

ADMINISTRATIVE PERMIT REVIEW

Minutes of the July 15, 2005 Hearing

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An Administrative Permit Review hearing was scheduled for 9:00 a.m. on Friday, July 15, 2005 in the Planning and Community Development Department Conference Room, 2621 Northgate Lane, Suite 62, Carson City, Nevada.

PRESENT: Jennifer Pruitt, Hearing Examiner
Charnel McCall, Applicant's Representative
Raj Chima, Applicant's Representative
Kathleen King, Recording Secretary

ALSO PRESENT:
Elizabeth Riseden
Eugene Vick
Steve Tackes

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

A. CALL TO ORDER (1-0007) - Ms. Pruitt called the hearing to order at 9:08 a.m.

B. MODIFICATION TO THE AGENDA (1-0015) - Ms. Pruitt modified the agenda to address items D-2 and D-3 prior to item D-1.

C. PUBLIC COMMENT (1-0034) - None.

D. PUBLIC HEARING ACTION ITEMS:

D-1. ADM-05-110 ACTION TO APPROVE A REQUEST FROM CLEARWIRE / VELOCITEL (PROPERTY OWNER: TRUST FOR METHODIST DEVELOPMENT) TO ALLOW THE ADDITION OF WIRELESS ANTENNAS TO AN EXISTING BUILDING, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT 400 WEST KING STREET, APN 003-205-01 (1-1153) - Ms. Pruitt reviewed the staff report, and noted that this item was approved by the Historic Resources Commission at their July 14, 2005 meeting. She further noted having provided, to the applicant and staff, an e-mail from State Historic Preservation Office Architectural Historian Rebecca Ossa. Ms. Pruitt advised that Planning and Community Development Department approval, with regard to the building permit, would be deferred until such time as the SHPO has provided written authorization regarding installation of the antennas. Ms. McCall explained the time line associated with the subject project and advised of Clearwire's willingness to post a bond. She acknowledged that the bond would ensure removal of the antennas if the SHPO does not approve the project within a period of six months. Ms. Pruitt advised she would contact the SHPO. She explained that bonding is typically handled through the City's Development Engineering Department.

(1-1304) Mr. Chima reviewed the proposal to install four flush-mounted antennas, painted and textured to match the building. An associated microwave dish will be installed on the penthouse and a power unit on the ground. With regard to a previously stated concern, Mr. Chima advised that adjacent trees will not affect reception or ability to communicate with other antennas. He displayed photo simulations of the proposed installation.

Ms. Pruitt expressed appreciation for all the documentation provided and the efforts of the applicant. She approved ADM-05-110, an administrative permit application from Clearwire (property owner: Trust for Methodist Development) to allow for the wireless co-location of four antennas, four sets of related BTS equipment located below each antenna, one microwave dish on an existing building, and a ground-located

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equipment cabinet, on property zoned residential office (RO), located at 400 West King Street, APN 003-205-01, based on seven findings and subject to the conditions of approval contained in the staff report; any stipulations by the applicant can be considered further stipulations and/or conditions of approval. Ms. Pruitt noted the additional condition of approval requiring the applicant to provide to the Nevada State Historic Preservation Office the proper documentation for this project. There will be a six-month time frame associated with the project, and proper bonding will be in place from the applicant so that if the Nevada State Historic Preservation Office does not approve the proposal, the antennas and equipment on site will be removed. Ms. Pruitt advised of the possibility that the application may have to be resubmitted if the SHPO does not issue an authorization within the six-month period.

D-2. ADM-05-111 ACTION TO APPROVE A REQUEST FROM CLEARWIRE / VELOCITEL (PROPERTY OWNER: JOE C. BROWN FAMILY LIMITED PARTNERSHIP) TO ALLOW THE ADDITION OF WIRELESS ANTENNAS TO AN EXISTING FACILITY, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 2088 SOUTH LOMPA LANE, APN 010-061-62 (1-0103) - Ms. Pruitt reviewed the staff report and noted, for the record, the previously approved special use permit application, U-94/95-18, for the monopole on which the subject antennas will be co-located. She further noted the eleven conditions of approval contained in the staff report.

(1-0174) Ms. McCall distributed photo simulations to staff and the citizens present, and provided an overview of the same. She advised that the antennas will be color matched and flush mounted to the monopole and, therefore, will create no visual impact. She explained that the associated ground equipment has sound output which is comparable to a household refrigerator.

(1-0232) Elizabeth Riseden advised that she had lived in Carson City since 1975, and had “built her dream house right above” the monopole. The monopole “takes out [her] view of Slide Mountain.” Ms. Riseden expressed concern over adding any antennas or equipment to the existing monopole in that the visual enjoyment of her property is being diminished. In reference to the photo simulations, she acknowledged that the addition of the subject antennas are “not a big visual change.” She expressed concern that equipment will continue to be added to the pole and that her property value will continue to decrease. She expressed concern that her quality of life is diminishing. She expressed the opinion that cell towers should be constructed in other areas of the City.

