



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: AT&T MOBILITY - OWNER: PAULINE HARGRAVES

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-40188	Staff recommends DENIAL, if approved subject to conditions:	SUP-39709
SUP-39709	Staff recommends DENIAL, if approved subject to conditions:	VAR-40188

** CONDITIONS **

VAR-40188 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Special Use Permit (SUP-39709).
2. This approval shall be void two years from the date of final approval unless a building permit has been issued. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to antenna installation, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-39709 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-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 new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to completion, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for the collocation of three antennas on an existing 100-foot Wireless Communication Facility, Non-Stealth Design (Monopole) at 1311 West Owens Avenue. The proposed antennas will be located at the 72-foot centerline of the existing monopole located on the southern perimeter of the subject site. As proposed, the use cannot be conducted in a harmonious manner; therefore staff is recommending denial of the request. If the application is denied, the Wireless Communications Facility, Non-Stealth will remain in its existing condition.

ISSUES

- The Minor Site Development Plan Review (SDR-38623) request to increase the overall height of an existing 70-foot tall Wireless Communication Facility, Non-Stealth Design to 72-feet was denied, thus initiating the request for a Special Use Permit.
- The Special Use Permit is required as the proposed collocation of antennas does not meet the conditional use requirements for a Wireless Communications Facility, Non-Stealth Design.
- The proposed increase in the height of the existing 70-foot structure to 72-feet will require approval of a Variance from the Residential Adjacency Setback requirements to allow an eight-foot setback where a 216-foot setback is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/18/68	The Board of City Commissioners approved the request for a zoning reclassification (Z-0035-68) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on property generally located on the south side of Owens Avenue, between J and N Streets.
11/29/94	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0035-68(2)] for a proposed Cellular Transmission Facility and Antenna on property located at 1311 West Owens Avenue. Staff recommended approval.
08/09/10	A request for a Minor Site Development Plan Review (SDR-38623) to remove three antennas at the 70-foot centerline and replace them with three longer antennas at the 72-foot centerline of an existing Wireless Communication Facility, Non-Stealth Design (Monopole) located at 1311 West Owens Avenue was denied.

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<i>Most Recent Change of Ownership</i>	
04/01/77	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/17/95	Building Permit #95367547 was issued for an existing cell tower at 1311 West Owens Avenue. This permit is for the final inspection of the tower only.
02/27/95	A Building Permit #95368508 was issued for a Wireless Communication Facility located at 1311 West Owens Avenue. The permit was completed on 04/19/1995.
08/23/99	A Building Permit #99016626 was issued for an equipment cabinet for a Wireless Communication Facility located at 1311 West Owens Avenue. The permit was completed on 02/10/2000.

<i>Pre-Application Meeting</i>	
11/08/10	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Wireless Communication Facility, Non-Stealth Design were discussed. The applicant was given information regarding the Title 19.04 Zoning Code requirements, the required application materials and the submittal deadlines. The applicant was informed of the requirement for a Variance to allow an eight-foot setback where the Residential Adjacency Setback standards require a 216-foot setback.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request, nor was one held.	

<i>Field Check</i>	
11/12/10	A field check was performed by staff with the following observations: • The subject site currently maintains an existing 70-foot tall Wireless Communication facility, Non-Stealth Design that is located towards the rear of the property. • The site maintains an orderly appearance and is free of trash and debris. There were no signs of graffiti found on any of the communications equipment or the subject property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.28

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Church	C (Commercial)	C-1 (Limited Commercial)
North	Child Care Facility	C (Commercial)	R-3 (Medium Density Residential)
South	Single Family Residence	C (Commercial)	R-1 (Single Family Residential)
East	Undeveloped	C (Commercial)	R-1 (Single Family Residential)
West	Parking Lot	C (Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
West Las Vegas Plan	X		N
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 140 feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following setbacks for Residential Adjacency apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	216 Feet	8 Feet	N

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Owens Avenue: Primary Arterial	Master Plan of Streets and Highways	100	N

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ANALYSIS

The applicant is proposing to remove and replace three antennas on an existing 70-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole). The existing antennas are currently located at the 60-foot centerline and have a total height of 70 feet. The replacement antennas will be located with a total height of 72 feet. The applicant has indicated that the proposed new antennas will be flush mounted and painted to match the tower and existing antennas. Current Title 19.04 development standards allow the proposed use at the subject location with the approval of a Special Use Permit.

However, the increased height necessitates a Variance from the Residential Adjacency Setback requirements to allow an eight-foot setback where a 216-foot setback is required. The 216-foot Residential Adjacency Setback is calculated from the 3:1 Residential Proximity Slope of the proposed 72-foot height.

The subject site is located within the West Las Vegas Plan Area. The existing monopole is not aesthetically compatible with the surrounding uses and does not make a positive contribution to the scenic qualities of the area detailed in the West Las Vegas Plan. The proposed expansion in height of the antennas will only exacerbate this condition, resulting in an increased visual impact upon the surrounding community.

Also, the proposed expansion in height of the monopole does not further the second objective of the Downtown Redevelopment Plan, which is “to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.” As proposed, the use cannot be conducted in a harmonious manner; the existing monopole is not architecturally compatible with the surrounding development, is not adequately screened from views of the right-of-way, and encumbers the property with a use that will discourage redevelopment of the site to the highest, best use for the area. Therefore, staff recommends denial of the request, with conditions if approved. If denied, the Wireless Communication Facility, Non-Stealth use may continue without the requested increase to the overall tower height.

FINDINGS (SUP-39709)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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.**

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The proposed modifications will increase the intensity of the existing Wireless Communications Facility, Non-Stealth Design and will increase the adverse impact upon the surrounding community. As such, the use cannot be conducted in a harmonious manner and staff is recommending denial of this application.

2.The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is not physically suitable for the intensity of the proposed use, as the increase in size and height of the requested antennas to the Wireless Communication Facility, Non-Stealth Design would further the existing visual intrusion created by the tower to the residential properties located to the south.

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 Owens Avenue, which provides adequate access to and from the subject property. This proposal will not impact the existing site ingress and egress as it pertains to the overall height of the antenna assembly.

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, as proposed, is inconsistent with the overall objectives of the General Plan. The increased height to the existing non-stealth design will only exacerbate the visual intrusion of this facility to the neighboring residential neighborhoods.

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

The use does not meet all conditional use regulations, per Title 19.04, making this request for a Special Use Permit and the associated Variance necessary. Due to the increase in overall height and the proximity to the Residential zoned property to the south, denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 220

APPROVALS 0

PROTESTS 0