



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: DEREK STONEBARGER - OWNER: MARIO LOPEZ AND MARTHA REBECCA LOPEZ

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0253-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
24-0253-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0253-VAR1

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 175

PROTESTS N/A

APPROVALS N/A

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

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**24-0253-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow a minimum parking stall depth of 14 feet where 20 feet is required.
2. A Variance is hereby approved, to allow a minimum drive aisle width of 14 feet where 19 feet is required.
3. A Variance is hereby approved, to allow 32 percent of parking stalls to be designated as compact where 30 percent is the maximum allowed.
4. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (24-0253-SDR1) shall be required, if approved.
5. This approval shall be void three 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.
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.

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**24-0253-SDR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (24-0253-VAR1) shall be required, if approved.

**Conditions Page Two**  
**August 13, 2024 - Planning Commission Meeting**

2. This approval shall be void three years from the date of final approval, unless an Extension of Time is approved by the City of Las Vegas.
3. Illumination shall be provided between dusk and dawn pursuant to Title 11.55.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/26/24, except as amended by conditions herein.
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.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

8. Modify the driveway on Casino Center Boulevard to accommodate two-way traffic, or remove driveway. Alternatively, provide two one-way driveways. Driveways must conform to the Downtown Master Plan Standards.
9. 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.
10. Queues for the overall parking lot shall not extend into the public right-of-way as a result of the operations on this site.

**Staff Report Page One**  
**August 13, 2024 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

The applicant is requesting a Site Development Plan Review for an existing 24-hour paid temporary parking lot located on the west side of Casino Center Boulevard north of Colorado Avenue. The approval period for the previous entitlement for a temporary parking lot has elapsed. If approved, this request would allow the lot to continue at this location for up to three additional years.

**ISSUES**

- The prior approval for the existing temporary parking lot expired 09/24/21 without approval of an Extension of Time.
- After the lot was constructed and inspected, a driveway with access to Casino Center Boulevard was installed. If approved, a condition of approval will require this driveway to be reconfigured to accommodate two-way traffic or be removed.
- Variances are requested from Title 19.08.110 parking design standards to allow 17-foot deep stalls where 20 feet is required, 14-foot drive aisles where 19 feet is required, and 32 percent compact spaces where 30 percent is the maximum allowed. Staff recommends denial.
- Bill 2024-21 was introduced by the City Council that includes a provision disallowing Variances, Waivers or Exceptions to Title 19.08.110 parking design standards upon adoption. A Recommending Committee meeting was scheduled for 08/05/24 for further discussion.

**ANALYSIS**

The temporary parking lot was previously approved on September 24, 2019 through a Major Site Development Plan Review (SDR-76901), with a two-year approval period that expired September 24, 2021. The lot has been in operation as a City of Las Vegas paid temporary parking lot since its construction; however, the City inadvertently allowed the approval for SDR-76901 to lapse without an extension. The applicant now intends to resume operation of the lot using private funds in order to continue to provide needed parking resources in the 18b Las Vegas Arts District.

The subject site is zoned C-1 (Limited Commercial), which allows both temporary and permanent parking facilities. Regulations for a temporary parking lot are contained in Title 19 Appendix F.C.1.c.v, which is part of the Interim Downtown Las Vegas Development Standards.

**Staff Report Page Two**  
**August 13, 2024 - Planning Commission Meeting**

In lieu of variances, waivers were granted in 2019 for substandard parking lot design, including drive aisle width, parking stall depth and number of compact spaces, which by Title 19.08.110 cannot exceed 30 percent of the total spaces provided. Staff had recommended denial of the waivers and Site Development Plan Review. Deviation from any of these parking design standards properly requires a Variance, as the Interim Downtown Las Vegas Development Standards do not address parking area design.

The existing lot contains 48 parking spaces with 15 compact spaces spread throughout the lot. One-way ungated access is provided from the rear alley. Circulation continues around the site and exits back into the alley. A narrow 15-foot driveway onto Casino Center Boulevard was later installed in between the two drive aisles and a portion of the artistic wrought iron fence was removed. Neither change has been documented.

