



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMEBR 18, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MCKEE DEVELOPMENT, LLC, ET AL

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0141-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 138 (By City Clerk)

PROTESTS 0

APPROVALS 2

**** CONDITIONS ****

20-0141-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 Department of Building and Safety.
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.

Public Works

5. If not already recorded, sign and record a Covenant Running with Land Agreement for the future installation of offsite improvements on Thom Boulevard prior to the issuance of a permit.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request to allow a six-foot tall front yard wall that exceeds the maximum height allowed at 3311 Thom Boulevard.

ISSUES

- Variance (20-0141-VAR1) is requested to allow a six-foot tall solid front yard wall where five feet with two feet solid is the maximum allowed. Staff does not support the request.

ANALYSIS

The subject lot is zoned C-2 (General Commercial) and subject to Title 19 development standards. The lot is currently undeveloped and no new development plans have been proposed at this time. The applicant requests Variance (20-0141-VAR1) to allow a six-foot tall solid front yard screen wall where five feet with two feet solid is the maximum allowed. Per the submitted justification letter, the applicant states the Variance is needed to prevent the homeless from utilizing the lot while undeveloped.

The Department of Public Works has approved an administrative deferral for offsite improvements. A condition of approval has been added to address this issue. Staff finds the Variance request to be a self-imposed hardship and is thereby recommending denial of the entitlement request. If approved, it will be subject to conditions.

FINDINGS (20-0141-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 to construct a front yard screen wall that fails to meet minimum Title 19 development standard 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

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/13/20	The Planning Commission unanimously voted to recommend APPROVAL on a Land Use Entitlement project request for a Variance TO ALLOW A SIX-FOOT TALL SOLID SCREEN WALL WITHIN THE FRONT YARD SETBACK AREA WHERE FIVE FEET WITH TWO FEET SOLID IS THE MAXIMUM ALLOWED on 0.89 acres on the west side of Thom Boulevard, approximately 100 feet north of Donnie Avenue (APN 138-12-810-009), C-2 (General Commercial) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
07/20/20	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/26/20	Building Permit (#C20-02934) was issued for a perimeter block wall at 3311 Thom Boulevard. The permit remains active.

<i>Pre-Application Meeting</i>	
08/12/20	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance.

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Neighborhood Meeting

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

09/03/20	Staff conducted a routine field check and found an undeveloped lot. No issues were noted.
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Details of Application Request

Site Area

Net Acres	0.89
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Liquor Establishment (Tavern)	GC (General Commercial)	C-2 (General Commercial)
South	Vacant	GC (General Commercial)	C-2 (General Commercial)
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant	GC (General Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (70 Feet)	Y
RP-O (Rural Preservation Overlay) District	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)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Max. Front Yard Wall Height	5 Feet with 2-foot solid base	6 Feet solid	N*

*The applicant has requested the subject Variance to allow an increased front yard wall height.

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