



*City of Las Vegas*

Agenda Item No.: 20.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: AUGUST 14, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
ABEYANCE - VAR-28497 - VARIANCE PUBLIC HEARING - APPLICANT: INSITE  
TOWERS, LLC - OWNER: VILLYN W. HERBERG Request for a Variance TO ALLOW A  
RESIDENTIAL ADJACENCY SETBACK OF 152 FEET WHERE 240 FEET IS REQUIRED  
FOR A PROPOSED WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN on 1.17  
acres at 3250 North Tropic Street (APN 138-11-804-021), C-1 (Limited Commercial) Zone, Ward  
6 (Ross)

C.C.: 09/17/2008

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	5	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards

Motion made by GLENN TROWBRIDGE to Hold in abeyance Items 20-22 to 9/11/2008

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2  
SAM DUNNAM, DAVID STEINMAN, BYRON GOYNES, GLENN TROWBRIDGE,  
STEVEN EVANS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-  
RICHARD TRUESDELL, VICKI QUINN)

**Minutes:**

CHAIR GOYNES declared the Public Hearing open for Items 20-22.

PETER LOWENSTEIN, Planning and Development, recommended denial of Items 21 and 22 because the location of the proposed communication facility does not meet the required distance setback of 240 feet from a residential area, rendering the proposed use incompatible and inharmonious with the protected uses to the north of the site. However, MR LOWENSTEIN

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recommended and read an additional condition for Item 21 (SUP-28496), should the Commissioners opt for approval of the requested applications.

JASON FRAYER, 320 East Warm Springs Road, appeared on behalf of the applicant. He placed photos on the overhead that depicted the desired location of the proposed facility and indicated that it would be the best location for the facility because the existing buildings and pine trees on either side would conceal it from the public. He explained that the 21-foot landscape buffer would not be necessary because the site is shielded in all directions by the storage facility's large retaining wall. He requested approval.

COMMISSIONERS DUNNAM and STEINMAN did not believe a concerted effort was made to meet with the neighbors. They suggested the items be held in abeyance to hold a meeting with the neighbors, even if the applicant would have to go door-to-door to invite the residents. COMMISSIONER DUNNAM requested he be informed of the date and time of the meeting so that he could attend.

MR. FRAYER stated that the applications were previously held in abeyance to allow the applicant to meet with the property owner, whose intent was to retain the open space where student barbecues are held. He assured the Commissioners that the applicant attempted to make contact with the property owner, but he was out of town. COMMISSIONER DUNNAM pointed out that at least five protests were received from surrounding neighbors, and he could not take action on these matters without their support or without any attempt to meet with them.

COMMISSIONER EVANS noted that part of the issue was the Variance to the Residential Adjacency Standards, and he verified with MR. FRAYER that the properties to the west were vacant. MR. FRAYER added that those properties are solely owned and suggested the owner would seek to rezone the properties to commercial/professional. Although the tower would be visible from the westerly properties, any future development should not be occupied by residential tenants.

COMMISSIONER EVANS was perplexed about the applicants request to remove some of the pine trees when they would blend in with the proposed cell tower and about the requested setback Variance when the site map already depicted ample space for placement of the cell tower without need for the Variance. MR. FRAYER explained that a location within the nearby storage facility was also considered, but there was not enough space for a cell tower and the supporting equipment. Also, MR. SCHERBO was the only property owner in the area willing to lease space.

COMMISSIONER EVANS shared COMMISSIONER DUNNAM'S concern that there were at least five residents in protest with whom the applicant should meet and work try to mitigate their concerns.

MR. FRAYER offered to move the proposed tower further south on the site to keep it away from the residential units.

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In answer to COMMISSIONER STEINMANS question regarding the need for an 80-foot tower, MR. FRAYER explained that 80 feet would allow more carriers to collocate.

MR. FRAYER agreed to holding in abeyance Items 20-22, and MR. LOWENSTEIN suggested a 30-day abeyance.

CHAIR GOYNES declared the Public Hearing closed for Items 20-22.