The proposed reconfigured lot shows slightly modified striping for 47 parking spaces, but still requires Variances to allow a minimum 14-foot one-way drive aisle width where 19 feet is required, a minimum 14-foot parking stall depth where 20 feet is required, and 15 compact spaces where 14 is the maximum allowed. These requirements are based on a parking angle of 70 degrees as detailed by Title 19.08.110 Table 2. The middle and northern parking rows are actually angled at 72 percent, while the southern row is actually angled at 68 degrees. Standard offsite streetscape requirements along Casino Center Boulevard have been installed, as well as the permanent artistic “Arts District” wrought iron fence, thereby satisfying the minimum streetscape requirements for temporary parking lots.

Wheel stops will be provided at the end of each space adjacent to the perimeter and in ADA accessible spaces. Illumination of the parking lot is required by Title 11.55.110 between dusk and dawn; lighting is provided by LED solar installations at six locations throughout the site.

Signage is provided restricting oversized vehicles due to the reduced depth of parking stalls and width of drive aisles. However, a field check confirmed that long bed trucks continue to park in the lot, effectively further narrowing the substandard drive aisles. In addition, wheel stops along the perimeter prevent vehicles from pulling forward to fill the full extent of the stall.

Staff supports Title 19 parking area design standards in order to ensure the safety of the public and the functionality of parking areas. The lot as currently configured and as proposed contains too many spaces for a 100-foot wide lot, creating poor functionality with the potential to endanger pedestrians and create onsite traffic conflicts. Therefore, staff does not support the current design and recommends denial of the Variance and Site Development Plan Review related to the proposed design. A safer alternative could be achieved by configuring the lot to meet Title 19.08.110 standards, although the number of stalls would be reduced by 12-13 spaces, depending on the number of compact

**Staff Report Page Three**  
**August 13, 2024 - Planning Commission Meeting**

spaces. Access would remain from the alley and circulation would be one-way throughout the lot. If approved, the Department of Public Works will require the driveway with access to Casino Center Boulevard to be reconfigured to accommodate two-way traffic or be removed, leaving only alley access.

If approved, the temporary parking lot would be subject to a three-year time limit, at which time an Extension of Time may be requested. The applicant would need to justify the need to continue providing the lot rather than developing a permanent use on the site.

**FINDINGS (24-0253-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."

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 to perpetuate existing substandard parking area design and over-utilizing narrower compact spaces. An alternative parking area design with three angled rows 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.

**Staff Report Page Four**  
**August 13, 2024 - Planning Commission Meeting**

**FINDINGS (24-0253-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 design of the proposed temporary parking lot poses safety risks to vehicles and pedestrians and is therefore deemed incompatible with the adjacent development, which consists of commercial uses zoned C-1 (Limited Commercial) and C-M (Commercial/Industrial).

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

The site as proposed is in conformance with Appendix F Interim Downtown Las Vegas Temporary Parking Lot Standards, but does not meet Title 19.08.110 parking area design standards. Staff does not support the requested Variance.

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

Access to the site is provided by a two-way alley taking access from California Avenue, a 74-foot Major Collector and Colorado Avenue, an 80-foot wide Major Collector shown on the Master Plan of Streets and Highways. Access will not have a negative impact on adjacent roadways. However, one-way circulation throughout the site is hindered by very narrow drive aisles that do not meet Title 19 minimum dimensions. If approved, the Department of Public Works recommends a condition to convert the existing driveway to Casino Center Boulevard into a two-way access or to remove it altogether.

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

The materials used for this project are consistent with the minimum design standards established by the Interim Downtown Las Vegas Development Standards for a temporary parking lot.

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;**

**Staff Report Page Five**  
**August 13, 2024 - Planning Commission Meeting**

The proposed temporary parking lot features an existing artistic wrought iron fence along Casino Center Boulevard in conformance with Interim Downtown Las Vegas Development Standards.

