

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-25473 - APPLICANT: METRO PCS -****OWNER: MER-CAR CORPORATION**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Stealth Design use, except as amended by conditions herein.
2. Conformance to the conditions for Rezoning Z-0068-75, if approved.
3. Conformance to the site plan and building elevations date stamped 11/29/07, except as amended by conditions herein.
4. 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.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 60-foot Wireless Communication Facility, Stealth Design at 4506 East Charleston Boulevard. Although the facility, which is designed to look like a flagpole, is of a stealth design and is screened behind the building on the site, it would contribute to the saturation of this use in this area. Two existing wireless facilities are located adjacent to this site to the west. Staff therefore recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/18/76	The Board of City Commissioners approved a Rezoning from R-1 (Single Family Residential) to C-1 (Limited Commercial) for this site as part of a larger request (Z-0068-75). The Planning Commission recommended approval.
09/27/88	The Planning Commission approved a Plot Plan Review [Z-0068-75(4)] for the expansion of an existing shopping center on property located on the north side of Charleston Boulevard and west side of Marion Drive. The expanded area includes the subject site. Staff recommended approval.
04/14/97	The City Council approved a request for a Plot Plan And Building Elevation Review [Z-0068-75(5)] for a proposed 50-foot high cellular transmission tower [non-stealth design] on property located at 4510 East Charleston Boulevard. The Planning Commission and staff recommended approval. The tower was to be located approximately 45 feet north of the existing building on the subject site and contain mounted security lighting.
10/07/99	The City Council approved a request for a Special Use Permit (U-0083-99) for a 60-foot high cellular tower [slim line design] at 4480 East Charleston Boulevard. The Planning Commission and staff recommended approval.
08/06/03	The City Council approved the appeal of the Planning Commission denial of a request for a Special Use Permit (SUP-2290) for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 4510 East Charleston Boulevard. Staff recommended approval. The off-premise sign is subject to a review in 2008.
09/21/05	The City Council approved a request for a Special Use Permit (SUP-6690) Request for a Special Use Permit for a proposed 80-foot tall Wireless Communication Facility, Stealth Design at 4480 East Charleston Boulevard. The Planning Commission and staff recommended approval. The City Council approval included a condition restricting the height of the facility to 65 feet with pine tree stealth design.

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10/01/07	Planning and Development staff determined that a proposal for a 60-foot Wireless Communication Facility, Slim-Line Design (SDR-23998) at 4506 East Charleston Boulevard could not be approved administratively. A Special Use Permit to allow the facility was therefore required.
12/20/07	The Planning Commission voted to hold this item (SUP-25473) in abeyance to the 01/10/08 Planning Commission meeting at the request of the applicant.
<i>Related Building Permits/Business Licenses</i>	
02/25/97	An application (282328-9) for a building permit for a wireless communication monopole and equipment building at 4510 East Charleston Boulevard was submitted for review. The permit was never issued, and the application expired on 09/17/97.
12/22/99	A building permit (#99024394) was issued for a 60-foot wireless communication slim-line monopole and equipment shelter at 4480 East Charleston Boulevard. A final inspection was completed 02/29/00.
04/26/01	A building permit (#01007361) was issued for collocation of antennas on an existing wireless communication monopole at 4480 East Charleston Boulevard. A final inspection was completed 07/09/01.
09/23/03	A building permit (#03020398) was issued for an off-premise sign at 4506 East Charleston Boulevard. A final inspection was completed on 03/04/04.
01/10/06	A building permit (#06000145) was issued for a monopine structure at 4480 East Charleston Boulevard. A final inspection was completed 07/12/06.
06/22/07	An application (759488-2) for a building permit for collocation of antennas on an existing wireless communications monopole at 4480 East Charleston Boulevard was submitted for review. The permit was never issued and there is a permit and inspection hold on this application.
<i>Pre-Application Meeting</i>	
10/15/07	At this meeting staff discussed the proposal for a 60-foot slim-line monopole on the subject site. Title 19 requirements, including residential adjacency standards, were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
11/16/07	The site is developed with an in-line shopping center connected to another similar retail building on the east side. There is shared parking with parcels to the east and west. Parking lot landscaping consists of two evergreen trees. An existing monopine and tan slimline monopole are located on the adjacent property to the west, on the east side of the building. There is a billboard in the parking lot next to Charleston Boulevard. Employee parking with a light standard, fire hydrant and mechanical equipment is located behind the building.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail (less than 25,000 SF total)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped	CG (Commercial General Clark County)	C-2 (General Commercial Clark County)
East	Indoor Swapmeet	SC (Service Commercial)	C-1 (Limited Commercial)
West	Health Club, Retail and Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

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

INTERAGENCY ISSUES

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 11/30/07, no comments have been received.

