



**AGENDA MEMO**

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

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-26127 - 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 application is a request for a Variance to allow 76 parking spaces where Title 19.04.010 requires a total of 106 parking spaces for a combination of office and light manufacturing space. The existing 5,118 square foot and proposed three-story, 49,494 buildings have surface parking spaces and rooftop parking on a 2.02 acre site located at 1924, 1930 and 2000 Western Avenue.

The applicant has overbuilt the site resulting in a shortage of off street parking, which is a self-imposed hardship; therefore, 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 business 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

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<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 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	19,235 SF	1/300 SF	62	3	72	4	No
Light Manufacturing	30,259 SF	1/1000 SF	29	2			
Existing Building	5,118 SF	1/50% of gross floor area	10	0	0	0	No*
<b>SubTotal</b>	54,612 SF		101	5	72	4	No*
<b>TOTAL</b>	54,612 SF		106		76		No
Percent Deviation			0%		28.3%		No

\* The pre-existing building is a parking impaired development. The existing parking spaces are not counted toward the total parking for this Light Manufacturing Facility, due to the future road widening of Western Avenue that will not allow these existing parking spaces to be utilized.

**ANALYSIS**

The applicant is requesting a Variance to allow 76 parking spaces where Title 19.04.010 requires a total of 106 parking spaces. The proposed three-story manufacturing facility has a combination of office and light manufacturing uses with a parking requirement of 96 parking spaces per Title 19.10. An existing building will remain, and this use requires ten additional parking spaces. The future widening of Western Avenue does not allow these ten existing parking spaces to remain and thus are not counted.

The provided off-street parking is divided between a surface parking lot and a roof top parking area, with the surface parking lot providing 27 parking spaces and the remaining 49 spaces located on the third story of the proposed building. With the current layout of 76 parking spaces, the applicant could propose an alternative design scheme that would reduce the total square-footage. This reduction would allow this project to satisfy the parking requirements of Title 19. Staff is unable to support this request, as the applicant has created a self-imposed hardship.

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**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.

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 overbuilding the subject location. Alternatively, reducing the size of the proposed building 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

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