



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: NEVADA POWER COMPANY - OWNER:
BUREAU OF LAND MANAGEMENT, ET AL**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38103	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-38103 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Site Development Plan Review (SDR-34710).
2. This approval shall be void two years from the date of final approval, unless a final inspection is approved. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject 28-acre site located on the south side of the Moccasin Road alignment, approximately 660 feet west of the Larry McBryde Street alignment, contains an existing electrical substation and a non-stealth design wireless communication facility. Five acres at the southwestern corner of the site were approved in 2009 to expand the existing substation, but have not yet been improved. An eight-foot screened chain link fence with barbed wire surrounds the existing substation. A Variance is requested to allow a maximum 10-foot screen wall along the entire perimeter of both the existing and expanded electrical substation, and a maximum 16-foot retaining wall along portions of the south and west perimeters. The severe natural grade of the area and the limited area for the substation require walls that exceed the heights allowed by Title 19. The increased wall heights will not have a deleterious effect on neighboring properties, which are currently vacant and primarily government-owned. Because evidence of a hardship has been shown, staff recommends approval. If this request is denied, only walls and screening in full conformance with Title 19 standards can be permitted on the subject site.

ISSUES

- A Site Development Plan Review (SDR-34710) for the expansion of an existing electric utility substation was approved in August 2009. A condition of that approval required any walls exceeding eight feet to receive approval of a Variance.
- Screen walls visible from the public right-of-way (currently unpaved) do not exceed 10 feet in height. Retaining walls up to 16 feet in height are oriented to the interior of the site and will provide additional screening of equipment located within the substation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/91	The Clark County Planning Commission approved a Special Use Permit (UC-0165-91) for an electrical substation and a Variance (VC-0338-91) to waive landscaping, on-site paving and trash enclosure requirements generally located on the south side of Moccasin Road alignment, approximately 1,400 feet west of Larry McBryde Street alignment. The Variance approval expired five years from the original date of approval.

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12/04/97	The Clark County Planning Commission approved a Use Permit (UC-1779-97) for a proposed 105-foot wireless communications monopole with multiple antennas and a 300 square-foot equipment shelter on a portion of the approved electrical substation generally located on the south side of Moccasin Road, approximately 950 feet west of Larry McBryde Street alignment. Clark County Planning staff recommended approval.
11/18/99	The Clark County Planning Commission approved a Use Permit (UC-1584-99) to build power transmission lines in existing corridors and to create new power line corridors in conjunction with a long range master plan on a portion of approximately 5,800 acres generally located between Moccasin Road alignment and Ann Road alignment, and between Mainwal Boulevard alignment and Decatur Boulevard alignment.
10/18/01	The Clark County Planning Commission approved a Special Use Permit (UC-1158-01) for the expansion of an existing electrical substation and an application (WS-1408-01) to waive landscaping, on-site paving, and a trash enclosure in conjunction with the approved substation on approximately 4.80 acres generally located on the south side of Moccasin Road alignment, approximately 1,400 feet west of Larry McBryde Street alignment. Clark County Planning staff recommended approval.
12/07/04	The Clark County Planning Commission approved an Extension of Time (ET-0337-04) of a Special Use Permit (UC-1158-01) for the expansion of an existing electrical substation on approximately 4.80 acres generally located on the south side of Moccasin Road alignment, approximately 1,400 feet west of Larry McBryde Street alignment.
11/19/07	The Clark County Planning Commission approved an Extension of Time (ET-0341-07) of a Special Use Permit (UC-1158-01) for the expansion of an existing electrical substation on approximately 4.80 acres generally located on the south side of Moccasin Road alignment, approximately 1,400 feet west of Larry McBryde Street alignment. The approval had an expiration date of 10/18/10.
04/01/09	The City Council approved an Annexation (ANX-27030) of property generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment, containing approximately 33.66 acres. The Planning Commission and staff recommended approval. The effective date of the Annexation was 06/03/09.
08/19/09	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the General Plan from PCD (Planned Community Development) to PF (Public Facilities) on 70 acres generally located on the south side of Moccasin Road, approximately 660 feet west of the Larry McBryde Street alignment. The Planning Commission and staff recommended approval.

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08/19/09	The City Council approved a Rezoning (ZON-34709) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-V (Civic) and a Site Development Plan Review (SDR-34710) for the expansion of an existing electric utility substation on 70 acres generally located on the south side of Moccasin Road alignment, 660 feet west of the Larry McBryde Street alignment. The Planning Commission and staff recommended approval.
10/06/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan Review to extend an existing 110-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) to 120 feet and collocate six (6) antennas at the 118-foot centerline on 2.2 acres located at 10625 Moccasin Road.

