Its: EXECUTIVE DIRECTOR

Date: FEBRUARY 20, 2009

DONATION AGREEMENT

(Rio Rancho)

THIS DONATION AGREEMENT ("Agreement") is made by and between Dysart Unified School District No. 89 of Maricopa County, Arizona, a political subdivision of the State of Arizona (the "District"), and Summer Winds, L.L.C., an Arizona limited liability company. All parties other than the District shall be collectively referred to as "Developer". The District and Developer shall be collectively referred to as "the Parties."

RECITALS:

A. Developer owns certain real property in, and to be annexed into, Surprise, Arizona (the "City"), as more particularly described in Exhibit A, attached hereto (the "Property"). Developer intends to develop the Property as part of a Planned Area Development Plan commonly known as "Rio Rancho" and in accordance with a Development Agreement between Developer and the City (collectively, the "PAD Plan").

B. Development of the Property will increase the population of students attending public schools within the District, which in turn will increase the need for public school facilities within the District. The Developer is willing to make, and the District is willing to accept, cash donations to defray the expense to the District associated with an increase in the population of students.

AGREEMENT:

For and in consideration of the covenants contained herein, the District and Developer, intending to be legally bound, state, confirm and agree as follows:

1. Incorporation of Recitals. The Recitals stated above are true and correct and are incorporated herein by this reference.

2. Conditions.

(a) It is a condition of the continuing effect and enforceability of this Agreement that, with regard to the Property and the PAD Plan, the current Governing Board of the District not have opposed any PAD amendment or zoning or entitlement application or request of Developer, including without limitation, any preliminary or final plat application for the Property or a portion thereof.

(b) It is a condition of the obligations of Developer, or its successors or assigns, that (1) the District not oppose Developer's Rio Rancho PAD or zoning or annexation or entitlement applications or any preliminary or final plat application for the Property or a portion thereof and, if requested to do so by Developer or the governmental authority with jurisdiction, the District provide the governmental authority promptly and in a timely manner with written confirmation thereof, and (2) the City approves the Rio Rancho annexation, and PAD Plan in substantially the form and content submitted by Developer.

(c) It is the current policy of the District to attempt to enable public elementary school children to attend the elementary school closest to their residence. Developer understands

that such a policy is subject to change in the future.

3. Cash Donation by Developer to the District. Subject to the terms and conditions of this Agreement, the Developer, for themselves and their successors-in-ownership and assigns, including, without limitation, any affiliate of those entities and any homebuilder initially constructing residential units on the Property (a "Dwelling Unit"), agrees to pay to the District a cash donation for each Dwelling Unit initially constructed on the Property ("Donation").

The Parties acknowledge that the PAD Plan envisions several different residential components, of varying density, with the different residential products having varying demands upon the school system. The parties also acknowledge a demand for housing for senior living within the Property, and with increased density a reduced demand for families with school-age children. The Parties agree that the donation per Dwelling Unit, with appropriate adjustments for higher density, shall be as follows:

<u>Units</u>	<u>Parcel Density</u>		<u>Gross Donation Per Dwelling Unit</u>	<u>Density Adjustment</u>	<u>Net Donation Per Dwelling Unit</u>
309	0-5	D.U./Acre	\$1,000.00	N/A	\$1,000.00
138	5.1-6.4	D.U./Acre	\$ 750.00	20%	600.00
315	6.5+	D.U./Acre	\$ 400.00	25%	300.00

It is the parties' intent that the donations hereunder shall be based on the number of units actually built, whether more or less than the anticipated number of units as stated above. Developer, or its successors or assigns, shall contribute all Donations as required under this paragraph no later than ninety days after the building permit for construction of the particular Dwelling Unit is issued by the City. No Donation shall be payable in connection with any reconstruction or subsequent construction of a Dwelling Unit on a particular portion of the Property after the Donation for such portion of the Property has been initially paid.

4. Future Development Fees. The District acknowledges that the Developer has no obligation to donate money to the District. Notwithstanding the foregoing or anything herein to the contrary, Developer desires that it receive credit for the value of the Donation to the District, if at any time in the future, any federal, state, county, municipal or any other governmental or quasi governmental authority with jurisdiction over the Property (an "Authority") lawfully imposes any development fee, impact fee, dedication requirement, exaction or similar fee or charge on the Property (individually, a "Development Fee" and collectively, the "Development Fees") through the exercise of either its police power or its taxing power (other than secondary real estate taxes, general obligation bonds and school district override elections) in connection with or related to the acquisition, development, construction, improvement and operation of public school facilities within the District. While the District offers no assurances to the Developer that it is empowered or authorized to provide Developer with a credit for the value of the Donation against Development Fees which may be assessed on the Property, the District, to the extent it is permitted by law to do so, agrees to the contents of this Section. For purposes of this Section, Developer's consideration to the District, including the value of the promised Donations, shall be deemed to amount to be the

Donation per Dwelling Unit as set forth in Paragraph 3 (Developer's "Total Donations").

(a) If the Development Fees imposed on the Property are less than the Total Donations, then no Development Fees shall be due and payable by Developer to the Authority for the benefit of the Authority or the District (but the remainder of this Agreement shall continue in full force and effect); or

(b) If the Development Fees imposed on the Property are greater than the Total Donations, then Developer shall receive a credit against the Development Fees in the amount of the Total Donations, and Developer shall only be obligated to pay to the Authority for the benefit of the Authority or the District an amount equal to the difference between the Development Fees and the Total Donations.

5. **Default and Remedies.** Developer acknowledges that the District intends to rely upon this Agreement in formulating its plans for growth and in other regards, and that such reliance is reasonable. In the event of any default under this Agreement, the non-defaulting party shall have all rights and remedies provided at law or in equity, including without limitation specific performance and injunctive relief, and all such rights and remedies shall be cumulative.

6. **Notices.** Any and all notices, consents or other communications required or permitted by this Agreement shall be given in writing and telecopied, personally delivered, sent by registered or certified mail, return receipt requested, postage prepaid, or sent by Federal Express, Airborne, U.P.S. or other similar nationally recognized overnight courier, addressed as follows:

To Developer: Summer Winds, L.L.C.
Attn: Carol Vernon
4723 E. Morning Vista Lane
Cave Creek, Arizona 85331

With a copy to: David K. Jones
David K. Jones, P.C.
One Arizona Center
Suite 450
400 E. Van Buren
Phoenix, Arizona 85004

To the District: Dysart Unified School District of Arizona No. 89
Attention: Superintendent
11405 North Dysart Road
El Mirage, AZ 85338
(623) 876-7042 fax

With a copy to: Miller LaSota & Peters, PLC
Attention: Donald M. Peters
5225 North Central, Suite 235
Phoenix, AZ 85012
(602) 248-2999 fax

or at any other address or telecopier number designated by any party hereto in writing. Any notice or communication shall be deemed to have been delivered and received (i) as of the date of receipt, if sent by telecopier (with written confirmation of error-free transmission) on or before 5:00 p.m., Phoenix time; (ii) as of the next day of receipt, if sent by telecopier (with written confirmation of the date and time of transmissions and receipt) after 5:00 p.m., Phoenix time; (iii) the date of delivery, if hand delivered or sent by nationally recognized overnight courier; (iv) three (3) days after the date of mailing, if mailed by registered or certified mail.

7. General.

(a) Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the District or Developer of any default under this Agreement shall be construed as a waiver of any preceding or succeeding default.

(b) Attorneys' Fees. In the event any party finds it necessary to bring any action at law or other proceeding against the other party to enforce any of the terms, covenants or conditions hereof, or by reason of any default hereunder, the party prevailing in any such action or other proceeding shall be paid all reasonable costs and attorneys' fees by the other party, and in the event any judgment is secured by the prevailing party, all such costs and attorneys' fees shall be included therein, with the fees to be set by the court and not by jury.

(c) Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from the counterparts and the signature pages may all be attached to a single instrument.

(d) Further Acts. Each of the parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

(e) Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the District and the Developer and its successors-in-ownership and assigns. Upon the conveyance of all or any portion of the Property by Developer or its successors-in-ownership or assigns and the assumption by such transferee of the obligations of the Developer under this Agreement with respect to the portion of the Property conveyed, Developer or its successors-in-ownership or assigns, as the case may be, shall be relieved of any further liability or obligations under this Agreement with respect to the portion of the Property conveyed but shall not be relieved or released from any liabilities or obligations incurred during the period of its ownership of the Property. The Developer shall provide the District written notice of any such conveyance and assumption of obligations within thirty (30) days after the conveyance. The liabilities and obligations of Developer may only be enforced against the owner of the Property then in default, and, notwithstanding any default by the owner of a portion of the Property, this Agreement shall remain in full force and effect with respect to the other owners of the Property.

(f) No Partnership and Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other similar arrangement between Developer and the District. No term or provision of this Agreement is

intended to, or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.

(g) Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are hereby superseded and merged herein. Except for any express warranties and representations set forth in this Agreement, such as the agreement by Developer in Section 2 hereof that the School Site shall be conveyed free of all liens and encumbrances, District acknowledges that Developer has not made any representations or warranties, either express or implied, written or oral, pertaining to any matters concerning the Property or the School Site. District further acknowledges that District is accepting the School Site in its current condition, as is, where is, and with all defects (if any), subject to all recorded title matters and any matters which may have been disclosed by a reasonable, visual or physical inspection of the Property.

(h) Amendment. No change or additions may be made to this Agreement except by a written amendment executed by the parties hereto.

(i) Governing Law. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Arizona.

(j) Conflicts of Interest. The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511 or any successor statute. In the event of such cancellation, the parties shall return to each other any and all consideration received pursuant to this Agreement prior to its cancellation.

(k) Severability. In the event that (a) the Attorney General of Arizona issues or affirms an opinion which finds any part of this Agreement to be illegal, invalid or unenforceable, or (b) any part of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction, the validity and enforceability of the remainder of the Agreement shall not be affected.

IN WITNESS WHEREOF, the parties have executed this Agreement.

DISTRICT:

DYSART UNIFIED SCHOOL DISTRICT NO. 89 OF
MARICOPA COUNTY, ARIZONA, a political
subdivision of the State of Arizona

By:

Its:

Date:

DEVELOPER:

SUMMER WINDS, L.L.C., an Arizona limited liability company

By:

Its:

Date:

LIST OF EXHIBITS

A Property legal description.

EXHIBIT A

Property Legal Description

PARCEL NO. 1:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS, AS RESERVED IN THE PATENT.

PARCEL NO. 2:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

PARCEL NO. 3:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

AND

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

AND
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE
2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER OF SECTION 3;
THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, 42.91 FEET MEASURED
(91 FEET RECORD) TO AND IRON PIPE TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 00 SECONDS EAST 610.0 FEET;
THENCE NORTH 67 DEGREES 11 MINUTES 00 SECONDS EAST, 488.0 FEET OF AN IRON ROD
ON U.S. HIGHWAY 60 RIGHT OF WAY LINE;
THENCE NORTH 47 DEGREES 20 MINUTES 00 SECONDS WEST ALONG SAID RIGHT OF WAY
LINE, 614.9 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 4:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4
NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA
COUNTY, ARIZONA;

EXCEPT ALL OIL AND GAS AS RESERVED IN THE PATENT.

PARCEL NO. 5:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE
2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, 90.84 FEET TO AN IRON PIPE
IN LINE WITH A FENCE ALONG U.S. HIGHWAY 60'S SOUTHERLY RIGHT OF WAY LINE;

THENCE CONTINUING SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST 610.34 FEET TO
AN IRON ROD, THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, 989.31 FEET TO
A POINT;

THENCE NORTH 89 DEGREES 48 MINUTES 22 SECONDS EAST, 979.53 FEET TO A POINT;

THENCE NORTH 00 DEGREES 24 MINUTES 21 SECONDS WEST, 684.73 FEET TO A POINT ON
U.S. HIGHWAY 60'S SOUTHERLY RIGHT OF WAY LINE;

THENCE NORTH 47 DEGREES 19 MINUTES 05 SECONDS WEST, 728.97 FEET ALONG SAID
RIGHT OF WAY TO A POINT;

THENCE SOUTH 66 DEGREES 40 MINUTES 26 SECONDS WEST, 487.29 FEET TO THE POINT OF
BEGINNING;

EXCEPT ANY PORTION THEREOF LYING SOUTH OF THE SOUTH LINE OF THE NORTH
1655 04 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 3.
GROSS AREA. 8,029.109.88 SQ. FT 184.323 ACRES

REZONING CASE FOR RIO RANCHO ESTATES

SURPRISE, ARIZONA



PREPARATION DATE:

MAY 22, 2017

REVISION DATES:

AUGUST 15, 2017

SEPTEMBER 25, 2017

OCTOBER 16, 2017

CASE NUMBER:

CR17-050 FS17-259

**RIO RANCHO ESTATES
PROPOSED REZONING CASE
TABLE OF CONTENTS**

Project Narrative

Zoning Case Description.....	1
Phasing Plan	6
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Transportation Issues.....	8
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Trash and Recycling Collection	9
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Summary	9

Figure 1	Location Map
Plate One	Context Plan with Regional Zoning
Plate Two	City of Surprise General Plan 2035 with Project Location

Appendix A

PAD Second Amendment	Plate A1
Master Plan - Zoning District Overlay.....	Plate A2
Phasing Plan	Plate A3
Overall Landscape Concept Plan	Plate A4
Overall Wall Plan.....	Plate A5
Phase 1A1 Neighborhood Park	Plate A6
Phase 1B1 Neighborhood Park	Plate A7
Phase 2 Neighborhood Park	Plate A8
Entry Monumentation	Plate A9
Community Wall Types	Plate A10
View Wall Types.....	Plate A11
Roadway Phasing Plan.....	Plate A12

Appendix B

Park System Master Plan	Plate B1
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Appendix C

Overall Legal Description

Individual Parcel Legal Descriptions

Appendix D

Dysart Unified School District Concurrence Letter

School Donation Agreement

**Rio Rancho Estates
Revised Zoning Case
Project Narrative**

Zoning Case Description

The subject property is located immediately north of Happy Valley Road approximately 2 miles west of its intersection with Grand Avenue. The location of the property can be found on Figure 1.