Ms. McCall expressed understanding for Ms. Riseden’s concerns. She advised that the subject antennas are for wireless internet service which will add to property values in the area. She explained the installation method and noted that there should be no impact to property values. She referred to the photo simulations, and noted it will be very difficult to see the equipment. She advised that installation of the antennas and the service to be provided will only enhance quality of life. She explained the reason for installing cell towers in particular locations, and advised that additional equipment installations to the subject monopole are unlikely. Once the Clearwire antennas are installed on the subject monopole, there will be no space for any other carrier to co-locate. Ms. McCall advised that the monopole is owned by American Towers, which policy is to maintain no more than three carriers at a time on one pole. She advised that maintenance personnel will occasionally be on site to ensure the proper function of the equipment. She provided her business card and e-mail information to Ms. Riseden, and offered to address any of her concerns.

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In response to a question, Ms. McCall advised that radio frequency interference would prevent installation of additional towers in the area. Ms. Pruitt advised that amendment of the initial special use permit would be required for installation of any additional tower. This process would include a public hearing. Ms. Pruitt advised that Planning and Community Development Department staff meet frequently with wireless communication carriers. The City's zoning ordinance prevents location of cell towers in certain areas. They are prohibited in the majority of the City. Towers are allowed in some industrial zoned areas with a special use permit. Some towers, depending upon their height, are allowed outright. Each zoning district has different height restrictions. In response to a question, Ms. Pruitt advised that the maximum building height, within the limited industrial zoning district, is 32 feet.

In response to a question, Ms. McCall advised that Clearwire antennas would not tolerate the interference of another cell tower within five miles. Ms. Pruitt explained that the City encourages co-location to avoid multiple towers. She offered to provide information from the Carson City Municipal Code with regard to antennae and zoning requirements. In response to a comment, she advised that codes and regulations change over time. She explained the possibility that another carrier may request to co-locate on the subject monopole if one of the existing carriers withdraws. At that time, the request would be addressed accordingly with appropriate notice provided to the adjacent residents.

(1-0722) Eugene Vick inquired as to whether the proposed antennas are directional. Ms. McCall explained that the antennas are designed to cover a 365-degree radius. She acknowledged there could be no other Clearwire antenna within 3-5 miles of the subject antennas. She further acknowledged that an environmental impact statement was submitted at the time the initial tower was erected. In response to a further question, she advised that the radio frequencies emitted from the antennas are similar. They all meet FCC guidelines. The emissions are comparable to a household blow dryer within 100 feet. Ms. McCall offered to provide the most recent radio frequency emissions study to Mr. Vick.

Ms. Pruitt approved ADM-05-111, the administrative permit application from Clearwire (property owner: Joe C. Brown Family Limited Partnership) to allow the wireless co-location of four antennas, related BTS equipment, five microwave dishes on existing monopole, and a ground-located equipment cabinet, on property zoned limited industrial, located at 2088 South Lompa Lane, APN 010-061-62, based on seven findings and subject to the conditions of approval contained in the staff report, with the understanding that any acknowledgment to the Hearing Examiner by the applicant may be considered as further stipulations and conditions of approval of this application.

D-3. ADM-05-124 ACTION TO APPROVE A REQUEST FROM CLEARWIRE / VELOCITEL (PROPERTY OWNER: CARSON CITY AIRPORT AUTHORITY) TO ALLOW THE ADDITION OF WIRELESS ANTENNAS TO AN EXISTING FACILITY, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 EAST GRAVES LANE, APN 008-133-15
(1-0923) - Ms. Pruitt reviewed the staff report, and noted that the existing tower was allowed to be constructed under a special use permit approved in June 1997. She advised of staff's recommended approval and noted the presence of Attorney Steve Tackes, representing the Airport Authority.

(1-0968) Ms. McCall displayed photo simulations to Ms. Pruitt and Mr. Tackes, and advised that the antennas will be color matched to the pole. She explained the procedure for mounting the antennas.

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(1-1009) Mr. Tackes advised that the Airport Authority had already approved the lease and is in the process of finalizing documents for submission to the Board of Supervisors. He expressed support for approving the request.

Ms. McCall acknowledged agreement with the conditions of approval. Ms. Pruitt advised that if building permit applications had already been submitted, written approval from the Airport Authority would need to be submitted to the Building Department. Ms. McCall offered to send minutes of the Airport Authority meeting at which this item was approved.

Ms. Pruitt approved ADM-05-124, a request from Clearwire (property owner: Carson City Airport Authority) to allow the wireless co-location of three antennas, three related BTS equipment packs located below each antenna, two microwave dishes on existing monopole, and a ground-located equipment shelter, on property zoned public regional (PR), located at 2600 East Graves Lane, APN 008-133-15, based on seven findings and subject to the conditions of approval contained in the staff report, and with the understanding that any acknowledgment to the Hearing Examiner by the applicant may be considered as further stipulation or conditions of approval. Ms. Pruitt advised that the Notice of Decision would include a request for documentation related to this item, together with a request for written authorization from the Airport Authority. Ms. Pruitt responded to questions regarding the requirements associated with the Notice of Decision. Mr. Tackes provided documentation to Ms. McCall.

E. ADJOURNMENT (1-1450) - Ms. Pruitt adjourned the hearing at 9:51 a.m.

The Minutes of the July 15, 2005 Administrative Permit Review Hearing are so approved this _____ day of August, 2005.

JENNIFER PRUITT, Hearing Examiner