

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-30324 - APPLICANT/OWNER: NEVADA POWER COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Radio Communication Tower use, except as amended by conditions herein.
2. This approval shall be void two years from the date of final approval, unless vertical construction has commenced for the Radio Communications Tower on the site. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 108-foot Radio Communication Tower located within the Nevada Power Substation at the northeast corner of Cheyenne Avenue and Durango Drive. Only members of the Nevada Shared Radio System (NSRS) will use the proposed facility to improve radio coverage, while providing reliable communication networks between the agencies. The facility will be similar to existing structures within the substation and will be screened behind a perimeter wall. Staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/97	The City Council approved the reclassification (Z-0108-97) of property from U (Undeveloped) to C-V (Civic) 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 provided for co-location).
07/24/08	The Planning Commission approved the applicants request to strike from the record a request for a Special Use Permit (SUP-28274) for a proposed Wireless Communication Facility, Non-Stealth Design at the northeast corner of Cheyenne Avenue and Durango Drive.
09/25/08	The Planning Commission approved a request by the applicant to strike from the record a request for a Variance (VAR-29324) to allow a 185-foot residential adjacency setback where a 324-foot setback is required and a request for a Special Use Permit (SUP-29323) to allow the co-location of three antennas and the extension of an existing Wireless Communication Facility, Non-Stealth Design to a height of 208 feet at the northeast corner of Cheyenne Avenue and Durango Drive.
<i>Related Building Permits/Business Licenses</i>	
06/10/98	A building permit (#98012139) was issued to allow construction of a cell tower, foundation, and equipment cabinets at 3202 North Durango Drive. The permit was finalized on 03/31/99.
06/26/98	A building permit (#98013443) was issued to install electricity for the cell tower at 3203 North Durango Drive. The permit was not finalized.
<i>Pre-Application Meeting</i>	
09/16/08	A pre-application meeting was held with the applicant to discuss Title 19 definitions pertaining to Wireless Communication Facilities and Radio Communication Towers, along with the Special Use Permit submittal requirements.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
09-24-08	A site inspection was conducted of the proposed property for the Radio Communication Tower to verify the existence of other facilities within the substation.

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nevada Power Substation	PF (Public Facilities)	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 Establishment	SC (Service Commercial)	C-1 (Limited Commercial)

<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	X		Y
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

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DEVELOPMENT STANDARDS

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	324 feet	434.6 feet	Y

ANALYSIS

- **Use**

The proposed Radio Communication Tower is a 108-foot monopole with a whip antenna occupying the top eight feet of the facility. The proposed tower will be located within an existing Nevada Company Substation fence line and be of similar style and height to existing utility transmission structures. The monopole will be used solely for the Nevada Shared Radio System (NSRS) and will not be used for commercial purposes such as cellular. As part of the project, the applicant will remove an existing lattice tower located to the south of the proposed communication tower.

- **Minimum Special Use Permit Requirements**

There are no minimum Special Use Permit requirements for a Radio Communication Tower.

- **Site Plan and Residential Adjacency**

The proposed Radio Communication Tower will be located in the northeast corner of the subject property within an existing walled and gated Nevada Power Substation. The applicant previously attempted to coordinate the approval to construct a Wireless Communication Facility, Non-Stealth Design, or co-locate antennas on an existing structure as a means to reduce the saturation of structures within the substation. The co-location and increased height of an existing facility was unable to be processed due to Residential Adjacency restrictions. 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 324 feet from protected property. The proposed communication tower will have a distance of 434.6 feet, which exceeds the minimum requirements.

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:

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- 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 Radio Communication Tower meets Title 19.08.060 Residential Adjacency Setback Standards, which requires 324 feet from protected property to the south. In addition, the tower is partially screened by decorative block walls along the perimeter of the substation. The use can thus be conducted in a manner that is harmonious and compatible with the existing land uses surrounding the site.

- 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 Streets and Highways, will provide adequate access to the subject property as there is little expected traffic related with a Radio Communication Tower.

- 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 public will not be compromised by the approval of this proposal to install a Radio Communication Tower. The use is compatible with the C-V (Civic) zoning district and the PF (Public Facilities) General Plan designation.

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

The proposed 108-foot tower meets the minimum requirements for a Radio Communication Tower.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 499

APPROVALS 1

PROTESTS 1