



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-13870 - APPLICANT: VERIZON WIRELESS - OWNER:**  
**AMERICAN LEGION POST 8 -**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-1/bg vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Wireless Communication Facility, Stealth Design use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-13871) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

#### **Public Works**

6. Meet with the Flood Control Section of the Department of Public Works for assistance with any pad elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is for a Special Use Permit for a Wireless Communication Facility, Stealth Design at 733 Veterans Memorial Drive.

**EXECUTIVE SUMMARY**

The proposed wireless communication facility, stealth design is a 65-foot tall tower with a flag pole design. The proposed wireless communications flag pole facility will be located adjacent to single-family residential properties and does not meet the Residential Adjacency requirement of 210 feet. Because of the proximity to single family homes, the proposed flag pole facility is not compatible with its surroundings. Therefore, denial is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

08/10/06 The Planning Commission recommended approval of companion item VAR-13871 concurrently with this application.

08/10/06 The Planning Commission voted 6-1/bg to recommend APPROVAL (PC Agenda Item #35/eb).

***B) Pre-Application Meeting***

05/12/06 A pre-application meeting was held and submittal requirements for a Special Use Permit and Variance were discussed.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.67 Acres

**B) Existing Land Use**

Subject Property: American Legion  
 North: City of Las Vegas Annex  
 South: Single Family Residences  
 East: Single Family Residences  
 West: Single Family Residences

**C) Planned Land Use**

Subject Property: MXU (Mixed Use)  
 North: PF (Public Facilities)  
 South: MXU (Mixed Use)  
 East: PF (Public Facilities)/MXU (Mixed Use)  
 West: MXU (Mixed Use)

**D) Existing Zoning**

Subject Property: C-V (Civic)  
 North: C-V (Civic)  
 South: R-1 (Single Family Residence)  
 East: R-1 (Single Family Residence)  
 West: R-1 (Single Family Residence)

**E) General Plan Compliance**

The subject site is located in the Southeast Sector of the General Plan. The site is designated MXU (Mixed Use) on the Redevelopment Plan map of the General Plan. The proposed development is in compliance with the MXU (Mixed Use) designation.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	X	
Redevelopment Plan Area	X	
<b>Special Overlay District</b>	X	
Airport Overlay District	X	
<b>Trails</b>	<b>X</b>	
Bonanza Corridor	X	
<b>Rural Preservation Neighborhood</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

**Redevelopment Plan Area**

The subject site is located within the Redevelopment Plan Area. It is bound by MXU (Mixed Use) designated land to the west, east and south, and is bound by PF (Public Facility) designated land to the north.

***Airport Overlay District***

The subject site is located in the North Las Vegas Airport Overlay District with a height restriction of 200 feet. The proposed 65-foot stealth tower does not encroach into the height restricted space.

***Trails***

The subject site is located across the street from a portion of the Bonanza-Library Trail. The trail spans an area from East Washington Avenue and North Las Vegas Boulevard, south on Veterans Memorial Drive to the corner of North 4<sup>th</sup> Street and Stewart Avenue.

**ANALYSIS**

***A) General Analysis and Discussion***

•Zoning

The subject site is zoned C-V (Civic). The conditions to allow a Wireless Communication Facility, Stealth Design are universal in all zoning districts. The condition stating compatibility with surrounding uses is not met because the application falls short of the Residential Adjacency requirement. Special Use Permit and Variance applications were therefore required.

•Use

The proposed Wireless Communications Facility is a 65-foot tall stealth-designed flag pole. It is proposed to be located on the southern end of a C-V zoned parcel. The structure extends to 65 feet, and the antennas will be located at 62 feet. An eight-foot block wall is proposed for screening of the facility and will require a separate permit if approved. The proposed flag pole, though of stealth design, is not compatible with its surroundings with consideration to the proximity to single family homes.

•Conditions

Pursuant to Title 19.04.050, the following base conditions apply to a Wireless Communication Facility, Stealth Design use.

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

- a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
  - b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is no subject to appeal.
2. No residential use may exist on the property.
3. The design must conform to the definition of the term Wireless Communications Facility, Stealth Design, as set forth in Section 19.20.020 and as determined by the Director.
4. Within an area designated as a Historic Preservation District, the proposed facility must be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed wireless communications flag pole facility will be located adjacent to single-family residential properties and does not meet Residential Adjacency requirements. Because of the adjacency to single family homes, the proposed flag pole facility is not compatible with its surroundings.

**2. The subject site is physically suitable for the type and intensity of land use proposed.**

There are no physical constraints to the location and intensity of the proposed use on the subject site. However, the intensity of the use would increase, as the site is currently zoned C-V (Civic) and the American Legion is located on the northern end of this parcel.

**3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

This requirement is not applicable because the wireless communication facility will not attract additional traffic to the site.

**4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed use compromises the public health, safety, and welfare because of the adjacency to and proximity of residentially zoned land.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 218 by City Clerk

**APPROVALS** 0

**PROTESTS** 2