



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-30343 - APPLICANT: NEW CINGULAR WIRELESS -
OWNER: SMOKE RANCH CENTER EQUITY PARTNERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Stealth Design use.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 70-foot tall Wireless Communication Facility, Stealth Design (Monopine) at 6000 Smoke Ranch Road. The proposed facility will initially accommodate one carrier and provide the opportunity to accommodate two additional carriers in the future. The initial carrier will provide twelve antennas at the 62-foot centerline of the proposed Monopine, and provide an enclosure with a six-foot block wall which will occupy three parking spaces near the front of the property.

The subject property has an existing 54-foot tall Wireless Communication Facility, Stealth Design (Monoflag) occupying two parking spaces approximately 42 feet north of the proposed cell tower location and has recently received approval to allow three rooftop mounted antennas at a height of 42 feet on top of the existing two-story commercial building on site. Additionally, single-family homes are located approximately 300 feet to the north of the proposed 70-foot tall Wireless Communication Facility, Stealth Design (Monopine), which, while complying with the residential adjacency standards of Title 19.08.060, will still impact the surrounding neighborhood. Due to the oversaturation of approved Wireless Communication Facilities existing on the subject property and the impact this proposal will have on the surrounding residential area, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/02/87	The City Council approved a Rezoning (Z-0068-87) from R-1 (Single-Family Residential) to C-1 (Limited Commercial) for a proposed Shopping Center located at the northeast corner of Smoke Ranch Road and Jones Boulevard. The Planning Commission recommended approval of this request.
12/08/88	The Planning Commission approved a Review of Condition [Z-0068-87(1)] to delete the condition prohibiting windows on the east side of the second floor proposed offices on property located at the northeast corner of Smoke Ranch Road and Jones Boulevard.
09/23/97	The Planning and Development Department administratively approved a Site Development Plan Review [Z-0068-87(2)] for a 48 square-foot smog check station on property located at the northeast corner of Smoke Ranch Road and Jones Boulevard.
04/11/07	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-19827) to allow a 53-foot Wireless Communication Facility (Flagpole/Monopole) at 6000 Smoke Ranch Road.

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04/30/07	A Code Enforcement citation (#52731) was issued at 6002 Smoke Ranch Road for a non-permitted A-frame sign within the landscape planter. This case was resolved 05/08/07.
06/05/08	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-28092) to allow the placement of three rooftop mounted antennas at a height of 42 feet to an existing commercial building on 1.83 acres located at 6000 Smoke Ranch Road.
08/14/08	The Planning and Development Department denied a request for an administrative Site Development Plan Review (SDR-28845) of a proposed 80-foot Wireless Communication Facility, Stealth Design (Monopine) at 6000 Smoke Ranch Road. This application was denied as it was determined a public hearing would be necessary for this review.
10/29/08	The Planning and Development Department performed an annual review of Special Use Permit (SUP-19827) for the existing cell tower on site. At that inspection, site graffiti, missing landscape and a missing flag from the existing Wireless Communication Facility, Stealth (Monoflag) was noted. This case was turned over to Code Enforcement 10/30/08.
<i>Related Building Permits/Business Licenses</i>	
09/18/88	A building permit (#88005409) was issued for the construction of a new retail building, and for onsite improvements (#88054091) at 6000 Smoke Ranch Road. The permits both received final approval 08/09/89.
01/27/89	A building permit (#89012461) was issued for a tenant improvement at 6040 Smoke Ranch Road. The permit received final approval 08/09/89.
08/02/89	A building permit (#89033735) was issued for a tenant improvement at 6006 Smoke Ranch Road. The permit received final approval 08/18/89.
08/21/89	A building permit (#89036339) was issued for a tenant improvement at 6012 Smoke Ranch Road. The permit received final approval 10/16/89.
08/26/89	A building permit (#89040560) was issued for a tenant improvement at 6018 Smoke Ranch Road. The permit received final approval 11/07/89.
08/30/89	A building permit (#89036338) was issued for a tenant improvement at 6014 Smoke Ranch Road. The permit received final approval 10/05/89.
11/03/89	A building permit (#89045087) was issued for a tenant improvement at 6038 Smoke Ranch Road. The permit received final approval 10/05/90.
11/29/89	A building permit (#89048120) was issued for a three-suite tenant improvement at 6022 Smoke Ranch Road. The permit received final approval 02/02/90.
03/01/90	A building permit (#90058837) was issued for a tenant improvement at 6036 Smoke Ranch Road. The permit received final approval 04/10/90.
05/04/90	A building permit (#90067086) was issued for a tenant improvement at 6034 Smoke Ranch Road. The permit received final approval 06/06/90.
12/22/95	A business license (#M01-03916) was issued for a janitorial service at 6024 Smoke Ranch Road.

