



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-35744 - APPLICANT: AT&T MOBILITY - OWNER: SMOKE RANCH CTR EQUITY PARTNERS

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-35746) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The Wireless Communication Facility and its associated equipment and 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 cupola and its associated equipment and facility.
5. 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 62-foot tall Wireless Communication Facility, Stealth Design (Building Mounted) at 6000 Smoke Ranch Road. The proposed Wireless Communication Facility will be located within the center cupola of the existing structure at the subject site. An associated Variance (VAR-35746) request will also be considered, as the installation of the proposed Wireless Communication Facility will not meet the required 185-foot residential adjacency standard. The proposed use can be conducted in a manner that is harmonious and with the existing and future surrounding land uses; therefore, staff recommends approval of this request. If the application is denied, the proposed Wireless Communications facility will have to be redesigned or relocated to comply with Title 19.

Issues:

- Approval of an associated Variance (VAR-35746) is required for this request to be approved, as the proposed Wireless Communication Facility, Stealth Design (Building Mounted) will not meet the required Residential Adjacency standards. The proposed cupolas will be 112 feet from an existing single family residence where 185 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
02/05/63	The Planning Commission approved an Annexation (A-0005-63) of property located on the northwest corner of Smoke Ranch Road and Michael Way.
06/23/77	The Board of Zoning Adjustment denied a Rezoning (Z-0007-77) from R-1 (Single Family Residence) to C-2 (General Commercial on property generally located on the northeast corner of Smoke Ranch Road and Jones Boulevard.
04/18/79	The City Council approved a Rezoning (Z-0023-79) from: R-1 (Single Family Residential) to: C-1 (Limited Commercial) on property generally located on the northeast corner of Smoke Ranch Road and Jones Boulevard. The Planning Commission recommended approved the request. However, the City Council <u>Denied</u> an Extension of Time for this application on 06/06/84. The Planning Commission recommended approval of the request.
09/02/87	The City Council approved a Rezoning (Z-0068-87) from: R-1 (Single Family Residential) to: C-1 (Limited Commercial) on property generally located on the northeast corner of Smoke Ranch Road and Jones Boulevard. The Planning Commission recommended approval of the request.
02/01/05	A deed was recorded for a change of ownership.

11/28/05	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-19827) to allow a proposed 53-foot Wireless Communication Facility, Flagpole/Monopole at 6000 Smoke Ranch Road.
04/30/07	A Code Enforcement citation (#52731) was issued for illegal signage at 6002 Smoke Ranch Road. Code Enforcement closed the case on 05/08/07.
06/13/08	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-28092) to allow the placement of three roof-mounted antennas at a height of 42 feet to an existing commercial building on 1.83 acres located at 6000 Smoke Ranch Road.
08/20/08	The Planning and Development Department denied a Minor Site Development Plan Review (SDR-28845) for a proposed 80-foot tall Wireless Communication Facility, Stealth design (Monopine) at 6000 Smoke Ranch Road.
11/05/08	A Code Enforcement citation (#71417) was issued for graffiti on a Flagpole at 6000 Smoke Ranch Road. Code Enforcement closed the case on 02/25/09.
11/20/08	The Planning Commission denied a Special Use Permit (SUP-30343) for a proposed 70-foot tall Wireless Communication Facility, Stealth design (Monopine) at 6000 Smoke Ranch Road. Staff recommended denial of the request.
05/29/09	The Planning and Development Department denied a Minor Site Development Plan Review (SDR-34405) for a 20-foot tall cupola extension to an existing building for a Wireless Communication Facility, Stealth Design located at 6000 Smoke Ranch Road.
06/12/09	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-34438) for the co-location of three (3) antennas and three (3) microwave dish antennas at the 37-foot, 5-inch centerline inside of an existing 53-foot tall Wireless Communication Facility, Stealth Design (Flag Pole) located at 6002 Smoke Ranch Road.
10/08/09	The Planning Commission recommended approval of companion item VAR-35746 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #16/jb).
<i>Related Building Permits/Business Licenses</i>	
12/08/05	A Building Permit (#5008550) was issued for a flagpole antenna at 6002 Smoke Ranch Road. The building permit expired on 01/20/07.
02/08/06	A Building Permit (#59313) was issued for a wall enclosure for a cellular facility at 6002 Smoke Ranch Road. The building permit was finalized on 08/14/08.
07/10/08	A Building Permit (#119716) was issued for a rooftop cellular facility at 6000 Smoke Ranch Road. The building permit has not received a final inspection.
06/24/09	A Building Permit (#142164) was issued for a collocation of antennas on an existing cellular facility at 6002 Smoke Ranch Road. The building permit has not received a final inspection.

<i>Pre-Application Meeting</i>	
07/22/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth (Building Mounted) Design were discussed, including Residential Adjacency requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
09/03/09	A field check was conducted by staff. A well maintained retail development was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.83 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Tenant Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residential	PF (Public Facilities)	C-V (Civic)
	Las Vegas Valley Water District	M (Medium Density Residential)	R-PD20 (Residential Planned Development – 20 Units per Acre)
East	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store and Auto Repair Garage	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			
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

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
• North	185 Feet	112 Feet	N

ANALYSIS

The applicant is proposing a 61.5-foot, Wireless Communication Facility, Stealth Design (Building Mounted) within the center cupola of the existing structure at the subject site. The applicant proposes to extend the existing front and center cupola on the building by 20 feet, bringing the total height of the structure to 61.5 feet. Currently, there are three communication antennas located on the rooftop of the building. The proposed design will provide for the relocation of the existing communication antennas from their current exposed location to a more concealed “flush mounted” design reducing their profile.

The proposed Wireless Communication Facility will be approximately 112 feet from the protected property to the north, which does not meet the minimum Residential Adjacency Setback requirements of 185 feet. The applicant has submitted an associated Variance (VAR-35746) to address this issue. Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Building Mounted) is compatible with the existing single-family residential homes to the north. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff recommends approval of this request.

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 land use can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses, as projected by the General Plan.

- 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 the land use proposed.

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.”

Site access is provided from Smoke Ranch Road, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street provides adequate access to and from 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.”

Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Wireless Communication Facility, Stealth Design use will be subject to regular inspections.

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

The proposed Wireless Communication Facility, Stealth Design use complies with the conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 3

NOTICES MAILED 441 by City Clerk

APPROVALS 1

PROTESTS 1