

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: OCTOBER 9, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-28795 - APPLICANT: CLEAR WIRE CORPORATION - OWNER: LONE MOUNTAIN DEVELOPERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning [Z-0010-99(2)], Special Use Permit (U-0059-99) and Site Development Plan Review (SDR-4291), if approved.
2. 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.
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.

Public Works

5. The wireless communications facility shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This Special Use Permit request is for a proposed 70-foot slim-line, four-carrier Wireless Communication Facility, Stealth Design to be installed between the block wall on the west property line and one of the mini-storage buildings located at 4850 North Jones Boulevard on 3.89 acres. The monopole will be located within an existing block wall surrounding the perimeter of a mini-storage facility. The applicant will also be leasing storage unit #1446 for the associated equipment. Although the facility is of stealth design and will be screened behind an existing block wall, due to the overall size and proximity to residential property to the north, south, and east, staff is recommending denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/25/93	The Board of Zoning Adjustments approved a Variance (V-0039-93) to allow a Commercial Child Care facility.
05/24/99	The City Council approved a request for a Rezoning (Z-0010-99) on property located east of Jones Boulevard and approximately 145 feet north of Lone Mountain Road from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 43,835 square-foot Mini-Storage facility. The Planning Commission recommended approval on 4/15/99. Staff also recommended approval.
05/24/99	The City Council approved a request to amend a portion of the Northwest Sector of the General Plan (GPA-0005-99) on property located on the east side of Jones Boulevard, approximately 145 feet north of Lone Mountain Road from R (Rural Density Residential) and ML (Medium Low Density Residential) to SC (Service Commercial). The Planning Commission recommended approval on 4/15/99. Staff also recommended approval.
06/11/99	The Board of Zoning Adjustments approved a request for a Variance (V-0045-99) to allow a proposed Mini-Storage facility to have a zero-foot setback from the side property line where 10 feet are the minimum required.
07/27/99	The City Council approved a request for a Special Use Permit (U-0059-99) on property east of Jones Boulevard and north of Lone Mountain Road for a proposed Mini-Storage facility. The Planning Commission recommended approval on 6/24/99. Staff also recommended approval.
08/16/00	The City Council approved a request for an Extension of Time (EOT) on an approved Rezoning [Z-0010-99(1)] from R-E (Residence Estates) to C-1 (Limited Commercial) on 2.91 acres east of Jones Boulevard and north of Lone Mountain Road. The Planning Commission recommended approval on 7/13/00. Staff also recommended approval.

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08/24/00	The City Council approved a request for an EOT for a Special Use Permit [U-0059-99(1)] to allow a Mini-Storage facility. The Planning Commission recommended approval on 6/24/99. Staff also recommended approval.
03/7/02	The City Council approved a request for a Site Development Plan Review [(Z-0010-99(2))] for a Mini-Warehouse facility on 2.91 acres generally located north of Lone Mountain Road and east of Jones Boulevard. The Planning Commission recommended approval on 1/24/02. Staff recommended approval.
05/7/04	A request for a Parcel Map (PMP-4436) to create one lot from two on property located at the north side of Lone Mountain Road and east side of Jones Boulevard was submitted on 5/7/04. The map was recorded on 6/30/05.
07/21/04	The City Council approved a request for a Rezoning (ZON-4288) from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way. The Planning Commission recommended approval on 6/24/04. Staff recommended denial.
07/21/04	The City Council approved a request for a Special Use Permit (SUP-4289) for a Recreational Vehicle and Boat Storage facility on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way. The Planning Commission recommended approval on 6/24/04. Staff recommended denial.
07/21/04	The City Council approved a request for a Site Development Plan Review (SDR-4291) and Waivers of the landscaping and commercial requirements for a Recreational Vehicle and Boat Storage facility on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way. The Planning Commission recommended approval on 6/24/04. Staff recommended denial.
04/26/07	The Planning Commission accepted staffs request to strike from the agenda a request for a Variance (VAR-20489) to allow an existing 18-foot high perimeter wall where 8 feet is the maximum height allowed for an approved RV storage lot on 3.87 acres at 4850 North Jones Boulevard, since the application was not necessary.
05/10/07	The Planning Commission approved a request for the Review of Condition #9 (ROC-20491) of an approved Site Development Plan Review (SDR-4291), which required that any property line wall be a decorative block wall with at least 20 percent contrasting material. Staff recommended denial.
08/14/08	The Planning Commission approved a request for an Abeyance for a Special Use Permit (SUP-28795), in an effort to provide the applicant with an opportunity to meet with the surrounding neighborhood.
09/11/08	The Planning Commission approved a request for an Abeyance for a Special Use Permit (SUP-28795), in an effort to provide the applicant with an opportunity to hold a neighborhood meeting.
<i>Related Building Permits/Business Licenses</i>	
09/16/02	A building permit (#2016726) was issued for a new mini-storage facility. The permit was renewed 3/15/03.
09/16/02	A building permit (#2016727) was issued for onsite improvements: a completion date is not noted.

