



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DNB INVESTMENT TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0558-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0558-VAR2 24-0558-SUP1 24-0558-SDR1
24-0558-VAR2	Staff recommends DENIAL, if approved subject to conditions:	24-0558-VAR1 24-0558-SUP1 24-0558-SDR1
24-0558-SUP1	Staff recommends DENIAL, if approved subject to conditions:	24-0558-VAR1 24-0558-VAR2 24-0558-SDR1
24-0558-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0558-VAR1 24-0558-VAR2 24-0558-SUP1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

NOTICES MAILED

278

PROTESTS

0

APPROVALS

0

**** CONDITIONS ****

24-0558-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a 10-foot rear yard setback where 20 feet is required.
2. Approval of and conformance to the Conditions of Approval for Variance (24-0558-VAR2), Special Use Permit (24-0558-SUP1) and Site Development Plan Review (24-0558-SDR1) shall be required, if approved.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0558-VAR2 CONDITIONS

Planning

1. A Variance is hereby approved, to allow five parking spaces where 10 parking spaces are required.
2. Approval of and conformance to the Conditions of Approval for Variance (24-0558-VAR1), Special Use Permit (24-0558-SUP1) and Site Development Plan Review (24-0558-SDR1) shall be required, if approved.

Conditions Page Two

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3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0558-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mini-Storage Facility use.
2. Approval of and conformance to the Conditions of Approval for Variances (24-0558-VAR1 and VAR2) and Site Development Plan Review (24-0558-SDR1) shall be required, if approved.
3. Conformance to the Conditions of Approval for Special Use Permit (U-0006-02) shall be required, except as amended herein.
4. 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.
5. 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.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0558-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variances (24-0558-VAR1 and VAR2) and Special Use Permit (24-0558-SUP1) shall be required, if approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0071-95(5)] shall be required, except as amended herein.
3. 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.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/21/24 except as amended by conditions herein.
5. An Exception from Title 19.08.110 is hereby approved, to allow zero parking lot trees where two trees are required.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.

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10. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to establish 91 additional storage units to an existing 131-unit mini-storage development at 3851 Vegas Drive.

ISSUES

- A Major Amendment to an approved Special Use Permit (U-0006-02) is requested, as the increase from 131 mini-storage units to 222 units constitutes an approximate 69 percent increase. This change qualifies this amendment for major review. Staff does not support this request.
- A Major Amendment to an approved Site Development Plan Review [Z-0071-95(5)] is requested for a proposed one-story, 91-unit addition to an existing 131-mini-storage development and a parking lot reconfiguration. Staff does not support this request.
- A Variance is requested to allow a 10-foot rear yard setback where 20 feet is required. Staff does not support this request.
- A Variance is requested to allow five parking spaces where 10 parking spaces are required. Staff does not support this request.
- An Exception from Title 19.08.110 is requested to allow zero parking lot area trees where two trees are required. Staff does not support this request.
- Between 2016 and 2017, 91 additional units were constructed without permits within the existing mini-storage facility. If approved, building permits will need to be obtained for the additions.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) with a SC (Service Commercial) land use designation and is subject to Title 19 development standards. The subject site was originally approved on April 11, 2002 with a 147-unit mini-storage development. Ultimately only 131 units were built. Based on Google aerial imagery, 91 additional units were constructed between 2016 and 2017 without permits. The applicant is requesting to permanently establish these additional storage units. This expansion constitutes an approximate 69 percent increase, qualifying these amendments for major review.

Per the submitted site plan the additional units are placed on the south and eastern boundaries of the existing property, replacing what was previously standard and recreational vehicle (RV) parking. These unit additions come in a variety of different size configurations and are arranged linearly and in clusters.

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Pursuant to Title 19.08.070, buildings are required to be placed at least 20 feet from the rear yard property line. As proposed, the existing, unpermitted mini-storage units have a 10-foot rear yard setback, prompting a Variance request. Additionally, as these additions occupy what was previously excess parking for the mini-storage development, only five parking spaces remain outside of the entry gate. Ten parking spaces are now required, prompting an additional Variance request. The applicant has stated that over time, the operator has observed that the excess spaces were not utilized and the design of the facility allows for outdoor access to the units. This would result in patrons parking adjacent to the units to load and unload belongings. However, a significant number of the units are adjacent to a fire lane, which must remain unobstructed. Therefore, staff finds these hardships to be self-imposed and recommends denial of both Variance requests.

Per the submitted building elevations, the mini-storage additions are approximately nine feet tall and are prefabricated units constructed of pre-finished/galvanized steel. Each unit is depicted to have a roll-up metal door and will be permanently secured to the ground. While the additional units are finished in a different color than the original mini-storage development, the additions are consistent with Title 19.08 standards for exterior material, finishes, and coherent design.

With the proposed amendments, landscaping will remain relatively unchanged from what was previously approved. However, with the proposed parking lot reconfiguration, the parking area located behind the guard gate requires two parking area trees. The applicant has requested to provide zero parking area trees, prompting an Exception request. The site was previously approved with Waivers for reduced landscaping throughout the site. This request further intensifies the urban heat island effect, which has been a key issue that the City of Las Vegas seeks to address in the City of Las Vegas 2050 Master Plan.

