



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-32530 - APPLICANT: CLEARWIRE US, LLC - OWNER:**  
**WESTCARE WORKS, INC.**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, 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 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit to allow a proposed 70-foot high Wireless Communication Facility, Non-Stealth Design to be located at 401 South Martin L King Boulevard oriented towards the I-15 freeway. The tower is to be situated on the northeast portion of the property with the enclosure adjacent to the northeastern building.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/02/05	An Appeal (DIR-9994) of the Director's decision to deny a Business License per 19.04.010 for an acute psychiatric hospital located at 401 South Martin L. King Boulevard. No action was taken by Council at this time.
04/16/08	An Appeal (DIR-27454) of the Director's decision to deny a business license per 19.04.010 for a Convalescent Care Facility located at 401 South Martin L. King Boulevard was denied by the City Council.
11/04/08	A request for an administrative approval of Minor Site Development Plan Review (SDR-31228) to allow a 70-foot Wireless Communication Facility, Non-Stealth Design with three (3) 42-inch antennas and three (3) 24-inch microwave dishes at 401 South Martin L. King Boulevard was denied. It was determined that a Special Use Permit would be required.
<b><i>Related Building Permits/Business Licenses</i></b>	
11/08/89	Business license #N35-00010 issued for Alcohol and Drug Counseling and remains active to date.
05/06/03	Inspection Management Program, permit #19525 issued for Certificate of Occupancy.
09/20/05	Building permit #50892 issued for chain link fencing, plus chain link on top of existing wrought iron railing. This permit received final approval on 10/07/05.
<b><i>Pre-Application Meeting</i></b>	
11/25/08	A pre-application meeting was held with staff to discuss the requirements for a Special Use Permit submittal.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

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<b>Field Check</b>	
12/05/08	A field check was carried out by staff with the following observations: <ul style="list-style-type: none"> <li>• There is adequate space for the proposed location of the facility and will not interfere with on site parking or circulation.</li> <li>• There is an existing drug and alcohol counseling operation on site.</li> <li>• The proposed non-stealth tower design matches the nearby freestanding freeway lights in appearance and scale.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.93 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office	C (Commercial)	M (Industrial)
North	Mini-Storage	C (Commercial)	M (Industrial)
South	Office and Warehouse	C (Commercial)	M (Industrial)
East	ROW I-15	ROW I-15	ROW I-15
West	Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District 175 feet	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

**ANALYSIS**

The applicant is requesting a Special Use Permit to allow a 70-foot Wireless Communication Facility, Non-Stealth Design with three (3) 42-inch antennas and three (3) 24-inch microwave dishes as the initial Minor Site Development Plan Review (SDR-31228) could not be approved administratively for a Wireless Communication Facility with a Non-Stealth design. Staff supports this request as the proposal meets the minimum Special Use Permit requirements listed in Title 19.04 for a Non-stealth tower. Additionally, the applicant has made efforts to match the general appearance and scale of the nearby freeway lights which will reduce the impact of the proposed facility.

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## **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.**

Staff finds that the proposed 70-foot tall Wireless Communication Facility, Non-Stealth Design has been situated on the site so as to minimize the impact on the neighboring properties and, overall, will be aesthetically compatible with the adjacent freeway freestanding light structures and adjacent industrial properties.

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

The proposed 70-foot tall Wireless Communication Facility is to be located next to the northeast corner of a two-story office building. The provided plans and elevations show adequate screening to minimize the visual impact of the supporting equipment and enclosure. Staff supports this proposal as the industrially-zoned location and neighboring freeway provide minimal visual intrusion for a non-stealth cellular tower design.

- 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.**

The property is directly accessed from Martin Luther King Jr. Boulevard, a 100-foot wide Primary Thoroughfare as designated within the Master Streets and Highways Plan, and provides adequate access to the proposed facility, which will have negligible access requirements after installation.

- 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 approval of this requested Special Use Permit will not contradict the overall objectives of the General Plan as the proposed non-stealth tower meets all conditions for a Wireless Communication Facility, Non-Stealth Design as listed in Title 19.04 and is a compatible use for the M (Industrial) zoning district and the C (Commercial) land use designation.

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

With the approval of this requested Special Use Permit, the proposed Wireless Communication Facility, Non-Stealth Design will be in compliance with the requirements listed in Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 39

**APPROVALS** 1

**PROTESTS** 0