



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: TOWER CONSULTING, INC. - OWNER:
PECCOLE RANCH COMMUNITY ASSOCIATION**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-41297	Staff recommends DENIAL, if approved subject to conditions:	SUP-41296
SUP-41296	Staff recommends DENIAL, if approved subject to conditions:	VAR-41297

** CONDITIONS **

VAR-41297 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-41296) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18.070. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The applicant shall ensure proper maintenance is conducted on the fabric screening to repair any and all damage, or to replace the screening if necessary.
4. These Conditions of Approval shall be affixed to the cover sheet of any 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.

SUP-41296 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18.060. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The Wireless Communication Facility and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
4. 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

This is a request for a Special Use Permit for a proposed 85-foot tall (top of branches) Wireless Communication Facility, Stealth Design (Monopine) on a site that has an existing clubhouse and associated recreational amenities for a residential planned development located at 9501 Red Hills Road. The proposed facility will accommodate up to four carriers. The initial installation will provide 12 antennas at the 77-foot centerline. In addition, the placement of the facility will require the removal of two (2) existing pine trees from the southern perimeter of the site. An associated Variance request will also be considered, as the applicant is requesting a 12-foot tall chain link fence with fabric screening, where Title 19.12.075 limits the height to eight feet and does not consider the use of chain link fencing as an acceptable screen or perimeter wall for commercial uses, unless approved as part of an overall development plan. As proposed, the use cannot be conducted in a harmonious manner; therefore staff is recommending denial of the Special Use Permit and Variance. If the application is denied, the Wireless Communication Facility will have to be designed or relocated to comply with Title 19 requirements.

ISSUES

- The subject site is within a residentially planned development surrounded by single family residential homes with an elementary school located to the west of the property. The facility is not aesthetically compatible with the surrounding development and would exceed the height of any buildings or trees within the community.
- Although the fencing surrounding the existing tennis court is chain link with fabric screening, extending the same fencing to the perimeter of the site is not appropriate, and will not be compatible with the surrounding adjacent uses. The requested Variance is not due to a unique or extraordinary circumstance, but is instead a self-imposed hardship that an alternative design would allow conformance to Title 19.18 requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/12/09	The Planning and Development Department denied a request for a Minor Site Development Plan Review (SDR-34366) for a proposed 60-foot tall Wireless Communication Facility, Stealth Design (Light Pole) at 9501 Red Hills Road.
03/15/11	The Planning and Development Department denied a request for a Minor Site Development Plan Review (SDR-41097) for a proposed 85-foot tall (top of the branches) Wireless Communication Facility, Stealth Design (Monopine) at 9501 Red Hills Road.

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<i>Most Recent Change of Ownership</i>	
01/26/96	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There have not been any recent building permits or business licenses issued for the subject site.

<i>Pre-Application Meeting</i>	
03/16/11	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit and Variance for a proposed Wireless Communication Facility, Stealth Design (Monopine) at 9501 Red Hills Road.

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

<i>Field Check</i>	
04/06/11	A field check of the subject site was conducted by staff and found no trash/debris with the amenities and landscape areas being well maintained. No discrepancies were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.49

<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	Community Center, Private (Accessory)	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development- 7 Units per Acre)
North	Single Family Residences	ML (Medium-Low Density Residential)	R-PD7 (Residential Planned Development- 7 Units per Acre)
South	Elementary School	PF (Public Facility)	C-V (Civic)
	Single Family Residences	ML (Medium-Low Density Residential)	R-PD7 (Residential Planned Development- 7 Units per Acre)
East	Single Family Residences	ML (Medium-Low Density Residential)	R-PD7 (Residential Planned Development- 7 Units per Acre)

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	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>	
Surrounding Property		Elementary School	PF (Public Facility)	C-V (Civic)
		Single Family Residences	ML (Medium-Low Density Residential)	R-PD7 (Residential Planned Development- 7 Units per Acre)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Peccole Ranch	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District			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

ANALYSIS

The subject property is located in a residentially planned zoning district with an existing club house and associated recreational amenities on site. The initial installation will provide 12 antennas at the 77-foot centerline. In addition, the placement of the facility will require the removal of two (2) existing pine trees from the southern perimeter of the site. An associated Variance request will also be considered, as the applicant is requesting a 12-foot tall chain link fence with fabric screening, where Title 19.12.075 limits the height to eight feet and does not consider the use of chain link fencing as an acceptable screen or perimeter wall for commercial uses.

As the proposed Wireless Communication Facility would be located within a residential community, it exceeds the height of existing buildings and trees in the surrounding area. Additionally, the arid climate in Las Vegas may necessitate regular maintenance of the proposed fabric screening to repair/replace damaged areas. As the facility is not aesthetically compatible with the surrounding development, and the Variance is a self imposed hardship, staff is recommending denial.

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FINDINGS (VAR-41297)

In accordance with the provisions of Title 19.18.070, the 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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing 12-foot tall chain link fencing with fabric screening. Alternative wall design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SUP-41296)

In order to approve a Special Use Permit application, per Title 19.18.060, the Planning Commission and City Council must affirm the following:

- 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 subject site is within a residentially planned development surrounded by single family residential homes with an elementary school located to the west of the property. The proposed facility (and future carriers) will result in a negative visual impact upon the surrounding community. As such, the use cannot be conducted in a harmonious manner and is not compatible with existing neighboring land uses; therefore staff is recommending denial of this application.

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

The subject site is not physically suitable for the intensity of the proposed use, as the facility will be greater in height than surrounding trees and structures. In addition, as new antennas/carriers co-locate on the facility, the Wireless Communication Facility would create a visual intrusion to the residential properties neighboring the property.

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.

Site access is provided from Red Hills Road, an 80-foot right-of-way. This street provides adequate access to and from the subject site.

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.

Approval of this Special Use Permit will not compromise public health, safety, or welfare as the proposed Wireless Communication Facility, Stealth Design use will be subject to regular inspections.

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

The use does not meet all conditional use regulations per Title 19.04, making this request for a Special Use Permit necessary.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 393

APPROVALS 0

PROTESTS 3