



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: T-MOBILE - OWNER: BUFFALO ALTA CENTER, LLC

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**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
SUP-73920	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      38

NOTICES MAILED    413

PROTESTS    0

APPROVALS    0

**\*\* CONDITIONS \*\***

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**SUP-73920 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Wireless Communication Facility, Non-Stealth Design use.
2. The approval of the existing Special Use Permit (U-0056-01) for a Wireless Communication Facility, Stealth Design use shall be expunged upon final approval.
3. Conformance to the approved conditions for Site Development Plan Review [Z-0008-70(2)].
4. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. 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.
8. 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**

The applicant is proposing to replace the existing flagpole canister containing wireless antennas on a 60-foot pole with an exterior antenna array for T-Mobile at 450 South Buffalo Drive. This would effectively change the use classification from a Wireless Communication Facility, Stealth Design to Non-Stealth, requiring approval of a Special Use Permit.

**ISSUES**

- The proposed conversion of the existing Wireless Communication Facility from a stealth design to a non-stealth design at this location does not qualify for conditional use approval; therefore, approval of a Special Use Permit is required.
- If approved, this Special Use Permit would replace the approval of the existing Special Use Permit (U-0056-01) for a Wireless Communication Facility, Stealth Design use on the existing flagpole, which shall therefore be expunged.

**ANALYSIS**

Title 19.12.070 describes the conditions required for a Wireless Communication Facility, Non-Stealth Design (that is, not designed to blend into the surrounding environment) to be considered a conditional use and reviewed administratively. The proposed changes to the existing monopole do not meet these conditions (namely, Conditional Use Regulations 2 and 4), as the design and location of the facility are not deemed by the Director of Planning to be compatible with surrounding uses. The existing facility is located within a small corner shopping center adjacent to residential neighborhoods on the north, east and west and is the tallest structure in the vicinity.

The Wireless Communication Facility, Non-Stealth Design use is defined as “a wireless communication facility that does not qualify as a stealth design wireless communication facility.” A Wireless Communication Facility, Stealth Design is “a wireless communication facility that is designed to blend into the surrounding environment.” The existing flagpole design is proposed to be modified to add three panel antennas such that wireless communications equipment will no longer be obscured from view and thus will not blend into the surrounding environment.

The Minimum Special Use Permit Requirements for this use include the following (an asterisk indicates the requirement is nonwaivable):

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- \* 1. No residential use may exist on the property.

*The proposed use meets this requirement, as there are exclusively commercial uses on the property.*

- \* 2. Any antenna tower that forms part of the facility shall conform with both the setback requirements of the zoning district and the applicable residential adjacency standards of this Title.

*The proposed use meets this requirement, as the existing Wireless Communication Facility conforms with the building setbacks for the C-1 (Limited Commercial) zoning district and residential adjacency setbacks from residential property to the east.*

- \* 3. Except in the C-V Zoning District, no antenna tower that forms part of a facility may be located within 600 feet of:

- a. Any other antenna tower that forms part of a wireless communication facility; or
- b. Any pole or tower structure of any other type that has a height of at least 60 feet.

*The proposed use meets this requirement, as the nearest Wireless Communication Facility is located approximately 680 feet from the existing pole, and no other structures within 600 feet exceed 60 feet.*

- \* 4. Antenna towers and associated components shall be initially painted and thereafter repainted with a flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surroundings or background so as to minimize its visibility.

*The proposed use meets this requirement, as the existing flagpole facility generally matches the surroundings and the proposed antennas and other mounted equipment will be painted to be compatible with the existing development in the area.*

- \* 5. Failure to perform necessary maintenance and repainting shall be grounds for administrative and other enforcement action, including action pursuant to Requirement 9 below.

*A condition of approval requires constant maintenance of the Wireless Communication Facility.*

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- \* 6. Any proposed antenna tower must be designed to accommodate at least two communication providers or, in the case of a tower that exceeds 80 feet in height, at least 3 communication providers.

*The proposed use meets this requirement, as the existing 60-foot monopole can accommodate collocation of wireless facilities.*

- \* 7. No signals, lights, or other attention gaining devices are permitted on any antenna tower or antenna unless required by the Federal Communications Commission or the Federal Aviation Administration; provided, however, that this condition shall not be construed to prevent the mounting of an antenna on a signal, light or sign that has been legally permitted and installed.

*The proposed use meets this requirement, as no lights are required to be installed on the monopole, and none are proposed.*

- \* 8. All ground level equipment, buildings and the base of any antenna tower must be screened so as to not be visible from streets and residences, with appropriate landscaping designed to ensure compatibility with surrounding uses.

*The proposed use meets this requirement, as equipment is located within an existing commercial building onsite.*

- \* 9. Any abandoned or unused antenna tower, and the associated components of any facility, shall be removed within 6 months after operations at the site cease. In the event that removal is not timely performed, the City may remove, or cause the removal of, the antenna tower and associated components, and assess the costs of removal against the property. Before taking such action, the City must deliver or mail to the property owner a notice of the City's intent to do so. The property owner shall have 30 days from the date notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed to be a waiver of the right to be heard, and the City may immediately cause the removal of the antenna tower and any associated components, and may assess the costs against the property.