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10/10/97	A business license (#Q07-00886) was issued for a dental office at 6006 Smoke Ranch Road.
08/31/00	A building permit (#00016305) was issued for a tenant improvement at 6010 Smoke Ranch Road. The permit received final approval 10/10/00.
12//4/01	A business license (#A23-01908) was issued for bookkeeping/tax services at 6040 Smoke Ranch Road.
07/29/03	A building permit (#03016182) was issued for a tenant improvement at 6002 Smoke Ranch Road. The permit received final approval 09/16/03.
05/11/04	A business license (#I04-03090) was issued for insurance sales at 6020 Smoke Ranch Road.
06/24/04	A business license (#H02-01498) was issued for handbill distribution at 6002 Smoke Ranch Road.
12/08/05	A building permit (#05008550) was issued for a Wireless Communication Facility, Stealth (Monoflag) at 6002 Smoke Ranch Road. The permit received final approval 07/21/06.
02/08/06	A building permit (#59313) was issued for a block wall for a cell site enclosure. The permit received final approval on 08/14/06.
05/23/06	A building permit (#06003628) was issued for a tenant improvement at 6032 Smoke Ranch Road. The permit received final approval 09/01/06.
12/12/07	A building permit (#103952) was issued for the demolition of an interior non-structural wall at 6034 Smoke Ranch Road. The permit received final approval 10/17/08.
01/18/08	A business license (#A23-02264) was issued for a tax preparation service at 6032 Smoke Ranch Road.
02/01/08	A building permit (#107452) was issued for the demolition of an existing demising wall at 6034 Smoke Ranch Road. The permit received final approval 06/18/08.
05/19/08	A building permit (#110222) was issued for a tenant improvement at 6038 Smoke Ranch Road. The permit is still open pending final approval.
07/03/08	A business license (#C07-03875) was issued for clothing sales at 6038 Smoke Ranch Road.
07/23/08	A business license (#E04-00146) was issued for a pest control service at 6032 Smoke Ranch Road.
09/17/08	A building permit (#119716) was issued for a rooftop cell site at 6000 Smoke Ranch Road.
<i>Pre-Application Meeting</i>	
10/07/08	A pre-application meeting was has with the applicant where the requirements of submitting a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
10/14/08	A field check was performed by staff at the subject property. The subject site was noted as an existing, aging retail center which appeared to be in below-average condition. Several of the trees shown on the approved landscape plan adjacent to Smoke Ranch Road were missing. An existing Wireless Communication Facility, Stealth (Monoflag) was noted on site, missing its flag and containing graffiti on the communications enclosure.

Details of Application Request	
Site Area	
Gross Acres	1.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
South	Multi-Family Residential and LVVWD Property	M (Medium Density Residential) and PF (Public Facilities)	R-PD20 (Residential Planned Development 20 Units per Acre) and R-1 (Single Family Residential)
East	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Auto Repair, Minor and Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District 70 Feet	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 subject property is located within the North Las Vegas Airport Overlay Map within the 70-foot height limitation contour. The proposed Wireless Communication Facility, Stealth (Monopine) is proposed at a height of 70 feet, meeting the height limitation for the subject parcel.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	210 Feet	300 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Office, Other Than Listed	9,082 SF	1 / 300 SF	31				
General Retail Store (Less than 3,500 SF)	1,116 SF	1 / 175 SF	7				
Church/House of Worship	2,000 SF of Worship Area	One space for each 4 fixed seats, or one space for each 100 square feet of non-fixed seating in the gathering room	20				
Office, Medical or Dental	2,180 SF	1 space for each 200 SF of gross floor area up to 200 SF, plus 1 space for each add'l 175 SF	14				
Restaurant, Less than 2,000 SF (w/o Drive-Thru)	1,117 SF	1 / 100 SF	12				
TOTAL			84		121		Y*

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* The existing commercial development provides a total of 126 parking spaces. Two parking spaces have been removed to accommodate the existing Wireless Communication Facility, Stealth Design (Monoflag) on site. Three additional parking spaces will be removed to accommodate the proposed Wireless Communication Facility, Stealth Design (Monopine), if approved.