Rio Rancho Estates was originally zoned PAD00-035 with approval date of 4/12/01. Development Standard Revisions were approved as PADA04-201 on 1/27/05. The project was zoned for low and medium use with densities up to 12 DUs per acre, as well as some commercial acreage. The original PAD display can be found in Plate A1. The intent of the proposed zoning change is to delete the higher density product which has been proven to be unsuccessful in the Valley and is inconsistent with design philosophies currently accepted by the builder community. The commercial acreage is owned by other entities and is not intended to be included as part of this rezoning case.

The Rio Rancho Estates Master Development Plan can be found on Plate A2 in Appendix A. This highlights the 4 different lot sizes accounting for product diversity. The proposed underlying hard zoning for each development parcel is shown as well. The proposed Master Development Plan results in a reduction in

density of 237 residential units, to a total of 669 DUs versus the approved 906 DUs (a reduction of 26%).

The four different lot types are as follows:

- 1 – 48 feet by 110 feet - RM-9 Medium Density Residential
- 2 – 53 feet x 115 feet - RM-6 Medium Density Residential
- 3 – 58 feet x 115 feet - RM-6 Medium Density Residential
- 4 – 63 feet x 120 feet - RL-5 Low Density Residential

The proposed zoning for the subject property consists of three (3) underlying zoning districts (RL-5 - Residential Low Density with a maximum of five (5) dwelling units per acre, RM-6 - Residential Medium Density with a maximum of six (6) dwelling units per acre, and RM-9 Residential Medium Density with a maximum of nine (9) dwelling units per acre) as defined by the City of Surprise Municipal Code ("the code"), Chapter 122. A Planned Unit Development (PUD) overlay, found on Plate A2, is anticipated to meet all the requirements of Chapter 122 with minor variances.

The proposed overlay can be found displayed in Appendix A. The overall density is reduced from a total of 906 units (density of 4.92 DUs acre) to 669 units (density of 3.55 DUs per acre.) It is anticipated to meet all requirements of Section 122-33 with a proposal for minor variances. The owner wishes to request side yard setbacks of 5/13(5 foot minimum side yard and 13 foot minimum side yard setback total) for all categories which is consistent with the existing PAD zoning, and a maximum building height of 35' as part of the PUD overlay. In addition, the owner requests a

minor variance from block length requirements (section 122-22(B)) due to the amount and quality of open space and trails presented in the overlay. Finally, all accessory structures will follow the code in effect at the time of building application.

All adjacent zoning is included. The project is also shown on the City of Surprise General Plan 2035 as attached (Plate Two). The proposed zoning is shown to be in conformance with the Suburban Neighborhood Character Area as described in the City of Surprise General Plan 2035. The neighborhood type is suburban with a density between 2 to 8 DUs per acre. The phasing of the project will be market driven and will be non linear (i.e. not based on the numerical identification shown on the phasing plan).

The dimensional standards tables below compare existing zoning to proposed zoning standards.

Existing Dimensional Standards								
Zoning District	Minimum Lot Area	Minimum Width	Minimum Depth	Front Setback	Side Setbacks	Total Side Setbacks	Rear Setback	Height
RL-5	7,200 ☐	60'	100'	15'	5'	15'	20'	30'
RM-6	6,000 ☐	50'	100'	12'/20' -1-	TBD	TBD	20'	35'
RM-9	4,500 ☐	40'	100'	12'/20' -1-	TBD	TBD	20'	35'

-1- Front facing garages shall have a minimum 21-foot front yard setback.

Proposed Dimensional Standards								
Zoning District	Minimum Lot Area	Minimum Width	Minimum Depth	Front Setback	Side Setbacks	Total Side Setbacks	Rear Setback	Height
RL-5	7,200 ☐	60'	100'	15'	5'	13'	20'	35'
RM-6	6,000 ☐	50'	100'	12'/20' -1-	5'	13'	20'	35'
RM-9	4,500 ☐	40'	100'	12'/20' -1-	5'	13'	20'	35'

-1- Front facing garages shall have a minimum 21-foot front yard setback.

-2- Maximum coverage of 55% for all zoning districts

The following lot matrix further defined the project lot mix, open space components and other site issues:

Parcel	SFR Lots	Rights-Of-Way (ROW)	Open space	Utility Infrastructure
1A1	112	9.01	7.35	-
1A2	62	6.29	4.31	0.79 (Water Campus)
1B1	78	6.13	3.23	-
1B2	69	4.28	3.21	-
2A	67	5.57	3.99	-
2B	95	6.26	7.45	-
3A	98	5.91	6.61	0.17 (well site)
3B	88	5.74	2.82	
Total	669	49.19	38.97	0.96

The proposed zoning is shown to be in conformance with the Suburban Neighborhood Character Area as described in the City of Surprise general Plan 2035. The neighborhood type is Suburban.

Phasing Plan

The proposed phasing plan is included in Appendix A, Plate A3. However the actual construction will be dictated by market conditions so the final phasing is considered to be non linear in nature.

Open Space/Amenities/Wall Features

The Rio Rancho Estates Master Plan provides substantial open space, trails and recreational amenities. Open spaces, amenities and wall features are displayed in Appendix A, Plates A4-A11. Total open space as conceptually planned is approximately 20.63% of the overall gross acreage. Total open space includes approximately 38.78 acres consisting of 11.5 acres of active open space and 27.28 acres of passive open space. The minimum SUDC requirement for open space is 20%. There is proposed approximately 2 miles of open space trails connecting all of the community to the major park features. In addition the trail adjacent to the west side of the development is intended to be included in the City of Surprise Regional Trail system and will be open to the public (if desired by the City). A minimum 25' setback from Happy Valley Road right of way is included as part of the PAD zoning. This will allow for establishment of a high quality vegetative buffer for the development.

Appendix B contains the Park System Master Plan display from the General Plan 2035 Recreation and Open Space Element, Parks and Trails. The location of Rio Rancho Estates has been identified on the display. The project is shown to be in conformance with all of these elements. Most do not impact Rio Rancho as indicated. It should be noted that north/south open space along the western most

boundary has been allotted for to accommodate the proposed Surprise Greenway (Recreation and Open Space display). In addition, the trail as indicated is available for the use of the city as a component of the regional trail system, if desired.

Proposed wall and monumentation is included in Appendix A Plates A4, A5, A9, A10 and A11. These features are provided herein to show the character proposed for the development

Legal Descriptions

The overall project legal description can be found in Appendix C. Each individual Parcel has its own legal description included as well.

Water Distribution System

The subject property lies within the CCN of Beardsley Water Supply Corporation (Beardsley) It is intended to utilize the existing well on site and create a water campus meeting all Beardsley, State and City of Surprise Fire Department regulations. A second well will be included as required redundancy, unless other acceptable redundancy occurs.

Sanitary Sewer Service

The subject property is within the City of Surprise CCN for sewer service and the developer is an active participant in the West Surprise Landowner's Group. There is sufficient capacity reserved within the existing sewage treatment plant for all of the proposed lots. Sewer service will be obtained through the extension of the Austin Ranch sewer system within dedicated right of ways to the site.

Transportation Issues

The property is proposed to be provided access to Happy Valley Road by two separate residential collectors. No lot frontage to the residential collectors is proposed. No access to US Hwy 60 (Grand Avenue) is proposed, but can be extended if the adjacent commercial property (owned by others) desires and gains appropriate approvals. It is proposed that sufficient right of way and corresponding half street improvements to Happy Valley Road, Enoch Road, and 183rd Avenue be constructed by the developer at the time of development adjacent to the roadway. A detailed Traffic Impact Analysis (TIA) accompanies this zoning submittal. A description of roadway phasing is included on Plate A12.

Schools

The subject property is in the Dysart Unified School District. Elementary students would attend Kingswood Elementary and high school students will attend Willow Canyon High School. According to Jack Eaton with Dysart Unified the number of students per household is highly dependent upon the quality and price point of the development, but averages along the lines of 0.4 - 0.7 students per household in each category. This results in a total of 268 - 468 students generated by the development. The original school agreement, which has been agreed upon by the current owners in relation to this proposed rezoning case, is included in Appendix D. A letter of support for the rezoning case from the Dysart Unified School District is also included in Appendix D.

Trash and Recycling Collection

A detailed trash and recycling layout will be provided with the preliminary plat. The layout will be designed to facilitate ease of operation of the collective entities providing these services.

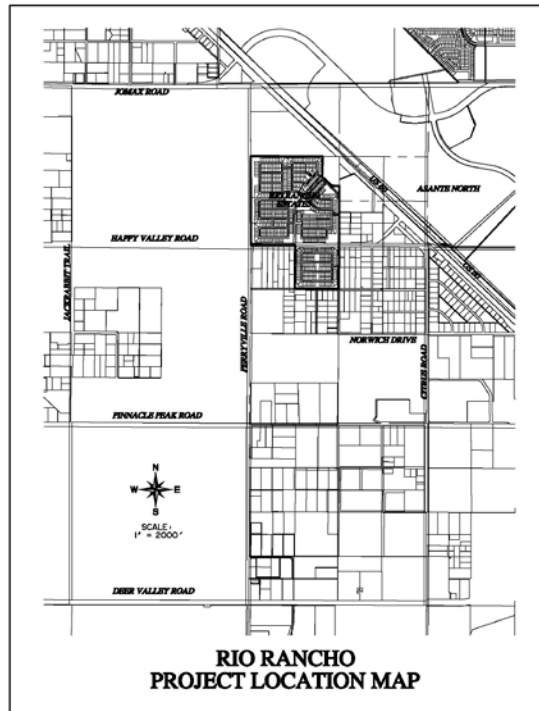
Design Standards

Improvements shall be per current City Code, current City of Surprise Engineering Standards and Current MAG Standards.

Summary

The Rio Rancho Estates acreage planned for rezoning consists of all residentially zoned acreage north and south of Happy Valley Road as contained in the original zoning case. The requested zoning is hard zoning of RL-5, RM-6 and RM-9 with a PUD overlay based on the site plan presented herein. The overlay for the zoning is attached as Plate A2 and will control development of the property. The proposed zoning is consistent with the City of Surprise General Plan 2035 as well as the City of Surprise Unified Development Code.

Rio Rancho Estates Rezoning Case With Planned Unit Development Overlay FS17-259 Citizen Participation Report



Prepared By:

Goodwin and Marshall, Inc.
2705 S. Alma School Road, Ste. 2
Chandler, Arizona 85286
602-218-7285
July 12, 2017

Citizen Review Summary

The Citizen Review Meeting and Public Hearings for the Rezone for the Rio Rancho Estates to an underlying hard zoning of RL-5, RM-6 and RM-9 with a PUD Overlay was posted and advertised for a Citizen Review meeting in accordance with the SUDC:

- On June 15, 2017, signs were posted adjacent to Happy Valley Road on the western most and eastern most edge of the Rio Rancho Estates property.

