



# AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: JOE LOPEZ - OWNER: EXTRA SPACE STORAGE

## \*\* STAFF RECOMMENDATION(S) \*\*

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0452-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

## \*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 336

PROTESTS 1

APPROVALS 1

Conditions Page One  
March 12, 2024 - Planning Commission Meeting

**\*\* CONDITIONS \*\***

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**23-0452-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a proposed eight-foot tall front yard fence where five feet is the maximum height allowed.
2. 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.
3. 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.
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.

**Public Works**

6. Remove the northern unused driveway and replace with new improvements meeting Downtown Masterplan standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Alternatively, **this driveway may remain as exit only driveway provided that the gate is at the back of right-of-way line and on-site loops are provided.**
7. Submit a License Agreement for landscaping and private improvements in the Las Vegas Boulevard public right(s)-of-way, if any, prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460).

**Conditions Page Two**  
**March 12, 2024 - Planning Commission Meeting**

8. Queues for the overall center shall not extend into the public right-of-way as a result of the gate operations on this site. The gates must remain open during business hours (Monday – Saturday 8am – 7pm and Sunday 10am – 4pm).

**Staff Report Page One**  
**March 12, 2024 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Variance to allow a proposed front yard fence that fails to comply with minimum Title 19 development standards on 1.69 acres at 1120 South Las Vegas Boulevard.

**ISSUES**

- Per Title 19.08.080, the maximum front yard fence height is five feet. The applicant is requesting an eight-foot tall front yard fence. Staff does not support this request.

**ANALYSIS**

The subject site is zoned C-2 (General Commercial) and subject to Title 19 Development Standards. Per Title 19.08.080, a five-foot tall front yard wall/fence with a two-foot solid wall base is the maximum height allowed, which the proposed front yard fence exceeds, as it is eight feet in height with a no solid wall base. According to the submitted justification letter, the subject site has had issues with crime and homelessness at the subject site. The applicant seeks to install an eight-foot tall fence in the front yard for employee safety and capacity to operate the business safely. The proposed fence is an iron post fence to allow for visibility but will also deter access from unauthorized persons. The intention is to protect the property but it will not block the vehicle or pedestrian access through the public easement.

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the site has been presented to warrant the requested Variance. As such, the hardship is self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

**FINDINGS (23-0452-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.

**Staff Report Page Two**  
**March 12, 2024 - Planning Commission Meeting**

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 a front yard wall/fence that exceeds front yard wall/fence height requirements in the C-2 (General Commercial) zoning district. Designing the front yard wall/fence to five feet in height with a two-foot solid base 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.

## **BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
02/27/75	The Board of Zoning and Adjustment approved a request for a Variance (V-0080-74) to allow five freestanding signs where only one is permitted on property located on the west side of South Las Vegas Boulevard, 160 feet south of Charleston Boulevard.
08/17/94	The City Council approved a request for a Special Use Permit (U-0168-94) for a proposed Mini-Storage Facility at 1120 South Las Vegas Boulevard. The Board of Zoning and Adjustment recommended approval of the request.
08/23/94	The Board of Zoning and Adjustment approved a request for a Variance (V-0100-94) to allow 25 parking spaces where 57 parking spaces are the minimum required for a proposed Mini-Storage Facility at 1120 South Las Vegas Boulevard.
06/28/05	The Planning and Development Department approved a request for a Site Development Plan Review (SDR-20085) to allow the co-location of a Slim Line Antenna on the existing 100-foot Wireless Communication Monopole at 1120 South Las Vegas Boulevard.

**Staff Report Page Three**  
**March 12, 2024 - Planning Commission Meeting**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
04/12/07	The Planning and Development Department approved a request for a Site Development Plan Review (SDR-19935) to allow a proposed co-location of Antennas on an existing 100-foot Wireless Communication Facility, Non-Stealth Design at 1120 South Las Vegas Boulevard.
07/26/07	The Planning and Development Department approved a request for a Site Development Plan Review (SDR-22628) to allow a proposed co-location of Antennas on an existing 100-foot Wireless Communications Facility, Non-Stealth Design at 1120 South Las Vegas Boulevard.
10/21/09	The Planning and Development Department denied a request for a Site Development Plan Review (SDR-35987) for the co-location of three (3) flush mounted antennas at the 93'-6" centerline of an existing 100-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) at 1120 South Las Vegas Boulevard.
12/03/09	The applicant requests to withdraw a Special Use Permit (SUP-36389) without prejudice for the installation of three new antennas on an existing 100-foot wireless communication facility, non-stealth design, at a maximum height of 100 feet.
02/13/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests TO ALLOW A PROPOSED EIGHT-FOOT TALL FRONT YARD FENCE WHERE FIVE FEET IS THE MAXIMUM HEIGHT ALLOWED on 1.69 acres at 1120 South Las Vegas Boulevard (APN 162-03-112-002), C-2 (General Commercial) Zone, Ward 3 (Diaz).

<b><i>Most Recent Change of Ownership</i></b>	
12/21/10	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
11/12/97	A Building Permit (#97022812) was issued for a communications tower and equipment storage room at 1120 South Las Vegas Boulevard. The permit was expired on 09/26/98.
11/19/97	A Building Permit (#97023406) was issued for a cellular site at 1120 South Las Vegas Boulevard. The permit was finalized on 01/30/98.
04/11/00	A Building Permit (#6661) was issued to add three antennas and equipment at 1120 South Las Vegas Boulevard. The permit was expired on 07/28/01.
	A Building Permit (#6662) was issued for a 24-foot by 8-foot chain link fence at 1120 South Las Vegas Boulevard. The permit was expired on 01/06/01.
08/16/05	A Building Permit (#5005742) was issued to co-locate antennas on a existing monopole at 1120 South Las Vegas Boulevard. The permit was finalized on 01/31/06.

**Staff Report Page Four**  
**March 12, 2024 - Planning Commission Meeting**

<b>Related Building Permits/Business Licenses</b>	
09/12/07	A Building Permit (#94039) was issued to install equipment cabinet and antenna to existing monopole at 1120 South Las Vegas Boulevard. The permit was finalized on 04/09/08.

<b>Related Building Permits/Business Licenses</b>	
02/22/08	A Building Permit (#106090) was issued for the co-location of antennas on an existing monopole at 1120 South Las Vegas Boulevard. The permit was finalized on 01/02/09.
04/13/16	A Building Permit (#1L-64246) was issued for a Driveway Improvements at 1120 South Las Vegas Boulevard. The permit was finalized on 09/06/19.

<b>Pre-Application Meeting</b>	
08/22/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Variance.

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

<b>Field Check</b>	
01/03/24	A routine field check was conducted by staff; nothing was noted of concern.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.69

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-2 (General Commercial)

Staff Report Page Five  
March 12, 2024 - Planning Commission Meeting

<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
South	Hotel, Motel or Hotel Suites	C (Commercial)	C-2 (General Commercial)
	Auto Repair Garage, Minor		

<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
East	Financial Institution, General	C (Commercial)	C-2 (General Commercial)
	General Retail Store, Other Than Listed		
West	Office, Other than Listed	C (Commercial)	C-1 (Limited Commercial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District – Gateway District	Y
LW-O (Live/Work Overlay) District	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

## DEVELOPMENT STANDARDS

***Pursuant to 19.08, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Max. Front Yard Wall/Fence Height	Five feet with a two-foot solid fence base	Eight feet with a zero solid fence base	N*

*\*The applicant is requesting a Variance to allow a proposed eight-foot tall front yard fence where five feet is the maximum height allowed.*

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