



City of Las Vegas

Agenda Item No.: 6.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 23, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:
BEYANEE - GPA-34610 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -
APPLICANT: FLO TV, INC. - OWNED BY UNITED STATES OF AMERICA - Request to
Amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL
DENSITY RECOMMENDATION) TO: PD (PUBLIC FACILITIES) on 10.89 acres located on the north
side of Del Rey Ave. approximately 900 feet west of Monte Cristo Way (APN 163-03-101-
001), Ward 2 (Wolsfeld)

C.C.: 08/19/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

15

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards and Protest Letter
8. Submitted after Final Agenda Map

Motion made by RICHARD TRUESDELL to Deny

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE,
RICHARD TRUESDELL, STEVEN EVANS; (Against-GUS FLANGAS); (Abstain-None);
(Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER FLANGAS verified that his vote for Item 6 should reflect an
affirmative vote.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 6-8.

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DOUG RANKIN, Planning and Development, stated that the existing communication tower is a non-conforming land use as it is not permitted under the current code in a Desert Rural Residential zoning district. The general plan and rezoning requests will make the current use conforming and allow for the installation of the 25-foot antenna on the existing 321-foot tower. Staff recommended approval. Should the applications be denied, the half-street improvements and other requirements and conditions will not be enforced at this time.

JANICE MANLEY appeared on behalf of Flo TV, Inc., which is a subsidiary of Qual-Com and operates a nationwide multi-media network for wireless devices. Consumers would be able to watch live, simulcast and time shifted full-length television programming anytime on mobile phones and devices. Flo TV believes the proposed site is the best location for service to the west Las Vegas customers. They have an agreement with Burken Broadcasting to lease space on the tower and within the building to house the equipment. Additional equipment could be located outside the building in a fenced area.

LARRY ANSPACH, President of the Neighborhood Alliance Association, stated that the neighborhood's goal is to eliminate the existing antenna lease due to expire in 2011. The majority of residents are against this project and would support other zone change. He was informed by JANE MILLER, Bureau of Land Management (BLM) that this project could be approved without any zoning change.

TODD FARLOW asked how the federal government obtained the deed to the land.

JORINA GARRETTO stated her property faces the site and is opposed to any zone change because it would negatively impact the neighborhood. Some of the existing businesses have brought additional traffic, putting her neighborhood further at risk.

JUANITA CLARK, Charleston Neighborhood Preservation, agreed with the previous speakers' comments.

CHAIR TROWBRIDGE asked what the consequences would be if the property is not rezoned. MARGO WHEELER, Director of Planning and Development, replied that BLM has no standing with land use issues. The addition to the tower requires a building permit, and at the time of the building permit issuance it must meet zoning. Since it does not meet zoning, a building permit cannot be granted without action taken on the General Plan and Zoning. Staff has been working with the City Attorney's Office to confirm this prior to hearing this application. DEPUTY CITY ATTORNEY JAMES LEWIS concurred with MS. WHEELER'S assessment.

CHAIR TROWBRIDGE opined that the residents have valid reasons to be concerned. The site has been used for dumping, motorcycle riding and on numerous occasions the City has gone to clean this site. He visited the site and noticed that the control building has a 10-foot chain link fence with three strands of barbed wire yet taggers managed to get inside and graffiti the interior of the compound. The tower and the block wall site are connected with two large wire material not properly suspended. He understood staff's position that the zone change is required in order

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for the applicant to obtain building permits. He acknowledged that the conditions imposed on the site development plan review would provide improvements to the site; however, he was hesitant supporting the zone change. MS. WHEELER responded that the maintenance of the site is a Code Enforcement issue; however, the public improvements can only be required with the approval of the discretionary permit, such as this site development review application. CHAIR TROWBRIDGE verified that the primary responsibility is the property owner. COMMISSIONER QUINN agreed with the Chairman, as she also visited the site and cannot support something that would jeopardize the residents' property values.

COMMISSIONER TRUESDELL asked what type of lease term is expected for this site. MS. MAINLEY replied that the underlying lease between Burken Broadcasting and BLM expires in 2011, and at that time a new lease will be written to expire in 2024, which is when the original grant as a communication facility site will expire. Flo TV, Inc.'s lease with Burken Broadcasting is for three years with the understanding that a new lease will be signed with BLM to reflect the same period of time. The Commissioner questioned the need for watching television on cell phones.

COMMISSIONER GAYNES commented that parents should not let their children use cell phones. MS. MAINLEY stated this service is a luxury for those people who want it. The master lease holder is responsible for the maintenance and Burken Broadcasting has promised to clean the property no later than August 7th. COMMISSIONER TRUESDELL noted that antenna companies know what their obligations are but they do very little on the site until a municipality brings issues to their attention. The subject antenna is an eyesore and there has to be a better place than this location. A change may not solve the problems but it will change the residents' expectations. There is a need for maintenance and there is no reason to increase the burden on the neighbors. Therefore, he could not support the applications.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 6-8.