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS17-259

Applicant Name: Goodwin & Marshall Inc

Location: On Happy Valley Rd approx. 1/2 mile W of Grand Ave

Date Site Posted: June 15, 2017

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing in the City of Surprise shall erect two (2) signs giving notice of the date, time and place of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the responsibility of the applicant to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 6/15/17
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 15 day of June, 2017, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal. MaryBeth Conrad
Notary Public 10-25-20
My commission expires CITY OF SURPRISE







- On February 15, 2017, 158 property owners within 300 feet of the subject project area were sent the following informational mailer:

CITY OF SURPRISE
CITIZEN REVIEW MEETING

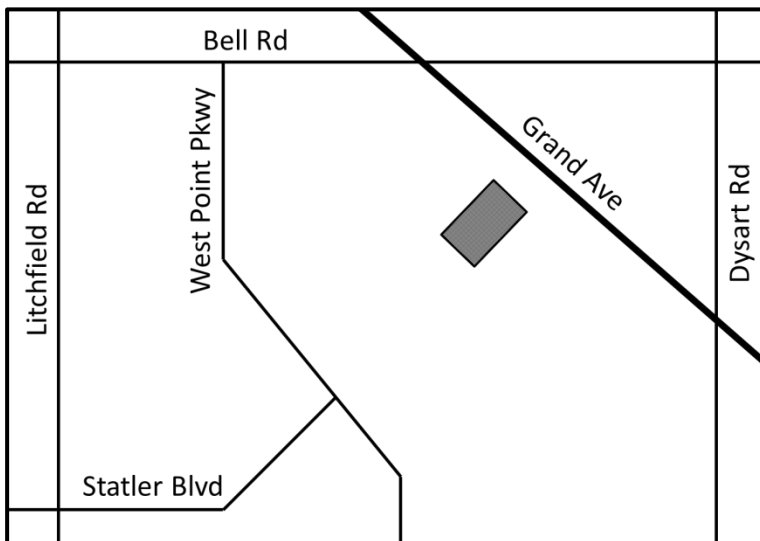
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planner: Hobart Wingard
623-222-3156

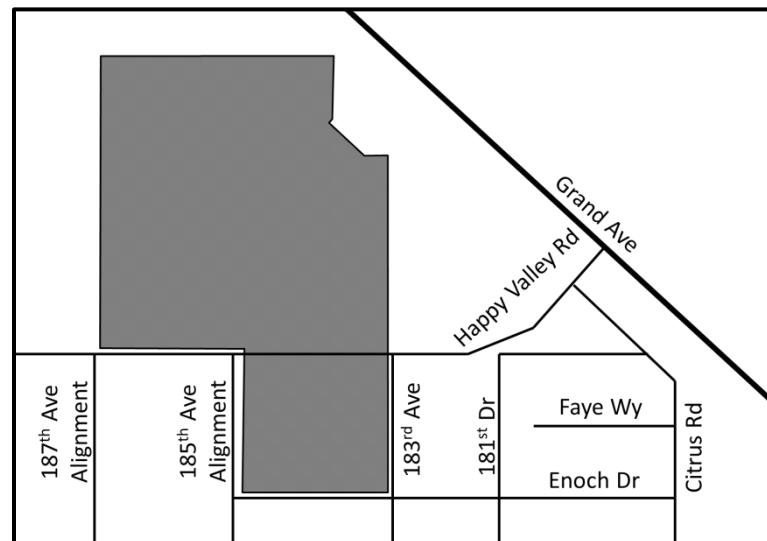
CITIZEN REVIEW MEETING DETAILS

DATE: Wednesday, July 12, 2017
TIME: 6:00 PM to 7:00 PM
LOCATION: Comfort Inn & Suites
13337 W. Grand Ave.
Surprise, Arizona 85374

Meeting Location



Project Location



PROJECT DESCRIPTION: The applicant is requesting approval of a Rezone (case FS17-259) of approximately 188 acres of land from Rio Rancho Planned Area Development (PAD) to Low-Density Residential (RL-5) and Medium-Density Residential (RM-6, and RM-9) with a Planned Unit Development (PUD) Overlay generally located along Happy Valley Road approximately ½ mile west of Grand Avenue.

- A similar notice was published in two newspapers as follows:
Daily News-Sun on June 23, 2017
Surprise Today on June 28, 2017

Citizen Review Meeting Summary

The Citizen Participation meeting started at 6:00 pm at Comfort Inn & Suites, 13377 West Grand Ave., Surprise, Az. Approximately 9 citizens, a single Council member, two City of Surprise staff members and representatives from the engineering firm and owner attended. The meeting was extremely cordial in nature.

No resident concerns were voiced. Most questions were related to the large proposed reduction in density, as well as potential project timing. Owners of parcels encompassed in this rezone expressed their strong support of the project.

The citizens disbanded at approximately 6:30, while staff and presenters remained until 7 PM.

A sign in sheet is shown at the end of this document.

G&M is unaware of any emails sent to staff regarding the project:

Any additional comments sent to the city regarding the Paradise Acres project will be supplied independently at the time of the Planning and Zoning and Council Public hearings.

Rio Rancho Estates

7/12/17

- * Councilman Roland F. Winters
- * Arturo + Elva Leyva eagleyva@msn.com
- * Gross Staples GSAIR2@Gmail.com
- * Andy Cepon getsurprised@cox.net
- * Eric Duffin ~~eric.duffin@gmail.com~~
- * Melanie Duffin eric.duffin@gmail.com
- * Grand Jomax, LLC - jazini@cox.net (Joe Azin)
- * Grand 53, LLC - jazini@cox.net (Joe Azin)
- * Bjorn Bondo bbondc@ford.com
- Andrew Floyd Andyfloyd82@msn.com

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: FS17-259 - Rio Rancho Estates Rezoning.

OVERALL PUBLIC INVOLVEMENT LEVEL:

The public involvement includes a Citizen Review Meeting and the public hearings for Planning and Zoning Commission as well as City Council.

IDENTIFY STAKEHOLDERS:

The public-at-large as well as the neighboring properties.

OBJECTIVES:

A Rezone of the residential portion of the Rio Rancho Planned Area Development (PAD) to a Rezone with Planned Unit Development (PUD) Overlay to accommodate modified home product type and density.

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) July 12, 2017, 6pm to 7pm at the Comfort Inn and Suites.

Future Council Work Session/Meetings target dates December 19, 2017.

Election dates (if applicable) NA

Project start/completion dates TBD

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☒ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☒ Website updates

