



## **AGENDA MEMO**

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

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC**

---

***THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

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

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, [subject to conditions.](#)

#### **Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, 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 block wall enclosure shall consists of a decorative block wall with 20% contrasting material at least six feet in height and meeting all requirements of Title 19.12.075.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

#### **Public Works**

6. The proposed wireless communications facility shall not be located within the public right-ofway or interfere with Site Visibility Restriction Zones. The proposed ground mounted bases 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, Stealth Design (Monopalm) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard. The proposed 80-foot cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The antennas will be flush-mounted on the pole and partially camouflaged by the artificial palm fronds. The equipment enclosure consists of an eight-foot tall block wall with a metal gate. The enclosure will house the proposed cellular facility and the associated electrical equipment. The submitted elevations also indicate a future co-location on the proposed cellular facility.

The proposed monopalm complies with all residential adjacency standards as the site is located approximately 585 feet from the closest R-1 (Single Family Residential) zoned property to the west. The proposed Wireless Communication Facility, Stealth Design (Monopalm) 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**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/30/04                                                                                     | A deed was recorded for a change of ownership at 4600 Meadows Lane.                                                                                                                                                                                                                                                                                                                                                       |
| 03/26/09                                                                                     | Staff denied a request for a Site Development Plan Review (SDR-33206) for a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm) at 4640 Meadows Lane.                                                                                                                                                                                                                                        |
| 05/14/09                                                                                     | <a href="#">The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #13/bts).</a>                                                                                                                                                                                                                                                                                                                           |
| <b><i>Related Building Permits/Business Licenses</i></b>                                     |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1980                                                                                         | The County Assessors Office indicates a construction date of 1980 for the building located at 4640 Meadows Lane.                                                                                                                                                                                                                                                                                                          |
| <b><i>Pre-Application Meeting</i></b>                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 03/11/09                                                                                     | <p>The Planning and Development Department meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth Design was discussed.</p> <ul style="list-style-type: none"><li>• Previously denied Site Development Plan Review (SDR-33206)</li><li>• Design and location of the cellular facility and equipment</li><li>• Residential adjacency concerns</li></ul> |
| <b><i>Neighborhood Meeting</i></b>                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| A neighborhood meeting was not required for this application.                                |                                                                                                                                                                                                                                                                                                                                                                                                                           |

| <b>Field Check</b> |                                                                                                                                                                                                                                    |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/09/09           | A field check was completed on the indicated date. The site inspection reveled the proposed location of the facility, which is to be located at the rear of an existing commercial building. The overall site was clear of debris. |

| <b>Details of Application Request</b> |            |
|---------------------------------------|------------|
| <b>Site Area</b>                      |            |
| Net Acres                             | 2.28 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>       | <b>Planned Land Use</b>        | <b>Existing Zoning</b>          |
|-----------------------------|--------------------------------|--------------------------------|---------------------------------|
| Subject Property            | Retail                         | SC (Service Commercial)        | C-1 (Limited Commercial)        |
| North                       | Right-Of-Way (U.S. Highway 95) | Right-Of-Way (U.S. Highway 95) | Right-Of-Way (U.S. Highway 95)  |
| South                       | Single-Family Dwellings        | L (Low Density Residential)    | R-1 (Single Family Residential) |
| East                        | Retail                         | SC (Service Commercial)        | C-1 (Limited Commercial)        |
| West                        | Retail                         | SC (Service Commercial)        | 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 (140-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 Development Standards*

| <b>Standard</b>                                                                                                                                         | <b>Required/Allowed</b>                  | <b>Provided</b>                             | <b>Compliance</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------|-------------------|
| Min. Lot Size                                                                                                                                           | N/A                                      | 99,317 SF                                   | Y                 |
| Min. Lot Width                                                                                                                                          | 100 Feet                                 | 40 Feet                                     | N                 |
| Min. Setbacks <ul style="list-style-type: none"> <li>• Front (South)</li> <li>• Side (West)</li> <li>• Corner (East)</li> <li>• Rear (North)</li> </ul> | 20 Feet<br>10 Feet<br>15 Feet<br>20 Feet | 559 Feet<br>37 Feet<br>122 Feet<br>214 Feet | Y<br>Y<br>Y<br>Y  |
| Max. Lot Coverage                                                                                                                                       | 50%                                      | N/A                                         | N/A               |
| Max. Building Height                                                                                                                                    | N/A                                      | 80 Feet                                     | Y                 |

### *Residential Adjacency Standards per Title 19.08.060*

| <b>Residential Adjacency Standards</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|----------------------------------------|-------------------------|-----------------|-------------------|
| 3:1 proximity slope                    | 240 Feet                | 585 Feet        | Y                 |

## ANALYSIS

- **Use (Wireless Communication Facility, Stealth Design (Monopalm))**

Title 19.04 defines a Wireless Communication Facility, Stealth Design as a Wireless Communication Facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

- **Minimum Conditional Use Regulations**

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

- a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
  - b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.
2. No residential use may exist on the property.
  3. The design must conform to the definition of the term A Wireless Communication Facility, Stealth Design,@ as set forth in Section 19.20.020 and as determined by the Director.
  4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
  5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
  6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

The applicant fails to comply with minimum conditional use regulations, number one. As the applicant fails to comply with minimum conditional use regulations, the subject Special Use Permit is required. The proposed Wireless Communication Facility, Stealth Design (Monopalm) 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.

- **Site Plan**

The applicant is proposing an 80-foot Wireless Communication Facility, Stealth Design (Monopalm) and an eight-foot block wall with a metal gate, which will house the associated electrical equipment. The facility is to be located behind an existing Shopping Center adjacent to the northeast corner of Meadows Lane and Decatur Boulevard.

Pursuant to Title 19.08.060 Residential Adjacency Setback Standards require a minimum separation of 240-feet from protected property for a proposed 80-foot Wireless Communication Facility, Stealth Design (Monopalm). The proposed communication facility will be approximately 585-feet from the R-1 (Single Family Residential) district to the west, and approximately 650 feet from the R-1 (Single Family Residential) district to the south. The proposed Wireless Communication Facility, Stealth Design (Monopalm) meets the minimum Residential Adjacency Setback requirements.

- **Elevations**

The elevations indicate a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm). The submitted elevations indicate that the proposed cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The submitted elevations also indicate an area for a future co-location. The elevations also indicate an eight-foot block wall with a metal gate, which will house the associated electrical equipment. A condition of approval has been added, which requires that the proposed block wall comply with Title 19.12 Landscape and Buffer Standards for walls.

## **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, Stealth Design (Monopalm) 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, Stealth Design (Monopalm) 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.**

Adequate access to the subject site is from Decatur Boulevard a 100-foot Primary Arterial and Meadows Lane a 70-foot Local Street, as defined by the Master Plan of Streets and Highways and Meadows Lane.

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, Stealth Design (Monopalm) meets the minimum requirements for a Wireless Communication Facility, Stealth Design

#### **PLANNING COMMISSION ACTION**

The Planning Commission determined that the 80 monopalm was not appropriate in this location.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 3

**NOTICES MAILED** 147 by City Clerk

**APPROVALS** 2

**PROTESTS** 1