GILBERT
ARIZONA
A Community of Excellence

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ADMINISTRATIVE USE PERMIT

APPLICATION
&
PROCESS GUIDE

TOWN OF GILBERT
PLANNING SERVICES DIVISION
http://www.gilbertaz.gov/departments/development-services/planning-development

APPLICATION PROCEDURES
ADMINISTRATIVE USE PERMIT

The following information is provided to assist in the preparation and submittal of an application for an Administrative Use Permit for a property within the Town of Gilbert.

1. *Application Completeness* – For an application to be accepted, the Applicant must provide all of the required information described on the submittal checklist, as incomplete applications **will be** rejected. Ensuring the accuracy of the application is the responsibility of the Applicant.

2. *Forms/Review*:

   a. Administrative Completeness Review (see Planning Division Project Review Timelines): Staff will review the application to make sure all required documents and information have been included. If required information is missing, Applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be required.

   b. Substantive Review (see Planning Division Project Review Timelines): When complete, the application will be routed to Town staff and affected agencies for review and comment. After this review is completed, the comments are consolidated and returned to the Applicant. The Applicant is responsible for addressing staff comments, revising and amending the application as required, and submitting a complete set of revised plans for a second review to ensure all comments have been addressed to the satisfaction of the Town.

   c. If all comments and issues identified in the Substantive Review have not been addressed to the satisfaction of Staff in the resubmission, the application will be denied. In lieu of denial, the Applicant may, either in writing or electronically, agree to allow Gilbert to submit supplemental requests for additional information. If Gilbert issues a comprehensive written or electronic request or a supplemental request, the Substantive Review timeframes are suspended until the additional information is submitted by the Applicant.

3. *Neighborhood Notice* **–** The Town will prepare the Neighborhood Notification for the Administrative Use Permit and provide a copy to the applicant. At least fifteen (15) calendar days prior to the date of the Notice of Decision, the applicant must notify by first-class mail to the following:

a. All property owners of record within three hundred (300) feet of the site;
b. All Homeowners Associations within one thousand (1000) feet of the site registered with the Town of Gilbert Neighborhood Services Office, the Arizona Corporation Commission or identified on the Maricopa County Assessor's website (www.maricopa.gov/assessor);
c. All neighborhoods within one thousand (1000) feet of the site registered with the Town of Gilbert Neighborhood Services Office; and
d. Any person or group who has requested notice in writing.

The Planning Manager may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary. The applicant must submit a signed affidavit of mailing prior to Notice of Decision. Failure of the applicant to provide evidence of mailing will result in a postponement of the Notice of Decision item. The applicant will be charged a fee for the postponement.

4. *Option to Require Public Hearing* – The Zoning Administrator may require a public hearing before the Planning Commission for any Administrative Use Permit application that the Zoning Administrator determines to have special neighborhood or community significance. In such cases, the Commission will review and act upon the application in the manner described for Use Permits.

5. *Notice of Decision* – The Zoning Administrator will approve, approve with modifications and/or conditions or deny the application and will set forth any proposed findings and decision on a Notice of Administrative Decision.

6. *Building Permits* – Only after the project has received all approvals through the Town processes can construction documents be submitted for review. All construction documents for a project must conform to the exhibits approved, including any conditions of approval. Permits may not be issued until the ten day appeal period has expired.

7. *Inactive Cases* – All applications need to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.

ADMINISTRATIVE USE PERMIT
CONTENT REQUIREMENTS

1. **Project Narrative**

- ❑ Description of proposed use;
- ❑ Hours of operation;
- ❑ Information on how the project complies with the General Plan and any other adopted plans, PAD or overlay district zoning requirements; and
- ❑ Information on how the proposed use conforms with the conditions, requirements, or standards prescribed by the Unified Land Development Code and any other applicable local, State or Federal requirements.

2. **Site Plan** (Required for all Administrative Use Permit (AUP) applications)

- ❑ Vicinity Map;
- ❑ Scale, north arrow, and dimensions;
- ❑ Net acres;
- ❑ Property lines, easements, alleys, private streets, and adjacent rights-of-way and easements showing existing and future improvements, access points, signals, etc.;
- ❑ Location of required building setbacks and spaces between buildings with dimensions;
- ❑ Location and size of any existing/proposed building(s), structure(s), or land uses;
- ❑ Location and size of parking spaces and the number of spaces required and provided;
- ❑ Location of other existing and proposed improvements such as walls, yards, outside storage, loading areas, etc.;
- ❑ Method of screening for parking, storage and loading areas;
- ❑ Location and screening of refuse enclosures;
- ❑ Vehicular and pedestrian circulation, including ADA accessibility requirements;
- ❑ Service access areas;
- ❑ Emergency apparatus access and required turning radii;
- ❑ Adjacent lot lines and/or structures within 300 feet;
- ❑ Existing zoning on site and adjacent properties within 300 feet;
- ❑ Freestanding sign locations;
- ❑ Location and type of existing and proposed site lighting fixtures;
- ❑ Date of preparation including dates of any subsequent revisions; and
- ❑ If prepared by a Registered Design Professional, a signature and seal is required.

Additional information required for Wireless Communication Facilities (WCFs)

- ❑ Specific placement of the WCF (including equipment cabinet/building) on the site;
- ❑ Setbacks from adjacent property lines; and
- ❑ Location of existing structures, trees, and other significant site features.

Additional Requirements
Wireless Communication Facilities Applications Only

1. **Inventory** (Not required for temporary and co-location WCFs)

   - ❑ An inventory list and map of existing WCFs operated by the applicant and other providers within two miles of the proposed site ("Service Area"). Include specific information as to location, height, and type of each facility. The Town may share such information with other applicants seeking to locate WCFs within the Service Area, in order to encourage co-location.