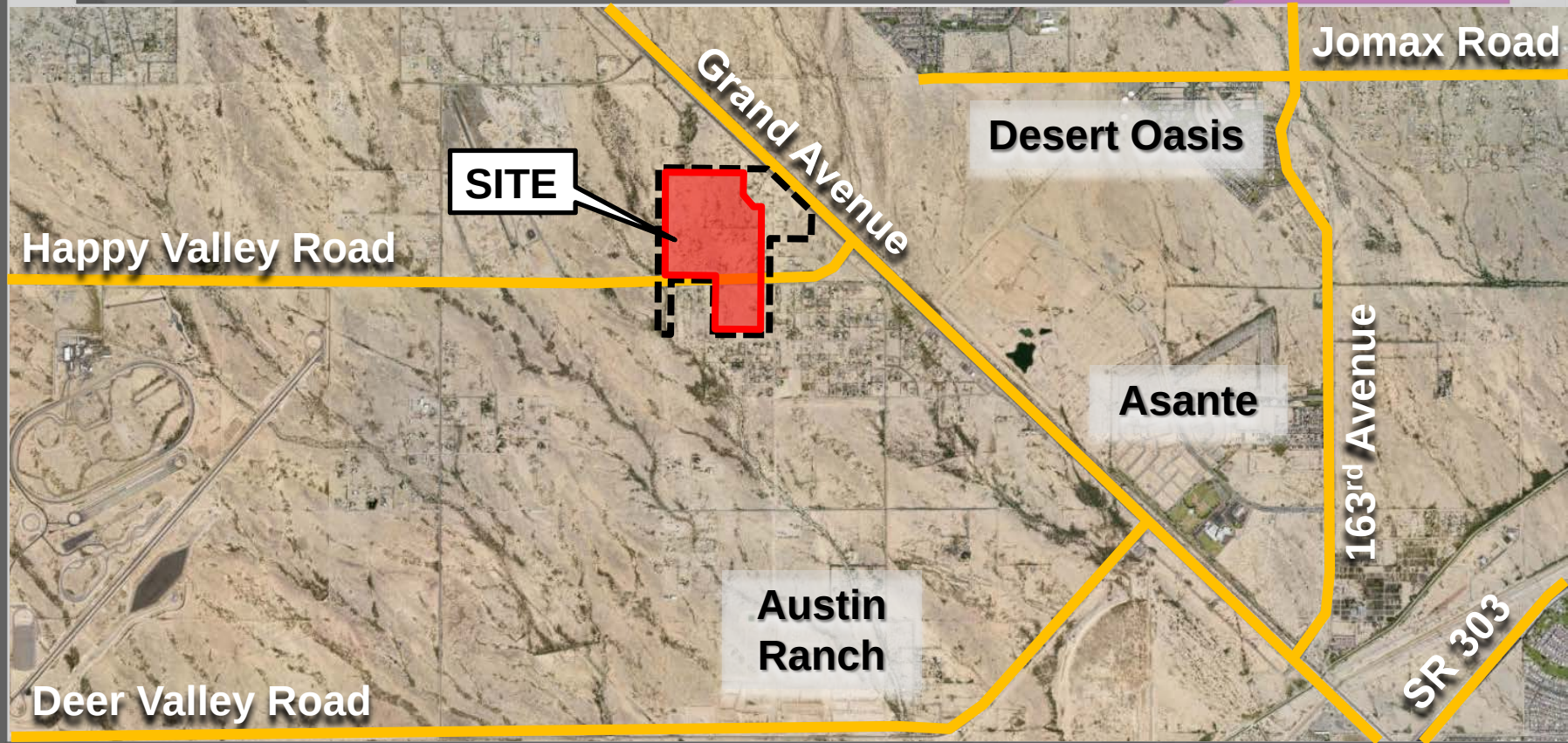


S U R P R I S E
ARIZONA

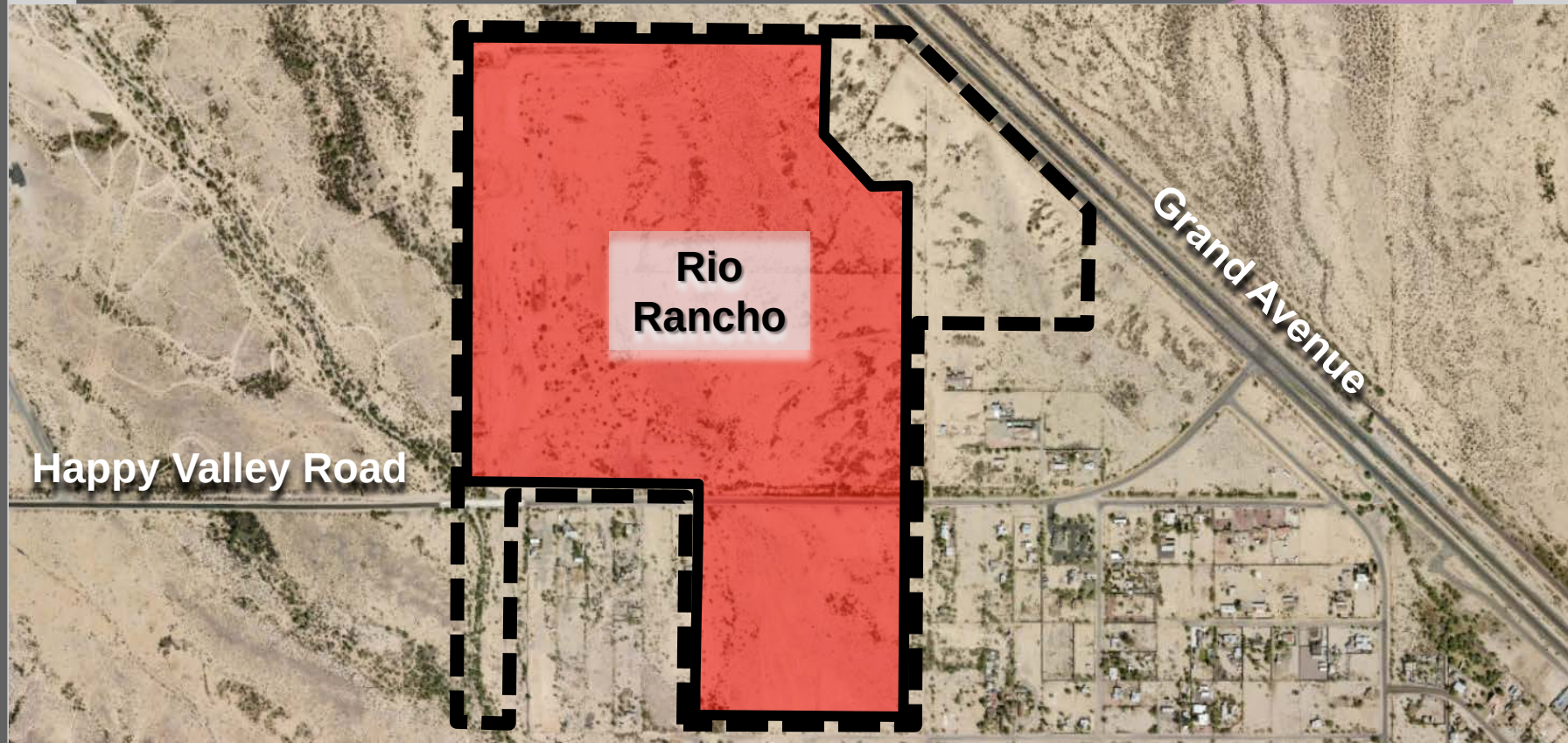
RIO RANCHO REZONE

Zoning Amendment – December 7, 2017

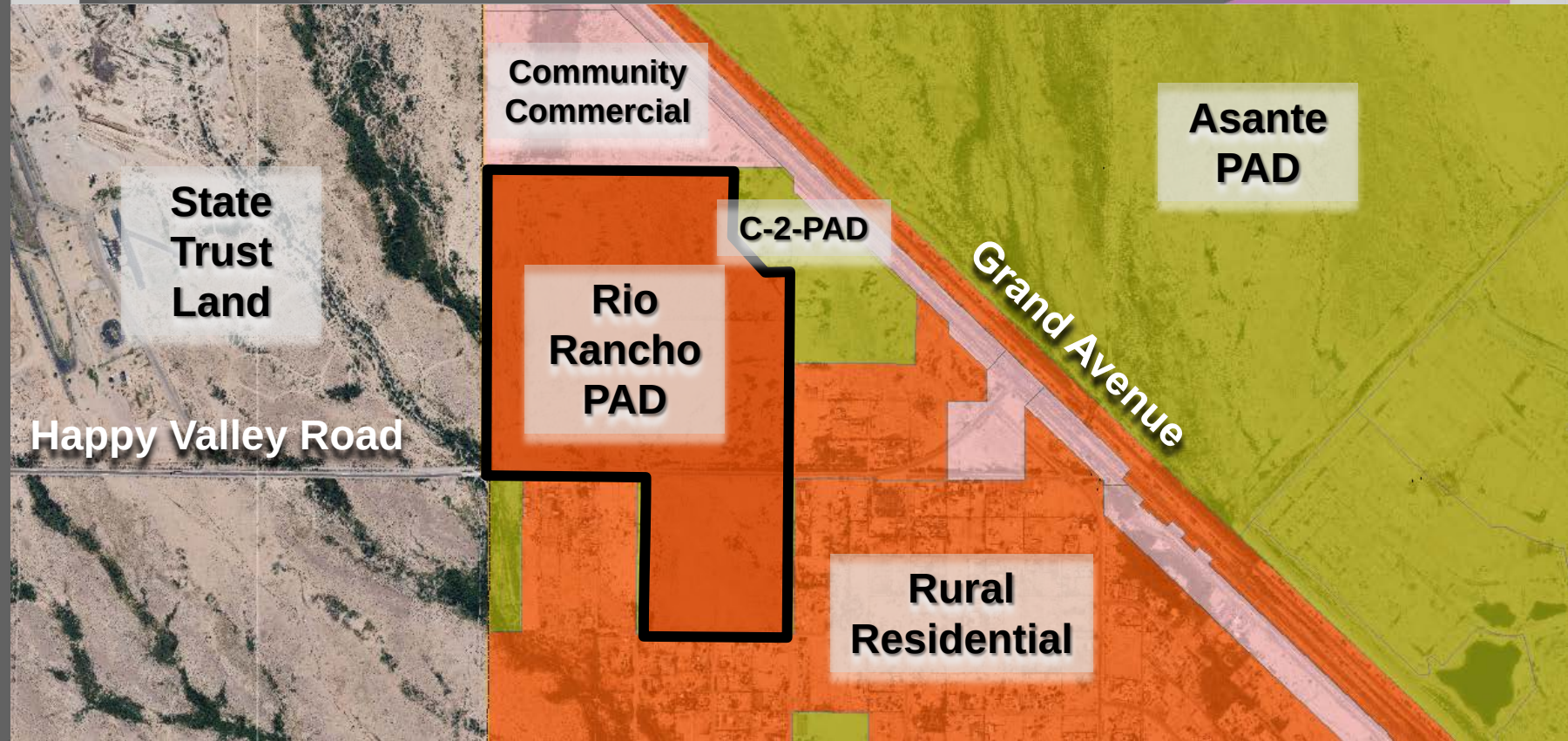
VICINITY MAP



VICINITY MAP



SURROUNDING ZONING





HISTORY

- **2001**
 - **Annexation**
 - **Rio Rancho PAD**
 - **2005**
 - **PAD Amendment**
 - **Preliminary Plat for North and South**
 - **2006**
 - **Final Plats for Parcels 5 and 6**
 - **2007:**
 - **Final Plats for Parcels 1 and 2**
- 



HISTORY

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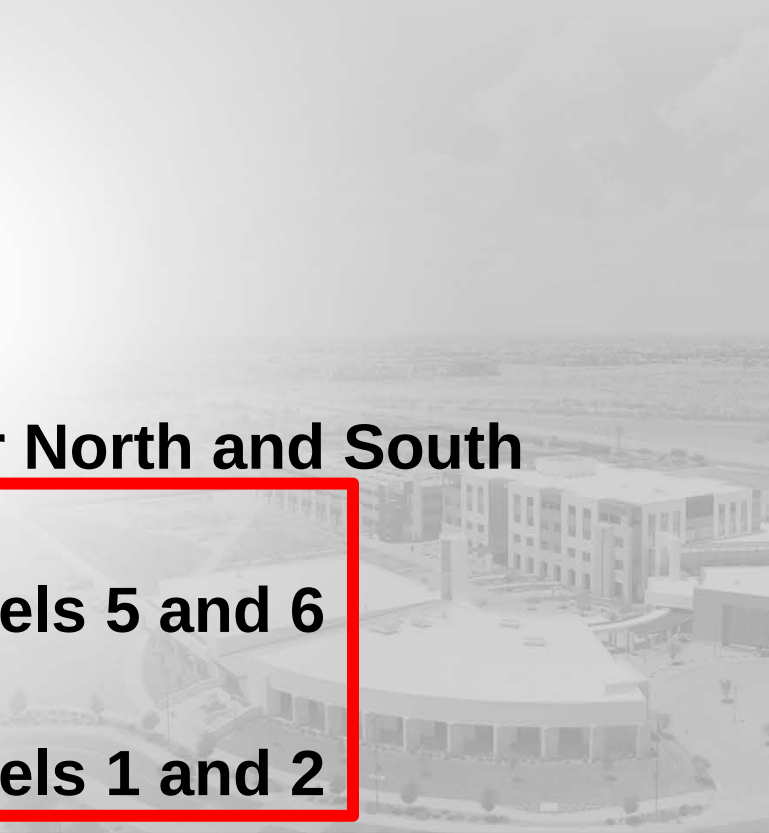


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 - **Final Plats for Parcels 1 and 2**
- 



PROPOSED OVERLAY

- **Rezone 188.01 Acres of Residential PAD Zoning.**
 - **Introduce Four (4) Residential Lot Types.**
 - **Modify and Identify Setbacks for Residential Lots.**
 - **Modification of Block Length Requirements.**
 - **Modified Open Space and Trails.**
- 

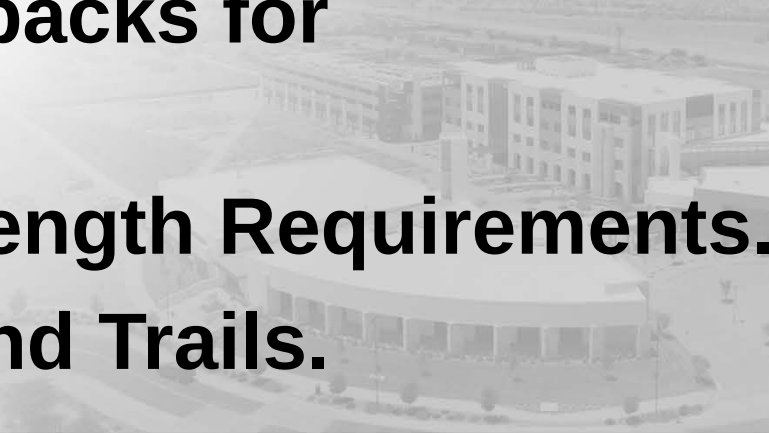


PROPOSED OVERLAY

- **Rezone 188.01 Acres of Residential PAD Zoning.**
 - **Introduce Four (4) Residential Lot Types.**
 - **Modify and Identify Setbacks for Residential Lots.**
 - **Modification of Block Length Requirements.**
 - **Modified Open Space and Trails.**
- 



PROPOSED OVERLAY

- **Rezone 188.01 Acres of Residential PAD Zoning.**
 - **Introduce Four (4) Residential Lot Types.**
 - **Modify and Identify Setbacks for Residential Lots.**
 - **Modification of Block Length Requirements.**
 - **Modified Open Space and Trails.**
- 



PROPOSED OVERLAY

- **Rezone 188.01 Acres of Residential PAD Zoning.**
- **Introduce Four (4) Residential Lot Types.**
- **Modify and Identify Setbacks for Residential Lots.**
- **Modification of Block Length Requirements.**
- **Modified Open Space and Trails.**



PROPOSED OVERLAY

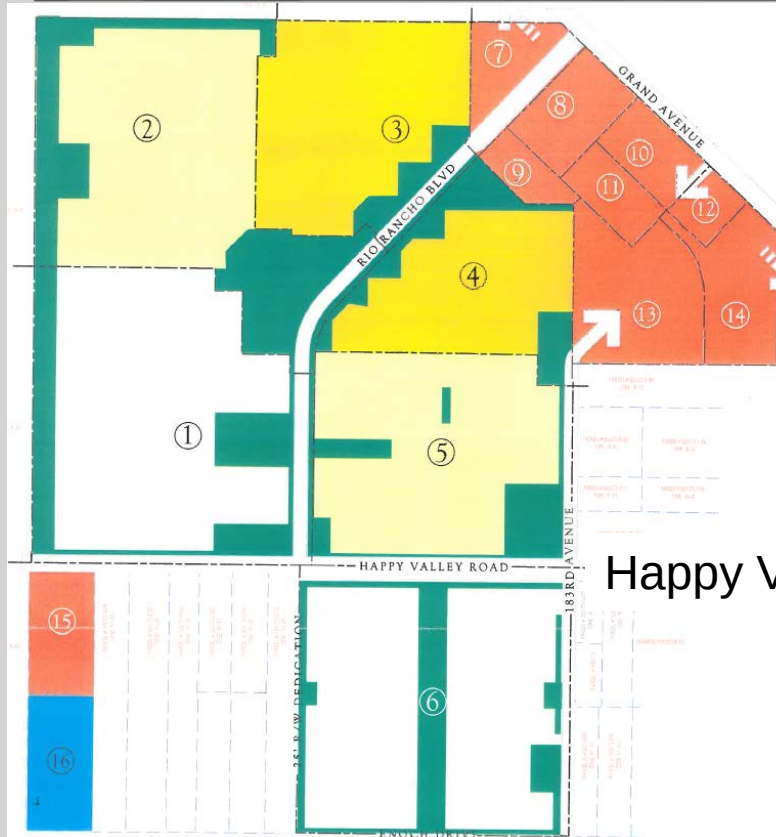
- **Rezone 188.01 Acres of Residential PAD Zoning.**
- **Introduce Four (4) Residential Lot Types.**
- **Modify and Identify Setbacks for Residential Lots.**
- **Modification of Block Length Requirements.**
- **Modified Open Space and Trails.**



PROPOSED OVERLAY

- **Rezone 188.01 Acres of Residential PAD Zoning.**
 - **Introduce Four (4) Residential Lot Types.**
 - **Modify and Identify Setbacks for Residential Lots.**
 - **Modification of Block Length Requirements.**
 - **Modified Open Space and Trails.**
- 

CURRENT ZONING

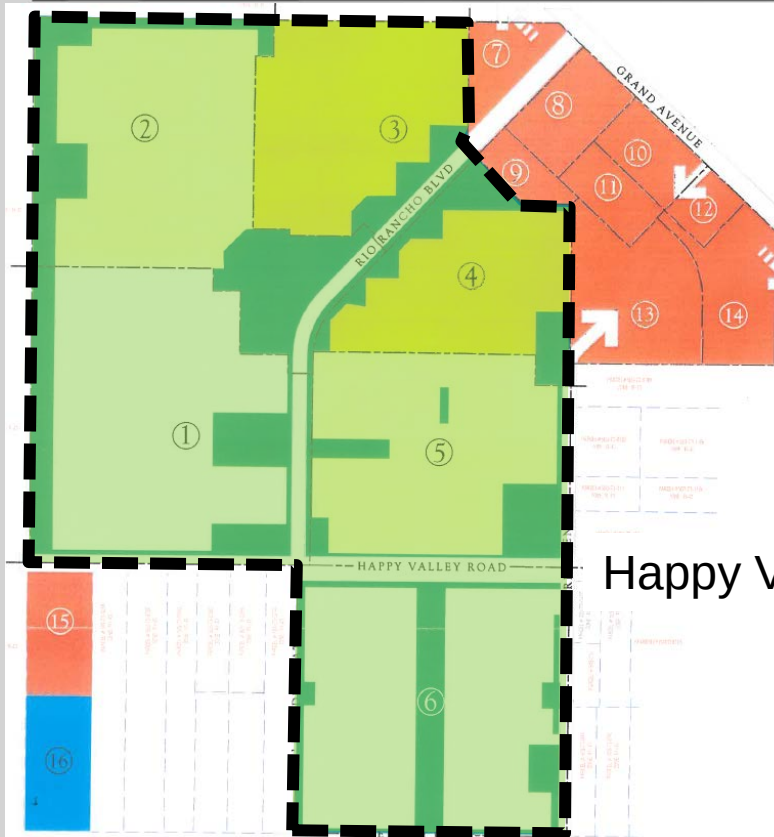


PARCEL	LAND USE TYPE	ACREAGE	LOTS	DENSITY	OPEN SPACE
1	Medium Density Residential	40.85 AC	178	4.36 DU/AC	9.13 AC
2	Medium Density Residential	37.43 AC	174	4.65 DU/AC	12.42 AC
3	Medium Density Residential	23.32 AC	180	7.72 DU/AC	4.92 AC
4	Medium Density Residential	18.67 AC	126	6.75 DU/AC	6.20 AC
5	Medium Density Residential	29.09 AC	152	5.23 DU/AC	4.70 AC
6	Low Density Residential	38.77 AC	116	2.99 DU/AC	7.40 AC
7-15	Commercial	39.80 AC			
16	Waste Water Treatment Plant	5.00 AC			

