



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-27897 - APPLICANT: CLEARWIRE US, LLC OWNER:
CITY OF NORTH LAS VEGAS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Site Development Plan Review (SDR-19371) is hereby expunged.
2. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Wireless Communications Facility, Non-Stealth Design use.
3. All development shall be in conformance with the site plan and elevation, date stamped 12/18/07, except as amended by conditions herein.
4. The antenna tower 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 visibility.
5. 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.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit to allow for a co-location of antennas on an existing 160-foot high Wireless Communication Facility, Non-Stealth Design on 3.27 acres at 5912 La Concha Drive. The applicant is proposing to add three antennas and three microwave dishes at a centerline of 130 feet on the existing 160-foot high monopole and provide mechanical equipment within a seven by seven-foot pad of the lease area of the existing compound. The addition of this equipment to the existing monopole will not extend the existing tower or compound. The co-location of antennas is a conforming use of an existing structure, therefore staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/04/91	The City Council approved a reclassification for this property from R-E (Residence Estates) to C-V (Civic) (Z-95-91). The Planning Commission and staff recommended approval.
02/05/07	A request for a Site Development Plan Review (SDR-19371) was administratively approved to allow a co-location of 3 small antennas and 3 microwave dishes to an existing 160-foot tall wireless communication facility, non-stealth at 5912 La Concha Lane.
11/16/07	A request for a Site Development Plan Review (SDR-21286) was administratively denied to allow a proposed co-location of antennas to an existing 160-foot tall wireless communication facility, non-stealth at 5912 La Concha Drive.
03/19/08	The City Council approved a Special Use Permit (SUP-26102) to allow a co-location of antennas on an existing 160-foot wireless communication facility, non-stealth design at 5912 La Concha Drive. The Planning Commission and staff recommended approval of this request.
06/12/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/dc).
<i>Related Building Permits/Business Licenses</i>	
10/21/04	A building permit (#29363) was issued to allow for the construction of a block wall enclosure. The permit fees paid were refunded to the applicant and the permit expired 05/02/05.
11/01/04	A building permit (#04020967) was issued to allow for construction of a communication pole with screen. The permit received final approval 09/27/05.
05/10/05	A building permit (#05003033) was issued to provide electrical for a communication pole. The permit received final approval 09/22/05.

09/26/05	A building permit (#05006758) was issued to allow construction of a shelter for an antenna. The permit received final approval 12/21/05.
09/10/07	A building permit (#93669) was issued to allow a co-location of antennas on an existing tower. The permit is still open, awaiting final fire and planning inspections.
<i>Pre-Application Meeting</i>	
04/24/08	A pre-application was held with the applicant to discuss the submittal requirements for a Special Use Permit.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
05/08/08	A field check was performed by staff at the subject property. The antenna enclosure was noted as built out of non-decorative plain grey CMU block with a large amount of paintball damage. The mono-pole was noted as grey in color, which does not in with the surrounding area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.27

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Detention Basin	PF (Public Facility)	C-V (Civic)
North	Vacant	PF (Public Facility)	C-V (Civic)
South	Vacant Residential Subdivision Lots	R (Rural Density Residential)	R-PD3 (Residential Planned Development 3 Units Per Acre)
East	Detention Basin	PF (Public Facility)	C-V (Civic)
West	Vacant Residential Subdivision Lots	R (Rural Density Residential)	R-PD3 (Residential Planned Development 3 Units Per Acre)

<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			
C-V Civic 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

* The existing flood control facility (detention basin) is in compliance with the acceptable uses for the C-V Civic Zoned District. A Wireless Communications Facility, Non-Stealth design, is a permitted use upon meeting the minimum conditions as listed by Title 19.04. Since this proposal does not meet the conditions for residential proximity a request for a Special Use Permit has been submitted.

ANALYSIS

• Use

The proposed addition of three antennas and three microwave dishes to the existing 160-foot Wireless Communication Facility, Non-Stealth Design does not qualify for Conditional Use Approval as the subject site is within 600 feet from residentially zoned property. As such, a Special Use Permit for a Wireless Communication Facility, Non-Stealth Design is required.

•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 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 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 AND RESIDENTIAL ADJACENCY**

The existing monopole and surrounding equipment are located at the northwest corner of the triangular shaped subject property. The monopole sits within the center of an existing walled and gated facility. The only changes to the ground layout of the subject facility will be the addition of mechanical equipment at the base of the monopole which will take place within the walled enclosure.

The enclosure of the existing wireless communications facility immediately abuts a .05 acre property zoned R-PD3 (Residential Planned Development 3 Units Per Acre) to the west. This R-PD3 zoned parcel is part of the common open space of the La Ventina Unit 2 subdivision located to the south across La Concha Drive and is not planned for single family home development. The nearest single-family residential lots are located approximately 160 feet from the existing 160-foot monopole south of La Concha Drive. The Residential Adjacency Setback Standards of Title 19.08.060 are not applicable as this is an existing structure. Staff recommends approval 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 addition of three antennas and three microwave dishes to the existing 160-foot tall communication tower will not greatly alter the appearance of this monopole or the surrounding area.

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

The site is physically suitable to accommodate additional antenna arrays as the cell tower was initially designated to accommodate multiple co-locations.

- 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.**

There is little expected traffic related with a Wireless Communication Facility and Jones Boulevard and La Concha Drive will provide adequate access to the subject property in the future. Currently, there is no paved access between Jones Boulevard and La Concha Drive and access to the site necessitates traversing 500 feet of an undeveloped Bureau of Land Management property.

- 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 welfare of the general public will not be compromised by the approval of this proposal to add three antennas and three microwave dishes to an existing monopole. The use is compatible with the C-V (Civic) zoning district and the General Plan.

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

The proposed addition of three antennas and three microwave dishes meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design with the exception of Condition #4. This condition requires the color of the antenna tower to generally match the surroundings or background to minimize visibility. The color of the monopole is a flat grey color which does not blend in with the area or its surroundings. A condition has been added to this application requesting the monopole be painted in a color which will conform to this requirement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 87 by City Clerk

APPROVALS 0

PROTESTS 2