COMMUNICATION TOWER TOMPKINS AVE/DECKOW LN
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0183-13 – RASSOL, LLC:

USE PERMITS for the following: 1) a communication tower; 2) reduce the setback from a communication tower to a residential development; and 3) reduce the setback from a communication tower to a street.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEW for a communication tower and associated equipment on a portion of 0.5 acres in an R-T (Manufactured Home Residential) (AE-60) Zone in the MUD-1 Overlay District.

Generally located on the southwest corner of Tompkins Avenue and Deckow Lane within Paradise. MBS/gc/ml (For possible action)

RELATED INFORMATION:

APN:
162-21-801-002

USE PERMITS:
1. Permit a communication tower.
2. Reduce the setback from a communication tower to a residential development to approximately 70 feet where a minimum of 78 feet (75% of the width of the lot) is required (a 10.3% reduction).
3. Reduce the setback from of a communication tower to a street to approximately 10 feet where a minimum of 40 feet is required (a 75% reduction).

WAIVER OF DEVELOPMENT STANDARDS:
Increase block wall height to 8 feet where a maximum of 6 feet is permitted (a 33.3% increase).

LAND USE PLAN:
WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:
Project Description
General Summary
- Site Acreage: 0.5
- Project Type: Communication tower
- Tower Height: 80 feet
- Square Feet: 1,440 (lease area)
Site Plan
The plans show an 80 foot high, stealth monopalm communication tower located approximately 105 feet from the east property line, 10 feet from the north property line and Tompkins Avenue, 11 feet from the west property line, and 78 feet from the south property line. The tower is also 70 feet from a residential development to the north, across Tompkins Avenue. The lease area will be 1,440 square feet and enclosed by an 8 foot high CMU block wall to screen the tower base and ground equipment. A portion of the 8 foot high block wall runs along the west property line which necessitates the waiver for an increased wall height. Access to the lease area will be from a 10 foot wide access route from Tompkins Avenue.

Elevations
The plans depict an 80 foot high, stealth monopalm communication tower that will accommodate a total of 3 antenna arrays.

Applicant’s Justification
The applicant states that this site was selected instead of the MGM Grand Resort Hotel property due to interference issues. Furthermore, the applicant states that the reduction in setback from the residential development to the north is justified since Tompkins Avenue separates the 2 properties. The applicant also states that the increase in wall height is necessary in order to deter possible vandalism and/or unauthorized entry into the compound.

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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<tbody>
<tr>
<td>North</td>
<td>Commercial Tourist</td>
<td>R-4</td>
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<tr>
<td>South</td>
<td>Commercial Tourist</td>
<td>R-5</td>
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<tr>
<td>East</td>
<td>Commercial Tourist</td>
<td>H-1</td>
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<tr>
<td>West</td>
<td>Commercial Tourist</td>
<td>H-1</td>
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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
Staff finds the proposed communication tower will negatively intrude on the nearby residential uses. The tower does not meet the residential setback from the residential development to the north. If the tower were to be moved farther south to meet the setback requirement from the residential development to the north, the tower would then violate the residential setback requirement from the residential development to the south. Therefore, there is no location on this site that will meet the residential setback requirement. Additionally, communication towers are typically set back at a distance of 200% of the height of the tower from residential development for a lot of this size. However, Title 30 states that the required setback can be no more than 75% of the width of the lot. Even with that added benefit allowed by code, the proposed tower still will not meet the required setback from residential. Furthermore, the reduction in setback from a street will negatively impact the streetscape along Tompkins Avenue. Staff therefore, finds the proposed site to be inadequate and finds that there are other
potential sites in the area that are more likely to comply with Title 30 requirements. The proposed request will not comply with Policy 1.21 of the Winchester/Paradise Land Use Plan which promotes that new development and special uses that are adjacent to existing land uses are compatible and appropriately buffered with transitional space and/or uses.

Waiver of Development Standards
Staff normally does not have an issue with requests to increase wall heights up to 8 feet, but since the wall is related to the communication tower’s design, staff cannot support the request.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:

- 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

- Drainage study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Tompkins Avenue and associated spandrel.

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.

Fire Department
- No comment.

Clark County Water Reclamation District (CCWRD)
- No comment.

TAB/CAC: May 14, 2013 Paradise Town Board – Approved - subject to staff conditions.

APPROVALS:
PROTESTS:

APPLICANT: AT&T Mobility
CONTACT: Black & Veatch, 6 Sunset Way #B108, Henderson, NV 89014