Happy Valley Road



CURRENT ZONING



PARCEL	LAND USE TYPE	ACREAGE	LOTS	DENSITY	OPEN SPACE
1	Medium Density Residential	40.85 AC	178	4.36 DU/AC	9.13 AC
2	Medium Density Residential	37.43 AC	174	4.65 DU/AC	12.42 AC
3	Medium Density Residential	23.32 AC	180	7.72 DU/AC	4.92 AC
4	Medium Density Residential	18.67 AC	126	6.75 DU/AC	6.20 AC
5	Medium Density Residential	29.09 AC	152	5.23 DU/AC	4.70 AC
6	Low Density Residential	38.77 AC	116	2.99 DU/AC	7.40 AC
7-15	Commercial	39.80 AC			
16	Waste Water Treatment Plant	5.00 AC			

Happy Valley Road

**Low and Medium
Density Residential**

188.01 Acres

926 Units

4.92 du/A

PROPOSED ZONING



ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
PUD-RM-6	286	42.75
PUD-RM-9	285	42.60
PUD-RL-5	98	14.65

Happy Valley Road



PROPOSED ZONING



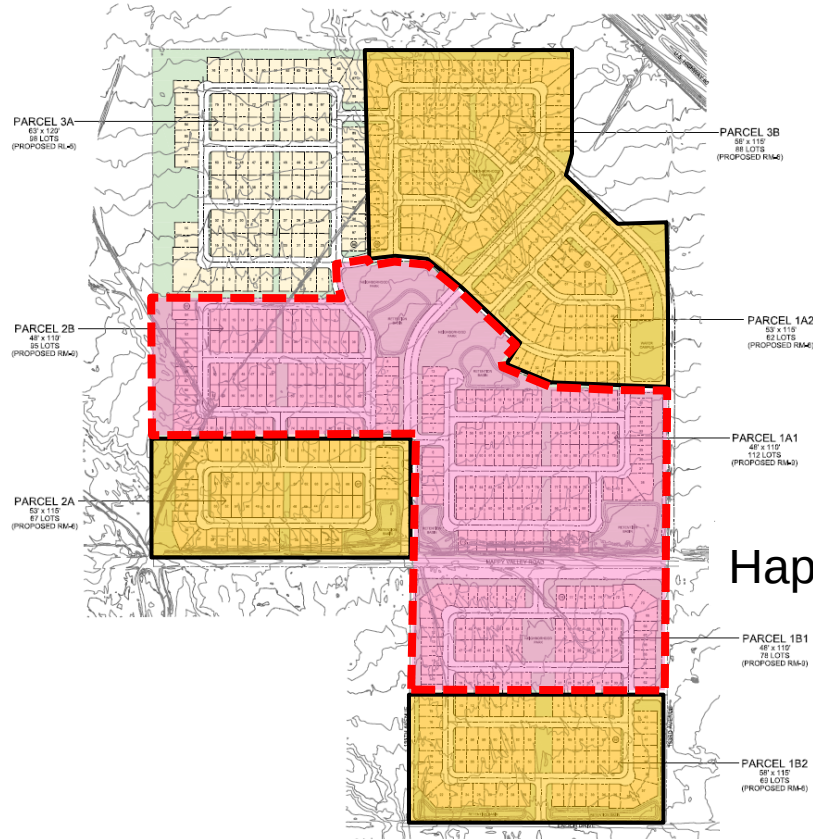
ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
 PUD-RM-6	286	42.75
 PUD-RM-9	285	42.60
 PUD-RL-5	98	14.65

Happy Valley Road



PROPOSED ZONING



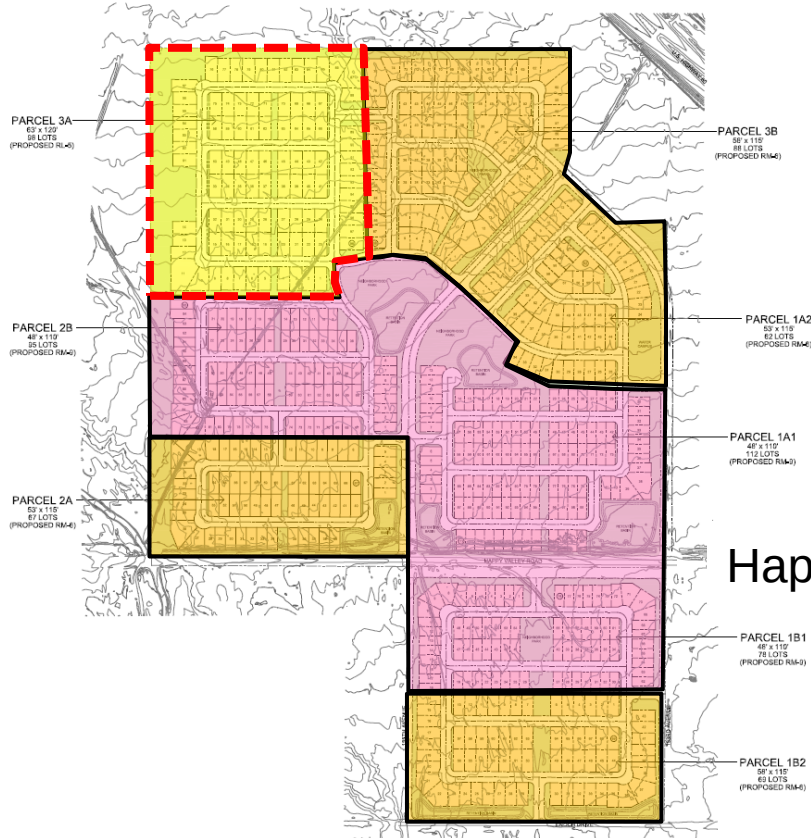
ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
 PUD-RM-6	286	42.75
 PUD-RM-9	285	42.60
 PUD-RL-5	98	14.65

Happy Valley Road



PROPOSED ZONING



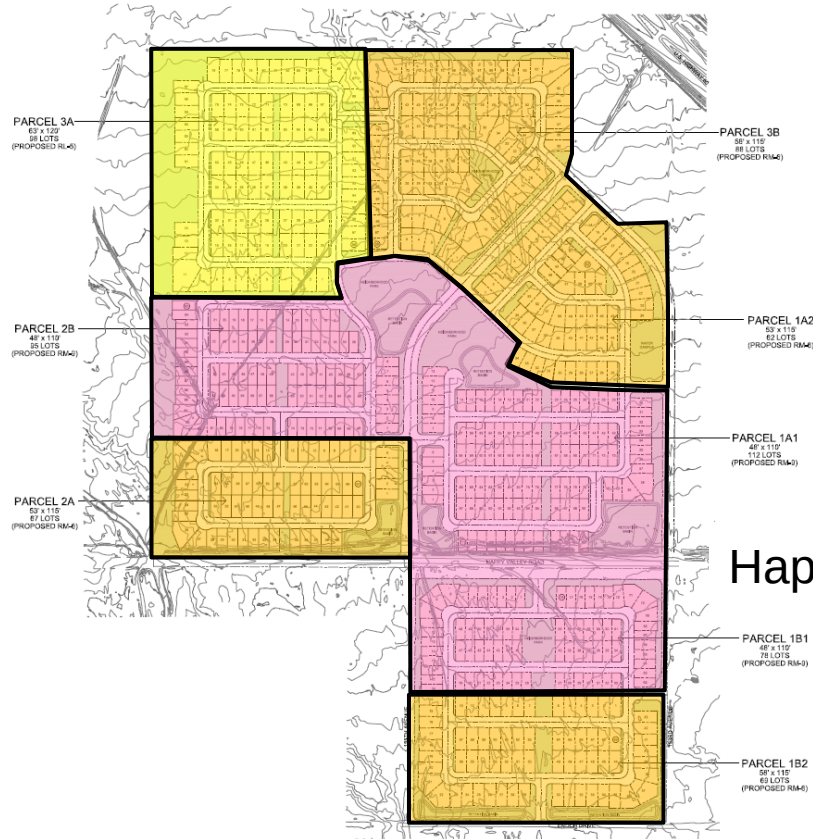
ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
PUD-RM-6	286	42.75
PUD-RM-9	285	42.60
PUD-RL-5	98	14.65

Happy Valley Road



PROPOSED ZONING



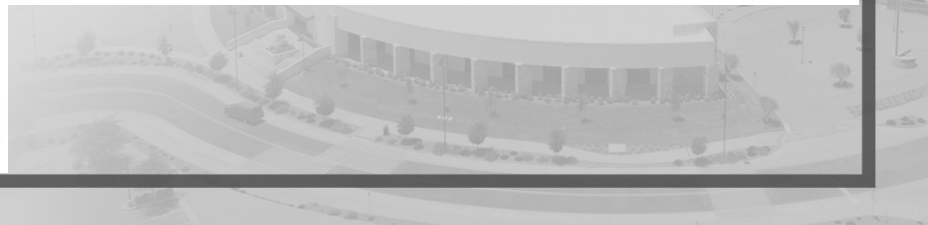
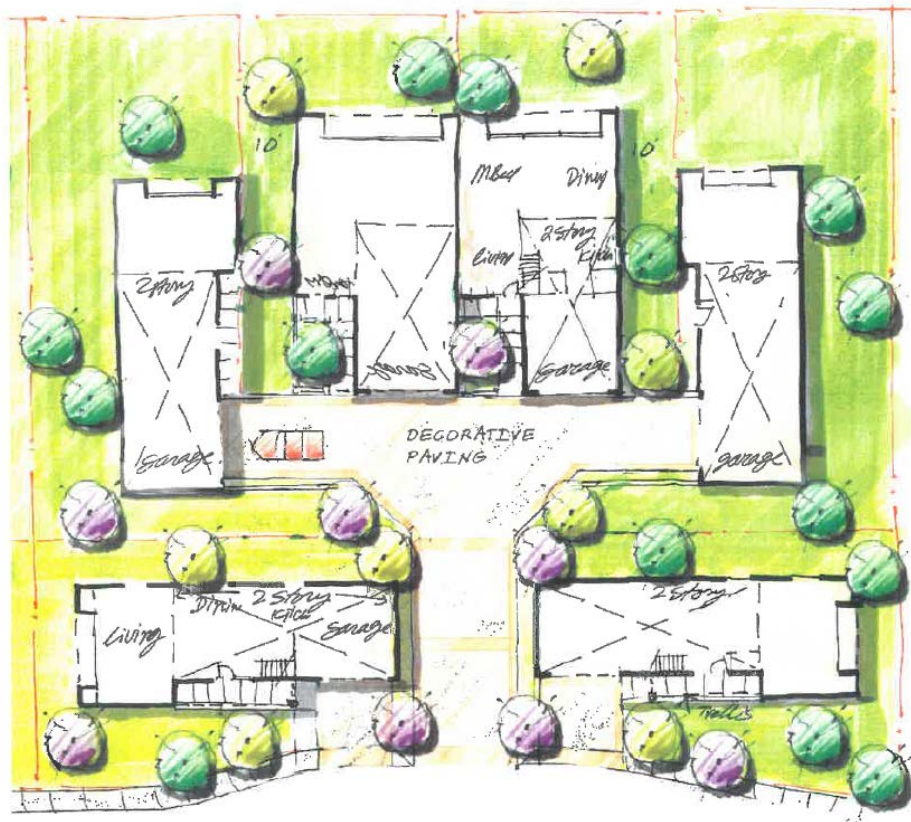
ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
PUD-RM-6	286	42.75
PUD-RM-9	285	42.60
PUD-RL-5	98	14.65