DEVELOPMENT STANDARDS

Per Title 19.08.060, Residential Adjacency Standards do not apply to this project, as there are no protected properties adjacent to the site. The nearest residential property is approximately 290 feet to the north of the proposed facility site.

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ANALYSIS

- **Zoning**

The subject site is zoned C-1 (Limited Commercial) with an SC (Service Commercial) land use designation. A Wireless Communication Facility, Stealth Design is a conditional use in this zoning district, subject to compliance with Title 19.04 use conditions and a staff review. An administrative Cell Tower Review (SDR-23998) found that the design and location of a proposed slim-line wireless communication facility was deemed not to be compatible with surrounding uses. A Special Use Permit is required if any of the base conditions cannot be met, as in this case.

- **Use**

The proposed Wireless Communications Facility is a 60-foot tall stealth canister or flagpole design, to be located behind the existing in-line retail building on the site. Antennas will be contained within the structure. The facility will be constructed in such a way that two additional carriers antennas can be collocated and the pole can be extended 20 feet, to a total potential height of 80 feet. However, no additional antennas or extensions are planned at this time. A six-foot chain link fence is proposed for screening of the facility and associated equipment. While decorative CMU block is recommended for screening wireless facilities, the proposed fencing is adequate given the facility's interior location on the lot behind the building, where the equipment cannot be seen from the public right-of-way. However, materials such as barbed wire or razor wire cannot be supported.

It is noted that only a stealth designed facility is allowed in this location per Title 19.04. A Wireless Communication Facility, Non Stealth Design, including a slim-line design, must be located at least 600 feet away from any other tower that forms part of a wireless communication facility, or any other pole or tower structure of any other type that has a height of at least 60 feet. The one exception is those facilities within a C-V Zoning District may locate within 600 feet of these named structures. This is a non-waivable requirement of any Non-Stealth Design Wireless Communication Facility. The proposed site is approximately 190 feet southeast from a slim-line non-stealth monopole and approximately 190 feet northeast from a stealth monopine facility, both on the same site.

- **Conditions**

Per Title 19.04, the following requirements shall be satisfied to approve a proposed Wireless Communication Facility, Stealth Design. Failure to conform to any one of these requirements shall require approval of a Special Use Permit.

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Title 19.04 Use Requirements	Provided	Compliance
Applicant must submit for staff review, a site plan, elevation and photo simulation	Submitted 08/16/07 as SDR-23998	Yes
No residential use may exist on the property	No residential use exists on the property	Yes
The Design must conform to the term Wireless Communication Facility, Stealth Design as defined by Title and as determined by the Director	Cannister or flagpole design with antennas inside the pole	Yes
Within an area designated as an Historic Preservation District must first be reviewed by the HPC prior to Director granting approval	Not within an Historic Preservation District	Yes
The design and location of the facility must be deemed by the Director to be compatible with surrounding land uses, and the facility must include appropriate screening and landscaping to ensure such compatibility	Was deemed by the Director not to be compatible with the facilities and structures already in the surrounding area	No
The frequencies used by the communication provider shall be in conformance with FCC standards as certified by a competent professional	Certified by engineer to conform to FCC standards	Yes

At the time of original submittal, the proposal was for a slim-line design that was deemed not to be compatible with the surrounding uses. A Special Use Permit was therefore required to permit the use.

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 Communication Facility, Stealth use would be located on a parcel adjacent to a site with a stealth design monopine and a non-stealth design slim-line monopole. Addition of a third facility in the same vicinity would contribute to the saturation of the use and proliferation of tall structures all in the same area. In addition to the wireless facilities nearby, an off-premise sign is located on this site in the parking lot near Charleston Boulevard. Therefore, the proposed use is not harmonious and compatible with the existing land uses surrounding the site.

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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.

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.

The wireless communication facility will not attract additional traffic to the site. Access to the subject site is from Charleston Boulevard, a 100-foot wide Primary Arterial street. This and the attached shopping center parking lot area will be adequate for maintenance vehicles should the facility need servicing.

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 will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

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

The proposed Wireless Communication Facility, Stealth Design meets all applicable use requirements, except that the location of the facility is not compatible with the surrounding land uses.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 260

APPROVALS 1

PROTESTS 0