These mini-storage unit additions were constructed without permits and require relief from setback, parking, and landscaping standards, which demonstrates the site's inability to accommodate a mini-storage facility of this intensity. No justification has been provided relating to the physical characteristics of the property to warrant the requested Variances. As such, these hardships are self-imposed. As the proposed amendments are not compatible with surrounding development, staff therefore recommends denial of all requested entitlements. If approved the Variances, Special Use Permit, and Site Development Plan Review will be subject to conditions.

FINDINGS (24-0558-VAR1 and VAR2)

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:

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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 19.16.140(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 constructing additional storage units without permits, within required setbacks, and without the required parking to accommodate the established use. The removal of all unpermitted additions 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 (24-0558-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 with existing surrounding land uses, and with future surrounding uses. This is demonstrated by the requested Variances for a reduction in setbacks, required parking, and an Exception for reduced parking lot landscaping.

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

The subject site is no longer physically suitable for the type and intensity of the proposed expansion of an existing Mini-Storage Facility use. This is demonstrated by the requested Variances for a reduction in setbacks, required parking, and an Exception for reduced parking lot landscaping.

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 by Vegas Drive, an 80-foot Major Collector Street as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements 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.**

Approval of this Special Use Permit will be subject to business license review and periodic compliance inspections to ensure the public health, safety, and welfare or the overall objectives of the General Plan will not be compromised.

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

With the proposed amendment, the Mini-Storage use still complies with all applicable conditions per Title 19.12.

FINDINGS (24-0558-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential development and development in the area. This is evidenced by the requested Variances for reduced setbacks and required parking and Exception for a reduced number of parking area trees.

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development requires Variances for reduced setbacks and required parking and requires a reduction of parking lot landscaping. Therefore, the proposed development is not consistent with the General Plan, Title 19, and other duly adopted city plans, policies and standards.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

Building elevations are typical for a mini-storage development and are appropriate for the area and for the City. There are no changes to the previously approved landscape materials.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Development of the site will be subject to building permit review and inspection, thereby ensuring the public health, safety and general welfare are protected.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/14/02	The Planning Commission approved a Site Development Plan Review [Z-0071-95(5)] and a reduction in the amount of required perimeter and parking lot landscaping for a proposed 25,200 square-foot mini-storage facility on 1.74 acres located adjacent to the south side of Vegas Drive, approximately 100 feet west of Pyramid Drive
	The Planning Commission approved a Special Use Permit (U-0006-02) to allow a proposed mini-storage facility on property located adjacent to the south side of Vegas Drive, approximately 100 feet west of Pyramid Drive.
	The Planning Commission voted to strike a proposed Variance (V-0005-02) to allow a proposed mini-storage facility to be zero feet from the side property line where 10 feet is the minimum setback required and 10 feet from the front property line where 20 feet is the minimum setback required on property located adjacent to the south side of Vegas Drive, approximately 100 feet west of Pyramid Drive.
03/21/02	The Planning Commission approved an Extension of Time (Z-0071-98[3]) of an approved rezoning from R-1 (Single Family Residential) to C-1 (Limited Commercial) adjacent to the south side of Vegas Drive, approximately 100 feet west of Pyramid Drive.

<i>Most Recent Change of Ownership</i>	
08/15/24	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/01/15	A business license (G63-08684) was issued for a mini-storage facility at 3851 Vegas Drive. The license is still active.
12/01/15	A business license (G63-08810) was issued to allow the sale of locks at 3851 Vegas Drive. The license was marked inactive as of 05/30/22.

<i>Pre-Application Meeting</i>	
10/16/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review, Variance, and Special Use Permit.

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Neighborhood Meeting

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

Field Check

10/29/24

Staff conducted a routine field check of the subject property and observed an existing mini-storage development. Nothing of concern was noted.

Details of Application Request**Site Area**

Net Acres

1.74

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
North	Church/House of Worship	CM (Corridor Mixed-Use)	CG (Commercial General - Clark County)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Office, Other than Listed	L (Low Density Residential)	R-1 (Single Family Residential)
	Residential, Single Family, Detached	O (Office)	P-R (Professional Office and Parking)
West	General Retail Store, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	N*
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (70 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

*The applicant has requested an Exception for a reduction in required parking lot area trees. This site has a previously approved Waiver for a reduction in required perimeter landscape buffer widths. This request further intensifies the urban heat island effect, which has been a key issue that the City of Las Vegas seeks to address in the City of Las Vegas 2050 Master Plan.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	369 Feet	Y
Min. Setbacks			
• Front	10 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	20 Feet	10 Feet	N*
Max. Lot Coverage	50%	42 %	Y
Max. Building Height	N/A	9 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*A Variance is requested to allow a 10-foot rear yard setback where 20 feet is required.

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	2 Trees	0 Trees	N*

*An Exception is requested for a reduction in parking area trees.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Vegas Drive	Primary Arterial	Master Plan of Streets and Highways	80 Feet	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Mini-Storage Facility	222 Units	1 per 50 storage units + 5	10				
TOTAL SPACES REQUIRED			10		5		N*
Regular and Handicap Spaces Required			9	1	4	1	N*
Percent Deviation			50%				

*A Variance is requested to allow five parking spaces where 10 parking spaces are required.

Exceptions		
Requirement	Request	Staff Recommendation
Provide two parking area trees.	To provide zero parking area trees	Denial