2. **Report on Alternatives** (Not required for co-location WCFs)

   - ❑ A report explaining why the WCF is needed at the requested location. If the Town has requested that the applicant co-locate its WCF on an alternate site, the applicant must explain why the co-location is not feasible, including efforts made to develop on the alternate site.

   - ❑ If a public safety communication tower is to be constructed, the governmental entity shall explain why a public safety communication tower is needed; why the proposed height is necessary for a public use; and why alternatives to such a tower are not feasible, including efforts made to develop such an alternative. Each of the alternatives must include an analysis of financial impacts to taxpayers or the governmental budget(s).

3. **Photo-simulations** (Not required for temporary WCFs)

   - ❑ Color photo-simulations of the view of the proposed facility from adjacent residential properties and public rights-of-way at varying distances (need to specify distances).

4. **Facility Diagrams**

   - ❑ Diagram of the proposed facility and antennae, including height, shape, size and nature of construction;
   - ❑ Diagram illustrating the separation between the proposed WCF and any existing WCF(s) on the same support structure or site, if co-location is planned;
   - ❑ Method of screening for mechanical and electrical equipment; and
   - ❑ Proposed colors and materials for the WCF.

5. **Landscape Plan**

- ❑ Scale, north arrow, and dimensions;
- ❑ Property lines, easements, alleys, private streets and adjacent rights-of-way;
- ❑ Location of required landscape areas;
- ❑ Existing and proposed landscaping materials, including non-vegetative groundcovers. Distinctive symbols must be used for each plant variety;
- ❑ Table listing sizes, varieties and numbers of landscaping materials to be used;
- ❑ Contour lines and sections for retention basins and earthen berms (in the vicinity of the proposed WCF facilities);
- ❑ Location of existing and proposed electrical transformers, utility poles, and other utility equipment (in the vicinity of the proposed WCF facilities);
- ❑ Date of preparation including dates of any subsequent revisions; and
- ❑ Registered Landscape Architect signature and seal.

ADMINISTRATIVE USE PERMIT APPLICATION

Received By:

Project Name: _____
(Submit Project Name Change form and fee for name change)

Address or Location: _____

Request: ☐ WCF ☐ Other

Tax Parcel Numbers: _____

Net Acres: _____ **Zoning:** _____

General Plan Character Area: (if applicable)
☐ Santan ☐ Heritage District
☐ Gateway ☐ Morrison Ranch

Overlay Zoning District:
☐ Santan Freeway Corridor ☐ Phoenix Mesa Gateway Airport
☐ Vertical

Property Owner: (Please print - All information must be provided)

Name (print): _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____

Signature*: _____ Date: _____
* A letter of authorization from the property owner is required if the application is not signed by the owner.

Applicant/Contact: (Please print - All information must be provided)

Company: _____
Contact Name: _____ E-mail: _____
(print)
Address: _____
City, Zip: _____
Phone: _____ Fax: _____

Signature: _____ Date: _____

FOR STAFF USE ONLY

Submittal Date		Case Number	
Fee Paid		EDEN Permit Number	
Receipt Number		EDEN Permit Type	**PAUP**

Received By:
Date:

Administrative Use Permit Checklist

REQUIRED MATERIALS (All applications)	**Applicant Checklist**	**Staff Verification**
PDF copy on disk of **ALL** required items on checklist with images formatted no larger than **11" x 17"**, saved in a **single layer with no write protection** ……...	☐	☐
Submit hard copy of **ALL** required items below:		
Application……..	☐	☐
Fee (see Planning fee schedule)……...	☐	☐
Project Narrative……...	☐	☐
Proposition 207 Waiver Form with required Exhibits:		
• Exhibit A – Title Report…….☐		
• Exhibit B – Legal Description & Map of Site..……..☐		
• Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions ……..……☐	☐	☐
Maricopa County Assessor Parcel Map (8.5" x 11") (Highlight project area and provide parcel numbers)...…….....	☐	☐
Site Plan:		
• 1 copy – (11" x 17") laser print copy to scale…….....…..	☐	☐
Neighborhood Notice:		
• A parcel map highlighting properties within 300 feet, Homeowners Associations and neighborhoods within 1000 feet of the property…...	☐	☐
• Typed names and addresses of all <u>property owners</u> identified on highlighted parcel map……...	☐	☐

Additional Requirements
Wireless Communication Facilities Only

REQUIRED MATERIALS	Applicant Checklist	Staff Verification
Inventory and **Map** (8.5” x 11”) (Not required for temporary and co-location WCFs)….....	☐	☐
Report on Alternatives……..	☐	☐
Photo-simulations (Not required for temporary WCFs)...	☐	☐
Facility Diagrams:		
• 1 copy – (11” x 17”) laser print copy to scale…….....	☐	☐
Landscaping Plan:		
• 1 copy – (11” x 17”) laser print copy to scale…….....	☐	☐

Project No. _____

TOWN OF GILBERT

AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE

PURSUANT TO A.R.S. § 12-1134

I/We, _____, ("Owner") am/are all of the owner(s) of real property ("Property") generally located at _____, consisting of approximately ___ acres, as shown in the evidence of ownership (***Exhibit A***) and is legally described and shown on the map in ***Exhibit B***, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Gilbert, Arizona. For purposes of this Waiver, "land use law" shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action ("Requested Action") as set forth in ***Exhibit C***, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R.S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we hereby agree to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the Town's actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action.

I/we hereby further understand that the Town is acting in reliance upon my/our representations in this waiver.

Project No. _____
Waiver of Claims for Diminution in Value
Signature Page

_____ Date: _____
Property Owner

By Its_____

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN before me this ___ day of _____, 20__, by _____.

_____
Notary Public

My Commission Expires:

_____