



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT/OWNER: ESCAPE RESORTS, INC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0580-WVR1	Staff recommends APPROVAL, subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 261

PROTESTS 0

APPROVALS 0

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

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**23-0580-WVR1 CONDITIONS**

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**Planning**

1. A Waiver is hereby approved to allow an eight-foot tall solid wall where five feet with a two-foot solid base 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 Building and Safety Division.
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.

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

**PROJECT DESCRIPTION**

The applicant is requesting a Waiver to allow an eight-foot wall in the front setback area of a building where five feet is the maximum height allowed at 207 North 11<sup>th</sup> Street.

**ANALYSIS**

The applicant is requesting to increase the height of an approved six-foot wall to eight feet, and relocate that wall between the front property line and the primary structure where it was previously approved as flush with the primary structure. Due to the wall being in the front yard setback area, the standards set forth in Title 19.09.100.C Fencing, Screening and Outdoor Storage Standards limit the maximum height allowed to five feet with a two-foot solid base.

The original site plan review was approved through a Site Development Plan Review (SDR-78465) for a two-story hotel and associated pool deck area. The Department of Community Development administratively approved a Minor Amendment to that Site Development Plan Review (23-0389-SDR1) for a 136 square-foot outdoor kitchen addition at 207 North 11<sup>th</sup> Street.

The subject site has a currently active building permit (#C22-00196), issued on 07/11/22, for a six-foot wall flush with the front building setback. As explained in the Justification Letter, the requested additional wall height would better secure the pool area on the property.

The proposed deviation from Title 19 supports an overall development concept which utilizes adaptive reuse of a dilapidated building, previously utilized as apartments, and supports the Master Plan goals to “breathe new life” into the Downtown area with adaptive reuse and place-making design.

The proposed wall has an appealing mix of colors and materials which will be complimentary with the site’s overall design concept. The eight-foot tall wall is consistent with the perimeter wall as it extends around to the front yard of the property. The materials proposed for the wall are a combination of stained wood plank fencing and painted corrugated metal bolted to wooden posts.

The design and materials which will be utilized for the proposed wall are aesthetically compatible with the proposed development and surrounding development in the downtown area. Therefore, staff supports the requested Waiver.

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**FINDINGS (23-0580-WVR1)**

Staff has determined that the design and materials which will be utilized for the proposed wall are aesthetically compatible with the proposed development and surrounding development in the downtown area. Further, staff has determined that the security concerns for public safety justify the deviation from typical design standards of walls in the front yard setback area, and is thereby within the realm for granting approval of the requested Waiver.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i></b>	
10/16/19	The City Council approved a General Plan Amendment (GPA-75814) from MXU (Mixed Use) to FBC (Form-Based Code) on the northeast corner of Fremont and 11 <sup>th</sup> Streets. Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-76747) from C-2 (General Commercial) to T5-MS (T5 Main Street) on the northeast corner of Fremont and 11 <sup>th</sup> Streets. Planning Commission and staff recommended approval.
05/20/20	The City Council voted to approve a Special Use Permit (SUP-78466) for a 26,010 square-foot tavern-limited establishment use at 1108 East Ogden Avenue. Planning Commission and staff recommended approval.
	The City Council voted to approve a Site Development Plan Review (SDR-78465) for a two-story, 16,192 square-foot hotel with pool deck at 1108 East Ogden Avenue. Planning Commission and staff recommended approval.
09/21/23	The City Council voted to approve a Site Development Plan Review (SDR-78465) for a two-story, 16,192 square-foot hotel with pool deck at 1108 East Ogden Avenue. Planning Commission and staff recommended approval.
12/12/23	The Planning Commission is hearing a concurrent Variance (23-0579-VAR1) application for an eight foot tall front yard fence at 1108 East Ogden Avenue.

<b><i>Most Recent Change of Ownership</i></b>	
01/24/20	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
12/15/22	A building permit (#C22-04863) was processed for the in ground pool and spa at 207 North 11th Street. This permit was issued on 09/27/23.
01/13/22	A building permit (#C22-00196) was processed for the wall and fence at 207 North 11th Street. This permit was issued on 07/11/22.
01/13/22	A building permit (#C22-00195) was processed for on-site work including a trash enclosure, light poles, and hardscapes at 207 North 11th Street. This permit was issued on 07/14/22.
01/13/22	A building permit (#C22-00194) was processed for a new building at 207 North 11th Street. This permit was issued on 07/14/22.

<b>Pre-Application Meeting</b>	
10/30/23	A pre-application meeting was held to discuss the submittal requirements for a Waiver.

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

<b>Field Check</b>	
08/30/23	During a routine site visit, staff observed a well maintained construction site without any concerns of note.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.80

<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	Hotel, Motel, or Hotel Suites	FBC (Form Based Code)	T5-MS (T5-Main Street)
North	Undeveloped	FBC (Form Based Code)	T4-MS (T4 Main Street)
South	Undeveloped	FBC (Form Based Code)	T5-MS (T5-Main Street)
East	Multi-family Residential	FBC (Form Based Code)	T4-MS (T4 Main Street)
West	Undeveloped	FBC (Form Based Code)	T5-MS (T5-Main Street)

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<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
2050 City of Las Vegas Master Plan: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District – Fremont District	Y
LW-O (Live/Work 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	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Street width (Feet)</i></b>	<b><i>Compliance</i></b>
11 <sup>th</sup> Street	Major Neighborhood Street	Title 19.09 and 19.04	80	Y
Ogden Ave.	Bike Emphasis Street	Title 19.09 and 19.04	80	Y

<b><i>Streetscape Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
11 <sup>th</sup> Street	7-foot Amenity Zone with a 5-7 foot sidewalk	7-foot Amenity Zone with a 5-foot sidewalk	Y
Ogden Ave.	5-foot amenity zone with a 6-10 foot sidewalk	No Amenity Zone with a 10-foot sidewalk	Y*

*\*A covenant for the possible future installation of the required improvements was conditioned with the approval of SDR-78466.*

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*Pursuant to Title 19.09.100.C, the following standards apply:*

<b>Wall Height Standards</b>			
<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Wall Height [Perimeter]	6 to 8 Feet Adjacent to Residential	8 Foot Solid	Y
Wall Height [Front Yard]	5 Feet with a 2-Foot Solid Base	8 Foot Solid	N*

\* A Waiver is requested to allow an eight foot solid fence where a five foot fence with a two-foot solid base is the maximum allowed.