



# Planning Commission Agenda Item

Date: March 13, 2024

Item No: 16

**TO:** Planning Commission

**FROM:** Alfredo Melesio, Jr., AICP, EDPF, Director of Land Development & Community Services  
Prepared By: Duane McNelly, Principal Planner

**SUBJECT:** **VN-01-2024 CROWN TRANSFER CENTER (Public Hearing).** Applicant: Chris Teachman. Request: A Variance in an M-2 (General Industrial District) to allow a Retaining Wall Height of 11 Feet where a Maximum Height of Six (6) Feet is allowed, and for an Overall Fence/Wall Height of 17 Feet where a Maximum Height of 12 Feet is allowed. Location: Southeast Corner of Tropical Parkway and Beesley Drive. (APN 123-27-301-015). Ward 1. (For Possible Action)

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **PROJECT DESCRIPTION:**

The applicant is requesting Planning Commission consideration to allow a retaining wall with a maximum height up to 11 feet where six (6) feet is the maximum height allowed in an M-2 General Industrial District. The applicant is also requesting to allow an overall fence/wall height of 17 feet where 12 feet is the maximum height allowed. The current land use category is Heavy Industrial. The subject site is located at the southeast corner of Tropical Parkway and Beesley Drive.

### **BACKGROUND INFORMATION:**

Previous Action
N/A

### **RELATED APPLICATIONS:**

Application #	Application Request
N/A	N/A

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Heavy Industrial	M-2 General Industrial District	Existing Warehouse and Exterior Storage
<b>North</b>	Heavy Industrial	M-2 General Industrial District	Existing Warehouse and Exterior Storage
<b>South</b>	Heavy Industrial	M-2 General Industrial District	Existing Warehouse and Exterior Storage
<b>East</b>	Heavy Industrial	M-2 General Industrial District	Existing Warehouse and Exterior Storage
<b>West</b>	Heavy Industrial	M-2 General Industrial District	Existing Warehouse and Exterior Storage

**DEPARTMENT COMMENTS:**

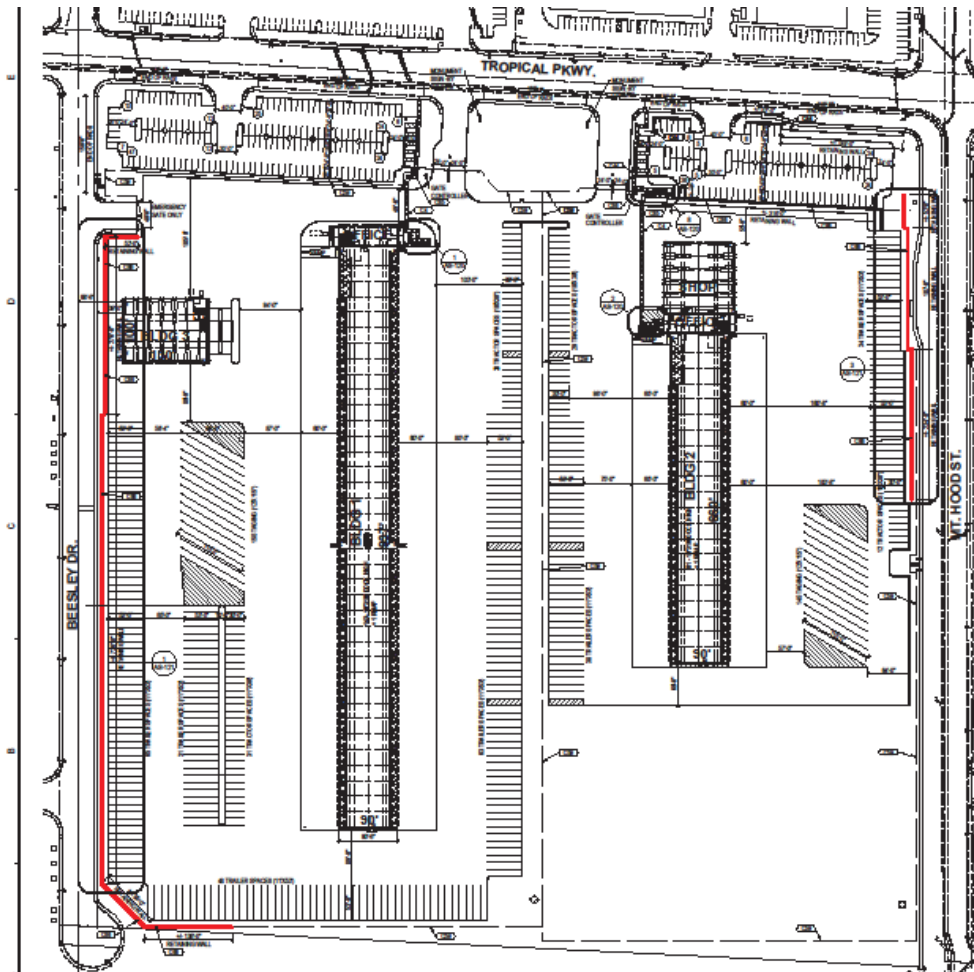
Department	Comments
Public Works:	No Objection.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

**ANALYSIS:**

The subject site is located at the southeast corner of Tropical Parkway and Beesley Drive. The Comprehensive Master Plan land use designation is Heavy Industrial and the zoning classification is M-2, General Industrial District. The site is located within what is commonly known as the "Speedway Industrial" area.

