

03/16/21 PC AGENDA SHEET

COMMUNICATION TOWER
(TITLE 30)

UPDATE
ELDORADO LN/HAVEN ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-20-0543-AFRIDI ROMMAN KHAN:

HOLDOVER USE PERMITS for the following: **1)** allow a communication tower; **2)** increased communication tower height; and **3)** reduced communication tower setback.

DESIGN REVIEW for a communication tower on 0.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the east side of Haven Street, 300 feet south of Eldorado Lane within Enterprise. MN/jor/jd (For possible action)

RELATED INFORMATION:

APN:

177-09-202-018

USE PERMITS:

1. Allow a communication tower per Table 30.44-1.
2. Increase the overall communication tower height to 84 feet where 80 feet is the maximum height allowed per Table 30.44-1 (a 5% increase).
3. Reduce the communication tower setback to 54 feet where 88 feet is required per Table 30.44-1 (a 27% decrease).

LAND USE PLAN:

ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 0.8
- Project Type: Communication tower
- Tower Height (feet): 84

Site Plan

The site plan depicts a proposed communication tower and associated ground lease equipment on the west half of the subject parcel. Access to the site is located along the west property line (Haven Street). The applicant is proposing a 12 foot wide access and utility easement along the

north property line, heading east towards the 35 foot by 70 foot fenced-in lease area with a proposed 84 foot high communication tower.

Per the site plan, the proposed communication tower setbacks are as follows:

- 54 feet, 8 inches from the north property line (near developed residential) where 88 feet is required.
- 240 feet from the east property line (near developed residential) where 168 feet is required.
- 596 feet, 5 inches from the south property line (closest developed residential) where 168 feet is required.
- 50 feet from the west property line where 40 feet is required from the right-of-way (Haven Street).

Landscaping

Landscaping is not a part of this request.

Elevations

The elevation plans show a proposed 80 foot high monopine with future antennas to be installed at the top half of the communication tower. The plans also show a 4 foot high lighting rod to be affixed at the very top of the tower and will be blended in with the faux branches. Lastly, the proposed screening around the lease area will be a 6 foot high wooden fence with metal support braces.

Floor Plans

The floor plans show the 3 future lease space ground equipment area north of the proposed communication tower. A 12 foot wide access gate is located on the northwest corner of the fenced in area, adjacent to the access easement along the north property line.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the submitted justification, the applicant states that this project will provide better network coverage while minimizing any visual impact and reducing the need for additional cellular facilities in the area. The proposed communication tower will help the efforts to alleviate current mobile network voice, data, and emergency services connectivity issues in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-19-0645	Communication tower, reduced setbacks, and design review for the proposed communication tower - expired	Held no date	November 2019
VS-18-1018	Vacated and abandoned government patent easements - recorded	Approved by PC	February 2019

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0053-10	Appealed an administrative application for an extension of time in lieu of an off-site permit in conjunction with a proposed residential development	Approved by BCC	March 2010
ET-400396-07 (WS-0732-06)	First extension of time to commence waiving full off-site improvements, including paving	Approved by BCC	January 2008
WS-0732-06	Waived full off-site improvements including paving	Approved by BCC	July 2006
ZC-1026-05	Reclassified approximately 3,800 parcels from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

*Additional land use applications have been approved on this site.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
West	Commercial Tourist	H-1	Shopping center

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permit #1

Communication towers may support the local area’s need for additional telecommunication upgrades to improve current wireless and cellular connections. However, staff finds that the proposed communication tower is inappropriate for the neighborhood since the surrounding parcels to the north, east, and south are zoned R-E (Rural Estates Residential) and are within the Rural Neighborhood Preservation planned land use with an RNP-I Overlay District. The surrounding parcels are rural in character with no off-site improvements (curb, gutter, streetlights, and sidewalks), and some parcels to the south and southeast are still undeveloped. The proposed communication tower does not preserve the appeal and the integrity of the neighborhood; therefore, staff does not support this request.

Use Permit #2

The plans show that the height increase is due to the 4 foot high lightning rod hidden within the faux branches attached to the top of the proposed communication tower, which is typical for monopine communication towers and staff typically supports these types of requests. However, since staff does not support use permit #1 staff also cannot support this request.

Use Permit #3

Staff finds that the setback reduction is due to the size constraints of the overall site. The proposed communication tower is equidistant to the north and south property lines but 55 feet from the residential to the north. However, the submitted plans show that the tower does meet the setbacks to the nearest developed residences to the east (240 feet where 168 feet is required) and to the south (596 feet, 5 inches where 168 feet is required). The proposed communication tower also meets the setback from the right-of-way to the west (50 feet from Haven Street where 40 feet is required). However, since the tower does not meet the required setback to the north staff does not support use permit #1 and use permit #2, staff also cannot support this request.

Design Review

The plans show that the proposed communication tower has a monopine design and although the faux branches conceal the antennas, the proposed communication tower is a dominant structure against the existing residences and is not harmonious to the neighborhood. Since staff does not support the use permits, staff also cannot support the design review.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Applicant is advised that a bond (or other guarantee per Table 30.44) is required prior to the construction of the tower; that this approval also includes all future antennas proposed in conjunction with this tower, provided all future antennas are determined to not be visually obtrusive to this area; that in order to construct this tower, building permits must be obtained for this tower prior to building permits being issued for any other communication tower within a radius of 600 feet otherwise additional land use applications may be required; the County is currently rewriting Title 30 and future land

use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS: 7 cards, 1 letter

PLANNING COMMISSION ACTION: March 2, 2021 – HELD – To 03/16/21 – per the applicant.

APPLICANT: CORNELIUS WHITEHEAD

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