



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-32606 - APPLICANT: CLEARWIRE US, LLC - OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, Non-Stealth Design use, including parking requirements.
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. Any fencing and / or landscaping that is removed or destroyed during the installation of the Wireless Communication Facility and Equipment Cabinet shall be replaced and restored.
5. The 80-foot Wireless Communication Facility shall be painted a blue-gray tone. The color shall be approved by the Department of Planning and Development at the time of permitting.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. The proposed ground mounted base and associated facilities shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 80-foot tall Wireless Communication Facility, Non-Stealth Design (Slimline Monopole) at 4217 Vegas Drive within a Municipal Golf Course. The proposed facility will initially accommodate one carrier and provide the opportunity to accommodate one additional carrier if necessary. The initial carrier will provide three antennas at the 77.5-foot centerline, and up to three microwave dishes and DAP heads mounted below the centerline with azimuths of 0 degrees, 120 degrees, and 240 degrees within a stealth canister. Both the antennas and microwave dishes will be mounted within the interior of the slimline monopole, and will not be visible to the public. A new equipment cabinet enclosure will also be installed adjacent to the base of the new slimline monopole.

The proposed slimline monopole meets the Residential Adjacency standards and both the antennas and microwave dishes will be mounted within the interior of the monopole. The proposed Wireless Communication Facility, Stealth Design (Slimline Monopole) use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; therefore staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/09/03	The Planning Commission approved (final action) a request for a Site Development Plan Review (SDR-1327) for park improvements, including soccer fields, basketball courts, picnic areas and concession / restroom area on 46 acres at 1400 North Decatur Boulevard.
12/11/06	Code Enforcement processed a complaint (case #48534) of an abandoned car by maintenance building at 4217 Vegas Drive. The case was resolved on 12/13/06.
08/19/08	Code Enforcement processed a complaint (case #68877) for trash and debris behind building at 4217 Vegas Drive. The case was resolved on 09/04/08.
02/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/ne).
<i>Related Building Permits/Business Licenses</i>	
07/29/03	A building permit (#03016176) was issued for a block wall, chain link fence, and ornamental wrought iron at 1400 North Decatur Boulevard. The permit was finalized on 02/24/04.
11/20/03	A building permit (#03024687) was issued for a chain link and wrought iron fence at 1400 North Decatur Boulevard. The permit was finalized on 02/24/04.
02/26/06	A building permit (#50907) was issued for a chain link fence at 1400 North Decatur Boulevard. The permit expired on 09/06/06.

02/27/06	A building permit (#06001439) was issued for a City Park at 1400 North Decatur Boulevard. The permit was finalized on 07/06/06.
03/08/06	A building permit (#61150) was issued for a retaining wall and trash enclosure walls at 1400 North Decatur Boulevard. The permit expired on 09/06/06.
<i>Pre-Application Meeting</i>	
10/29/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval) were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
01/08/09	Staff performed a routine field check where staff was able to view the fenced location the applicant has proposed for the Wireless Communication Facility. Staff noted the subject site appears to be within the park, but is actually part of the Municipal Golf Course parcel.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	137.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Golf Course	PF (Public Facilities)	C-V (Civic)
North	Single-Family	L (Low Density Residential) / RN [(Rural Neighborhood) Clark County]	R-1 (Single Family Residential) / R-E (Residence Estates) / R-E [(Rural Estates Residential) Clark County]
South	Single-Family Residences / Multi-Family Residences / Convenience Store with Fuel Pumps / Shopping Center / School	SC (Service Commercial) / ML (Medium Low Density Residential) / L (Low Density Residential) / PF (Public Facilities)	C-1 (Limited Commercial) / R-PD8 (Residential Planned Development 8 Units per Acre) / R-1 (Single-Family Residential) / C-V (Civic)
East	Undeveloped Lot [Proposed Office Building (SDR-25995)] / Single-Family Residences	SC (Service Commercial) / L (Low Density Residential)	C-1 (Limited Commercial) / R-1 (Single Family Residential)
West	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

<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
A-O Airport Overlay District 105 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		Y

C-V Civic District

The C-V District is intended to provide for existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District, Nevada Power and other public utility facilities. In addition, the C-V District may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. The C-V District is consistent with the Public Facilities category of the General Plan.

Airport Overlay District 105 Feet

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 105-foot contour limitation and does not violate the height limitations, as the proposed slimline monopole is 80 feet in height.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	5,952,928 SF	Y
Min. Lot Width	N/A	1,290 FT	Y
Min. Setbacks			
• Front	N/A	N/A	Y
• Side	N/A	390 FT	Y
• Corner	N/A	N/A	Y
• Rear	N/A	1,302 FT	Y
Max. Building Height	N/A	80 Feet	Y

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	240 Feet	Approximately 487 Feet	Y

ANALYSIS

- **Zoning**

The subject site is zoned C-V (Civic) with a land use designation of PR-OS (Parks/Recreation/Open Space). A Wireless Communication Facility, Non-Stealth Design is an allowable use in a C-V (Civic) zone.

- **Wireless Communication Facility, Non-Stealth Design**

Title 19.04 defines a Wireless Communication Facility, Non-Stealth Design as, A wireless communication facility that does not qualify as a stealth design wireless communication facility.

- **Site Plan**

The applicant is proposing an 80-foot, Wireless Communication Facility, Non-Stealth Design (Slimline Monopole) to an existing Municipal Golf Course at 4217 Vegas Drive. The proposed facility would be located on the west periphery of the Municipal Golf Course, adjacent to the City Park approximately 390 feet south of Vegas Drive. A total of three (3) sectors will be mounted on the proposed tower at the 77.5-foot centerline, each sector capable of housing one (1) antenna for a total of three (3) antennas. The proposed monopole will also house three (3) microwave dishes and DAP heads mounted below the centerline with azimuths of 0 degrees, 120 degrees, and 240 degrees within a stealth canister. Both the antennas and microwave dishes will be housed on the interior of the monopole, not visible to the public. All of the electrical equipment associated with the proposed Wireless Communication Facility will be housed within an enclosure to be constructed adjacent to the base of the proposed monopole. The proposed slimline monopole is also capable of collocating one additional carrier if necessary.

Directly abutting the subject parcel to the east and south is single-family residences; and to the north, across Vegas Drive are also single-family residences. To the west is an existing City park. Title 19.08.060 Residential Adjacency Standards require a minimum setback of 240-feet from protected property. The proposed communication facility will be approximately 487-feet from the protected property to the north, which meets the minimum Residential Adjacency requirement of 240 feet.

The proposed site, while within an existing Municipal Golf Course and adjacent to an existing City Park, does not provide sufficient screening with existing trees within the immediate area to justify the proposed green monopole demonstrated with this request. Staff has added a condition to have the slimline monopole painted a less intrusive, blue-gray tone. The blue-gray tone will blend with the existing surrounding area making the slimline monopole less visually intrusive to the public.

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 Wireless Communication Facility, Non-Stealth Design (Slimline Monopole) use can be conducted in a manner that is harmonious and compatible with the existing surrounding area.

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

The subject site is physically suitable for the type and intensity of land use proposed as the addition of a Wireless Communication Facility, Non-Stealth Design (Slimline Monopole) will not intensify the land use.

- 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. Vegas Drive, an 80-foot Secondary Collector as defined by the Master Plan of 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 approval of this request would not compromise public health, safety, and welfare or the overall objectives of the General Plan.

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

The proposed 80-foot Wireless Communication Facility, Non-Stealth Design (Slimline Monopole) meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 940 by City Clerk

APPROVALS 2

PROTESTS 5