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

All new development will require permits and inspections that will maintain the public health, safety and welfare.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
07/23/18	Code Enforcement opened a Case (CE-191422) regarding storage of tractor trailer and graffiti on a vacant lot at 1216 South Casino Center Boulevard. During the tenure of this case staff noted that no permit had been issued for construction of a paid public parking lot on the site. The case was resolved by Code Enforcement 01/07/21.
09/24/19	The Planning Commission approved a request for a Site Development Plan Review (SDR-76901) for a proposed temporary parking lot with Waivers to allow a non-standard parking lot design on 0.31 acres at 1216 South Casino Center Boulevard. Staff recommended denial. The approval expired 09/24/21.
04/15/21	Code Enforcement opened a Case (CE-191422) regarding an overflowing trash dumpster in the parking lot at 1216 South Casino Center Boulevard. The case was resolved by Code Enforcement 04/19/21.

<b><i>Most Recent Change of Ownership</i></b>	
08/19/21	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
12/30/20	A building permit (C20-02885) was issued for a temporary parking lot at 1216 South Casino Center Boulevard. The permit was finalized 12/31/20.

<b><i>Pre-Application Meeting</i></b>	
04/18/24	A pre-application meeting was held with the applicant to discuss submittal requirements related to Variance and Site Development Plan Review applications. Staff informed the applicant that all new plans would be required.



Staff Report Page Six  
August 13, 2024 - Planning Commission Meeting

**Neighborhood Meeting**

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

**Field Check**

07/03/24	The site contains an existing metered parking lot with access from Casino Center Boulevard and the rear alley. Although a sign with a city logo is posted that says "No Oversize Vehicles," several long trucks were observed jutting out into the drive aisle behind. Compact spaces were observed on both the north and south perimeter of the site.
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**Details of Application Request**
**Site Area**

Net Acres	0.31
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<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	Temporary Parking Lot	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Office, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
South	General Retail Store, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
East	Office, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
West	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
	Commercial Recreation/Amusement (Indoor)		
	Restaurant		
	Alcohol, On-Premise Full		

Staff Report Page Seven  
August 13, 2024 - Planning Commission Meeting

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Vision 2045 Downtown Las Vegas Master Plan (18b Arts District)	Y

<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District - Area 1	Y
LW-O (Live/Work Overlay) District	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails (Pedestrian Path – both sides of Casino Center Boulevard)	Y
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

Staff Report Page Eight  
August 13, 2024 - Planning Commission Meeting

## DEVELOPMENT STANDARDS

*Pursuant to Title 19 Appendix F (Interim Downtown Las Vegas Development Standards), the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	14,000 SF	N/A
Min. Lot Width	100 feet	50 Feet	N*
Temporary Parking Lots	Bumper stops shall abut any sidewalk, street alley or landscape buffer	Bumper stops abutting the north and south property lines	Y
Streetscaping	<b>Any two of the following:</b>		
	42-inch tall ornamental screen fence along street frontage line(s)	36-inch ornamental wrought iron fencing along Casino Center Blvd.	N
	Standard streetscaping	Provided along Las Casino Center Blvd.	Y
	Permanent artistic installation along street frontage line(s)	36-inch ornamental wrought iron "Arts District" fence along Casino Center Blvd.	Y
	5-inch wide perimeter landscape buffer along the front and corner side yard setback lines	Not provided	
	10 SF of landscape area for each parking space with a min. of (1) 15-gallon shade tree per 6 parking spaces with (4) 1-gallon shrubs		

\*All existing lots making up this site are 50 feet wide and therefore nonconforming with respect to minimum lot width; there is no requirement to remap these lots, as no buildings or structures are proposed to be placed on or near lot lines.

Staff Report Page Nine  
August 13, 2024 - Planning Commission Meeting

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Casino Center Boulevard	Major Collector	Master Plan of Streets and Highways Map	80	Y

**Pursuant to Title 19 Appendix F (Area 1 Standards), the following standards apply:**

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
North-South Streets (Casino Center Blvd)	10' sidewalk	10' sidewalk	Y
	5' amenity zone	5' amenity zone containing streetlights, street trees and parking meter	Y
	36" box shade trees at 20' intervals	5 trees	Y

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Parking Facility	N/A	N/A	N/A				
<b>TOTAL SPACES REQUIRED</b>			N/A		47		N/A
<b>Regular and Handicap Spaces Required</b>			N/A	N/A	45	2	N/A
<b>Compact Spaces Allowed (30%)</b>			14		15		N