

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-22151 - APPLICANT: CRICKET COMMUNICATIONS -
OWNER: CHEYENNE STORAGE DEPOT, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-3/ld, bg, rt-1/ds tie vote on a motion for approval) therefore, NO RECOMMENDATION

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-Stealth Design.
2. Conformance to the conditions for Special Use Permit (U-191-00) if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a proposal to add an additional 20 feet to an existing 80-foot tall wireless communication monopole located at 8650 West Cheyenne Avenue. The applicant is also proposing the addition of three more antenna arrays to the four existing arrays.

Due to the overall size and proximity to the single-family residential development located to the south across Cheyenne Avenue, staff is recommending denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
7/19/95	The City Council approved a rezoning for this property from N-U (Non-Urban) to C-1 (Limited Commercial) (Z-37-95).
10/12/95	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-37-(95[1])] of a mini-storage facility and an office building on this property.
3/10/97	The City Council approved a Site Development Plan Review [Z-0037-95(6)] on the subject site to allow a 100 foot tall cellular tower. NOTE: the approved cellular tower was completed at 80 feet tall.
3/07/01	The City Council granted the Appeal to the 1/25/01 Planning Commission Denial, thereby approving the request for a Special Use Permit (U-191-00) to raise an existing 40-foot monopole to 80 feet.
07/12/07	The Planning Commission (3-3/ld, bg, rt-1/ds tie vote on a motion for approval) therefore, NO RECOMMENDATION (PC Agenda Item #53/mh).
<i>Related Building Permits/Business Licenses</i>	
9/18/01	Permit issued under building Plan Check #L5120-01: Antenna collocation on existing monopole.
<i>Pre-Application Meeting</i>	
5/15/07	A pre-application meeting was held with staff regarding the requirement for a Special Use Permit stemming from the 20-foot extension to an existing 80-foot tall monopole antenna.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
5/24/07	A Field Check was completed with the following observations: 1. The existing monopole antenna is located towards the back of a mini-storage facility. 2. There are 120-foot tall power transmission lines located along the center of Cheyenne Avenue.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.25 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mini-storage	SC (Service Commercial)	C-1 (Limited Commercial)
North	Golf Course	PR-OS (Parks & Open Space)	C-V (Civic)
South	Right-of-way/ Sun City Summerlin	ML (Medium Low Density Residential)/ ROW	P-C (Planned Community)
East	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	C-V (Civic)*

*C-1 (Limited Commercial) ROI expired 6/01/07

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

- Use

The proposed 20-foot addition to the existing Wireless Communication Facility, Non-Stealth Design does not qualify for Conditional Use Approval as the subject site is neither zoned C-V (Civic) nor C-M (Light Industrial) or M (Industrial). In addition to the zoning, the proposal also does not meet the minimum Conditional Use requirement of a 600-foot separation from residential property. As such, a Special Use Permit for a Wireless Communication Facility, Non-Stealth Design is required.

• **MINIMUM SPECIAL USE PERMIT REQUIREMENTS**

Wireless Communication Facility Non-Stealth Design:

- *1. No residential use may exist on the property.
- *2. Any antenna tower that forms part of the facility shall conform with both the setback requirements of the zoning district and the separation requirements of Section 19.08.060.
- *3. Except in the C-V Zoning District, no antenna tower that forms part of a facility may be located within 600 feet of:
 - a. Any other antenna tower that forms part of a wireless communication facility; or
 - b. Any pole or tower structure of any other type that has a height of at least 60 feet.
- *4. Antenna towers and associated components shall be initially painted and thereafter repainted with a flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surroundings or background so as to minimize its visibility.

• **SITE PLAN & RESIDENTIAL ADJACENCY**

The existing monopole and facility is set back towards the northeast corner of a mini-storage facility. From the provided site plans, there is a 433-foot separation between the proposed 100-foot tall tower and the nearest residential property. Staff recognizes that while the Title 19A.08.060 Residential Adjacency Setback Standards may not be applicable to the single-family residences on the south side of Cheyenne Avenue, the view corridors from the back yards of these homes will be further degraded by the additional height and antenna arrays obstructing their views. Staff recommends denial of this request in order to minimize the visual clutter along Cheyenne Avenue.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 20-foot addition to the existing 80-foot tall monopole cellular tower will be too great an increase in the visual intrusion to the single-family dwellings located to the south of the subject property. In addition the height, the applicant is also proposing to add three additional antenna arrays furthering the visual intrusion to the residential community to the south.

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

Staff has determined that the site is not physically suitable for accommodating a 100-foot tall monopole with seven antenna arrays as the increased intensity of land use is too great on the residential properties to the south.

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.

Staff finds that Cheyenne Avenue, a fully developed 100 foot right-of-way, will provide adequate access to the subject property as there is little expected traffic related with a Wireless Communication Facility.

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.

Staff finds that the welfare of the general public will be compromised by the approval of this 80 foot tall monopole, as the resulting visual clutter and obstructed views will degrade the quality of life currently enjoyed by residents in the area.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed 20-foot addition in height along with the addition of three additional arrays meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

PLANNING COMMISSION ACTION

The Planning Commission considered add a condition to read Additional arrays shall be streamline/flush mounted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 604 by City Clerk

APPROVALS 1

PROTESTS 3