The applicant is requesting a variance from Municipal Code Section 17.24.070.C.1 which states: *Where retaining walls are used, they shall not exceed six (6) feet in height;* and Municipal Code Section 17.24.070.A.4.b which states: *Fences and walls in industrial uses shall not exceed twelve (12) feet in overall height.* With this variance the applicant is proposing to increase the retaining wall height to 11 feet where the municipal code allows a maximum height of six (6) feet; and with the addition of the six (6) foot wrought iron fence mounted on top of the subject retaining wall, the overall combined height of the retaining wall and fence is proposed to be 17 feet where 12 feet is the maximum height allowed.

The proposed segments of retaining wall and wrought iron fence would be constructed adjacent to the west property line along, Beesley Drive, and adjacent to the east property line, along Mt. Hood Street. The overall length is 1,475 feet. As shown on the drawings provided by the applicant's design professional, there is approximately 840 linear feet of fence/wall affected by this condition. The remaining segment of retaining wall is at or under the maximum allowable height of six (6) feet. In the exhibit below, the area in red indicates the fence/wall location and subject of the variance request.



The applicant states that on the southwest corner of the site, next to Beesley Drive, the retaining walls surpass the maximum height of six (6) feet for about 400 linear feet. This includes roughly 200 linear feet where the retaining wall measures between nine (9) and 11 feet tall. In addition, a six (6) foot high wrought iron picket fence, painted black, will be mounted on top of the retaining wall, bringing the estimated total height of the wall/fence structure to approximately 17 feet.

On the east property line, along Mt. Hood Street, the retaining wall is between seven (7) feet and eight and a half feet (8.5) in height. This includes roughly 240 linear feet of the wall. A six (6) foot high wrought iron picket fence, painted black, will be mounted on top of the retaining wall, bringing the estimated total height of the wall/fence structure to approximately 15 feet at this location.

According to the justification letter provided by the applicant's design professional, the existing topography of the site has an elevation difference of more than 20 feet from the west property line to the east property line. Incidentally, the retaining wall is necessary to reduce the slope of the property in order to better serve the truck traffic navigating through the site.

The Public Works Department has reviewed the requested wall height variance and has no objections to this request.

Typically, to grant a variance, the Planning Commission must find that the applicant and the property meets all the necessary criteria listed below.

### **Requirements for Approval of a Variance**

In accordance with the Zoning Ordinance, the Planning Commission may, by motion grant a variance if the Planning Commission finds, from the evidence presented, that all of the following criteria has been met:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity and zoning district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by property in the same vicinity and zoning district and denied to the property in question; and
3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity and zoning district.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a Planning Commission is empowered to grant a variance:

*"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 regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional*

*practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application 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.”*

- **The property must contain an exceptional and extraordinary circumstance that does not generally apply to other properties in the same vicinity.**
  - The existing topography of the site descends over 20 feet from the west property line to the east property line. To facilitate truck traffic throughout the site, a gradual slope is necessary. Therefore, the construction of a retaining wall along the west and east property lines, and at southwest corner of the property, is essential to facilitate truck traffic on site.
- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**
  - Other properties in the “Speedway Industrial” area with similar circumstances have acquired variances for wall heights. (VN-03-2020, VN-02-2022, VN-12-2022)
- **Is the variance materially detrimental to the public safety and welfare, or does it damage property values?**
  - No, the proposed variance should not affect neighboring properties as the exposed side of the retaining wall is located on the interior of the property; nor does the variance create a negative impact on the public safety or welfare.

The exposed side of the retaining wall is located on the interior of the property. It is staff’s opinion that the requirements for approval of the variance has been satisfied; therefore, we have no objection to the proposed variance request and recommend approval subject to the conditions listed below.

## **CONDITIONS:**

### ***Planning and Zoning:***

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

2. Retaining walls shall be constructed with decorative elements such as but not limited to the following: decorative caps, textured plaster or concrete, stucco, split-faced block, slump stone, brick, fluted blocks, decorative block, stone veneer, pre-cast concrete tilt-up with reveals and/or patterns. Smooth-faced block shall be limited to accents only and should not exceed 20% of the wall.
3. Wrought iron shall comply with City of North Las Vegas design standards as outlined in Title 17.24.070.

**ATTACHMENTS:**

Public Works Memorandum  
Letter of Intent  
Wall Section / Elevation  
Clark County Assessor's Map  
Location and Zoning Map