



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: RONALD YOSHIMITSU HIRAHARA TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-70196	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 186

PROTESTS 0

APPROVALS 1

**** CONDITIONS ****

VAR-70196 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow a 10-foot maximum overall height for the side and rear perimeter wall consisting of eight feet of CMU block and two feet of razor wire on a property located at 800 West Bonanza Road.

ISSUES

- The Variance request is to allow an additional two feet of razor wire on top of an existing eight-foot tall concrete masonry unit wall. Pursuant to Title 19.08, a maximum of eight feet is allowed for a perimeter screen wall; therefore, staff does not support this request.
- Unless approved as an overall development plan, razor wire is considered by Title 19.08 as a material that is unacceptable for perimeter screen walls.
- This application is a result of a Code Enforcement case (#173209).

ANALYSIS

The subject property is located within the C-2 (General Commercial) zoning district and is subject to Title 19.08.080 development standards. There are currently no active business licenses for the subject property.

The applicant is requesting a Variance to allow two feet of razor wire above an existing concrete masonry wall located in the side and rear yard of the property which fluctuates from 6.66 feet to 8.00 feet in height, for a maximum overall height of 10 feet. The existing eight-foot wall was permitted, but the razor wire above it was not, which resulted in a Code Enforcement case (#173209). Since the razor wire is incorporated on the top of the existing wall, the overall height exceeds the eight-foot maximum height permitted by Title 19.08.080.

The proposed two feet of razor wire above the existing eight-foot concrete masonry unit wall exceeds the maximum height requirement and is not an acceptable material for a perimeter wall. The applicant is creating a self-imposed hardship. Therefore, staff recommends denial of this request. If the application is denied, the existing razor wire shall be removed.

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FINDINGS (VAR-70196)

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 a wall height that exceeds the maximum height requirements. The alternative to this Variance application is to remove the razor wire above the existing eight-foot concrete masonry unit wall which would allow 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>	
02/14/63	The Planning Commission approved a Rezoning (Z-0012-63) from R-3 (Limited Multiple Residence) to C-2 (General Commercial) on property located on the west side of H Street between Bonanza Road and McWilliams Avenue.

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Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/02/08	The City Council approved a request for a Site Development Plan Review (SDR-26449) for a proposed for a proposed 41-story and 30-story hotel and Gaming Establishment, Non-Restricted development including a 1,727-room hotel, a 72,596 square-foot non-restricted gaming facility, and 381,734 square feet of commercial uses with a Waiver to allow perimeter landscape buffer widths of zero feet where eight feet is required at interior property lines on 17.44 acres at the northwest corner of Bonanza Road and "H" Street. The Planning Commission and Staff recommended approval of the request.
	The City Council approved a request for a Special Use Permit (SDR-26452) for a proposed 420-foot building in the A-O (Airport Overlay) district where the height limitation is 175 feet for a proposed Hotel and Gaming Establishment, Non-Restricted development at the northwest corner of Bonanza Road and "H" Street. The Planning Commission and Staff recommended approval of the request.
	The City Council approved a request for a Variance (VAR-26453) to allow a lot coverage of 100 percent where 50 percent is the maximum allowed and to allow a zero-foot setback to the side, corner side, and rear property lines for a Hotel and Gaming Establishment, Non-Restricted development on 17.44 acres at the northwest corner of Bonanza Road and "H" Street. The Planning Commission and Staff recommended approval of the request.

Most Recent Change of Ownership	
03/11/16	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/25/10	A Code Enforcement case (#91249) was processed for weeds, graffiti and litter in the landscaping buffer at 800 West Bonanza Road. The case was resolved on 06/26/10.
06/11/11	A Code Enforcement case (#102802) was processed for high weeds at 800 West Bonanza Road. The case was resolved on 06/24/11.
06/29/12	A Code Enforcement case (#116329) was processed for an open accessible building at 800 West Bonanza Road. The case was resolved on 08/18/12.
07/01/13	A Code Enforcement case (#130600) was processed for weeds, graffiti and refuse at 800 West Bonanza Road. The case was resolved on 07/29/13.

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Related Building Permits/Business Licenses	
01/22/14	A Code Enforcement case (#137178) was processed for weeds, graffiti and refuse at 800 West Bonanza Road. The case was resolved on 02/13/14.
05/20/15	A business license (#G63-03329) was issued for NP Community Services (Community Youth Football League) at 800 West Bonanza Road. The license was marked inactive on 10/28/16.
12/20/16	A Code Enforcement case (#173209) was processed for a report of an illegal residence at 800 West Bonanza Road. In addition, illegal razor wire was found on the existing perimeter walls. The case has not been resolved.

Pre-Application Meeting	
04/03/17	A pre-application meeting was conducted by staff with the applicant to discuss the submittal requirements for a Variance application to allow a maximum overall height of 10 feet including two feet of razor wire.

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

Field Check	
05/04/05	A field check by staff was conducted of the subject site. It was noted that the rear wall has an existing eight-foot tall concrete masonry wall with razor wire above running across the north property line.

Details of Application Request	
Site Area	
Net Acres	1.06

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

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<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	Interstate 15	ROW (Right-of-way)	ROW (Right-of-way)
East	Restaurant	MXU (Mixed Use)	C-1 (Limited Commercial)
West	General Retail	MXU (Mixed Use)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
West Las Vegas Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

Pursuant to 19.08.080, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	64 Feet	Y
• Side	10 Feet	20 Feet	Y
• Corner	10 Feet	10 Feet	Y
• Rear	20 Feet	131 Feet	Y
Max. Wall Height	8 Feet	10 Feet	N*

* The applicant has request a Variance (VAR-70196) to allow an eight-foot tall solid wall with two-feet of razor wire in the side and rear yard area where a maximum of eight feet with no razor wire is allowed.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Bonanza Road	Primary Arterial	Master Plan of Street & Highways	80	N

JB