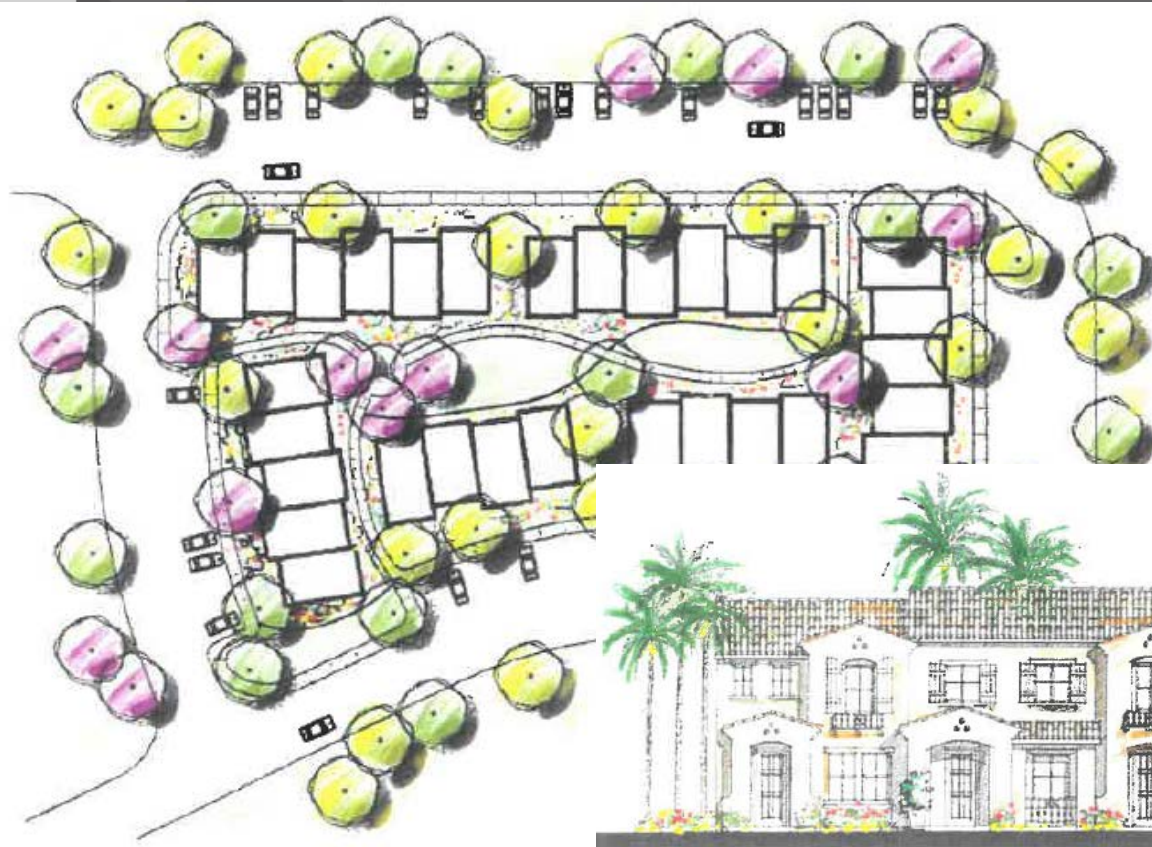
Happy Valley Road

188.01 Acres
669 Units
3.55 du/A

CURRENT LOT TYPES



CURRENT LOT TYPES



PROPOSED LOT TYPES

Zoning District	Dimensions	Lots	Density
Low Density Residential RL-5	63 Feet by 120 Feet	98	3.25 du/A
Medium Density Residential RM-6	58 Feet by 115 Feet	157	3.66 du/A
Medium Density Residential RM-9	53 Feet by 115 Feet	129	2.60 du/A
Medium Density Residential RM-9	48 Feet by 110 Feet	285	4.36 du/A
Total		669	3.55 du/A

MODIFIED SETBACKS

Existing Dimensional Standards								
Zoning District	Minimum Lot Area	Minimum Width	Minimum Depth	Front Setback	Side Setbacks	Total Side Setbacks	Rear Setback	Height
RL-5	7,200 Φ	60'	100'	15'	5'	15'	20'	30'
RM-6	6,000 Φ	50'	100'	12'/20'-1-	TBD	TBD	20'	35'
RM-9	4,500 Φ	40'	100'	12'/20'-1-	TBD	TBD	20'	35'

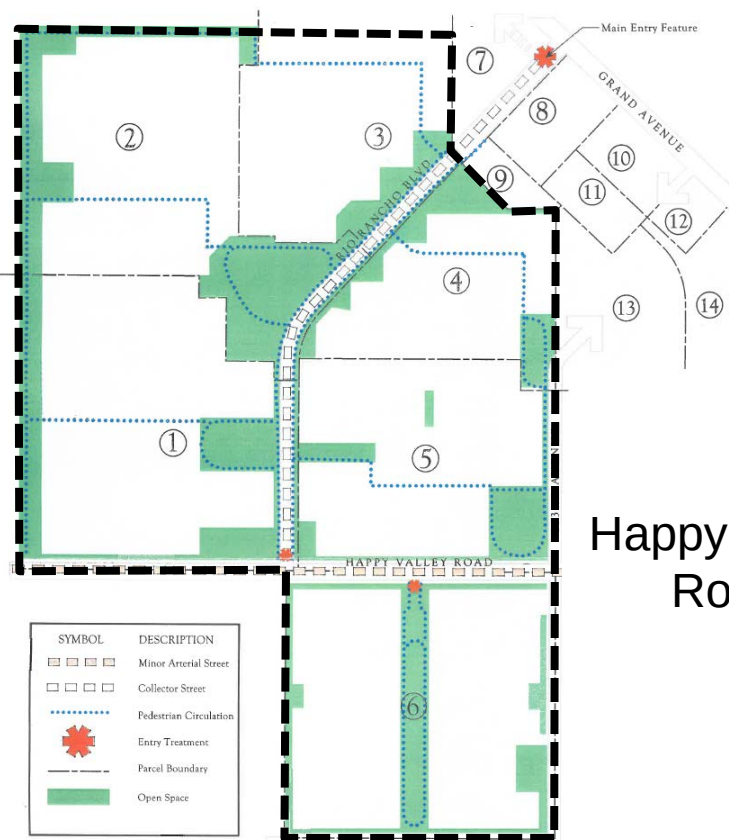
-1- Front facing garages shall have a minimum 21-foot front yard setback.

Proposed Dimensional Standards								
Zoning District	Minimum Lot Area	Minimum Width	Minimum Depth	Front Setback	Side Setbacks	Total Side Setbacks	Rear Setback	Height
RL-5	7,200 Φ	60'	100'	15'	5'	13'	20'	35'
RM-6	6,000 Φ	50'	100'	12'/20'-1-	5'	13'	20'	35'
RM-9	4,500 Φ	40'	100'	12'/20'-1-	5'	13'	20'	35'

-1- Front facing garages shall have a minimum 21-foot front yard setback.

-2- Maximum coverage of 55% for all zoning districts

OPEN SPACE



Happy Valley
Road



PARKS MASTER PLAN



Rio
Rancho

REGIONAL PATH

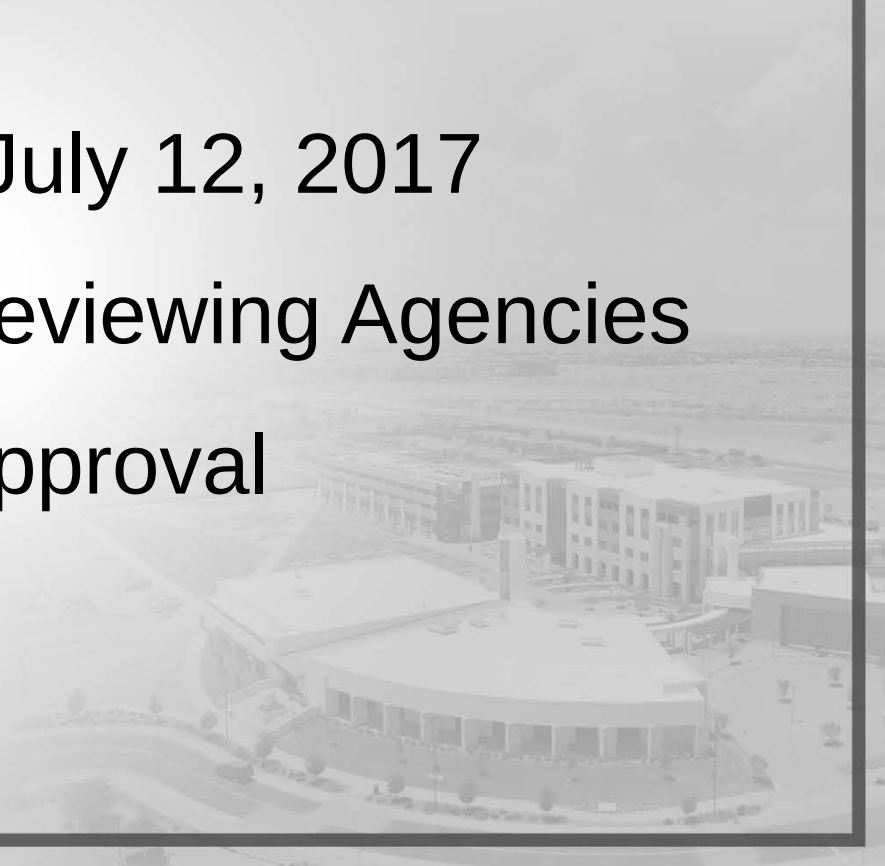
LOCAL / COMMUNITY PATH

NEW CITY PARK

NEW COMMUNITY PARK



RIO RANCHO PUD

- Citizen Review Held July 12, 2017
 - No Objection From Reviewing Agencies
 - Staff Recommends Approval
- 



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

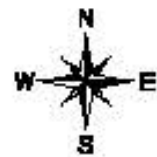
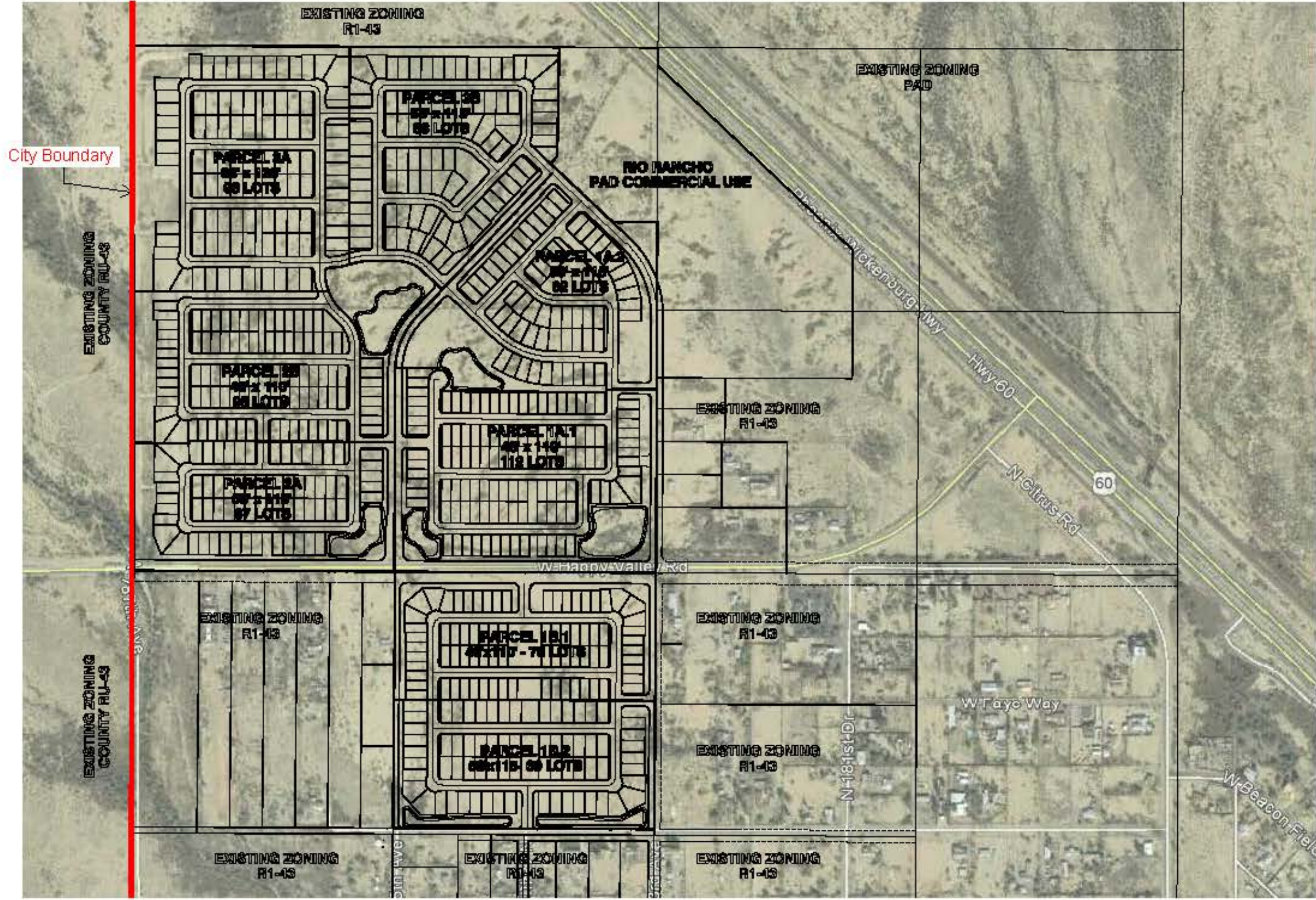