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11/4/03	A building permit (#3023448) was issued for mini-storage building #5. The project was completed 5/18/04.
11/4/03	A building permit (#3023449) was issued for mini-storage building #1/office/res. The project was completed 5/13/04.
11/4/03	A building permit (#3023450) was issued for mini-storage building #2. The project was completed on 5/13/04.
11/4/03	A building permit (#3023451) was issued for mini-storage building #3. The project was completed 5/13/04.
11/4/03	A building permit (#3023452) was issued for mini-storage building #4. The project was completed 5/13/04.
11/7/03	A building permit (#3023728) was issued for onsite water/sewer/fire with plans C-8-00: no completion date was noted.
11/13/03	A building permit (#3024024) was issued for a temporary pole and one sub-panel for mini-storage facility. The permit expired on 6/5/04.
12/5/03	A building permit (#3025784) was issued for electrical work: no completion date noted.
12/12/03	A building permit (#3026382) was issued for UG riser, building #3 (no completion date noted).
12/15/03	A building permit (#3026480) was issued for plumbing for the office/res/mini-storage, building #1. The project was completed 4/14/04.
12/15/03	A building permit (#3026481) was issued for plumbing for the office/res/mini-storage- building #4. The project was completed 4/14/04.
01/9/04	A building permit (#4000493) was issued for CLV block wall 928 x 6. The project was completed 5/4/04.
01/21/04	A building permit (#4001373) was issued regarding C-8-00 plans; the project was completed 5/4/04.
02/25/04	A building permit (#4003982) was issued for access gates: no completion date was noted.
03/2/04	A building permit (#4004578) was issued for plumbing for mini-storage building #5. The project was completed 4/14/04.
03/25/04	A building permit (#4006719) was issued for mechanical- new mini-storage facility. No completion date noted.
03/30/04	A building permit (#4007099) was issued for a control station monitor. The project was completed 4/25/04.
03/30/04	A building permit (#4007098) was issued for a dialer. The project was completed on 4/29/04.
03/31/04	A building permit (#4007237) was issued for mechanical, building #5. No completion date noted.
04/6/04	A building permit (#4007673) was issued for a sign, tag #07524.
06/2/04	Business license M06-28005 issued for Miscellaneous Sales.
06/16/04	Business License W07-00088 was issued for Warehouse/Storage.
06/5/06	A building permit (#6003907) was issued for RV carport, 253 x 35 and 264 x 40. The project was completed 5/17/07.

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Pre-Application Meeting	
06/11/08	A pre-application conference was held with the applicant to discuss Title 19 and submittal requirements.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
07/8/08	A field check was conducted for the proposed site of the Wireless Communication Facility, Stealth Design. The site plans submitted by the applicant show the proposed communication facility within an existing structure, so the actual location could not be determined. There are residential homes to the north, south, and east of the proposed location.

Details of Application Request	
Site Area	
Gross Acres	3.89

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mini Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant land	R (Rural Density Residential)	R-D (Single Family Residential-Restricted)
	Single-Family Dwelling	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Dwellings	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development-5 Units per Acre)
	General Retail Store	SC (Service Commercial)	R-E (Residence Estates)
East	Single-Family Dwelling	SC (Service Commercial)	R-E (Residence Estates)
	Single-Family Dwelling	R (Rural Density Residential)	R-E (Residence Estates)
	Daycare/preschool	R (Rural Density Residential)	R-E (Residence Estates)
West	Church	PF (Public Facility)	C-V (Civic)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (140-feet)	X		Y
Trails		X	N/A
			DS

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:			
• North	210 feet	220 feet, 5 inches	Y
• South	210 feet	221 feet, 4 inches	Y
• East	210 feet	295 feet, 10 inches	Y

ANALYSIS

- **Use**

The proposed use is for a 70-foot slim-line, four-carrier monopole with stealth canisters. Additionally, the applicant is proposing to lease an area within an existing mini-storage facility (unit #1446) for the associated equipment.

- **Conditional Use Requirements**

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his/her discretion:
 - a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
 - b. Determine that the proposed facility does not conform to the conditions listed below; A Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.
2. No residential use may exist on the property.

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3. The design must conform to the definition of the term Wireless Communication Facility, Stealth Design, as set forth in Section 19.20.020 and as determined by the Director.
4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

The proposed facility has been deemed not to be in conformance to Conditional Use Requirement #5; therefore, a Special Use Permit is required.

- **Site Plan and Residential Adjacency**

The proposed Wireless Communication Facility will be located near the southwest corner of the subject property between the block wall along the west property line and one of the mini-storage buildings. The monopole will be located within an existing walled site surrounding the mini-storage facility. The proposed facility has commercial businesses to the west, and single-family homes to the north, south, and to the east. Title 19.08.060, Residential Adjacency Setback Standards requires a minimum of 210 feet from protected property. The proposed communication facility will have a distance of 220 feet, 5 inches from the property to the north; 221 feet, 4 inches from the property to the south; and 295 feet, 10 inches to the east, which all exceed 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:

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 70-foot tall slim-line monopole communication facility will be too great of a visual intrusion to the single-family dwellings located to the north, south, and east of the subject property. Therefore, the proposed use is not 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.

Although the subject site is physically suitable for the 70-foot Wireless Communication Facility, Stealth Design, the increased intensity of land use is too great on the residential properties to the north, south, and east.

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 North Jones Boulevard, a fully developed 100-foot Primary Arterial 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 70-foot high slim-line Wireless Communication Facility, as the resulting visual clutter and obstructed views will degrade the quality of life currently enjoyed by residents to the north, south, and east of the proposed area.

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

Staff finds that the location of this proposal does not meet Condition #5 of the Conditional Use Regulations, in that the Wireless Communication Facility, Stealth Design is not compatible with the properties to the north, south, and east.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 6

NOTICES MAILED 238

APPROVALS 5

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