



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-25769 - APPLICANT: METRO PCS
NEVADA, LLC - OWNER: WAI CHUN GINN

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, Stealth Design use, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-25771) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to allow the installation of a proposed 80-foot tall Wireless Communications Facility, Stealth Design (monopalm) on the east side of Martin L. King Boulevard, approximately 330 feet south of Owens Avenue. The proposed location for the Wireless Communications Facility, Stealth Design is within the R-E (Residence Estates) Zoning District and is conditionally allowed if no residential use occurs on the property.

This Special Use Permit is accompanied by a Variance (VAR-25771) to allow a reduction in the required setbacks, height limit, and residential adjacency. Because this proposal does not comply to the Title 19.08.040 Single-Family Residential District Development Standards, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/20/94	The City Council denied an appeal to the Board of Zoning Adjustments 3/22/94 denial for a Variance (V-0022-94), which was a request to allow a 40-foot high 12-foot by 24-foot Off-Premise advertising (billboard) sign.
10/01/03	The City Council approved a request to Amend (GPA-2497) the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses recorded for this property.	
<i>Pre-Application Meeting</i>	
11/13/07	Pre-application meeting was held with staff to discuss the requirements for installing an 80-foot tall Wireless Communication Facility, Stealth Design (monopalm) on residentially-zoned undeveloped land. Staff informed the applicant that a Variance from the Single-Family Residential District Development Standards is required for Residential Adjacency Setbacks and the height and setbacks required of the R-E (Residence Estates) Zoning District in addition to the required Special Use Permit.
<i>Neighborhood Meeting</i>	
A Neighborhood Meeting is not required, nor was one held.	

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<i>Field Check</i>	
11/29/07	A field check was completed by staff with the following observations: - Undeveloped lot with no discernible changes in grade. - Single-family neighborhood to the west of the subject property across N Street.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.92 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	R-E (Residence Estates)
North	Undeveloped	C (Commercial)	R-E (Residence Estates)
South	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
East	Single Family Residences	C (Commercial)/ L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Residences	R (Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		N
West Las Vegas Plan	X		N
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District 140 Feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following Single-Family Residential District Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	40,000 SF	Y
Min. Lot Width	100 feet	181 feet	Y
Min. Setbacks • Front • Side • Rear	50 feet 10 feet 35 feet	212 feet 7 feet 8 feet	Y N* N*
Max. Lot Coverage	50%	3%	Y
Max. Building Height	35 feet	80 feet	N*
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	240 feet	58 feet	N*
Adjacent development matching setback	5 feet	8 feet	Y

**A Variance (VAR-25771) has been requested to address these deficiencies in Residential Adjacency Setback requirements and the Single-Family Residential District Development Standards.*

ANALYSIS

• Land Use and Zoning

The subject property is located in the Redevelopment Area of the General Plan with a land use designation of C (Commercial). This land use designation is not compatible with the current underlying R-E (Residence Estates) Zoning District. The Wireless Communications Facility, Stealth Design is a permissible use within the R-E (Residence Estates) Zoning District, so long as no residential use occurs on the property.

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- **Special Area Plans**

- **Redevelopment Plan Area**

The subject site is located within the Downtown Redevelopment Area of the Las Vegas Redevelopment Plan. Redevelopment efforts in this area are not limited to only streetscape improvements and new construction, but also consist of ensuring that the proposed uses do not conflict with redevelopment efforts. Staff finds that this proposal, which would be feasible with a commercial rezoning, is not compatible with the current residential zoning classification and could potentially adversely affect future redevelopment. Therefore, staff recommends denial of this proposal.

- **Conditional Use Regulations**

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 10 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 not subject to appeal.

2. No residential use may exist on the property.

3. The design must conform to the definition of the term “A Wireless Communication 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 first 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

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.**

Staff finds that the accompanying Variance (VAR-25771) from the Residential Adjacency Setback standards and Single-Family Residential District Development Standards demonstrate that this proposal cannot be conducted in a manner that is harmonious and compatible with the protected properties to the east. Therefore, staff recommends denial.

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

The site is not physically suitable for accommodating a proposed 80-foot tall Wireless Communications Facility, Stealth Design (monopalm) as it is located with the R-E (Residence Estates) Zoning District. Although Title 19.04.010 allows for a Wireless Communication Facility, Stealth Design use, the Single-Family Residential District Development Standards do not allow for the practical application of this proposal. The proposed 80-foot tall monopalm cellular antenna greatly exceeds the maximum allowable height of 35 feet for the R-E (Residence Estates) Zoning District and does not meet the required setbacks either.

- 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 this requirement is not applicable because the wireless communication tower 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 associated Variance request demonstrates that this proposal is not consistent with the public health, safety, and welfare. Because the proposed use will not be constructed in compliance with applicable development standards, staff recommends denial of this request.

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

Staff finds that the design and location of this proposal does not meet the condition #5, in that the Wireless Communications Facility, Stealth Design is not compatible with the adjacent residential properties to the east.

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SENATE DISTRICT 4

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