Plate 1

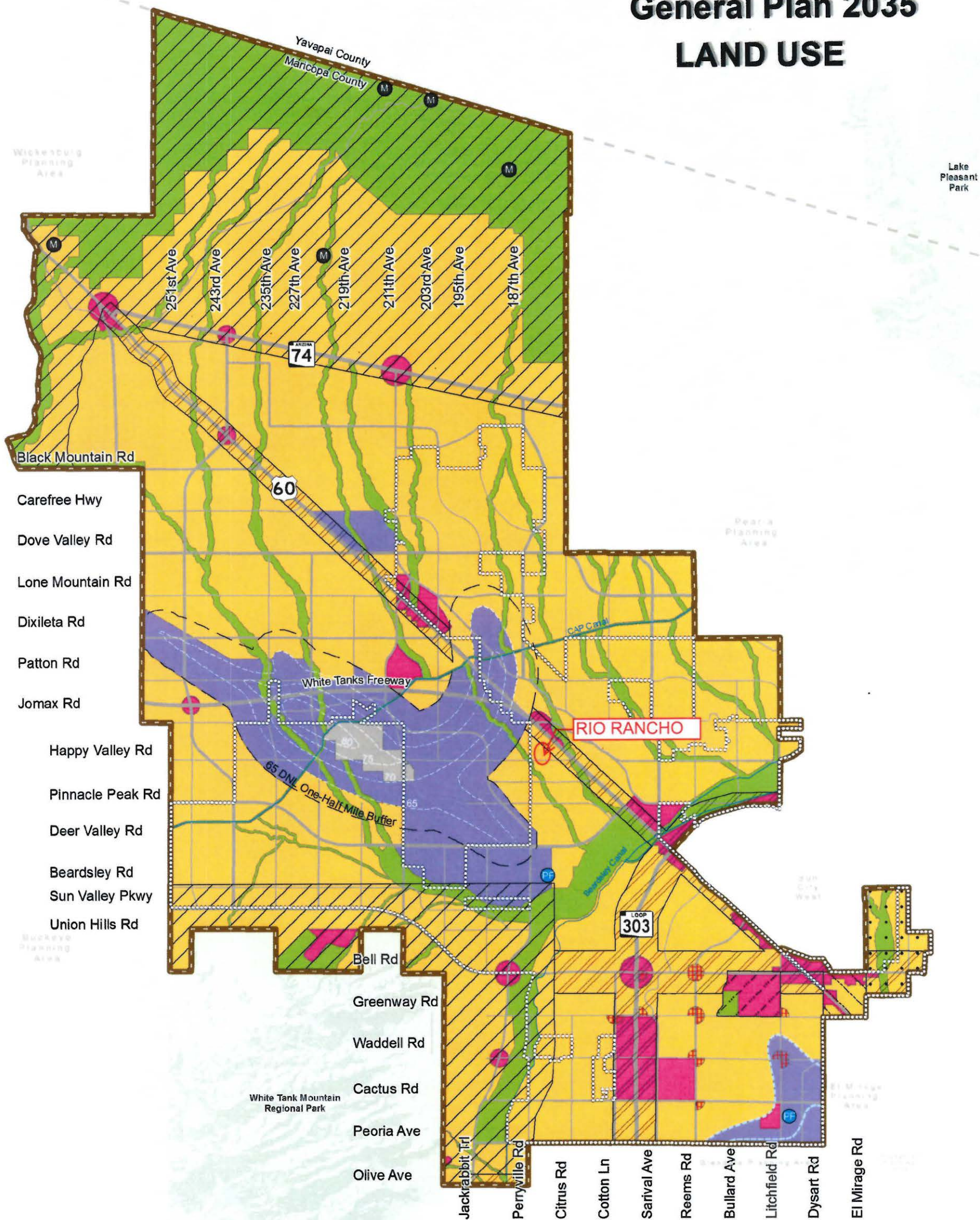
GOODWIN & MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
2705 S. Alma School Road, Ste 2
Chandler, Arizona 85226
(602) 218-7285

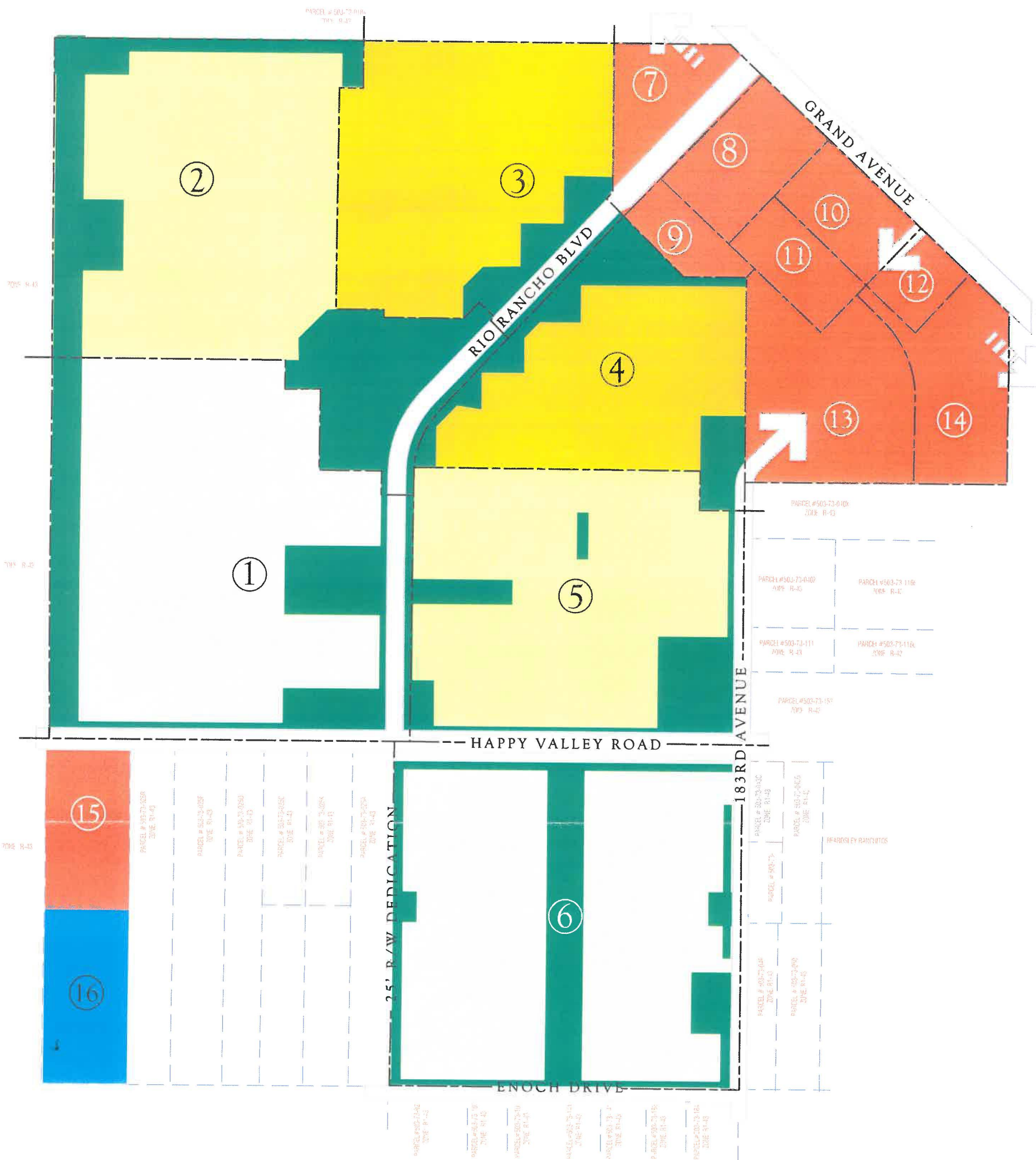
**CONTEXT PLAN
WITH REGIONAL ZONING
FOR
RIO RANCHO**
CITY OF SUPRISE,
MARICOPA COUNTY, TEXAS
MAY, 2017

SOUTHWEST VALUE PARTNERS
SOUTHWEST VALUE PARTNERS
7600 E. DOUBLETREE RANCH ROAD, SUITE 120
SCOTTSDALE, AZ 85258
TEL 480-800-7884

General Plan 2035

LAND USE





PARCEL	LAND USE TYPE	ACREAGE	LOTS	DENSITY	OPEN SPACE
1	Medium Density Residential	40.85 AC	178	4.36 DU/AC	9.13 AC
2	Medium Density Residential	37.43 AC	174	4.65 DU/AC	12.42 AC
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7-15	Commercial	39.80 AC			
16	Waste Water Treatment Plant	5.00 AC			



Rio Rancho Estates

Land Use Plan

Plate A1

PAD - Second Amendment

PARCEL 3A
63' x 120'
98 LOTS
(PROPOSED RL-5)

PARCEL 2B
48' x 110'
95 LOTS
(PROPOSED RM-9)

PARCEL 2A
53' x 115'
67 LOTS
(PROPOSED RM-6)

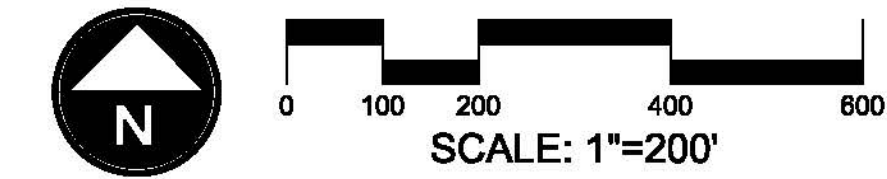
PARCEL 3B
58' x 115'
88 LOTS
(PROPOSED RM-6)

PARCEL 1A2
53' x 115'
62 LOTS
(PROPOSED RM-6)

PARCEL 1A1
48' x 110'
112 LOTS
(PROPOSED RM-9)

PARCEL 1B1
48' x 110'
78 LOTS
(PROPOSED RM-9)

PARCEL 1B2
58' x 115'
69 LOTS
(PROPOSED RM-6)



DEVELOPMENT SUMMARY

PARCEL	LOT SIZE	LOTS
PARCEL 1A1	48' X 110	112
PARCEL 1A2	53' X 115'	62
PARCEL 1B1	48' X 110'	78
PARCEL 1B2	58' X 115'	69
PARCEL 2A	53' X 115'	67
PARCEL 2B	48' X 110'	95
PARCEL 3A	63' X 120'	98
PARCEL 3B	58' X 115'	88
TOTALS		669

ZONING SUMMARY

ZONE	LOTS	PERCENTAGE
PUD-RM-6	286	42.75
PUD-RM-9	285	42.60
PUD-RL-5	98	14.65
OPEN SPACE		41.76 ACRES



RIO RANCHO ESTATES

MASTER PLAN - ZONING DISTRICT OVERLAY

CITY OF SURPRISE, ARIZONA

GOODWIN & MARSHALL
CIVIL ENGINEERS - PLANNERS - SURVEYORS
8400 E. Prentiss Avenue, Suite 1300
Greenwood Village, Colorado 80111
(303) 459-4881

PREPARED FOR:
SOUTHWEST VALUE PARTNERS
7600 EAST DOUBLETREE RANCH RD
SCOTTSDALE, AZ 85258

DATE: SEPTEMBER 2017
PROJECT: 000.0000.01
DRAWN BY: EL
REVIEW BY: EL
VERSION:
REVISIONS:

