

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: AMERICAN LEGION LODGE POST # 8

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0060-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 249

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0060-VAR1 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 Building and Safety Division.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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 Variance to allow a 70-foot flag pole on 2.67 acres at 733 Veterans Memorial Drive.

ISSUES

- Pursuant to Title 19.08.120(F)(4) the maximum height allowed for a flag pole is 40 feet. Staff recommends denial of the requested Variance.

ANALYSIS

The subject 2.67-acre site is zoned C-V (Civic) with a MXU (Mixed Use) General Plan designation and is subject to Title 19 development standards. The site is currently developed with an existing Private Club, Lodge or Fraternal Organization (American Legion) development.

In November of 2022, the applicant received approval of a Conditional Use Verification (100931-CUV) to remove an existing Wireless Communication Facility, Stealth Design [Flag Pole] and replace it with a new Wireless Communication Facility, Stealth Design [Monopalm].

The applicant is requesting a Variance to install a 70-foot tall flag pole in front of the primary structure at 733 Veterans Memorial Drive. Currently, Title 19.08.120 allows a maximum height of 40 feet for flag poles for private entities. While the proposed height of 70 feet would mimic the previous Wireless Communication Facility that was designed as a flag pole, the proposed flag pole is not a Wireless Communication Facility and staff finds the request to be a self-imposed hardship and therefore, recommends denial.

FINDINGS (23-0060-VAR1)

In accordance with the provisions of Title 19.16.140(B), 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.”

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Additionally, Title 19.16.140(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 a flag pole height that exceeds height limitations set forth by Title 19. 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.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
09/06/06	The City Council approved a request for a Special Use Permit (SUP-13870) for a Wireless Communication Facility, Stealth use at 733 Veterans Memorial Drive. Staff recommends denial of the request.
	The City Council approved a request for a Variance (VAR-13871) to allow a 25 foot residential adjacent setback where 210 feet is the minimum required for a proposed 70 foot Wireless Communication Facility, Stealth at 733 Veterans Memorial Drive.
10/08/09	The Department of Community Development - Planning Division administratively approved a Minor Site Development Plan Review (SDR-35721) for the co-location of three (3) antennas at the 52-foot centerline of an existing 65-foot tall Wireless Communication Facility, Stealth design (flagpole) located at 733 Veterans Memorial Drive.
04/13/17	The Department of Community Development - Planning Division approved a request for a Conditional Use Verification (CUV-69961) to install three new panel antennas, six triplexers and 12 lines of 7/8" coax on a Wireless Communication Facility, Stealth Design at 733 Veterans Memorial Drive.
11/14/22	The Department of Community Development - Planning Division approved a request for a Conditional Use Verification (100931-CUV) to remove an existing Wireless Communication Facility (flag pole) and relocate/replace it with a new Wireless Communication Facility (monopalm) on the same site located at 733 Veterans Memorial Drive.

<i>Most Recent Change of Ownership</i>	
08/08/62	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (#L13-00001) was issued for Full Alcohol On-Premise (The American Legion Las Vegas Post No. 8) at 733 Veterans Memorial Drive. The license is still active.
03/02/07	A building permit (#C-77045) was issued for a CLV designed wall/fence at 733 Veterans Memorial Drive. The permit was finalized on 05/04/07.
03/05/07	A building permit (#7000772) was issued for an equipment shelter at 733 Veterans Memorial Drive. The permit was finalized on 04/20/07.
	A building permit (#7000773) was issued for a 65-foot tall mono-flag with antennas at 733 Veterans Memorial Drive. The permit was finalized on 04/23/07.

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Related Building Permits/Business Licenses	
09/26/11	A building permit (#C-193997) was issued for a ground mounted solar system at 733 Veterans Memorial Drive. The permit has not been finalized.
11/07/11	A building permit (#C-198699) was issued for a chain link fence to go around a solar array at 733 Veterans Memorial Drive. The permit was finalized on 12/05/11.
10/17/12	A building permit (#C-210166) was issued to remove three existing antennas and replace with three new antennas at 733 Veterans Memorial Drive. The permit has not been finalized.
09/29/14	A business license (#G62-08273) was issued for a Tobacco Dealer (Sky Top Vending, LLC) at 733 Veterans Memorial Drive. The license is still active.
	A business license (#G62-08276) was issued for a Coin Amusement Machine - juke box and trivia machine (Sky Top Vending, LLC) at 733 Veterans Memorial Drive. The license is still active.
10/12/15	A building permit (#C-296496) was issued to remove and replace cellular antennas and TMA's at 733 Veterans Memorial Drive. The permit was finalized on 02/17/16.
08/16/17	A building permit (#C17-00595) was issued for adding three antennas, three RRH's, 12 tri-plexers and coax at 733 Veterans Memorial Drive. The permit has not been finalized.
11/05/18	A business license (#G66-06484) was issued for a Banquet or Event Establishment (The American Legion Las Vegas Post No. 8) at 733 Veterans Memorial Drive. The license is still active.

Pre-Application Meeting	
02/01/23	A pre-application meeting was held with the applicant via telephone to discuss the submittal requirements for a Variance application to allow a proposed flag pole to exceed 40 feet in height.

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

Field Check	
02/23/23	During a routine site inspection staff observed a well maintained commercial development.

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Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Fraternal Organization	MXU (Mixed Use)	C-V (Civic)
North	City of Las Vegas Annex	MXU (Mixed Use)	C-2 (General Commercial)
South	Single Family, Detached	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Reed Whipple Cultural Art Center	MXU (Mixed Use)	C-2 (General Commercial)
West	Single Family, Detached	MXU (Mixed Use)	R-1 (Single Family Residential)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Downtown North Land Use Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (200 Feet)	Y
C-V (Civic) District	Y
DTLV-O (Downtown Las Vegas Overlay) Cashman District – Area 2	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.120(F)(4), the following standards apply:

Flag Pole for Private Entity:			
Standards	Allowed	Provided	Compliance
Maximum Area	60 SF	60 SF	Y
Maximum Height	40 Feet	70 Feet	N*
Maximum Number	1 Flag Pole per site	1 Flag Pole	Y

**The applicant has requested a Variance (23-0060-VAR1) to allow a 70-foot tall flag pole where 40 feet is the maximum allowed.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Veterans Memorial Drive	Local Street	Title 13	60	Y