

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0247-DIAMOND RANCH I, LLC:**

**HOLDOVER USE PERMIT** for a communication tower.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce access gate setback; and 2) alternative driveway geometrics.

**DESIGN REVIEW** for a proposed communication tower in conjunction with an existing plant nursery on a portion of 8.05 acres in an IP (Industrial Park) Zone.

Generally located on the south side of Ford Avenue and the east side of Lindell Road within Enterprise. JJ/dd/kh (For possible action)

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RELATED INFORMATION:

**APN:**

176-13-801-034 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce access gate setbacks to 10 feet where a minimum of 50 feet is required per Section 30.04.03E (an 80% reduction).
2.
  - a. Reduce the driveway approach distance for a driveway on Lindell Road to 17 feet where 150 feet is required per Uniform Standard Drawing 222.1 (an 89% reduction).
  - b. Allow a commercial curb return driveway to not be installed along Lindell Road per Uniform Standard Drawing 222.1.

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5380 Blue Diamond Road
- Site Acreage: 8.05 (portion)
- Project Type: Proposed communication tower
- Height (feet): 80

**Site Plan**

The plan depicts a proposed multi-carrier 80 foot high communication tower, and associated ground equipment, within a 38 foot by 43 foot compound located on the northwest corner of the subject parcel. The proposed tower compound will be integrated within the existing plant nursery establishment located on the east side of Lindell Road, and the south side of Ford Avenue.

The proposed communication tower will only be accessible via a private access gate from Lindell Road. Since the site is an existing plant nursery, and the existing walls function as the north and west boundaries of the communication tower compound. The east and south boundaries of the compound will be enclosed with chain link fencing with no points of interior access from the nursery. The tower is set back (from the leading edge of the arrays) approximately 37 feet from the north property line along Ford Avenue, 535 feet from east property line, 395 feet from south property line, and 37 feet from west property line along Lindell Road. The nearest residential structure is 597 feet to the northeast. The tower and compound do not reduce the number of existing parking spaces.

#### Landscaping

Landscaping is not proposed or required with this application.

#### Elevations

The plans depict an 80 foot high monopole communication tower. Ground equipment will be screened from street view by an existing 9.5 foot tall CMU wall. The compound will be accessed by a 10 foot wide rolling gate proposed within the existing CMU wall. The tower will be structurally capable and designed to accommodate at least 3 antenna arrays. The tower is depicted as having a stealth design to minimize the visual impact on the surrounding area.

#### Applicant's Justification

The applicant states the proposed communication tower is located within the grounds of an existing plant nursery in an industrial area; therefore, the proposed tower will not be out of character. Additionally, the tower is necessary to improve coverage and expand telecommunications network capacity for the provider to meet customer demand. It will provide residents, visitors and businesses with reliable, high-quality wireless service and will enhance emergency services, which is vital to the safety of the area.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-23-0914	Vacated and abandoned a portion of Mohawk Street	Approved by BCC	March 2024
WC-23-400196 (ZC-1584-98)	Waiver of conditions for on-site lighting consisting of low sodium, inward direct features to be included with each design review, A-1 landscaping along all major street frontages, and recording reciprocal, perpetual cross access, ingress/egress, and parking agreement	Approved by BCC	March 2024
WS-23-0912	Waiver of development standards for required detached sidewalks and increased retaining wall height for the expansion of a plant nursery	Approved by BCC	March 2024
VS-0155-06	Vacated and abandoned Mohawk Street - expired	Held at PC	March 2006

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0648-03 (ET-0110-04)	Extension of time to commence on-premise consumption of alcohol	Approved by PC	May 2004
DR-0142-04	Request for a tavern in conjunction with a plant nursery	Approved by PC	March 2004
ZC-1584-98 (WC-0186-03)	Waived a condition requiring full off-sites (excluding paving)	Approved by BCC	September 2003
UC-0648-03	On-premises consumption of alcohol	Approved by PC	May 2003
WS-0625-03	Waived street landscaping and off-site improvements in conjunction with a plant nursery, waived conditions requiring full off-sites on Ford Avenue and Blue Diamond Road and landscaping along street frontages (except along Blue Diamond Road)	Approved by BCC	May 2003
ZC-1584-02 (ET-0309-02)	Second extension of time to reclassify 91 acres to M-D zoning	Approved by BCC	November 2002
ZC-1584-98	Reclassified 91 acres from R-E, H-2, and M-1 to M-D zoning	Approved by BCC	November 1988

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Business Employment	IP & RS3.3	Single-family residential & commercial development
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Business Employment	IP	Undeveloped
West	Business Employment	IP	Office & warehouse development

The subject site is located within the Public Facilities Needs Assessment (PFNA) area.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis****Comprehensive Planning**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on

adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

The proposed communication tower is not adjacent to any developed residential use, with the closest residential development being nearly 600 feet to the northeast. The tower is proposed to be 80 feet in height and its design has the capacity to support more than one antenna. Staff does not anticipate any negative impacts associated with the proposed communication tower and the ground equipment. Businesses, governments, emergency services, and the general public are all users of cellular technology. The installation of this proposed expansion will enhance service coverage and reliability for users in Clark County. Staff finds the proposed tower should not adversely affect adjacent properties, the surrounding land uses, or the character of the area. For these reasons, staff can support this request.

#### Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

#### Waiver of Development Standards #1

While staff does not normally support waivers to reduce the setbacks for access gates, staff finds that the access gate for the communication tower will rarely be used due to the nature of the development. The communication tower and the surrounding compound should not require any permanent staff, and the only times that the site will be accessed after construction would be for service and maintenance. For these reasons, staff can support this request.

#### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The applicant has depicted the tower as having a stealth design (mimicking a large tree) so as to minimize its visual impact on the surrounding area. Staff also finds that the existing block wall will act as screening for the ground equipment area, thereby reducing, if not eliminating, the visual impact of the tower's ground equipment. For these reasons, staff could support the design review request, however since Public Works is not supporting waiver of development standards #2, staff cannot support the design review.

## **Public Works - Development Review**

### Waiver of Development Standards #2a

Staff cannot support the request to the reduction in approach distance for the Lindell Road driveway. Staff has concerns with traffic along Lindell Road being in conflict with movements from the driveway and vehicles traveling on Lindell Road.

### Waiver of Development Standards #2b

Staff cannot support the request to not install a commercial curb return driveway for the Lindell Road driveway. There is an adequate amount of room onsite to access to the communication tower eliminating any possibility of vehicles conflicting with the driveway in the right-of-way.

## **Staff Recommendation**

Approval of the use permit and waiver of development standards #1; denial of waiver of development standards #2 and the design review.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; a bond (or other guarantee per Section 30.03.08) 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; and 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

## **Public Works - Development Review**

- Commercial pan driveway per Uniform Standard Drawings 222.1 and 224.
- Applicant is advised that off-site improvement permits may be required.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:** 2 cards

**PROTESTS:** 9 cards, 1 letter

**COUNTY COMMISSION ACTION:** May 21, 2025 - HELD – To 06/18/25 - per the Board of County Commissioners.

**APPLICANT:** SUN STATE TOWERS

**CONTACT:** PINNACLE CONSULTING, INC., 1426 N. MARVIN STREET, SUITE 101, GILBERT, AZ 85233