



## **AGENDA MEMO**

**CITY COUNCIL MEETING OF: JANUARY 6, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-35746 - APPLICANT: AT&T MOBILITY - OWNER:  
SMOKE RANCH CTR EQUITY PARTNERS**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 16, 2009 CITY  
COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.***

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

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

#### **Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-35744) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a 112-foot setback where Residential Adjacency Standards require 185 feet for a proposed Wireless Communication Facility, Stealth Design (Building Feature Extension) at 6000 Smoke Ranch Road. In addition to this application, the applicant has submitted a Special Use Permit (SUP-35744) for a proposed 62-foot tall Wireless Communication Facility, Stealth Design (Building Feature Extension) on the subject property. The proposed Wireless Communication Facility will be located within the center cupola of the existing structure at the subject site. 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. If this application is denied, the proposed Wireless Communications Facility will have to be redesigned or relocated to comply with Title 19.

**ISSUES**

- The placement of this proposed tower will not negatively affect the visual impact on the existing single-family homes to the north, as it will be concealed as part of the existing building. The subject property is suitable for the proposed use; therefore, staff recommends approval of the request.
- Approval of this Variance request is required to approve an associated request for a Special Use Permit (SUP-35744).

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</b></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                                                 | <a href="#">The Planning Commission recommended approval of companion item SUP-35744 concurrently with this application.</a><br><br><a href="#">The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #15/jb).</a>                                                                                                                 |
| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                                                                                                                      |
| 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.                                                                                                                                                             |

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

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

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                 | <b>Planned Land Use</b>        | <b>Existing Zoning</b>                                       |
|-----------------------------|------------------------------------------|--------------------------------|--------------------------------------------------------------|
| 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)                                     |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O Airport Overlay District – (70 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                      |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08.060, the following parking standards apply:*

| <b><i>Residential Adjacency Standards</i></b>                               | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|-----------------------------------------------------------------------------|--------------------------------|------------------------|--------------------------|
| 3:1 proximity slope <ul style="list-style-type: none"><li>• North</li></ul> | 185 Feet                       | 112 Feet               | N                        |

## ANALYSIS

The applicant is requesting a Variance to allow a 112-foot setback where Residential Adjacency Standards require 185 feet for a proposed Wireless Communication Facility, Stealth Design (Building Feature Extension) at 6000 Smoke Ranch Road. 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' 6". 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 residential properties to the north, which does not meet the minimum Residential Adjacency Setback requirement of 185 feet; however, the proposed use can be conducted in a manner that is harmonious with the existing and future surrounding land uses. The subject site is oddly shaped, with the existing building located on the wider section of the lot to the north, nearest to the residential development, it meets the Title 19.18.070L provision for granting of the request; therefore, staff recommends approval of this request.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships

upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The proposed wireless communications facilities stealth design will be incorporated into the existing structure in a way that will not adversely impact visibility from the subject site or surrounding properties. Staff is recommending approval of this request as the site is oddly shaped, with the existing building located on the wider section of the lot to the north, nearest to the residential development, and meets the Title 19.18.070L provision for granting of the request

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 3

**NOTICES MAILED** 441 by City Clerk

**APPROVALS** 1

**PROTESTS** 1