SHEET TITLE:
OVERALL CONCEPT PLAN

SHEET NUMBER:
PLATE A2

Rio Rancho

City of Surprise,
Arizona

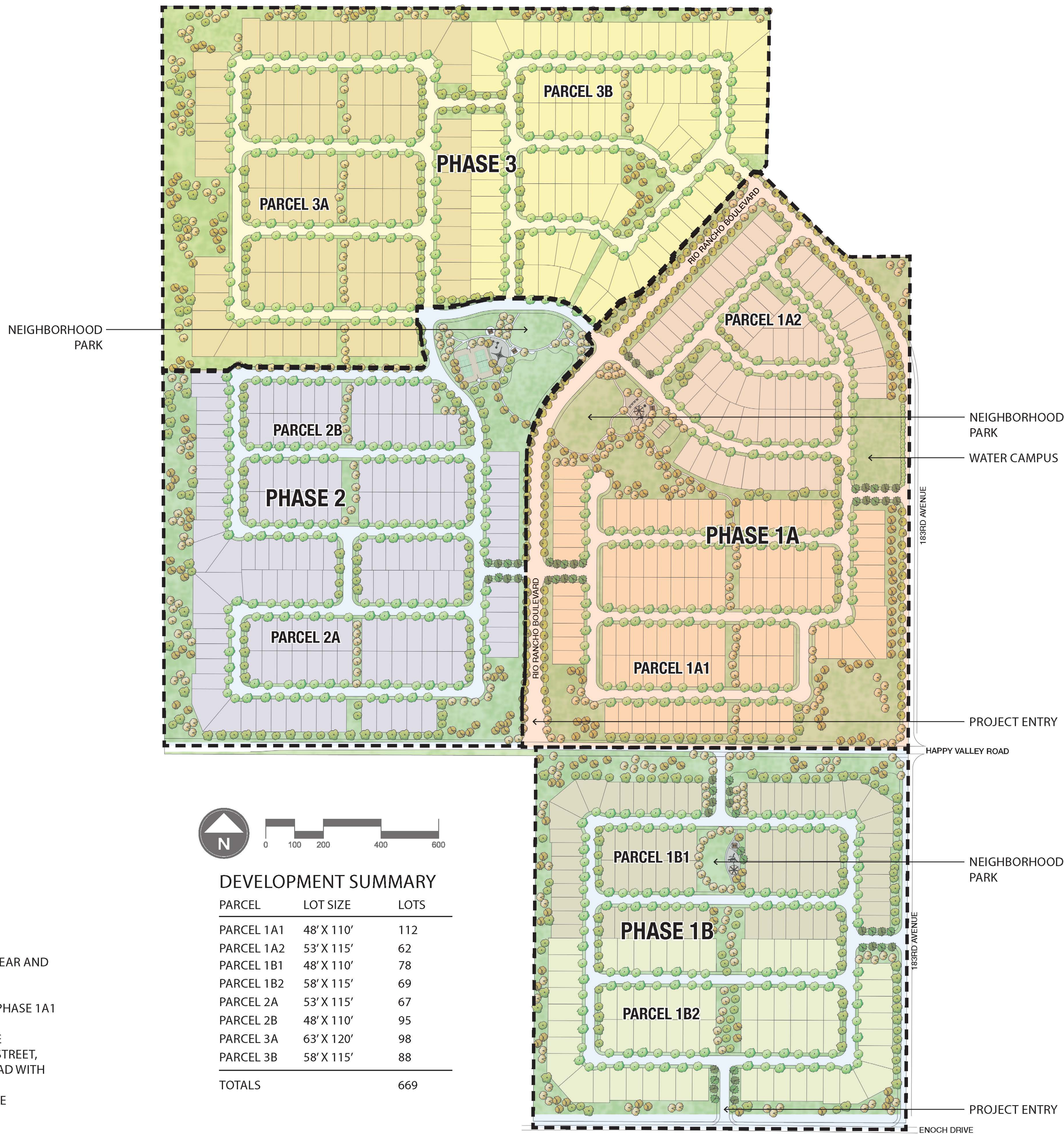
GOODWIN & MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Phasing Plan

Plate A3
SEPTEMBER 2017



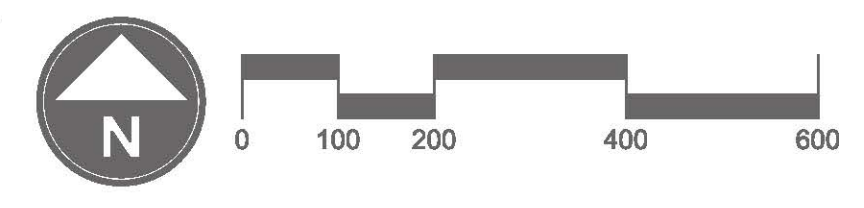
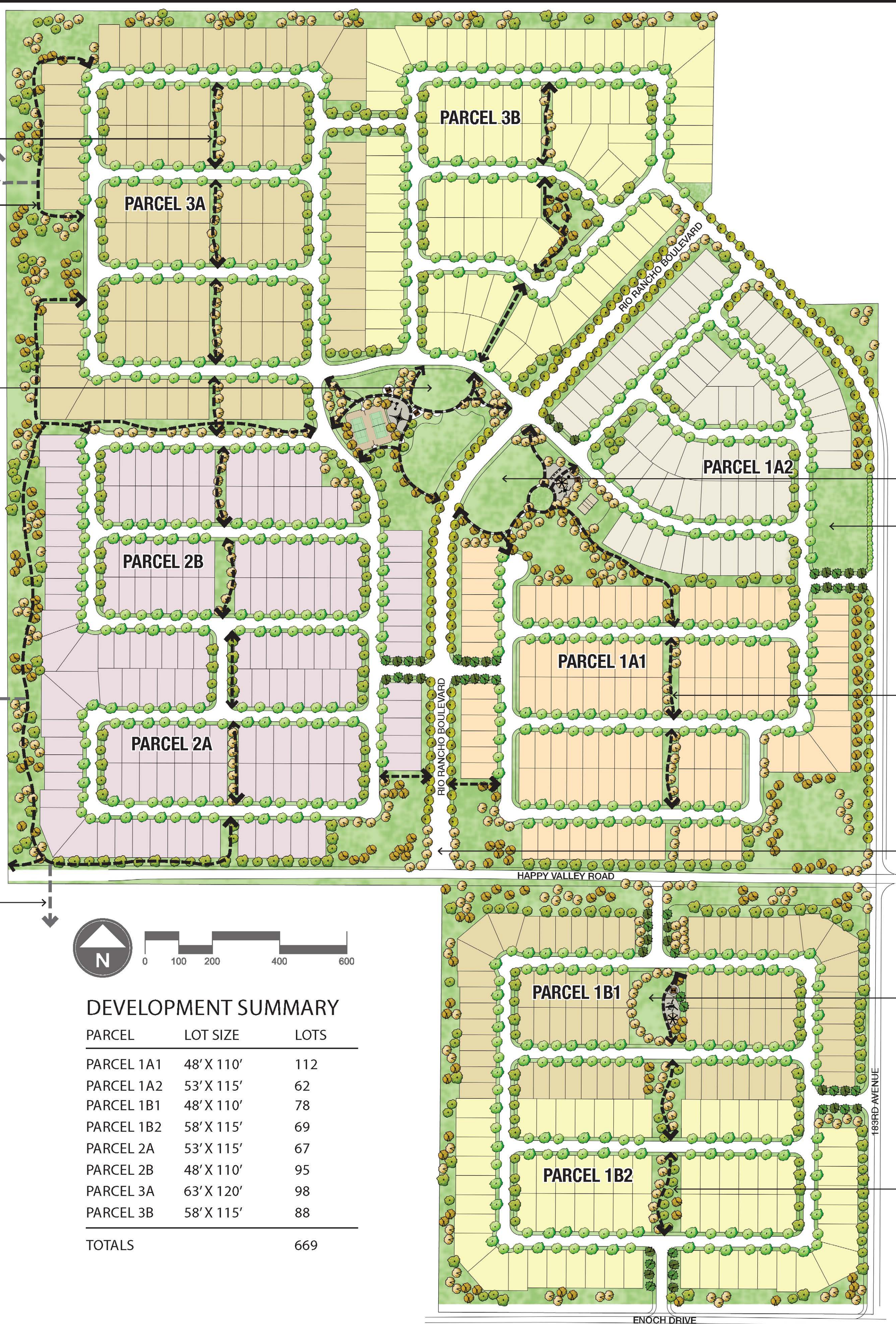
NOTES:
-PHASING OF RIO RANCHO IS NON-LINEAR AND WILL BE BASED ON MARKET DEMANDS
-RIO RANCHO BOULEVARD WILL BE CONSTRUCTED IN ITS ENTIRETY WITH PHASE 1A1 AND 1A2
-HALF STREET IMPROVEMENTS WILL BE CONSTRUCTED PER SUDC FOR 183RD STREET, HAPPY VALLEY ROAD, AND ENOCH ROAD WITH ADJACENT DEVELOPMENT
-MID-BLOCK TRAIL CROSSINGS REQUIRE ALTERNATE PAVING METHOD

TRAIL COORIDOR
FUTURE TRAIL CONNECTION
TRAIL SECTION IN WASH AREA
TO BE DEDICATED TO THE CITY
OF SURPRISE AS A PART OF THE
REGIONAL TRAIL SYSTEM

NEIGHBORHOOD
PARK

FUTURE TRAIL CONNECTION

FUTURE TRAIL CONNECTION



DEVELOPMENT SUMMARY		
PARCEL	LOT SIZE	LOTS
PARCEL 1A1	48' X 110'	112
PARCEL 1A2	53' X 115'	62
PARCEL 1B1	48' X 110'	78
PARCEL 1B2	58' X 115'	69
PARCEL 2A	53' X 115'	67
PARCEL 2B	48' X 110'	95
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NOTES:
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AND 1A2
-HALF STREET IMPROVEMENTS WILL BE
CONSTRUCTED PER SUDC FOR 183RD STREET,
HAPPY VALLEY ROAD, AND ENOCH ROAD WITH
ADJACENT DEVELOPMENT
-MID-BLOCK TRAIL CROSSINGS REQUIRE
ALTERNATE PAVING METHOD

- PLANT SCHEDULE
- SYMBOL

BOTANICAL/COMMON NAME
- TREES
- DALBERGIA SISSOO
ROSEWOOD
- FRAXINUS VELUTINA 'RIO GRANDE'*
- PISTACIA X 'RED PUSH'
RED PUSH PISH
- PHOENIX DACTYLIFERA
DATE PALM
- PINUS ELДАРICA
MONDEL PINE
- PLATANUS WRIGHTII*
ARIZONA SYCAMORE
- QUERCUS VIRGINIANA 'HERITAGE' (tm)
'HERITAGE' LIVE OAK (MULTI)
- ULMUS PARVIFOLIA
EVERGREEN ELM
- SHRUBS
- CAESALPINIA PULCHERRIMA
RED BIRD OF PARADISE
- CASSIA PHYLLODEIA
SILVER CASSIA
- EREMOPHILA SP. 'VALENTINE' (tm)
VALENTINE
- LEUCOPHYLLUM L. 'LYNN'S LEGACY'
'LYNN'S LEGACY' SAGE
- NERIUM OLEANDER 'PETITE PINK'
PETITE PINK OLEANDER
- RUELLIA BRITTONIANA
BRITISH RUELLIA
- RUELLIA PENINSULARIS
BAJA RUELLIA
- ACCENTS
- AGAVE DESMETTIANA
AGAVE
- DASYLIRION WHEELERI
DESERT SPOON
- ALOE BARBADENSIS
ALOE VERA (YELLOW FLOWER)
- BOUGAINVILLEA B. 'LA JOLLA'
BUSH BOUGAINVILLEA
- DASYLIRION QUADRANGULATUM
TOOTHLESS DESERT SPOON
- EUPHORBIA BIGLANDULOSA
ELPHORBIA RIGIDA
- HESPERALOE PARVIFLORA
RED YUCCA
- MUHLENBERGIA C. 'REGAL MIST' (tm)
'REGAL MIST' DEER GRASS
- MUHLENBERGIA L. 'AUTUMN GLOW' (tm)
AUTUMN GLOW DEER GRASS
- MUHLENBERGIA RIGIDA 'NASHVILLE' (tm)
NASHVILLE DEER GRASS
- PEDILANTHUS MACROCARPUS
LADY'S SLIPPER
- PENNISETUM SETACEUM 'CUPREUM'
PURPLE FOUNTAIN GRASS
- PHOENIX ROEBELENI*
PIGMY DATE PALM
- GROUNDCOVERS
- ACACIA REDOLENS 'DESERT CARPET'
TRAILING ACACIA (tm)
- CYNODON DACTYLON 'MID-IRON'*
'MID-IRON' BERMUDA GRASS
- CYNODON D. 'TRIANGLE BERMUDA'*
TRIANGLE BERMUDA GRASS
- CONVOLVULUS CNEORUM
BUSH MORNING GLORY
- LANTANA SSP. 'NEW GOLD'
NEW GOLD LANTANA
- ROSMARINUS O. 'HUNTINGTON CARPET'
DWARF ROSEMARY
- SETCREASEA PALLIDA*
PURPLE HEART
- VINES
- PARTHENOCISSUS SP.
'HACIENDA CREEPER' (tm)
- VITIS CALIFORNICA 'ROGERS RED'*
'ROGERS RED' CALIFORNIA GRAPE
- MATERIALS
- CONCRETE HEADER
- EXTRUDED CONCRETE CURB
- DECOMPOSED GRANITE
'WALKER GOLD'
- DECOMPOSED GRANITE
'WALKER GOLD'
- CRUSHED ROCK
'WALKER GOLD'

Rio Rancho

City of Surprise,
Arizona

GOODWIN
MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
4809 E Thistle Landing Dr, Ste. 100, Phoenix, Arizona 85044
Metro (602) 218-7285

Southwest Value Partners
Dave Henry
7600 East Doubletree Ranch Road Suite 120
Scottsdale, AZ 85258



Overall Landscape
Concept Plan

Plate A4
SEPTEMBER 2017



CITY OF SURPRISE
Planning and Zoning Commission

December 7, 2017 @ 6:00:00 PM

[Back](#) [Print](#)

Board Meeting Date:	December 7, 2017	Contact Person:	Eric Fitzer - Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Discussion and direction pertaining to future agenda items.

Motion:

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

[Click to download](#)

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):