

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MICHAEL MUELLER

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0091-SUP1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 567 (By City Clerk)

PROTESTS 5

APPROVALS 1

**** CONDITIONS ****

20-0091-SUP1 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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 Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
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 Special Use Permit request to keep an existing Mounted Antenna over 15 Feet (Ultimate Height) use at 1016 Carmel Shores Drive.

ISSUES

- A Mounted Antenna over 15 Feet (Ultimate Height) use is permitted in the R-CL (Single Family Compact-Lot) zoning district with the approval of a Special Use Permit. Staff does not support the request.
- Code Enforcement Case (#CE20-03282) was opened on 06/08/20 regarding an antenna structure built on a house without permits at the subject site.

ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and is subject to Title 19 development standards. The purpose of the R-CL District has been to provide for single family units and other customary residential uses on a smaller lot size. The density associated with the R-CL District is consistent with the policies of the ML (Medium-Low Density Residential) category of the General Plan. The applicant requests Special Use Permit (20-0091-SUP1) to keep an existing Mounted Antenna over 15 Feet (Ultimate Height) use. Title 19 defines a Mounted Antenna as “An antenna, other than a wireless communication facility, that is attached to a structure as permitted under this Code.” Ultimate Height is defined as “With regard to an antenna, the maximum height of the antenna above ground level.” The submitted elevation plans depict a maximum antenna height of 65 feet above the ground.

Per the submitted justification letter, the applicant argues that he is a Federally Licensed Amateur Radio Operator and has been in the business for years. He was given information stating that amateur radio operators were no longer required to obtain building permits in order to erect towers and antennas per NRS 278.02085. However, staff contends the Nevada Revised Statutes (NRS) code requires reasonable accommodation of amateur service antenna communications, thus the requirement of the Special Use Permit application.

While the applicant has good intentions with providing emergency communications via the subject antenna, staff finds the antenna to be too massive and obnoxious for a single family compact-lot residential neighborhood. Therefore, staff recommends denial of the request. If approved, it will be subject to conditions.

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FINDINGS (20-0091-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 proposed land use cannot be conducted in a manner that is harmonious and compatible within the existing compact lot single family residential subdivision.

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

The subject site and area, which is zoned R-CL (Single Family Compact-Lot), is not suitable for the intensity of a large roof mounted antenna at this scale.

- 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.**

The subject site is accessed from Carmel Shores Drive, a 50-foot local street, which is adequate in size to meet the needs of the proposed use.

- 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.**

If approved, the proposed antenna will be subject to building permit and inspections, thereby protecting the public's health, safety and welfare.

- 5. The use meets all of the applicable conditions per Title 19.12.**

There are no minimum requirements listed for the Mounted Antenna over 15 Feet (Ultimate Height) use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
06/08/20	Code Enforcement Case (#CE20-03282) was opened regarding an antenna structure built on a house without permits at 1016 Carmel Shores Drive.

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Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.	
10/13/20	The Planning Commission voted (7-0) to hold 20-0091-SUP1 in ABEYANCE to the November 10, 2020 Planning Commission meeting.
11/10/20	The Planning Commission unanimously voted to DENY Land Use Entitlement project request for a Special Use Permit (20-0091-SUP1) FOR A PROPOSED MOUNTED ANTENNA OVER 15 FEET (ULTIMATE HEIGHT) USE at 1016 Carmel Shores Drive (APN 138-28-214-056), R-CL (Single Family Compact-Lot) Zone, Ward 2 (Seaman).
11/17/20	The Office of the City Clerk received a request from the Ward 2 Council Office requesting a Review of the Denial by the Planning Commission on Land Use Entitlement project request for a Special Use Permit (20-0091-SUP1) FOR A PROPOSED MOUNTED ANTENNA OVER 15 FEET (ULTIMATE HEIGHT) USE at 1016 Carmel Shores Drive (APN 138-28-214-056), R-CL (Single Family Compact-Lot) Zone, Ward 2 (Seaman). This item will be considered by the City Council on 12/16/20.

Most Recent Change of Ownership	
11/30/05	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
c. 1994	Single Family Dwelling constructed.

Pre-Application Meeting	
07/20/20	Staff conducted a pre-application meeting where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
09/03/20	Staff conducted a routine field check and found a massive roof mounted antenna on a single family dwelling within a residential neighborhood.

Details of Application Request	
Site Area	
Net Acres	0.12

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A