



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: MARK SULLIVAN - OWNER: NEVADA POWER COMPANY

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0007-VAR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 36

NOTICES MAILED 200

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0007-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow 10-Foot tall perimeter walls where eight feet is the maximum height allowed.
2. The proposed perimeter walls should match the existing 10-Foot Cement Masonry Unit (CMU) decorative block wall on the west and south sides.
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 Department of Building and Safety.
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.

Staff Report Page One
April 11, 2023 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow proposed 10-foot tall perimeter walls where eight feet is the maximum height allowed and zero percent contrasting material where 20 percent is required on 4.13 acres at 600 North Eastern Avenue.

ISSUES

- Per Title 19.06.060, the maximum perimeter wall height is eight feet with twenty percent contrasting material. The applicant is requesting 10-foot tall perimeter walls with zero percent contrasting material. Staff supports this request with modified Conditions of Approval.
- A Condition of Approval has been added to ensure the proposed walls match the existing 10-foot Cement Masonry Unit (CMU) decorative block walls on the west and south sides.

ANALYSIS

The subject site is zoned C-V (Civic) and is subject to the Title 19 Development Standards. The site is enclosed by existing 10-foot cement masonry unit (CMU) decorative block wall on the west and south sides, and six-foot chain-link fence topped with one-foot barbed wire on the north and east sides. According to the submitted justification letter, the chain link fence is being cut frequently by trespassers onto the substation property in order to steal copper and vandalize equipment, which creates a significant life safety issue as well as vulnerability to the electric grid. Therefore, the applicant proposes to rebuild the north and east side walls, matching the height of the existing wall on the west and south with 10-foot expressionless CMU block with zero percent contrasting material wall to keep the property secure. Title 19 allows up to eight-foot tall perimeter walls with 20 percent contrasting material in the C-V zoning district. A Variance is required to allow the additional height above eight feet and zero percent contrasting material. A Condition of Approval has been added regarding the proposed perimeter walls to ensure visual continuity around the site.

The proposed perimeter walls are compatible with adjacent properties and will provide security to the subject site. Therefore, staff recommends approval of this Variance request, subject to conditions.

Staff Report Page Two
April 11, 2023 - Planning Commission Meeting

FINDINGS (23-0007-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."

Sufficient evidence of unique or extraordinary circumstances has been presented, in that the proposed additional wall height is needed due to security concerns and the need to protect public health, safety, and welfare. Therefore, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

Staff Report Page Three
April 11, 2023 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
02/26/04	The Planning & Development Department approved an Administrative Site Development Plan Review (SDR-19799) to allow a 60-foot Wireless Communication Facility, Non-Stealth with one co-location site, and a barbed wire and chain link fence to surround the enclosure at 600 North Eastern Avenue.
09/27/07	The Planning & Development Department conditionally approved an Administrative Site Development Plan Review (SDR-24238) to allow a co-location of six antennas to an existing 60-foot tall Wireless Communications Facility, Non-Stealth.
02/19/08	The Planning & Development Department disapproved a request for an Administrative Site Development Plan Review (SDR-26527) to allow the co-location of antennas and a 10-foot extension on the existing Wireless Communications Tower, Non-Stealth.
03/19/08	The City Council denied a Special Use Permit (SUP-27424) for the proposed co-location of antennas and a 10-foot extension to an existing 60-foot tall wireless communication facility, non-stealth design at 600 North Eastern Avenue.
10/22/08	The Planning & Development Department conditionally approved an Administrative Site Development Plan Review (SDR-31355) to allow the co-location of six antennas at the 42-foot centerline on an existing 60-foot tall wireless communication tower, non-stealth design at 600 North Eastern Avenue.
02/01/12	The Planning & Development Department conditionally approved an Administrative Site Development Plan Review (SDR-44509) to increase the height of an existing 60-foot tall wireless communication facility, non-stealth design (monopole) by six feet (total height 66 feet); relocate three existing antennas from the 42-foot centerline and add three (3) new panel antennas (total of six) to the 66-foot centerline of a facility located at 600 North Eastern Avenue.
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from: various categories to: TOD-1 (Transit Oriented Development-1), TOD -2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas

<i>Most Recent Change of Ownership</i>	
06/02/61	A deed was recorded for a change in ownership.

Staff Report Page Four
April 11, 2023 - Planning Commission Meeting

Related Building Permits/Business Licenses	
03/24/99	Building permit (#99005710) was issued to allow for the construction of a 773-foot long, 10-foot high masonry wall. The permit was finalized on 5/20/99.
09/09/04	Building permit (#04019671) was issued to allow construction of a cell tower site. The permit was finalized on 12/16/04.

Pre-Application Meeting	
01/03/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Variance.

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

Field Check	
03/01/23	A routine field check was conducted by staff; nothing was noted of concern.

Details of Application Request	
Site Area	
Net Acres	4.13

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Electric Utility Substation	TOD-2 (Transit Oriented Development – Low)	C-V (Civic)
North	General Retail Store, Other Than Listed	TOD-2 (Transit Oriented Development – Low)	C-2 (General Commercial)
	Auto Repair Garage, Minor		
	Senior Citizen Apartments		R-3 (Medium Density Residential)

Staff Report Page Five
April 11, 2023 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	Shopping Center	TOD-2 (Transit Oriented Development – Low)	C-1 (Limited Commercial)
East	Vacant	TOD-2 (Transit Oriented Development – Low)	R-E (Residence Estates)
West	Shopping Center	TOD-2 (Transit Oriented Development – Low)	C-1(Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
C-V (Civic) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Shared-Use Trails)	Y
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

DEVELOPMENT STANDARDS

Pursuant to 19.06.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Allowed Perimeter Wall Height	Eight Feet with 20% Contrasting Material	Ten-Foot Tall with 0% contrasting material Wall	N*

*A Condition of Approval has been added regarding proposed perimeter walls to ensure they match the existing 10-foot Cement Masonry Unit (CMU) decorative block walls on the west and south sides.