

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-13871 - APPLICANT: VERIZON WIRELESS - OWNER:
AMERICAN LEGION POST 8

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-13870) shall be required.
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.
3. The approval is for 65-foot flagpole design antenna one hundred feet from the property line pursuant to the site plan and elevations date stamped 7/28/06.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Variance to allow a 102-foot setback where 195 feet is the minimum residential adjacency setback required for a proposed 65-foot Wireless Communication Facility, Stealth Design on 2.67 acres at 733 Veterans Memorial Drive.

EXECUTIVE SUMMARY

The proposed antenna is stealth, flag pole design. Title 19.08.060 states that a Wireless Communication Facility, Stealth Design, be separated from residential uses by proximity slope of 3:1. This requires the proposed 65-foot antennae to be located 195 feet from the adjoining R-1 (Single Family Residence) property and 102 feet is provided. This use is not compatible with the C-V and R-1 developments in the surrounding area; therefore denial is recommended.

BACKGROUND INFORMATION

A) Related Actions

08/10/06 The Planning Commission recommended approval of companion item SUP-13870 concurrently with this application.

08/10/06 The Planning Commission voted 6-1/bg to recommend APPROVAL (PC Agenda Item #34/eb).

B) Pre-Application Meeting

05/12/06 A pre-application meeting was held and submittal requirements for a Special Use Permit and Variance were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.67 Acres

B) Existing Land Use

Subject Property: American Legion
 North: City of Las Vegas Annex
 South: Single Family Residences
 East: Single Family Residences
 West: Single Family Residences

C) Planned Land Use

Subject Property: MXU (Mixed Use)
 North: PF (Public Facilities)
 South: MXU (Mixed Use)
 East: PF (Public Facilities)/MXU (Mixed Use)
 West: MXU (Mixed Use)

D) Existing Zoning

Subject Property: C-V (Civic)
 North: C-V (Civic)
 South: R-1 (Single Family Residence)
 East: R-1 (Single Family Residence)
 West: R-1 (Single Family Residence)

E) General Plan Compliance

The subject site is located in the Southeast Sector of the General Plan. The site is designated MXU (Mixed Use) on the Redevelopment Plan map of the General Plan. The proposed development is in compliance with the MXU (Mixed Use) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Bonanza Corridor	X	
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

The subject site is located within the Redevelopment Plan Area. It is bound by MXU (Mixed Use) designated land to the west, east, and south, and is bound by PF (Public Facility) designated land to the north.

Airport Overlay District

The subject site is located in the North Las Vegas Airport Overlay District with a height restriction of 200 feet. The proposed 65-foot stealth tower does not encroach into the height restricted space.

Trails

The subject site is located across the street from a portion of the Bonanza-Library Trail. The trail spans an area from East Washington Avenue and North Las Vegas Boulevard, south on Veterans Memorial Drive to the corner of North 4th Street and Stewart Avenue.

ANALYSIS

A) Zoning Code Compliance

A1) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The applicant requests this Variance for relief from the Residential Adjacency standard of the required proximity slope of 3:1. The subject wireless communication facility lies 102 feet from a single family residence where 195 feet is required. The subject deviation is approximately 52%.

B) General Analysis and Discussion

The proposed stealth antenna is located on the southern portion of the subject C-V zoned parcel. It is a flag pole design at a height of 65 feet to the top of the pole. Title 19.08.060 states that a Wireless Communication Facility, Stealth Design, be separated from residential uses by proximity slope of 3:1. This requires the proposed 65-foot antennae to be located 195 feet from the adjoining R-1 (Single Family Residence) property and 25 feet is provided. This use is not compatible with the C-V and R-1 developments in the surrounding area; therefore denial is recommended.

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.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a 65-foot tall wireless communication facility adjacent to single family residences. Alternative site selection would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 218 by City Clerk

APPROVALS 0

PROTESTS 2