

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-25958 - APPLICANT: T-MOBILE USA, INC. - OWNER:
VILLAGE CENTER, INC.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Stealth design, use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-25959). 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a Special Use Permit for an 80 foot tall Wireless Communication Facility, Stealth Design, at 910 Rancho Drive. This application is required as a result of a companion Variance (VAR-25959) for Residential Adjacency Standards.

The proposed Wireless Communication Facility, Stealth Design will be designed as a monopalm. The communication facility (monopalm) is to be located on the northeast corner of an existing commercial center. Residential properties are adjacent to the north and east boundary of the commercial center which requires the 80 foot communication facility to meet the 3:1 Residential Adjacency Standards.

Due to the overall height and proximity to single-family residences located on the north and east sides of the site, staff is recommending denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/22/97	The City Council approved a request for a Use Permit (U-139-96) on property located at 1002 north rancho drive to allow the on premise sale of beer and wine in conjunction with an existing restaurant.
07/27/00	The Planning Commission approved a Request for a Special Use Permit (U-0094-00) to allow a service bar in conjunction with an existing restaurant at 1054 North Rancho Drive.
09/06/01	The Planning Commission allowed applicants request to withdraw without prejudice a request for a Variance (V-0062-01) to allow 333 parking spaces where 382 parking spaces are the minimum allowed in conjunction with a proposed addition to an existing shopping center at 1000-1064 North Rancho Drive.
01/24/08	The Planning Commission recommended denial of companion item var-25959 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #50/lhm).
<i>Related Building Permits/Business Licenses</i>	
1956	Commercial center built.
<i>Pre-Application Meeting</i>	
11/05/07	Advised Variance and Special Use Permit required as communication facility did not meet Residential Adjacency Standards.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

Field Check	
12/17/07	The location for the 80 foot communication facility is in the northeast corner of an existing commercial center, next to a small shed on the property. On this back portion of the property are parking spaces, no cars parked in this area at the time of inspection. Area is littered with trash. It appears the communication facility will occupy three of the parking spaces.

Details of Application Request	
Site Area	
Net Acres	7.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center (Twin Lakes Plaza)	SC (Service Commercial)	C-2(General Commercial)
North	Single Family Residential	L(Low Density Residential)	R-1 (Single Family Residential)
South	Commercial Center	LI/R(Light Industry / Research)	C-1(Limited Commercial)
East	Single Family Residential	ML(Medium Low Density Residential)	R-PD8(Residential Planned Development - 8 DUA)
West	Single Family Residential	L (Low Density Residential)	R-1(Residence Estates)

Special Districts/Zones	Yes	No	Compliance
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 (105)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	240 Feet	138 Feet	N
Adjacent development matching setback	5 Feet	92 Feet	Y

ANALYSIS

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Wireless Communication Facility, Stealth Requirements	Provided	Compliance
No residential use may exist on the property.	No residential uses exist on the property	Yes
The design must conform to the definition of Wireless Communication Facility, Stealth Design as set forth in Title 19.20 and the Director.	The facility is designed to look like a palm tree, with the antennas hidden by the palms fronds	Yes
The design and location of the facility must be deemed by the Director to be compatible with the surrounding area and the facility must include appropriate screening and landscaping to ensure such compatibility.	Does not meet Residential Adjacency Standards; Screen will consist of an eight foot block wall surrounding the proposed facility; landscaping is not provided; and is not compatible with the surrounding area.	No
The frequencies used by the provider shall be in conformance with FCC standards as certified by a competent professional.	The applicant asserts that the frequencies are in conformance with FCC standards.	Yes

ANALYSIS

Use

The proposed 80 foot tall Wireless Communication Facility, Stealth Design is located on a site in the Southeast Sector of the General Plan. The site is designated SC (Service Commercial). The property is the developed with an existing commercial center and the use is a conditional use in the existing C-2 (General Commercial) zoning designation. Wireless Communication Facilities are permitted uses in the C-2 (General Commercial) zoning district, subject to an administrative level staff review. This project was initially reviewed by Staff and deemed non-compliant with Residential Adjacency Standards.

The proposed stealth antenna is to be located on the northeast portion of the subject C-2 zoned parcel, against the existing block wall and will occupy three existing parking spaces. An eight foot block wall surrounds 407 square feet of space. Outdoor communication equipment and the antenna will be contained within this area. A chain link security cover will be placed over the top of the wall. Landscaping is not provided around the communication facility as required per Title 19.04

Design of the stealth communications facility is a monopalm at a height of 80 feet to the top of fronds. Title 19.08.060 states that a Wireless Communication Facility, Stealth Design, be separated from residential uses by proximity slope of 3:1. This requires the proposed 80-foot antenna to be located 240-feet from the adjoining R-PD8 (Residential Planned Development 8 DUA) property. From the provided site plans, there is a 138-foot separation between the 80-foot tall antenna and the nearest residential property.

The view corridors from the front yards of the homes behind the communication facility will be degraded by the close proximity of the antenna obstructing their views. A communication facility, 80-feet in height, is not compatible with the adjacent residential community developments in the surrounding area; therefore denial is recommended

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 stealth designed facility does not meet Title 19 requirements for this use. The 80-foot tall monopalm is 138-feet from adjacent residential uses and does not comply with the Residential Adjacency Standards which requires a set back distance of 240-feet. The monopalm facility is the only palm tree in the immediate area, and will be obtrusive and is therefore not compatible with surrounding land uses.

- 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 an 80-foot tall communication facility as the increased intensity of land use is too great on the residential properties to the east 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 that Rancho Drive, a 100-foot primary arterial, 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 communication facility (monopalm), 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 facility is not deemed compatible with surrounding uses. A block wall provides screening of the facility, although landscaping is not provided.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 459 by City Clerk

APPROVALS 2

PROTESTS 1