*A condition of approval requires conformance to minimum Special Use Permit and all City code requirements.*

The wireless communication monopole is located within an existing parking lot landscape island in the commercial development. The equipment is located at ground level within the building at 490 South Buffalo Drive. The height of the existing 60-foot monopole would not be affected by the addition of antenna arrays, and it will maintain

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conformance to Title 19 residential adjacency requirements. According to the applicant, new technology is required to be applied to the monopole to increase the capacity demands of the T-Mobile network in this area, and the existing flagpole canister is too narrow to accommodate the necessary equipment. Removal of the canister shroud would allow for further collocation of wireless communication facilities on this monopole. The new equipment would be painted to match the surroundings as much as possible.

Although it is located within a commercial development and partially screened from residential development by the existing commercial buildings, the proposed wireless communication facility will be modified in such a way as to be more visually intrusive to the surrounding neighborhoods and therefore more intense. As it will not be harmonious and compatible with the adjacent land uses, staff recommends denial of the Special Use Permit, with conditions if approved.

**FINDINGS (SUP-73920)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.**

The conversion of a flagpole design to a non-stealth monopole increases the intensity of the use in a manner that is not harmonious and compatible with the existing residential uses to the north, west and east of the subject site.

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

The existing shopping center can and has accommodated the existing monopole structure since 2001. Equipment is located within a leased tenant space in the shopping center. The height of the monopole is proposed to remain at 60 feet.

**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.**

Buffalo Drive and Alta Drive are adequate in size to meet the requirements of the Wireless Communications Facility, Non-Stealth Design use. No traffic will be generated by alteration of the use on this site.

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**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 modifications to the existing flagpole will be subject to permit review and inspection, as well as regular maintenance.

**5.The use meets all of the applicable conditions per Title 19.12.**

The proposed conversion meets all nonwaivable Special Use Permit requirements for a Wireless Communication Facility, Non-Stealth Design not qualifying for conditional use approval.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
09/12/96	The City Council approved a Site Development Plan Review [Z-0008-70(2)] for a proposed 27,900 square-foot commercial development at the northeast corner of Alta Drive and Buffalo Drive.
07/05/01	The City Council approved a Special Use Permit and Site Development Plan Review (U-0056-01) for a Wireless Communications Facility (Stealth Flagpole) at 450 South Buffalo Drive. The Planning Commission denied the request, which was appealed to the City Council. Staff recommended approval.
10/23/08	The Planning and Development Department denied a request for administrative approval of a Site Development Plan Review (SDR-29742) of a 10-foot extension and collocation of six additional antennas to a 60-foot tall Wireless Communication Facility, Stealth Design (Flagpole) at 450 South Buffalo Drive.
01/22/09	The Planning Commission denied a request for a Variance (VAR-32531) to allow a 70-foot tall Wireless Communication Facility, Stealth Design (Flagpole) to have a 180-foot setback where Residential Adjacency Standards require 210 feet on 1.71 acres at 450 South Buffalo Drive. Staff recommended denial.
01/22/09	The Planning Commission denied a request for a Special Use Permit (SUP-32604) for a 10-foot extension to an existing 60-foot tall Wireless Communication Facility, Stealth Design (Flagpole) at 450 South Buffalo Drive. Staff recommended denial.

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<b>Most Recent Change of Ownership</b>	
06/30/15	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
09/11/00	A building permit (#00016890) was issued for a tenant improvement and certificate of occupancy for an equipment room for a Wireless Communications Facility at 450 South Buffalo Drive. A final inspection was completed on 08/27/01.
09/20/01	A building permit (#01016907) was issued for a 60-foot wireless monopole and associated equipment at 450 South Buffalo Drive. The address was changed from 450 South Buffalo Drive to 490 South Buffalo Drive, Suite #100 on 10/11/01. A final inspection was completed on 03/05/02.

<b>Pre-Application Meeting</b>	
06/27/18	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit application. No major issues were discussed.

<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
08/02/18	The site contains an existing flagpole-style wireless communications facility located within a parking lot landscape island in a retail development. No graffiti was present on the pole. A flag was not attached to the monopole. Another wireless communication facility is located on the west side of Buffalo Drive to the northwest of this site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.71

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<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Car Wash, Self Service	SC (Service Commercial)	C-1 (Limited Commercial)
	Auto Repair Garage, Minor		
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

**Pursuant to Title 19.08, the following standards apply:**

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	10 Feet	115 Feet	Y
• Side	10 Feet	193 Feet	Y
• Corner	10 Feet	62 Feet	Y
• Rear	20 Feet	180 Feet	Y

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<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Max. Building Height	Limited by residential adjacency standards	60 Feet	Y
Min. Separation Distance Between Similar Uses	600 Feet	680 Feet	Y
Mech. Equipment	Screened	Located within existing onsite building	Y

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	180 Feet	180 Feet	Y
Adjacent development matching setback	15 Feet	180 Feet	Y

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Buffalo Drive	Primary Arterial	Master Plan of Streets and Highways Map	106	Y
Alta Drive	Major Collector	Master Plan of Streets and Highways Map	80	Y