PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0222-13 – COUNTY OF CLARK (AVIATION):

USE PERMIT for a communication tower.
DESIGN REVIEW for a communication tower in conjunction with an approved data center on 17.8 acres in an M-D (Designed Manufacturing) Zone in the CMA Design Overlay District.

Generally located on the north side of Warm Springs Road and the east side of Lindell Road within Enterprise. SS/pb/ml (For possible action)

RELATED INFORMATION:

APN:
176-01-801-014, 015, 020, & 027

LAND USE PLAN:
ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:
Project Description
General Summary
- Site Acreage: 17.8
- Project Type: Communication tower
- Communication Tower Height: 80 feet
- Square Feet: 1,089 (tower area)

Site Plan
This is a request to establish a communication tower with antenna arrays. The plans show a 1,089 square foot area designated for the proposed 80 foot high communication tower. The tower will be located on the south side of the previously approved 263,000 square foot data center, and is 164 feet north of the south property line adjacent to Warm Springs Road and 440 feet west of the east property line adjacent to Edmond Street.

Elevations
The plans depict an 80 foot high tower with multiple antenna arrays.

Applicant’s Justification
The applicant indicates that the proposed tower will be used in conjunction with the approved data center. The tower will be located on the south side of the 45 foot high building adjacent to the electrical monitoring rooms within the facility. The color of the tower will blend in with the existing building. No accessory structures for ground mounted equipment are required. The
perimeter of the site is surrounded by a 10 foot high CMU wall. Furthermore, the tower will meet all separation requirements.

**Prior Land Use Requests**

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<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
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<tbody>
<tr>
<td>WS-0524-11</td>
<td>Increased wall height and alternative landscaping in conjunction with a data center</td>
<td>Approved by BCC</td>
<td>December 2011</td>
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<tr>
<td>VS-0456-11</td>
<td>Vacated government patent easements located on the north side of Warm Springs Road</td>
<td>Approved by PC</td>
<td>November 2011</td>
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<tr>
<td>WS-0247-11</td>
<td>Waived decorative paving and architectural design standards and a design review for a data center</td>
<td>Approved by BCC</td>
<td>July 2011</td>
</tr>
<tr>
<td>VS-0064-08</td>
<td>Vacated Capovilla Avenue and Edmond Street</td>
<td>Approved by PC</td>
<td>March 2008</td>
</tr>
<tr>
<td>ZC-1203-05</td>
<td>Reclassified to M-D zoning with a waiver to allow an attached sidewalk and a design review for a distribution center</td>
<td>Approved by BCC</td>
<td>September 2005</td>
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**Surrounding Land Use**

<table>
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<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tr>
<td>North &amp; West</td>
<td>M-D &amp; R-E</td>
<td>Industrial uses and undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>M-D</td>
<td>Undeveloped and approved for a similar data processing center</td>
</tr>
<tr>
<td>East</td>
<td>M-1</td>
<td>Undeveloped</td>
</tr>
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**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

**Use Permits and Design Review**

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 Plan. One of several criteria the applicant must establish is 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. Communication towers are not permitted by right in any zoning district and require approval of a use permit which is subject to discretionary approval. The consideration for approval includes assessing compatibility and any potential impacts to adjacent uses. The proposed tower complies with Title 30 design standards such as height and setback and will not create any negative visual impacts as the tower will be painted to blend in with the existing 45 foot high building.

**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**

Approval.

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 Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**
- Applicant is advised that a bond is required prior to the construction of the tower; 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; 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; any change in circumstances or regulations may be justification for the denial of an extension of time; 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.
- 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; 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; and that the FAA’s airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.

**Clark County Water Reclamation District (CCWRD)**
- No comment.
APPLICANT: Switch
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