

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 18, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 3, 2010 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

**** CONDITIONS ****

The Planning Commission (5-2/ke, bg vote) and staff recommend DENIAL, if approved 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. 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.
3. 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.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. The proposed wireless communications facility 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 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) at 8430 West Lake Mead Boulevard. The proposed Wireless Communication Facility will be located in the rear of the subject site. 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. If the application is denied, the proposed Wireless Communications facility will have to be redesigned or relocated to comply with Title 19.

ISSUES

- The proposed Wireless Communication Facility, Stealth Design (Monopalm) complies with all Title 19.04 Minimum Special Use Requirements for the proposed use

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/10/87	The City Council approved a request for an Annexation (A-0020-86) of approximately 5,637 acres, generally located on the south side of Cheyenne Avenue, west of Buffalo Drive. The Planning Commission recommended approval of the request.
03/01/89	The City Council approved a request for a Rezoning (Z-0003-89) from N-U (Non-Urban) to R-PD5 (Residential Planned Development – 5 Unit Per Acre) and C-1 (Limited Commercial) for a proposed retail stores, offices, hotel, single-family and multi-family residential uses on property located north of Lake Mead Boulevard between Rampart Boulevard and Buffalo Drive. The Planning Commission recommended approval of the request.
01/25/94	The Board of Zoning and Adjustment approved a request for a Special Use Permit (U-0284-93) to allow a Minor Automotive Service and Repair Facility at 8430 West Lake Mead Boulevard. The approval was appealed by South Shores HOA after consideration of the appeal, the City Council denied the Special Use Permit on 07/06/94.
01/12/98	The City Council Tabled a request for a Special Use Permit (U-0119-97) for a Liquor Establishment (Off-Premise Consumption) on property located on the north side of Lake Mead Boulevard, approximately 850 feet east of Rampart Boulevard. The Planning Commission recommended approval of the request.
09/15/04	The City Council approved a request for a Site Development Plan Review (SDR-4654) for a 8,400 square-foot Office / Retail building and a Waiver from the six-foot foundation landscaping requirement located adjacent to the north side of Lake Mead Boulevard approximately 270 feet west of Harbor Island Drive. The Planning Commission recommended approval of the request.

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01/18/06	The City Council approved a request for a Site Development Plan Review (SDR-10097) for a proposed 13,551 square-foot Office building and Waivers of building placement standards; parking lot, perimeter, and foundation landscaping standards; and to allow a 4.5-foot side yard setback where 10 feet is the minimum setback required at 8430 West Lake Mead Boulevard. The Planning Commission recommended approval of the request.
10/02/06	A Code Enforcement case (#46773) was processed for large trailer obstructing the view of west bound traffic. Code Enforcement closed the case on 10/04/06.
09/16/09	The Planning and Development Department denied a request for a Minor Site Development Plan Review (SDR-35452) to remove four (4) antennas currently located on a monument sign and relocate them to a new 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) located at 8430 West Lake Mead Boulevard.
11/05/09	The Planning Commission voted 5-2/ke, bg to recommend DENIAL (PC Agenda Item #47/jb).
<i>Related Building Permits/Business Licenses</i>	
09/21/06	A building permit (#6006000) was issued for a office building Certificate of Completion at 8430 West Lake Mead Boulevard. This permit was completed on 09/12/07.
	A building permit (#6005999) was issued for On-site Improvements at 8430 West Lake Mead Boulevard. This permit was expired on 03/24/07.
	A building permit (#6006002) was issued for a Trash Enclosure at 8430 West Lake Mead Boulevard. This permit was completed on 08/09/07.
10/04/06	A building permit (#6006255) was issued for water / sewer at 8430 West Lake Mead Boulevard. This permit received a final inspection on 03/13/07.
06/21/07	A building permit (#7002030) was issued for a Sign at 8430 West Lake Mead Boulevard. This permit was expired on 12/22/07.
01/29/08	A building permit (#7002030) was issued for a Wall Sign at 8430 West Lake Mead Boulevard. This permit was expired on 08/02/08.
<i>Pre-Application Meeting</i>	
09/11/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Wireless Communication Facility, Stealth Design were discussed. Topics included: • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines

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<i>Neighborhood Meeting</i>

A Neighborhood Meeting is not required for this application, nor was one conducted.

<i>Field Check</i>

10/01/09	A field check was conducted by staff. A well maintained retail development was observed.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Gross Acres	0.99 Acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Development	VC (Village Center)	P-C (Planned Community)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial Development	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		X	N/A
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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	11,182 SF	1:300	38	-	48	2	Y
Dental Office	2,366 SF	1:200 < 2,000 SF, plus 1:175 > 2,000 SF	12				
Subtotal	13,548 SF		48	2	48	2	
TOTAL	13,548 SF		50		50		

ANALYSIS

This is a request for a Special Use Permit for a 70-foot, Wireless Communication Facility, Stealth Design (Monopalm) in the rear of the subject site. The proposed location of the Wireless Communication Facility will eliminate a parking space and parking lot island located in the northeast corner of the subject property, reducing the available on-site parking to the minimum 50 parking spaces requirement. The applicant has also proposed to remove four communication antennas currently located within a monument sign at 8420 West Lake Mead Boulevard, and relocate them to the new 70-foot Wireless Communication Facility (Monopalm). In addition, the applicant is proposing to add five (5) antennas to the proposed facility, bringing the total number of antennas on the new structure to nine (9); three sectors with three antennas each. The proposed design will allow for the existing communication antennas to be moved from their current exposed location to a more concealed design, reducing their profile. The proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is compatible with the surrounding commercial and single-family residential uses. 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 Lake Mead Boulevard, 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.

PLANNING COMMISSION ACTION

There were two speakers in opposition of this project at the Planning Commission Meeting.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 596 (By City Clerk)

APPROVALS 6

PROTESTS 111