



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-25481 - APPLICANT/OWNER: BBH, LLC**

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

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

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-25482) 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 request is for a Variance (VAR-25481) to allow a no side yard setback on the north property line where Title 19.80.50 requires a minimum of ten feet on 2.02 acres at 1924, 1930 and 2000 Western Avenue. This Variance is part of a proposal to construct a 49,494 square-foot Manufacturing Facility (SDR-25482). As this proposal indicates the overbuilding of this site, staff recommends denial of this Variance request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/07/06	The City Council approved a General Plan Amendment (GPA-9219) to Amend the City of Las Vegas Downtown Redevelopment Plan map by designating future land use designations as Commercial, Mixed Use, Industrial or Public Facility for areas within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request.
<b><i>Related Building Permits/Business Licenses</i></b>	
08/12/06	A business license (N31-00112) was issued for a Non Profit Social Services General at 1928 Western Avenue.
10/25/06	Business licenses (C11-00571 & C11-08183) were issued for a contractor (Big Town Mechanical) at 2000 Western Avenue.
11/08/07	A business license (D06-00838) was issued for a Designer-Decorator at 1930 Western Avenue.
<b><i>Pre-Application Meeting</i></b>	
10/15/07	A Pre-Application Meeting was held and the requirements for submitting a Variance and a Site Development Plan Review with a waiver were discussed. The applicant was told that a Reversionary Map would be a necessary condition of approval.
<b><i>Neighborhood Meeting</i></b>	
A Neighborhood Meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
01/10/08	The surrounding area is a combination of offices and industrial uses. The proposed development is compatible with the surrounding area.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.02

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
North	Light Industry	LI/R (Light Industry / Research)	M (Industrial)
South	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
East	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
West	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District 200 Feet	X		Y*
Live/Work Overlay District	X		Y
<b>Trails</b>		X	N
<b>Rural Preservation Overlay District</b>		X	N
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The proposed structure has a maximum height of 46-feet; this height is under the 200 feet height limitation by the A-O Airport Overlay District.

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**DEVELOPMENT STANDARDS**

Pursuant to Title 19.08.050, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	87,555.60	Y
Min. Lot Width	100 Ft	299.8 ft	Y
Min. Setbacks			
• Front	10 Ft	10 Feet	Y
• Side	10 Ft	0	N*
• Corner	10 Ft	N/A	Y
• Rear	0 Ft	N/A	Y
Max. Lot Coverage	N/A	37.43%	Y
Max. Building Height	N/A	46 Feet	Y
Trash Enclosure	Screened	Screened	Y

\* This Variance (VAR-25481) was submitted to allow a zero-foot side yard setback where ten-feet is required on the north property line.

**ANALYSIS**

The applicant is requesting a Variance to provide a zero-foot side yard setback on the north property line where Title 19.08.50 requires a ten-foot side yard setback. This Variance is part of a request to build a three story, 49,949 square foot Light Manufacturing Facility. This current project as designed requires the approval of this Variance. The applicant could propose an alternative design scheme that would relocate the building ten-feet from the side yard setback. This redesign would allow this project to satisfy the Commercial and Industrial District Development Standards of Title 19. Staff is unable to support this request, as the applicant has created a self-imposed hardship.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(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.

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Additionally, Title 19.18.070L 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 locating the proposed building on the lot line. Alternatively, a redesign of the building to allow for a ten-foot side yard setback 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** 13

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 148

**APPROVALS** 3

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