

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-23285 - APPLICANT: METRO PCS NEVADA, LLC -
OWNER: D&W, INC

**** 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, Non-Stealth use.
2. Conformance to the conditions for Special Use Permit (U-0153-00) and Site Development Plan Review [Z-0014-62(1)] if approved.
3. This approval shall be void one year from the date of final approval 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 Special Use Permit has been requested by the applicant to allow for a 10-foot extension to an existing 60-foot high Wireless Communication Facility, Non Stealth at 120 North Jones Boulevard. The subject monopole was approved by the City Council in 2000 and placed on site in 2001. The pole sits at the rear of the subject property adjacent to the vacant grocery/drug store building and is non-stealth finished in flat white paint.

The applicant is proposing to add 10 feet to the height of the existing structure to allow for a co-location of antennas. The applicant states that the additional height is necessary to provide adequate service to the nearby U.S. 95 Freeway. Due to the elevation of the freeway, the applicant believes that co-locating antennas underneath the existing antennas will not provide ample coverage to the freeway and the only way to provide ample coverage is to raise the height of the monopole 10 feet. The additional height added to a Wireless Communications Facility, Non Stealth is inappropriate for this site, therefore staff recommends denial.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 08/24/00 | The City Council approved an appeal of a Special Use Permit (U-0153-00) to allow a 60 foot high Wireless Communication Monopole on the subject property. The Planning Commission recommended denial, staff recommended approval. |
| 01/16/02 | The City Council approved a Site Development Plan Review (Z-0014-62[1]) for a co-location of antenna arrays on an existing 60-foot high wireless communication monopole tower. The Planning Commission recommended approval, staff recommended denial. |
| <i>Related Building Permits/Business Licenses</i> | |
| 05/15/01 | A building permit (#01008632) was issued to allow construction of a 60-foot monopole. |
| <i>Pre-Application Meeting</i> | |
| 07/18/07 | A pre-application meeting was held with the applicant where elements of the case were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting was not held, not was one required. | |

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| Field Check | |
|--------------------|--|
| 02/04/08 | A field check was performed and a Wireless Communication Facility with a 60-foot high non-stealth monopole was noted as being located behind an existing 12+ acre shopping center. |

| Details of Application Request | |
|---------------------------------------|-------|
| Site Area | |
| Gross Acres | 12.83 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|---------------------------|--------------------------------|--|
| Subject Property | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Condominiums | M (Medium Density Residential) | R-PD13 (Residential Planned Development 13 Units Per Acre) |
| South | U.S. 95 R.O.W. | U.S. 95 R.O.W. | U.S. 95 R.O.W. |
| East | Apartments | M (Medium Density Residential) | R-4 (High Density Residential) |
| West | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

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

ANALYSIS

- Use

The applicant has proposed a 10-foot extension to the existing 60-foot high wireless communication monopole at 120 North Jones Boulevard. The existing 60-foot monopole and its support facility are located behind the existing shopping center approximately 100-feet away from the adjacent multi-family residential development to the north. Residential adjacency standards are not applicable to multi-family property; therefore they are not addressed in this report. The elevations depict the monopole will be slim-line in design, with a future array for a possible co-location on the same pole. Staff finds the proposed 10-foot extension to the existing monopole to be inappropriate for this site and, therefore recommends denial.

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- **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 (Civic) 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.
- *5. Failure to perform necessary maintenance and repainting shall be grounds for administrative and other enforcement action pursuant to Requirement 9 below.
- *6. Any proposed antenna tower must be designed to accommodate at least two communication providers or, in the case of a tower that exceeds 80 feet in height, at least 3 communication providers.
- *7. No signals, lights, or other attention gaining devices are permitted on any antenna tower or antenna unless required by the Federal Communications Commission or the Federal Aviation Administration; provided, however, that this condition shall not be construed to prevent the mounting of an antenna on a signal, light or sign that has been legally permitted and installed.
- *8. All ground level equipment, buildings and the base of any antenna tower must be screened so as to not be visible from streets and residences, with appropriate landscaping designed to ensure compatibility with surrounding uses.
- *9. Any abandoned or unused antenna tower, and the associated components of any facility, shall be removed within 6 months after operations at the site cease. In the event

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that removal is not timely performed, the City may remove, or cause the removal of, the antenna tower and associated components, and assess the costs of removal against the property. Before taking such action, the City must deliver or mail to the property owner a notice of the City's intent to do so. The property owner shall have 30 days from the date notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed to be a waiver of the right to be heard, and the City may immediately cause the removal of the antenna tower and any associated components, and may assess the costs against the property.

Per Title 19.04.050, it shall not be permissible to waive any Special use Permit requirement that is listed in Table 2 with an asterisk ().

- **Site Plan & Residential Adjacency**

The existing monopole and facility is located near the rear of the subject parcel. From the provided site plans, there is a 580-foot separation between the proposed 60-foot monopole and the nearest single family residential property to the west and a 450-foot separation to the single family residential property to the north. Staff recognizes that while the Title 19.08.060 Residential Adjacency Setback Standards may not be applicable to the single-family residences on the west and north sides of the property, 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.

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 10-foot addition to the existing 60-foot tall monopole cellular tower will be too great an increase in the visual intrusion to nearby single-family dwellings. In addition to the height, the applicant is also proposing additional antenna arrays furthering the visual intrusion to the residential community to the west and north.

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

Although the subject site is physically suitable for the existing 60-foot high wireless communication monopole, the proposed 10-foot extension with additional antenna arrays is a significant increase of the intensity of land use on the residential properties to the west and north.

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 the proposed 10-foot high extension to the existing wireless communication monopole will not generate additional traffic to and from this site and therefore will not affect the surrounding roadways.

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 the proposed overall monopole height of 70 feet is inconsistent with the public health, safety, and welfare 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 10-foot addition in height along with the additional antenna array meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 601

APPROVALS 1

PROTESTS 1