

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-26606 - APPLICANT/OWNER: LONGLEY
CONSTRUCTION

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. If the entry gate, along City Parkway, is proposed to be electrically opened and closed, the gate may be placed immediately behind the street rightofway line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to be manually opened and closed, the gate shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street rightofway before parking to manually operate the gate; alternatively the gate shall remain open during regular business hours. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public rightofway.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This a request for a Variance to allow a 10-foot high perimeter fence where eight feet is the maximum allowed on 2.59 acres at 419, 421 and 507 West Bonanza Road. Security issues on this property requires the existing block wall, which is currently topped with barbed / razor wire, to be reinforced. The height will be increased by removing the barbed / razor wire and extending the height with vertical steel bars three foot on top of the existing block wall.

As this proposal does maintain the basic requirements for a property and does not adversely affect neighboring properties, staff has no objection to the approval of this Variance request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved a request (GPA-2497) to Amend the City of Las Vegas Downtown Land Use Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Avenue to the south. The Planning Commission recommended approval.
<i>Related Building Permits/Business Licenses</i>	
01/09/96	Electrical for Additional Equipment 419 W Bonanza Rd (Permit 95885706)
02/22/01	Tenant Improvement 419 W Bonanza Rd (Permit 1000867)
03/05/01	TI Remodel 419 W Bonanza Rd (Permit 1000499)
04/29/2003 Active License	Mammoth Underground LLC / Contractor / License #C11-07998
<i>Pre-Application Meeting</i>	
01/02/08	Discussed submittal requirements for a Variance application to increase height of perimeter fence for security of property.
<i>Neighborhood Meeting</i>	
01/02/08	Advised of type application, documents needed to submit for a variance.
<i>Field Check</i>	
02/11/08	Site is directly across the street from the Las Vegas Rescue Mission. The block wall around the work yard behind the office building is topped with razor wire.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.59

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Construction yard and office	LI/R(Light Industry/Research)	M (Industrial) Zone
North	Las Vegas Rescue Mission	LI/R(Light Industry/Research)	M (Industrial) Zone C-2(General Commercial)
South	Construction yard	LI/R(Light Industry/Research)	M (Industrial) Zone
East	Construction yard	LI/R(Light Industry/Research)	M (Industrial) Zone
West	Construction yard	LI/R(Light Industry/Research)	M (Industrial) Zone

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y or N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District 175	X		Y
Trails (Pedestrian Path Which side of Road)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

Existing on the 2.59 acre property is a 5,420 square foot office building and an equipment yard. The yard is behind the office building and is secured by a block wall on the north and west perimeter of the property. According to the applicant the existing wall varies in height from four feet seven inches to six feet ten inches. Barbed / razor wire extends upward 30 inches from the top of the block wall. It is the applicants intention to remove the barbed / razor wire portion of the fence and construct a steel post fence adjacent to the block wall that will extend three feet in height above the block wall. The proposed fence construction will raise the height of the fence to 10 feet.

A number of recent burglaries in the equipment yard has motivated the applicant to upgrade the fence and seek a variance to raise the height. The main objective is to provide security to the equipment yard by deterring unauthorized people from entering the property. Removal of the barbed wire and extending the height with a steel post fence would have the additional effect of improving the appearance of the fence.

LHM

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070L 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.

Evidence of a unique or extraordinary circumstance has been presented, in that the subject property, located in an industrial zone, has experienced increased theft and equipment damage. Title 19.08 requires commercial equipment areas to be screened from public view from all rights-of-way, pedestrian areas, and parking lots. In this instance screen walls are to be no less than eight feet in height. Additionally, razor or barbed wire is listed as a prohibited fencing material. Raising the height of the fence will not be detrimental to the neighboring properties. Staff finds that at this location a wall height of 10 feet is warranted for security of the equipment yard and to upgrade the appearance of the existing block wall by removal of the razor or barbed wire. Therefore, approval of this Variance is recommended.

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