



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-26369 - APPLICANT: TENAYA AZURE, LLC - OWNER:**  
**TENAYA AZURE, LLC ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

***Planning and Development***

1. Approval of and conformance to the conditions for General Plan Amendment (GPA-26004), Rezoning (ZON-26006), and Site Development Plan Review (SDR-26008) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow a 20-foot front yard setback where the Title 19.08.050 Commercial Development Standards for the O (Office) Zoning District requires a 25-foot front yard setback. This Variance request is associated with a Site Development Plan Review (SDR-26008) for a proposed office development consists of four 10,000 square-foot, single-story buildings and one 11,000 square-foot, single-story office building on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. In addition to the Site Development Plan Review, this Variance is accompanied by a General Plan Amendment (GPA-26004) and a requested Rezoning (ZON-26006).

Staff recommends denial of the requested Variance (VAR-26369) as it a self-imposed hardship and that the related Site Development Plan Review (SDR-26008) does not conform to the plans approved under the requested Annexation (ANX-21629).

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
3/15/07	<p>The Clark County Commission approved a Non-Conforming Zone Change (NZC-0915-06) from R-E (Rural Estates) to C-P (Office &amp; Professional) for the parcels 125-27-610-002 through 010 with conditions. The parcels fronting Starlight Drive, 125-27-610-020 through 022, were denied a zone change from RE to C-P by the Clark County Commission.</p> <p>NOTE: This approval (NZC-0915-06) was based upon the development being limited to buildings no larger than 5,000 square-feet with the total development not to exceed 45,000 square-feet gross floor area.</p>
9/05/07	<p>The City Council approved a request for an Annexation (ANX-21629) of approximately 6.10 acres generally located south of Azure Drive, between Tenaya Way and Starlight Drive. The Planning Commission recommended approval on 6/14/07.</p> <p>NOTE: Staff recommended that this Annexation comply with the conditions set forth by the previous County approval (NZC-0915-06), limiting the size of the buildings to no more than 5,000 square-feet and the scope of the development to 45,000 square-feet gross floor area.</p>
1/24/08	<p>The Planning Commission approved a request to abey the related General Plan Amendment (GPA-26004), Rezoning (ZON-26006), and Site Development Plan Review (SDR-26008) to the 2/14/08 Planning Commission.</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no Business Licenses or Building Permits associated with this subject site	

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<b><i>Pre-Application Meeting</i></b>	
12/04/07	A pre-application meeting was held with staff to discuss the requirements for submitting a General Plan Amendment, Rezoning request, and Site Development Plan Review for a 5-building, 51,000 square-foot office development. Staff informed the applicant that the City supported the conditions placed on the previous approval from the Clark County Commission (Nzc-0915-06), which restricted the development to 5,000 square-foot buildings with a total gross floor area of 45,000 square feet, at the time of the Annexation (ANX-21269).
<b><i>Neighborhood Meeting</i></b>	
1/08/08	<p>A neighborhood meeting was held on Tuesday, January 8, 2008 fom 6:55 p.m. to 7:50 p.m. at the CLV Community Room of the Centennial Hills Active Adult Center located at 6601 N. Buffalo Drive, Las Vegas, NV. Two applicant, two City staff members (Planning and Development and the Ward 6 Liaison), and 13 members of the public were in attendance. Comments and concerns were the following:</p> <ul style="list-style-type: none"> <li>• Concerns regarding the width of the landscape perimeter buffer</li> <li>• Requests to remove the portions of the parking lot at northeast portion of the site</li> <li>• Concerns regarding building height</li> </ul>
<b><i>Field Check</i></b>	
12/14/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• The subject site is undeveloped with no discernible change in grade.</li> <li>• Undeveloped Town Center Suburban Mixed-Use lots located to the northwest of the site, across Tenaya Way.</li> <li>• The site is adjacent to three unincorporated Clark County - Single family residences to the east, four to the west, and one to southeast of the site.</li> <li>• A P-R (Professional Office and Parking) conversion was completed on two lots to the north of the site.</li> </ul>
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	5.26 acres

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	R (Rural Density Residential)	U (Undeveloped)
North	Single Family Residences	O (Office) /R (Rural Density Residential)	R-E (Residence Estates) Under a Resolution of Intent to P-R (Professional Office and Parking)/ R-E (Residence Estates)
South	Undeveloped Clark County	R (Rural Density Residential) Clark County	Undeveloped - Clark County
East	Undeveloped/ Single Family Residential	R (Rural Density Residential)/ Clark County	U (Undeveloped)/ Clark County
West	Undeveloped/ Single Family Residential	TC (Town Center)/ Clark County	T-C (Town Center)/ Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Trails</b>	X		N*
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

*\*A condition has been added to the related Site Development Plan Review (SDR-26008) that the required technical landscape plan reflects the Multi-Use Transportation Trail.*

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08.050, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 feet	995 feet	Y
Min. Setbacks			
• Front	25 feet	20 feet	N
• Side	10 feet	40 feet	Y
• Corner	15 feet	33 feet	Y
• Rear	15 feet	82 feet	Y

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## **ANALYSIS**

The applicant is requesting a Variance from the Title 19.08.050 Commercial and Industrial District Development Standards to allow a 20-foot front yard setback where the O (Office) Zoning District requires a 25-foot front yard setback. This Variance has been requested in order to develop a five-building, 51,000 square-foot Professional Office Development on a portion of the east side of Tenaya Way, between Tropical Way continuing north to the south side of Azure Drive. A related Site Development Plan Review (SDR-26008), along with a related General Plan Amendment (GPA-26004) to change the land use from the R (Rural Density Residential) designation to the O (Office) designation and a Rezoning (ZON-26006) request from the U (Undeveloped) Zoning District to the O (Office) Zoning District, stem from the Annexation (ANX-21629) that was approved by the City Council on 9/05/07.

Staff recommends denial of this Variance, as it is a self-imposed hardship. The applicant could relocate the buildings an additional five feet from the front yard setback and still meet the required side and rear yard setbacks and provide adequate perimeter landscape buffers.

## **FINDINGS**

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

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by locating the office buildings 20 feet from the front-yard setback instead of the required 25 feet. An alternative site design locating the office buildings five feet to the east would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 312

**APPROVALS** 0

**PROTESTS** 1