



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29197 - APPLICANT: TELEMUNDO LAS VEGAS INC. -
OWNER: FAEC HOLDINGS WIRRULLA, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Satellite Dish use.
2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the principal building on the site. 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 as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for three proposed 16-foot tall Satellite Dishes with a maximum 12-foot diameter at 450 Fremont Street, Suite #310. The proposed satellite dishes will be located on the roof and the applicant submitted photos to show that the proposed dishes will be mitigated from pedestrian view by a canopy system.

The proposed satellite dishes will be located at Neonopolis which is a retail/entertainment complex that is physically suited for such structures. The applicant is proposing the use of a canopy system to provide further screening of the roof structures; therefore staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission approved Reclassification of this property.
03/09/98	The City Council accepted the applicants withdrawal for a Special Use Permit (U-129-97) to sell Packaged Liquor in an existing 7,400 square-foot Gift Shop. The Planning Commission recommended approval.
03/23/98	The City Council approved a Site Development Plan (SD-0003-98) on property bounded by Fremont Street, 4th Street, Ogden Avenue, and Las Vegas Boulevard South for a proposed 264,210 square-foot Retail / Entertainment Complex (Neonopolis). The Planning Commission recommended approval.
03/23/98	The City Council approved a Vacation (VAC-0002-98) to vacate Public Alleys generally located south of Ogden Avenue, between 4th Street and Las Vegas Boulevard. The Planning Commission recommended approval.
10/08/98	The Planning Commission approved a Tentative Map (TM-0052-98) on property located within the block bounded by Fremont Street, Ogden Avenue, 4th Street and Las Vegas Boulevard.
10/08/98	The Planning Commission approved a Final Map (FM-0088-98) for a commercial subdivision on property located between Fremont Street and Ogden Avenue, and between 4th Street and 5th Street.

10/08/98	The Planning Commission approved a Reversionary Map (RM-0005-98) on property located between Fremont Street and Ogden Avenue, and between 4th Street and 5th Street, for a proposed Retail/Entertainment Complex (Neonopolis).
10/08/98	The Planning Commission approved a Tentative Map for Property (TM-0052-98) located between Fremont Street, Ogden Avenue, 4th Street, and 5th Street, for a proposed Retail/Entertainment Complex (Neonopolis).
08/15/01	The City Council approved an Encroachment Agreement (L-ENCR-20891) for two Grease Interceptors at Fourth Street and Fremont Street (NEC) and also Ogden Avenue and Las Vegas Boulevard (SWC).
10/03/01	The City Council approved a Special Use Permit (U-0117-01) for a proposed 2,162 square-foot Liquor Establishment (Tavern) (La Salsa) in conjunction with Neonopolis on the northwest corner of Fremont Street and Las Vegas Boulevard. The Planning Commission recommended approval.
01/16/02	The City Council approved a Master Sign Plan (MSP-0014-01) for Neonopolis at 450 Fremont Street. The Planning Commission recommended approval.
05/01/02	The City Council approved a Special Use Permit (U-0024-02) for a Liquor Establishment (Tavern) at 450 Fremont Street (Neonopolis) with a Waiver of the minimum 1,500-foot separation requirement from religious facilities, Liquor Establishment (Taverns) and a school. The Planning Commission recommended approval.
08/07/02	The City Council approved a Special Use Permit (U-0063-02) for a Liquor Establishment (Tavern) with a Waiver of the minimum 1,500-foot separation requirement from religious facilities, Liquor Establishment (Taverns) and a school at 450 Fremont Street. The Planning Commission recommended approval.
11/20/02	The City Council approved a Special Use Permit (U-0124-02) for a Liquor Establishment (Tavern) (The In The Groove Lounge) at 450 Fremont Street; with a Waiver of the minimum 1,500-foot distance separation requirement from religious facilities, Liquor Establishment (Taverns) and a school. The Planning Commission recommended approval.
01/22/03	The City Council approved a Special Use Permit (SUP-1207) for a Psychic Arts Business within Neonopolis at 450 Fremont Street. The Planning Commission recommended approval.
09/11/08	The Planning Commission recommended approval of companion item SUP-29194 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #20/dh).
<i>Related Building Permits/Business Licenses</i>	
10/09/03	A Business license (#A02-02075) was issued for an Advertising and Marketing, Service (Henry Brent Advertising) at 450 Fremont Street, Suite #310. The license is still active.
10/16/03	

	A Business license (#A01-01255) was issued for an Advertising Office (Resort Gaming Group) at 450 Fremont Street, Suite #310. The license is still active.
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<i>Pre-Application Meeting</i>	
07/25/08	A pre-application meeting was held and the elements for submitting a Special Use Permit for three proposed sixteen foot tall Satellite Dishes with a maximum 12 foot diameter were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
08/14/08	A field check was conducted at the subject site and staff observed a vacant tenant space with offices and furniture. Staff also noted other existing businesses operating within the retail/entertainment complex (Neonopolis).