ANALYSIS

- **Use**

The applicant is proposing a 70-foot, Wireless Communication Facility, Stealth Design (Monopine) at an existing commercial development at 6000 Smoke Ranch Road. The proposed facility will be located within the front parking lot area of the existing commercial development, and will replace three existing parking spaces. A total of 12 antennas will be mounted on the proposed tower at the 62-foot centerline, with the tower offering co-location ability for additional carriers.

The proposed Wireless Communication Facility, Stealth Design (Monopine) will sit approximately 42 feet south of an existing Wireless Communication Facility, Stealth Design (Monoflag) on the same site and approximately 200 feet south of the three approved rooftop mounted antennas on site. The proposed Wireless Communication Facility, Stealth Design (Monopine) is within 300 feet of single-family residential property and is proposed on a site which already contains a Wireless Communication Facility, Stealth Design (Monoflag) and does not qualify for Conditional Use approval. Due to the oversaturation of approved Wireless Communication Facilities on the subject site and the impact this structure will have on the surrounding neighborhood, staff recommends denial of this request.

- **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 document 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 is filed, the application must first be reviewed and approved by the Council.

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- b. Determines that the proposed facility does not form 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
 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 Wireless Communication Facility fails to meet condition number 5, as it is not compatible with the existing 54-foot Wireless Communication Facility, Stealth Design (Monoflag), approved 42-foot rooftop mounted antennas on site and adjacent single-family homes to the north.

- **Site Plan and Residential Adjacency**

The proposed Wireless Communication Facility is to be located near the front of an existing commercial development, setback approximately 64 feet from the front property line. The applicant will construct an 18-foot by 18-foot enclosure surrounded by a six-foot block wall, which will occupy three existing parking spaces. All of the electrical equipment associated with the proposed Wireless Communication Facility will be housed within the enclosure, with the exception of the electrical meter and disconnect, which will be mounted on the exterior.

Directly abutting the proposed location to the east is a Mini-Storage Facility and to the north are single-family residential homes. To the west is an existing Convenience Store and an Automotive Repair Facility, Minor and to the south is Multi-Family Residential. Title 19.08.060 Residential Adjacency Setback Standards require a minimum separation of 210-feet from protected property. The proposed communication facility will be approximately 300-feet from the protected property to the north, which meets the minimum Residential Adjacency Setback requirements. While the proposal meets the Residential Adjacency requirements, the Wireless Communication Facility will still be visible from the single-family homes to the north and impact the adjacent properties. Due to the oversaturation of approved Wireless Communication Facilities existing on the subject property and the impact this proposal will have on the surrounding residential area, staff recommends denial of this request.

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 Wireless Communication Facility does not meet these requirements as it is planned for a parcel which already contains a 54-foot Wireless Communication Facility, Stealth Design (Monoflag), an approval for a 42-foot rooftop mounted antenna, and is within 300 feet of single-family residences.

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

The subject site is not physically suitable for the type and intensity of land use proposed as the addition of a Wireless Communication Facility on a parcel which already contains a Monoflag and rooftop mounted antennas will create an oversaturation of that use on 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.**

There is little expected traffic related with a Wireless Communication Facility at the subject site. Smoke Ranch Road, a 100-foot primary arterial as designated by the Master Plan Streets and Highways will provide adequate access to the subject 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 and will not be inconsistent with the overall objectives of the General Plan. Staff does note that a 70-foot Wireless Communication Facility will have some impact on the nearby residential properties, as the tower will be visible from these properties.

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

The proposed addition of six panel antennas meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design with the exception of Condition #5. The site has been determined to not be compatible with this use, as there are already two approved Wireless Communication Facility uses on the subject property.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 1

SENATE DISTRICT 3

NOTICES MAILED 439

APPROVALS 1

PROTESTS 0