



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NEVADA POWER COMPANY

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-74098	Staff recommends APPROVED, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 107

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-74098 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-25217) and Rezoning (Z-0062-60).
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 11, 2018 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow the replacement of an existing chain link fence with razor wire with a 9-foot tall metal fence at an existing Utility Installation located at 2500 Highland Drive.

ISSUES

- Utility installations within the C-V (Civic) zoning district shall be screened with a decorative wall consisting of at least 20 percent contrasting material and/or colors which adequately shields surrounding properties from the use.
- An existing City of Las Vegas sewer easement and Southwest Gas Company easement adjacent to the western property line prevents the applicant from being able to construct any structure, including a screen wall along the western property line.

ANALYSIS

The subject site is an existing NV Energy utility installation currently secured with a chain link fence topped with razor wire. As stated in the justification letter date stamped 07/31/18, the existing chain link fence is frequently cut in order to gain entry by trespassers who then steal copper and vandalize the equipment. In order to better secure the site, the applicant is proposing to replace the existing chain link fence with an anti-cut, anti-climb metal fence that consist of a heavy gauge mesh that is resistant to common cutting tools that are typically used by trespassers.

Title 19.10 requires Utility Installations to be screened with a decorative wall consisting of at least 20 percent contrasting materials and/or colors which adequately shields surrounding properties from the use. Any request to deviate from these standards requires the submittal of an application for a Variance. The applicant is requesting a Variance to exceed the height limitation of eight feet, and to utilize a material other than a decorative wall.

Due to existing site constraints which include a City of Las Vegas sewer easement and a Nevada Power Company easement adjacent to the west property line, and underground feeders to the substation, the applicant is not able to construct any type of structure, including a screen wall along the property lines or install landscaping materials such as trees for screening. As an alternative, the applicant has proposed to replace the existing chain link fencing with a nine-foot tall heavy gauge mesh fencing to secure and screen the substation.

Staff Report Page Two
September 11, 2018 - Planning Commission Meeting

FINDINGS (VAR-74098)

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.”

Evidence of a unique and extraordinary circumstance has been presented, in that the subject site is adjacent to a City of Las Vegas sewer easement and Southwest Gas Company easement along the western property line, and underground feeders that exist throughout the site prohibit the construction of any structure along the property lines, including a screen wall. These feeders and easements prevent the applicant from meeting the requirements set forth by Title 19.10 for the C-V (Civic) zoning district. In view of the hardships imposed by the site’s physical characteristics, 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 and staff is recommending approval of this request. If denied, the existing chain link fencing will remain.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
01/12/61	The Board of City Planning Commissioners approved a request for Reclassification of Property (Z-0062-60) from R-E (Residence Estates) to M-1 (Light Industry) on property generally located south of San Francisco between Highland Drive and the proposed freeway.

Staff Report Page Three

September 11, 2018 - Planning Commission Meeting

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval.
12/06/07	The Planning Commission approved a request for a Special Use Permit (SUP-25217) for an electrical utility transmission line over 15,000 volts at 2500 Highland Drive. Staff recommended approval.
01/28/10	The Planning Commission approved a request for an Extension of Time (EOT-36826) of a previously approved Special Use Permit (SUP-25217) for an electrical utility transmission line over 15,000 volts at 2500 Highland Drive. Staff recommended approval.
10/20/10	The City Council approved a request for a Rezoning (ZON-38978) from M (Industrial) to C-V (Civic) on 4.08 acres at 2500 Highland Drive. The Planning Commission and staff recommended approval.

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

Related Building Permits/Business Licenses	
There are no business licenses or building permits related to the subject site.	

Pre-Application Meeting	
07/19/18	Staff conducted a pre-application meeting where the submittal requirements for a Variance were discussed.

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

Field Check	
08/02/18	Staff performed a routine field check and observed the subject chain link fence to be replaced. Nothing of concern was noted by staff.

Staff Report Page Four
September 11, 2018 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	4.08

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Utility Installation	PF (Public Facilities)	C-V (Civic)
North	Sahara Avenue	Right-of-Way	Right-of-Way
South	Contractor's Plant, Shop & Storage Yard	LI/R (Light Industrial / Research)	M (Industrial)
East	Railroad	Right-of-Way	Right-of-Way
West	Contractor's Plant, Shop & Storage Yard	LI/R (Light Industrial / Research)	M (Industrial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 175 Feet	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Downtown Redevelopment Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Highland Drive	Collector	Master Plan of Streets and Highways	80	Y