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	C (Commercial)	C-2 (General Commercial)
North	Hotel	C (Commercial)	C-2 (General Commercial)
South	Parking/Restaurant Taverns	C (Commercial)	C-2 (General Commercial)
East	Retail, Residential	C (Commercial)	C-2 (General Commercial)
West	Vacant, Retail	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Area Plan</i>			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Purpose and Overlay Districts</i>			
A-O Airport Overlay District (200 Feet)	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
<i>Trails</i>	X		N/A
<i>Rural Preservation Overlay District</i>		X	N/A
<i>Development Impact Notification Assessment</i>		X	N/A
<i>Project of Regional Significance</i>		X	N/A

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundary, and is located in the Las Vegas Boulevard District. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Airport Overlay District (200 feet)

The subject property is within the boundaries of the Airport Overlay District, which requires the approval of a Special Use Permit for any structure over 200-feet in height. The additional satellite dish height does not exceed the 200-foot height and thus does not effect the North Las Vegas Airport Overlay District.

Downtown Casino Overlay District- The subject property is located within the Downtown Casino Overlay District. This area provides sign standards that only apply within this District to help ensure future sign development is consistent with the appearance of established signage themes and that generate excitement and positive visual interest. The proposed project has not submitted any signage proposal at this time.

Live/Work Overlay District - This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

Las Vegas Boulevard Scenic Byway Overlay District- This project is adjacent to the Las Vegas Boulevard Scenic Byway, which governs sign standards for signage on Las Vegas Boulevard. All future signage will be required to comply with the Downtown Casino Overlay District and the Las Vegas Boulevard Scenic Byway Sign Standards.

DEVELOPMENT STANDARDS

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
TV Broadcasting	17,500 SF	1/300	58	3	0	0	
TOTAL	17,500 SF		58	3	0	0	N*

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The parking needs for the proposed TV Broadcasting & Other Communication Service Use will be met by the Neonopolis Parking Garage located underground of the subject site and The Fremont Street Public Parking Garage located directly across the street; providing more than 2000 parking spaces when combined.

ANALYSIS

This is a request to provide three proposed 16-foot tall Satellite Dishes with a maximum 12-foot diameter at 450 Fremont Street, Suite# 310. Telemundo Las Vegas Inc. (aka KBLR-TV Channel 39) has stated in their justification letter that they will be placing the satellite dishes on the inner most part of the roof and installing a canopy system thus mitigating the view from the street.

The proposed use is a conditional use within a C-2 (General Commercial) zoning district. The applicant will be providing a service to the community and with the exception of the Special Use Permit for the Satellite Dishes no other Waivers or Variances are requested nor needed by the applicant.

- Zoning

The property is zoned C-2 (General Commercial) and located within the Redevelopment Plan Area. The C-2 District is consistent with the General Commercial category of the General Plan; which generally allows retail, service, wholesale, office and other general business use of more intense commercial character. Satellite Dishes are considered an acceptable conditional commercial use in the C-2 (General Commercial) District.

- Use

Satellite Dish as defined by Title 19.04.010, is a device which:

1. Incorporates a reflective surface that is solid, open mesh, or bar- configured;
2. Has the shape of a shallow dish, cone, horn, or cornucopia; and
3. Is used to receive electromagnetic signals.

The floor plan submitted by the applicant calls for three satellite dishes to be located on the inner most part of the roof of the Neonopolis Retail/Entertainment Complex. The proposed satellite dishes are 16 feet tall and have a maximum diameter of 12 feet.

Staff finds that the three proposed 16-foot tall Satellite Dishes with a maximum 12-foot diameter at Neonopolis is an appropriate use for the high-intensity retail and entertainment center and can be conducted in a manner that is compatible with the surroundings land uses and those projected by the General Plan.

- Conditional Use Regulations:

1. Satellite dishes are permitted as an accessory use, subject to the following:
 - a. In single-family residential districts, satellite dishes are permitted in the rear yard only, expect that dishes 18 inches in diameter or smaller are also permitted in the side yards.

- b. Satellite dishes shall be fully screened from view of streets and public open areas. When located on ground level, they shall be screened to the full height of the structure with landscaping. When located on a rooftop, they shall be located and screened so as to minimize visual impact from other properties in the area.
- c. Satellite dishes shall not exceed 10 feet in diameter, nor 12 feet in height when the dish is vertically positioned.

The three proposed Satellite Dishes are 12-feet in diameter, where 10-feet is required and 16-feet in height, where 12-feet is required, therefore does not meeting the Conditional Use Regulation set forth in (1)(c), so a Special Use Permit has been requested by the applicant.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 proposed use is part of an existing retail/entertainment complex development that can be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with the future surrounding land uses projected by the General Plan.

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

The existing building is physically suitable for the type and intensity of land use proposed by the three proposed 16-foot tall Satellite Dishes with a maximum 12-foot diameter. They will be located on the inner most part of the roof mitigating the view from pedestrians at Neonopolis.

- 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.**

Staff finds vehicular traffic will utilize the Fremont Experience parking garage, which is accessed from Carson Avenue and 4th Street, and the underground parking garage of Neonopolis, which is accessed from 4th Street, both of which are 80-foot Secondary Collectors, which will be adequate for traffic generated by the proposed TV Broadcasting & Other Communication Service.

- 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.**

This use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety or overall objectives of the General Plan.

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

The use is in conformance with Title 19.04.010 requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 129 by City Clerk

APPROVALS 0

PROTESTS 0