



## **AGENDA MEMO**

**CITY COUNCIL MEETING OF: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36117- APPLICANT: HARVATH TOWERS, LLC. OWNER: SUERTE SIETE, LLC.**

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### **\*\* CONDITIONS \*\***

The Planning Commission (4-3/bg, rt, se vote) and staff recommend APPROVAL, subject to conditions.

#### **Planning and Development**

1. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
2. A technical landscape plan conforming to the minimum requirements of Title 19.12, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
3. The access driveway area shall be paved to comply with Title 19.10.
4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

#### **Public Works**

7. The proposed monopole 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.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 85-foot tall Wireless Communication Facility, Stealth Design (Monopine) on an undeveloped lot located on the west side of Jones Boulevard approximately 360 feet north of Smoke Ranch Road. The proposed facility will accommodate up to four carriers. The initial installation will provide 12 antennas on the proposed Wireless Facility. The applicant is proposing to provide an enclosure with a six-foot wall to screen to the facility designed to match the walls in the surrounding area, as well as perimeter landscaping to meet the minimum requirements of Title 19.12. Although submitted plans indicate a gravel access drive to the site, a condition has been added to require paved access to meet Title 19.10 requirements. Staff is recommending approval of this request as the proposed Wireless Communication Facility can be conducted in a manner that is harmonious and compatible with the surrounding uses. Should the request be denied, the Wireless Communication Facility, Stealth Design use would not be permitted at this location.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b> |                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/12/04                                                                                     | A deed was recorded for a change of ownership on the west side of Jones Boulevard approximately 360 feet north of Smoke Ranch Road.                                                                                                   |
| 11/05/09                                                                                     | The Planning Commission recommended approval of companion item ZON-36119 concurrently with this application.<br><br>The Planning Commission voted 4-3/bg, rt, se to recommend APPROVAL (PC Agenda Item #36/ao).                       |
| <b><i>Related Building Permits/Business Licenses</i></b>                                     |                                                                                                                                                                                                                                       |
| There are no related permits/business licenses pertaining to the subject site.               |                                                                                                                                                                                                                                       |
| <b><i>Pre-Application Meeting</i></b>                                                        |                                                                                                                                                                                                                                       |
| 09/02/09                                                                                     | A pre-application meeting was held to discuss the application submittal requirements for a Rezoning and Special Use Permit.                                                                                                           |
| <b><i>Neighborhood Meeting</i></b>                                                           |                                                                                                                                                                                                                                       |
| A neighborhood meeting was not required, nor was one conducted.                              |                                                                                                                                                                                                                                       |
| <b><i>Field Check</i></b>                                                                    |                                                                                                                                                                                                                                       |
| 10/01/09                                                                                     | A field check was conducted by staff. The subject site is undeveloped. The site was generally clean, but there was some graffiti on the posted for sale sign. There is also adequate space for the proposed location of the facility. |

| <b><i>Details of Application Request</i></b> |  |
|----------------------------------------------|--|
| <b><i>Site Area</i></b>                      |  |
|                                              |  |

|             |      |
|-------------|------|
| Gross Acres | 1.43 |
|-------------|------|

| Surrounding Property | Existing Land Use         | Planned Land Use                       | Existing Zoning                 |
|----------------------|---------------------------|----------------------------------------|---------------------------------|
| Subject Property     | Undeveloped               | SC (Service Commercial)                | U (Undeveloped)                 |
| North                | Church/ House of Worship  | PR-OS<br>(Parks/Recreation/Open Space) | C-V (Civic)                     |
| South                | Auto Parts                | SC (Service Commercial)                | C-1 (Limited Commercial)        |
| East                 | Single Family Residential | L (Low Density Residential)            | R-1 (Single Family Residential) |
| West                 | Public Middle School      | PF (Public Facility)                   | U (Undeveloped )                |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      | X          |           | Y                 |
| A-O Airport Overlay District (105 Feet)           | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## ANALYSIS

The applicant is proposing an 85-foot tall Wireless Communication Facility, Stealth Design (Monopine). According to Title 19.20.020, a “Wireless Communication Facility, Stealth Design” is defined as “a wireless communication facility that is designed to blend into the surrounding environment.” The design of the proposed Communication Wireless Facility is that of a Monopine . In addition to providing additional landscaping to ensure compatibility with the surrounding uses and Title 19 requirements, the applicant will also appropriately screen the Wireless Communication Facility with a six-foot tall, 40-foot by 60-foot walled enclosure. Pursuant to Title 19.12.075 (G), perimeter walls “shall have a minimum of twenty percent contrasting material”; this requirement has been met as indicated on the submitted plans.

The proposal meets the minimum Wireless Communication Facility, Stealth Design use requirements of Title 19.04; however, the proposal must also show that it is compatible with the surrounding uses. For a Wireless Communication Facility, Stealth Design, no additional parking is required beyond that which is required for the principal use; however, as the site is undeveloped and this will be the principle use of the site, a condition was added to require paved access to the facility and the provision of a parking space for service vehicles as required by Title 19.10. Staff is recommending approval of this request as the proposed Wireless Communication Facility will meet these requirements and the use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

## **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 land use for the proposed 85-foot tall Wireless Communication Facility, Stealth Design can be conducted in a manner that is harmonious and compatible with the surrounding uses which include residential uses to the east, a School to the west, and a church to the north.

- 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.”**

Access to the site is provided via a driveway from Jones Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, and there is little expected traffic related to a Wireless Communication Facility at the subject site. A condition has been added to require paved access to meet Title 19.10 requirements.

- 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 proposal will not be inconsistent with the overall objectives of the General Plan.

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

The proposed Monopine meets the minimum requirements for a Wireless Communication Facility, Stealth Design.

## **PLANNING COMMISSION ACTION**

The Planning Commission added condition #1 to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**NOTICES MAILED** 256 by City Clerk

**APPROVALS** 0

**PROTESTS** 0