



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 21, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-27282 - APPLICANT/OWNER: ELECTRICAL & UTILITY
WRKRS CORP

**** CONDITIONS ****

The Planning Commission (5-0-1/gt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Accessory Structure use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ******PROJECT DESCRIPTION**

The applicant proposes to construct a 51-foot high wind turbine at 620 Leigon Way. The 1.9 Kilowatt turbine will have 6-foot blades and rest on a 45-foot monopole. As the 1.9 Kilowatt that the turbine will generate is only adequate to supply power to a single family home, it is not intended to provide power to the onsite facilities. The facility is intended to be used for training and educational purposes. Staff notes that the applicant has made an effort to meet residential adjacency standards and that this variance can be granted without substantial detriment to the public good. Therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/20/66	The City Commission approved a Rezoning and Plot Plan (Z-0083-64). The Rezoning was for a portion of the subject site from R-E (Residence Estates) to C-2 (General Commercial) the plot plan was for a 17,768 square-foot union hall building.
07/20/66	The City Commission approved a Rezoning (Z-0080-65)of a portion of the subject site from R-1 (Single Family Residential) to C-1 (Limited Commercial)
02/21/01	On the adjacent property to the north of the subject site The City Council approved a request for a Rezoning (Z-0113-00) from R-E (Residence Estates) to: C-1 (Limited Commercial) on the southeast corner of Leigon Way & Harris Avenue. The Planning Commission and staff recommended approval.
02/21/01	On the adjacent property to the north of the subject site The City Council approved a request for a Site Development Plan Review [Z0113-00(1)] for a proposed 33-space parking lot on the subject site. The Planning Commission and staff recommended approval.
12/05/02	On the adjacent property to the north of the subject site The Planning Commission approved a request for a Site Development Plan Review (SDR-1171) for a proposed 32,580 square foot training facility on this site, staff recommended approval.
10/01/03	On the adjacent property to the east of the subject site The City Council approved a Site Development Plan Review (SDR-2766) for a 10,500 square-foot retail building and for a reduction in perimeter and parking lot landscaping. The Planning Commission and staff recommended approval of this request.
04/24/08	The Planning Commission voted 5-0-1/gt to recommend APPROVAL (PC Agenda Item #42/leh).
<i>Pre-Application Meeting</i>	
2/15/08	A pre-application meeting was held to discuss the requirements of submitting a Variance for a 51-foot high wind turbine.

Neighborhood Meeting	
No meeting was required, nor was one held.	

Field Check	
3/19/08	The subject site is well maintained, landscaping is well maintained and mature.

Details of Application Request	
Site Area	
Gross Acres	4.27

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Union Training Facility	SC (Service Commercial)	C-1 (Limited Commercial)/C-2 (General Commercial)
North	Union Training Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Credit Union, Restaurant and Bar	SC (Service Commercial)	C-1 (Limited Commercial)
East	Undeveloped, new unoccupied retail pads	SC (Service Commercial)	C-1 (Limited Commercial)/R-E (Residence Estates)
West	Retail Shops and Single Family Residential	ML (Medium Low Density Residential)/ SC (Service Commercial)	R-CL (Residential Compact Lot) and C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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

DEVELOPMENT STANDARDS

The following standard from Title 19.08.060 is applicable

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	153 Feet	154 Feet	Yes

LEH

The following standard from Title 19.08.50 is applicable

<i>Setbacks on Accessory Structures</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Front Yard Setback	20 Feet	91 Feet	Yes
Min. Side Yard Setback	8 Feet	71 Feet	Yes
Min. Corner Side Yard Setback	15 Feet	N/A	No
Min. Rear Yard Setback	8 Feet	N/A	No
Max. Lot Coverage	50%	N/A	No
Max Building Height	Lower in height than the primary structure, which is 30 feet	51-feet	No

ANALYSIS

The applicant proposes to construct a 51-foot high wind turbine at 620 Leigon Way and is requesting a Variance for an accessory structure to exceed the height of the primary structure on the site. The 1.9 Kilowatt turbine, will have 6-foot blades and rest on a 45-foot monopole. As the 1.9 Kilowatt that the turbine will generate is only adequate to supply power to a single family home, it is not intended to provide power to the onsite facilities. The facility is intended to be used for training and educational purposes. As the applicant has made effort to meet residential adjacency standards and the facility will be used for educational and training purposes, staff is recommending approval.

- **General Plan**

The SC (Service Commercial) category of the Southeast Sector of the General Plan allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics.

- **Zoning**

The site is split zoned C-1 (Limited Commercial), and C-2 (General Commercial). The C-1 Limited Commercial District is intended to provide most retail and shopping and personal services, and maybe be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods. The C-2 (General Commercial) District is designed to provide the broadest range scope of compatible services for both general and traveling public. This category allows retail, service, automotive, wholesale, office and other general businesses uses of an intense character, as well mixed use developments.

- **Pursuant to Title 19.08.50 Commercial and Industrial District Development Standards**

Buildings should be compatible with the scale of the development allowed by the applicable land uses for the surrounding area as established at the time of application, and should be sited and designed to provide a sensitive transition to nearby, less intensive areas.

Projects on the edge of zoning districts should be developed in a manner that minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, siting and design, additional building setbacks or stepping back of upper floors and the actual physical reduction of height, bulk and scale of a project.

The size of the proposed structure is of a scale and bulk comparatively to the existing building on the subject site that it is adequately buffered by a 154-foot setback from protected property per Title 19 Residential Adjacency Standards. The proposed structure is in scale with the structures presently on the site. The bulk and massing of the existing structures should help break up the visual impact of a tall structure, and the placement of the wind turbine, on the opposite side of the site from the adjacent single family homes to the west, should help break up any adverse visual impact.

Due to the nature of the wind turbine, in order for it to function properly it must be well above all adjacent structures, at a sufficient height to receive adequate wind to generate power. The structure is to be used for training purposes, at a regional union facility, which will benefit the community on the whole by increasing the number of trained professionals in the local workforce with skills to install sustainable, renewable energy equipment. Staff recommends approval.

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.

Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has not created a self-imposed hardship. There is not a viable alternative for the placement or construction at a lower level of the proposed wind turbine that would conform with the Title 19 requirements. In view of the hardships imposed by the sites physical characteristics, and the unique circumstances pertaining to the use of the proposed wind turbine, it is concluded that the applicants hardship is not preferential in nature.

The applicant has made effort to position the 51 foot wind turbine on the property in a manner to reduce impact to adjacent properties. Due to the nature of the wind turbine, in order for it to function properly it must be well above all adjacent structures, at a sufficient height to receive adequate wind to generate power. The structure is to be used for training purposes, at a regional union facility, which will benefit the community on the whole by increasing the number of trained professionals in the local workforce with skills to install sustainable, renewable energy equipment. Staff recommends approval. This variance request will not impair any natural resource or be a detriment to the public good, to the contrary this request will help preserve natural resources and create a public good; therefore, staff recommends approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 1,246 by City Clerk

APPROVALS 2

PROTESTS 3