



City of Las Vegas

Agenda Item No.: 53.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JUNE 12, 2018**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: VAR-73062 - VARIANCE - PUBLIC HEARING - APPLICANT: PINNACLE CONSULTING, INC. - OWNER: ROBERT HARRIS AND DORIAN ZELPHA POOLE FAMILY TRUST - For possible action on a request for a Variance to ALLOW A 70-FOOT TALL WIRELESS COMMUNICATION FACILITY WHERE 35 FEET IS THE MAXIMUM ALLOWED, A THREE-FOOT CORNER SIDEYARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED WIRELESS COMMUNICATION CABINET STRUCTURE AND A RESIDENTIAL ADJACENCY SETBACK OF 95 FEET WHERE A MINIMUM OF 210 FEET IS REQUIRED on 1.5 Acres, 5560 Irelio Avenue (APN 125-24-302-031), R-E (Residence Estates) Zone, Ward 6 (Fiore) [PRJ-72747]. Staff recommends DENIAL.

C.C.: 7/18/2018

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-73062 and SUP-73063 [PRJ-72747]
2. Conditions and Staff Report - VAR-73062 and SUP-73063 [PRJ-72747]
3. Supporting Documentation - VAR-73062 and SUP-73063 [PRJ-72747]
4. Photo(s) - VAR-73062 and SUP-73063 [PRJ-72747]
5. Justification Letter - VAR-73062 and SUP-73063 [PRJ-72747]
6. Protest/Support Postcards for VAR-73062 and SUP-73063 [PRJ-72747]
7. Submitted after Final Agenda Protest Postcards for VAR-73062 and SUP-73063 [PRJ-72747] and Protest/Support Documentation Not Vetted Protest Comment Forms (9) and Support Comment Form (1) for VAR-73062 and SUP-73063

Motion made by LOUIS DE SALVIO to Deny

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

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-VICKI QUINN)

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 53 and 54.

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JONATHAN BOYLES, Senior Planner, stated the applicant has proposed to install a 70-foot tall stealth designed wireless communication facility in the rear yard of an R-E (Residential Estates) zoned parcel with an existing single family, detached dwelling. The proposed use does not meet Wireless Communication Facility, Stealth Design Conditional Use Requirements Number 2, which states no residential use can be located on the same site, and Number 5, which requires the design and location of the facility to be compatible with the surrounding uses. As the applicant provided no compelling evidence of a unique or extraordinary circumstance related to the site itself, staff recommended denial of this request. The proposed wireless communication facility is not appropriate or compatible with the neighborhood. The noted additional letters of protest were received since publication.

MICHELLE AMER appeared representing Sun State Towers which is a build to suit company. She explained Verizon currently has need in this area for a site with regard to capacity. She described the difference between capacity and coverage.

She noted other options were looked at in the area, but when an RF Engineer looks at an area where there is a need, it is not a large area, such as miles, it is generally 500 to 1,000 square feet where a site can be located. She emphasized this is not a case that Verizon or Sun State Tower takes lightly because they realize they are going into a residential area.

The cemetery across the street was contacted to see if a tower could be located on their property, but they were not interested. Other locations were also considered, but there is no other place in that area to locate a facility. So, when they tried to make it blend in the area as much as possible. This will be a stealth tower, but if there are other stealth options that the City would like to see rather than what is being proposed, they are open to that.

The tower would be located on the corner of Jones Boulevard and Mello Avenue across from the cemetery. The property owner owns both of the parcels on the corner and the one directly adjacent. She reiterated they were open to input and are willing to work with the City if there are suggestions.

MICHELLE (inaudible) spoke in opposition. She stated she lives down the street, and a 70-foot tower will not blend with the neighborhood. There is one down the street at Lamb of Lutheran Church at Interstate 215 and Jones Boulevard, and it sticks out like a sore thumb. As far as coverage capacity, she indicated they do not experience issues with cell phone coverage or Wi-Fi.

MIKE BINGHAM stated no one on his street received any type of notification with regard to this item and asked if they were supposed to get notified. He was opposed as it will be overlooking the veterans part of the cemetery. Most of the homes at that end of the street are all single story. Additionally, he was concerned about high winds because he recently he lost five 30-year-old pine trees due to wind.

CHAIR CHERRY asked staff about the notification. ROBERT SUMMERFIELD, Planning Director, stated the notification radius per the map in the backup would extend to approximately 5800 Mello Avenue, but did not extend down to MR. BINGHAM'S property. The notifications

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were sent to properties within 1,000 feet of the subject site, which is consistent with Las Vegas Municipal Code and in excess of what State statute requires. Although outside of the notification area, CHAIR CHERRY told MR. BINGHAM he was glad he was present to make his comments.

BRIANNE POOLE, Owner, stated they received notifications for both properties on the same day. She believed the design would fit and they hoped it was approved. She noted none of the neighbors have voiced any objections to her.

Before they started the process, MS. AMER stated notices were sent out in an approximate 3,000-foot radius to get the neighborhood feedback. They had one neighborhood meeting at the library and one at the YMCA. Four or five people showed up to the one at the library, and no one showed up at the meeting at the YMCA. She reiterated they were open to changes.

MS. AMER confirmed for CHAIR CHERRY that they approached the facility to the west, but they said no. He agreed with staff's recommendation of denial because it did not make sense to him to have a tower in a residential neighborhood. He did not think that was a good path to go down, and there were other areas that could be appropriate.

COMMISSIONER DI SALVIO concurred saying the tower did not fit, and no one had reached out to him or the Councilwoman. MS. AMER stated she met with COUNCILWOMAN FIORE on January 24th. They have been working on this project for about two years. The Commissioner stated he could not support it and thought it was in the applicant's best interest to abey the item to allow for a meeting with the Councilwoman and him because he does not think it fits the community.

CHAIR CHERRY pointed out the item is going to City Council so regardless of the motion, approval or denial, it may be something she can still work with him and the Councilwoman on before that meeting.

Besides the comments made that this is not a compatible use, COMMISSIONER ROUSH thought it was mentally jarring to see that tall of a cell phone tower in someone's yard, and it would set a precedent for other people to have cell phone towers in their yard. Additionally, she stated she does not like the stealth design. She sees many around town that have lost their limbs; they are not maintained, and people are not self-policing them. She indicated she would not support this item and would be looking for other stealth designs that have not been maintained to turn them into Business Licensing.

See Item 54 for related backup.

CHAIR CHERRY declared the Public Hearing closed for Items 53 and 54.

The meeting was recessed at 10:30 p.m. and reconvened at 10:43 p.m.