



TO: Honorable Mayor and City Council

FROM: Richard Secrist

DATE: June 10, 2016

RE: Consideration of Extension of Time Case No. EOT-16-001 (Sun City Communication Tower) requesting additional time to construct the communication tower approved under Conditional Use Permit No. CUP-13-003. The proposed tower will be located at 1499 Falcon Ridge Parkway in the Planned Unit Development Park, Recreation and Open Space (PROS) zone.

Background

On May 14, 2013, City Council approved a Conditional Use Permit (CUP) CUP-13-003 (Sun City Mesquite Windmill Communication Tower). The vote was 5-0 in favor of granting approval of the communication tower. MMC requires that construction must commence within one year from the date of approval of the CUP or approval shall be deemed revoked MMC 9-5-3:G.4. On May 26, 2015 the City Council granted a one-year extension of time (Case EOT-16-001). InSite Towers, LLC is now requesting a second extension of time for one year.

According to the applicant, they now have an anchor tenant interested in locating on the communication tower. An extension of time may be approved in accordance with MMC 1-9-4: and no longer than the original approval time. This will give them the time necessary to get the tower constructed without losing their original approval.

The applicant submitted an application for a Conditional Use Permit (CUP), allowing for the construction and operation of a Wireless Telecommunications Facility to serve Anthem at Mesquite. The applicant has leased a 60' x 60' area behind the existing maintenance facility, located at 1400 Falcon Ridge Parkway. The tower will be located at the far north of the PUD and near the Lincoln County Boundaries. The additional tower will allow cell carriers the ability to co-locate, therefore, improving cellular telephone services. The proposed tower will help eliminate dead spots, and expand the community's wireless capacity.

The proposed Wireless Communication Facility is currently zoned PUD- PROS. Public, quasi-public and institutional facilities and use, is a CUP in the Anthem at Mesquite Handbook. Staff considers telecommunication towers as a utility, which is classified as Public, quasi-public and institutional facilities and use. Therefore, a telecommunication tower is a CUP in the zoning district.



The applicant proposed a one-hundred (100) foot co-locatable lattice tower and a twenty (20) foot windmill feature at the top. The total height will be one-hundred and twenty (120) foot structure, which is designed to look like a windmill. The structure will be setback fifty-six (56) feet from the nearest property line. The facility will be fully enclosed by a six (6) foot CMU wall (design and color to match existing walls), which will enclose the tower, in addition to carrier's equipment shelters and/or cabinets. Furthermore, the facility will support the operations of Anthem at Mesquite, by providing general communications for golf course personal.

According to the applicant, the project will not affect the existing use of the property, which is presently a maintenance facility. Access to the communications complex will be from Conestoga Parkway through the maintenance facility complex; through a twelve (12) foot wind access gate at the south end of the compound.

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Key Facts

- The property is zoned PUD-PROS.
- Applicant is requesting a two year extension.
- Extension of time may be granted in accordance with MMC 1-9-4:
- Surrounding Zoning
 - North – PUD-PROS.
 - East – PUD-PROS.
 - South – PUD-PROS.
 - West – PUD-PROS.
- Surrounding Uses
 - North – Golf Course/Vacant land.
 - East – Golf Course/Vacant land.
 - South – Golf Course.
 - West – Golf course maintenance building.

Analysis

The applicant is requesting an extension of time on their CUP, in order to construct a communication tower. The lack of securing an anchor tenant has caused delays and the inability to construct the communication tower. As a result, the applicant is requesting a two year extension.

Section 1-9-4 of the Municipal Code sets forth the following rules governing requests for Extensions of Time Limits.

1-9-4: EXTENSIONS OF TIME LIMITS:

- A. There shall be no extensions of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan or issued the permit.
- B. A request for an extension of an expiration date shall be made on a form provided by the city and shall include, but shall not necessarily be limited to, the following:
 - 1. The current date of expiration;
 - 2. The extension period requested, which shall be no longer than the original period of time granted; the city has the option of granting an extension for less than the original period;

3. The reason(s) that the applicant has been unable to proceed within the period of the original expiration date.

C. Before granting an extension, the city official, officer, board, commission or the governing body shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied, and the applicant were compelled to refile for an original action, approval or permit. If changes have occurred, the city official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to refile for an original action, approval or permit against the benefit accruing to the city and the public by requiring the applicant to comply with the new regulation. (Ord. 117, 11-22-1994)

According to the language in B(2) the extension shall be no longer than the original period of time granted by the Council, which in the case of the CUP, was one (1) year.

Previous Council Action

On May 26, 2015, the City Council approved (5-0) Extension of Time Case No. EOT-15-001 (Sun City Mesquite Windmill Communication Tower) for a one-year extension of Conditional Use Permit CUP-13-003.

On May 27, 2014, the City Council approved (4-0) Extension of Time Case No. EOT-14-001 (Sun City Mesquite Windmill Communication Tower) for a one-year extension of Conditional Use Permit CUP-13-003.

On May 14, 2013, City Council approved a Conditional Use Permit (CUP) CUP-13-003 (Sun City Mesquite Windmill Communication Tower). The vote was 5-0 in favor of granting approval of the communication tower.

On January 8, 2008, Ordinance No. 392 was approved (5-0) by the City Council, amending that certain Development Agreement between the City of Mesquite and Mesquite Investors, LLC and PN II, INC., by amending 8.2.8 Banners providing for banner pole placement in landscape areas at the same frequency as streetlights; amending page 4-10 by reserving several new subdivision and street names; and by amending various other pages, exhibits, and figures previously approved, but not submitted for inclusion in the Design Handbook for the Anthem Mesquite PUD.

On September 11, 2007, Ordinance No. 384 was approved (5-0) by the City Council amending that certain Development Agreement between the City of Mesquite and Mesquite Investors, LLC and PN II, INC., which increased the acreage of a Neighborhood Commercial (CR-1) parcel; to clarified building heights in CR-1; added

permitted uses to CR-1; revised Figure 4-2 Trails Master Plan; deleted reference on page 4-1 that specifies 5 acres will be designated offsite for RV parking; and updated various graphics and text in Exhibit "C" Design Handbook.

On November 28, 2006 the City Council approved (4-0) Ordinance No. 358 amending that certain Development Agreement between the City of Mesquite and Mesquite Investors, LLC and PN II, INC. Modifications were made: to incorporate land obtained in a trade with the City of Mesquite; to revise a detention basin easement; to approve unique subdivision and street names; to establish a custom street light design; to establish a community sign program, and other minor edits to the Design Standards Handbook.

Recommendation

Approve Extension of Time Case No. EOT-16-001 (Sun City Mesquite Windmill Communication Tower); subject to Staff recommendations:

Building Department

1. Meet all applicable Building Codes and Standard Conditions.
2. Must have a Nevada engineer stamp and seal on permit submittal drawings.

Engineering Department

1. Standard Conditions as applicable.

Planning and Environmental Resources Department

1. Meet all applicable Zoning Codes and Standard Conditions.

Public Works

1. Standard Conditions as applicable.

Sanitation

1. Standard Conditions as applicable.

Solid Waste

1. No Comments on this Item.

Fire & Rescue Department

1. Meet all Fire Codes.

Police Department

1. No Concerns.