



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69639	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 258

PROTESTS 1

APPROVALS 20

**** CONDITIONS ****

VAR-69639 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. 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 proposing to construct an eight-foot-high wrought iron fence to secure the front yard of an existing private school at 1321 Vista Drive.

ISSUES

- A Variance (VAR-69639) is required to permit an eight-foot-high wrought iron fence in the front yard, where a five-foot-high fence (with at least the top three feet being 50% open) is the maximum allowed. Staff recommends denial of this request.
- The proposed fence is placed at the back of sidewalk and will therefore slightly partially obscure the perimeter landscaping provided along Vista Drive.
- The applicant has made no revisions to the request or plans as of 05/24/17.

ANALYSIS

The subject site is developed with an existing private school facility and is zoned R-E (Residence Estates). The R-E (Residence Estates) zoning district restricts fences within the front yard of properties to be a maximum of five feet in height with the top three feet being at least 50% open. The applicant is proposing to construct an eight-foot-high wrought iron fence that will comply with the opacity requirements but exceeds the overall height permitted.

The applicant's justification letters states that the fence is being constructed to provide a greater level of security for the private school and is being funded by the federal government.

Staff has a concern that the fence is being proposed at the back of the sidewalk and will therefore partially obscure the perimeter landscaping that was required when the private school was approved and constructed.

The site plan submitted with the application depicts improvements to the site (widening of the southern driveway) that are not a part of this variance request. As such, those improvements would not be approved as part of this application and will require submittal of the plans for review. This request is for the fence alone.

Staff is recommending denial of this request due to the fact that there is no unique or extraordinary circumstance and the fence will partially obscure the perimeter landscaping provided to buffer the private school from the surrounding residential neighborhood.

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FINDINGS (VAR-69639)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 fence that exceeds the height standards of the ordinance. Alternatively, reducing the height of the fence to five feet would be in 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/22/78	The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.
10/24/85	The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/24/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.
08/17/94	The City Council approved a Rezoning (Z-0057-94) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 1253 Arville Street. The Planning Commission recommended approved the request.
07/25/95	The Board of Zoning Adjustment approved a request for a Plot Plan and Elevation Review [U-0085-95(1)] for a proposed 7,700 square-foot two story off-site church related school at 1253 Arville Street.
03/26/98	The Planning Commission struck a request from the agenda for a Site Development Plan Review [Z-57-94(1)] for a proposed 11,959 square foot synagogue at 1261 Arville Street. This item was replaced with a Variance (V-0013-98) at the Planning Commission's discretion.
04/14/98	The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) to allow a 10-foot rear yard setback where 15 feet is required; and an 11,959 square-foot building where 10,000 square feet is the maximum allowed on property located at 1261 Arville Street. NOTE: This application replaced Z-57-94(1).
08/15/01	The City Council denied a request for a Special Use Permit and a Site Development Plan Review (U-0065-01) which includes a reduction in the amount of required perimeter and parking lot landscaping for a proposed 4,893 square-foot church complex located at 1214 Vista Drive. The Planning Commission also recommended denial of the request.
08/09/07	The Planning Commission tabled a request for a Variance (VAR-22086) to allow a 23-foot setback where residential adjacency standards require an 87-foot setback and to allow a 44-foot building height where a 35-foot building height is the maximum allowed for a proposed 84,276 square-foot private school adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard.
01/09/08	The City Council approved a Site Development Plan Review (SDR-18342) for a proposed 84,276 square-foot, 44-foot tall Private School adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. The Planning Commission and Staff recommended approval of the request.
06/16/10	The City Council approved a Variance (VAR-37627) to allow two institutional signs where only one is allowed. The Planning Commission recommended approval of the request, and staff recommended denial.
05/09/17	The Planning Commission voted (7-0) to hold VAR-69639 [PRJ-69138] in abeyance to the June 13, 2017 Planning Commission meeting.

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Most Recent Change of Ownership	
11/30/92	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/30/09	A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09.
07/15/09	A Building Permit (#143557) was issued for a Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09.
07/24/09	A Building Permit (#143882) was issued for Sprinklers for a Temporary Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09.
08/21/09	A Building Permit (#146017) was issued for early grading at 1312 Vista Drive. The building permit has not received a final inspection.
09/18/09	A Building Permit (#128454) was issued for a Private School at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128456) was issued for On-Site Improvements and Hardscapes at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.

Pre-Application Meeting	
02/16/17	Description

Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	

Field Check	
3/30/17	Staff completed a routine site visit and noted a well maintained private school facility.

Details of Application Request	
Site Area	
Net Acres	3.03

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Private School	R (Rural Density Residential)	R-E (Residence Estates)
North	Church	R (Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residence & Short Term Residential Rental	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residence and Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
West	Synagogue	SC (Service Commercial)	P-R (Professional Office and Parking)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport 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

DEVELOPMENT STANDARDS

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