



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-28274 - APPLICANT/OWNER: NEVADA POWER COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-Stealth Design, except as amended by conditions herein.
2. This approval shall be void two years 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.
3. 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.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-28274 - Staff Report Page One
July 24, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 125-foot Wireless Communication Facility, Non-Stealth Design at the northeast corner of Cheyenne Avenue and Durango Drive. Although the facility is located within a Nevada Power Substation, is similar to existing structures, and is screened behind a perimeter wall it would contribute to the saturation of this use in the area. Two (2) existing wireless facilities already exist within the substation in close proximity to the proposed facility. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/97	The City Council approved the reclassification of property from U (Undeveloped) to C-V (Civic) (Z-108-97), for the proposed use of a 55-foot high communication monopole in conjunction with an existing Nevada Power Substation, (maximum height permitted was 100-feet if it provides for co-location).
07/10/08	The Planning Commission voted to hold this item in abeyance at the request of the applicant.
<i>Related Building Permits/Business Licenses</i>	
06/10/98	Building Permit (#98012139) was issued to allow construction of a cell tower, foundation, and equipment cabinets. The permit was finalized 3/31/99.
06/26/98	Building Permit (#98013443) was issued to install electricity for the cell tower. The permit was not finalized.
<i>Pre-Application Meeting</i>	
05/01/08	Staff met with the applicant to discuss the requirements for the 125-foot Wireless Communication Facility, Non-Stealth Design. 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>	
06/18/08	The proposed site is within an existing Nevada Power Substation. There appears to be adequate space for the proposed cell tower. The substation is surrounded by a wall with gated entry points.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.04 acres

SUP-28274 - Staff Report Page Two
July 24, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nevada Power Co. Substation	PF (Public Facility)	C-V (Civic)
North	Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Condominiums	M (Medium Density Residential)	R-PD5 (Residential Planned Development 5 Units Per Acre)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	General Retail Store	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
C-V (Civic)	X		Y
Trails		N	N/A
Rural Preservation Overlay District		N	N/A
Development Impact Notification Assessment		N	N/A
Project of Regional Significance		N	N/A

DEVELOPMENT STANDARDS

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	373 Feet	438 Feet	Y

ANALYSIS

- Use

The proposed Wireless Communication Facility is a 125-foot monopole with two (2) transmit antennas and one (1) receive antenna. The proposed facility will be located within an existing Nevada Power Company Substation fence line and be of similar style and height to existing utility transmission structures. Additionally, the monopole will be used solely for the Nevada Shared Radio System (NSRS) and will not be used for commercial purposes such as cellular.

SUP-28274 - Staff Report Page Three
July 24, 2008 - Planning Commission Meeting

In addition, since the proposed facility is located within a C-V (Civic) zoning district, the 600-foot separation requirement from any other tower that forms part of a wireless communication facility, or any other pole or tower of any type is Waived per Title 19.04.010.

- **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 to 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 the 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 type that has a height of at least 60 feet.
- *4. Antenna tower and associated components shall be initially painted and therefore repainted with 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 surrounding 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, including action pursuant to Requirement 9 below.
- *6. Any proposed antenna tower must be designed to accommodate at least two (2) communication providers or in the case of a tower that exceeds 80 feet in height, at least three (3) communications 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 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.

SUP-28274 - Staff Report Page Four
July 24, 2008 - Planning Commission Meeting

- *8. All ground equipment, building, and 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 six (6) months after operations at the site cease. In the event 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 the notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed 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 requirements listed in Table 2 with an asterisk (). The proposed Wireless Communication Facility, Non-Stealth Design conforms to the minimum Special Use Permit requirements.

- **Site Plan and Residential Adjacency**

The proposed Wireless Communication Facility will be located in the northeast corner of the subject property. The monopole will be located within an existing walled and gated Nevada Power Company Substation. The proposed facility has commercial property to the north, west, and east, and has condominium units to the south. Title 19.08.060, Residential Adjacency Setback Standards requires a minimum of 373-feet from protected property. The proposed communication facility will have a distance of 438-feet, which exceeds the minimum requirement.

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 Wireless Communication Facility, Non-Stealth Design use would be located on a parcel with another monopole and microwave communication tower. Addition of a third facility in the same vicinity would contribute to the saturation of the use and proliferation of tall structures in the area. Therefore, the proposed use is not harmonious and compatible with the existing land uses surrounding the site.

**SUP-28274 - Staff Report Page Five
July 24, 2008 - Planning Commission Meeting**

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

There are no physical constraints to the location for 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.

Staff finds that Cheyenne Avenue and Durango Drive, both fully developed 100-foot Primary Arterials, as depicted within the Master Plan for Street and Highways, 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 125-foot tall monopole, as the resulting visual clutter and obstructed views will degrade the quality of life currently enjoyed by residents to the south of the proposed area.

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

The proposed 125-foot monopole meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 504

APPROVALS 1

PROTESTS 6