<i>Most Recent Change of Ownership</i>	
11/14/90	A deed was recorded for a change in ownership on APN 126-01-101-003.
05/02/91	A deed was recorded for a change in ownership on APN 126-01-101-004.
05/04/99	A deed was recorded for a change in ownership on APN 126-01-101-002.

<i>Related Building Permits/Business Licenses</i>	
03/16/04	A Clark County building permit (#04-5880) was issued for a chain link fence for a non-stealth wireless communications facility at 10625 Moccasin Road.
05/21/04	A Clark County building permit (#04-5876) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
05/21/04	A Clark County building permit (#04-5878) was issued for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
01/31/06	A Clark County building permit (#05-30753) was issued to add antennas on an existing non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
01/31/06	A Clark County building permit (#05-30756) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
11/30/09	A building permit (146577) was issued for collocation of six antennas and a 10-foot extension on an existing 110-foot wireless communications monopole at 10625 Moccasin Road. A final inspection was completed 04/02/10.

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<i>Pre-Application Meeting</i>	
04/20/10	A pre-application meeting was held with the applicant, where submittal requirements for a variance application were discussed. The following points of discussion were noted: • Separate applications are required for the various owners. A letter referencing a previous letter on file authorizing signatures for NV Energy and BLM must be submitted. • The site plan must indicate the locations where code requirements are proposed to be exceeded.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
05/20/10	A field inspection was conducted on the indicated date, and the following items were noted: • The site contains an existing utility substation and an existing non-stealth wireless communications facility; the substation is enclosed by a screened chain link fence with barbed wire. • The area proposed for expansion of the substation is undeveloped and undisturbed. • The area around the site in all directions is undeveloped. • The natural grade around the existing site slopes from west to east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	28.37

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Electric Utility Substation	PF (Public Facilities)	C-V (Civic)
North	Undeveloped	RR (Residential Rural - Clark County Designation)	R-U (Rural Open Land – Clark County Designation)
South	Undeveloped	PF (Public Facilities)	C-V (Civic)

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East	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)
	Undeveloped	PF (Public Facilities)	C-V (Civic)
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)
	Undeveloped	PF (Public Facilities)	C-V (Civic)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V (Civic) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.12, the following standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Wall Height	Max. 6 Feet Retaining	4-16 Feet	N
	Max. 8 Feet Screening	8-10 feet	N
	Max. 12 Feet Combined Retaining/Screening	12-26 Feet	N

ANALYSIS

Condition Number 3 of Site Development Plan Review (SDR-34710) requires approval of a variance for any walls on the substation site exceeding eight feet. The current chain link fencing approved by Clark County is proposed to be replaced with decorative masonry walls, which will address grade issues identified in the approved drainage study for the site. The screen wall will enclose the entire perimeter of the existing and expanded electrical substation, and is proposed to be a maximum height of 10 feet as seen from the outside of the wall. In addition, a maximum 16-foot retaining wall is requested along 475 feet of the south wall (along Quintana Street, also known as Rocky Avenue) and for 1,285 feet of the west facing wall (the entire length of the

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substation property). The tallest side of the wall will be internal to the substation, so that only a 10-foot screening wall will be visible from the outside. In order to accommodate the proposed substation footprint, the retaining walls cannot be stepped to comply with Title 19. Title 19.12.075 requires that combined retaining and screening walls shall not exceed 12 feet in height as measured from the lower side of the wall and eight feet in height as measured from the higher side of the wall. The proposed walls deviate from the standards by up to 117 percent. The proposed walls comply with other standards of Title 19.12.075 that include pilasters spaced no more than 24 feet apart and decorative features containing 20 percent contrasting materials.

Because the limited area of the substation will not allow full mitigation of the severe grade when Title 19 standards are applied, and the proposed wall heights will not have a negative effect on neighboring properties, a hardship has been demonstrated and staff recommends approval of the variance request.

FINDINGS (VAR-38103)

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 19.18.070(L) 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.”

The severe natural grade of the area and the limited area for the substation require walls that exceed the heights allowed by Title 19. Given the area of the development, the grade cannot be fully mitigated by strict conformance to Title 19 wall standards. The increased wall heights will not have a negative effect on neighboring properties, which are currently vacant and primarily government-owned. Evidence of a hardship has therefore been demonstrated.

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NOTICES MAILED 48

APPROVALS 0

PROTESTS 0