



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 9, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-29412 - APPLICANT:**  
**BIG TOWN MECHANICAL - 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-29409) 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.

**Public Works**

3. Parking stalls within the additional 10 feet of required right-of-way dedication for Western Avenue shall not count towards total parking provided with this Variance.

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

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow 82 parking spaces where Title 19.04.010 requires a total of 120 parking spaces for a combination of office and light manufacturing space. The existing 5,118 square-foot and proposed three-story, 54,206 square-foot 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.
02/28/08	The Planning Commission accepted the applicants withdrawal for a Variance (VAR-25481) to allow a zero foot side yard setback where 10-feet is required for a proposed Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue.
04/02/08	The City Council approved a Site Development Plan Review (SDR-25482) for a proposed 49,494 square-foot Light Manufacturing Facility with a Waiver to allow no landscape buffers along the north and south property lines where eight feet is required on 2.02 acres at 1924, 1930 and 2000 Western Avenue. The Planning Commission recommended approval.
04/02/08	The City Council approved a Variance (VAR-26127) to allow 76 parking spaces where 106 parking spaces are required for a proposed Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue. The Planning Commission recommended approval.
<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	A business license (C11-00571) was 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.

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<b>Pre-Application Meeting</b>	
08/06/08	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 Revisionary Map would be a necessary condition of approval.
<b>Neighborhood Meeting</b>	
A Neighborhood Meeting was not required, nor was one held.	

<b>Field Check</b>	
08/20/08	A field check was conducted and the area is a mix of offices and industrial uses. The present buildings have not been demolished for the new building and parking areas.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net 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)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<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/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**Airport Overlay District (200 feet)**

The subject property is within the boundaries of the Airport Overlay District, which requires the approval of a Special Use Permit for any structure over 200 feet in height. The subject site is under the 200-foot height limit of the North Las Vegas Airport Overlay and thus does not affect the overlay district.

**Live/Work Overlay District**

This site is within the Live/Work Overlay District. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b><i>Parking Requirement</i></b>							
<b><i>Use</i></b>	<b><i>Gross Floor Area or Number of Units</i></b>	<b><i>Parking Ratio</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>		<b><i>Compliance</i></b>
			<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	
Office	25,245 SF	1/300 SF	81	4	73	3	N
Light Manufacturing	28,961 SF	1/1000 SF	27	2			
Existing Building	5,118 SF	1/50% of gross floor area	5	1	5	1	N
<b>SubTotal</b>	59,324 SF		113	7	78	4	N
<b>TOTAL</b>	59,324 SF		120		82		N
Percent Deviation					32%		N

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**ANALYSIS**

The applicant is requesting a Variance to allow 82 parking spaces where Title 19.04.010 requires a total of 120 parking spaces. The proposed three-story manufacturing facility and existing building has a combination of office and light manufacturing uses with a parking requirement of 120 parking spaces per Title 19. 04.010

The floor plans have not changed and the uses indicted have remained the same on the floor plans as well. The overall building square footage has increased by 4,712 square feet thus creating a need for more parking. The overall square footage and parking areas have been modified as follows:

<i>Parking Requirement for Approved VAR-26127</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	19,235 SF	1/300 SF	62	3	72	4	N
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	N
<b>SubTotal</b>	54,612 SF		101	5	72	4	N
<b>TOTAL</b>	54,612 SF		106		76		N
Percent Deviation					28.3%		N

<i>Parking Requirement for Proposed VAR-29412</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	25,245 SF	1/300 SF	81	4	73	3	N
Light Manufacturing	28,961 SF	1/1000 SF	27	2			

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Existing Building	5,118 SF	1/50% of gross floor area	5	1	5	1	N*
<b>Sub Total</b>	59,324 SF		113	7	78	4	N*
Total	59,324 SF		120		82		N
Percent Deviation					32%		N

\* The provided off-street parking is divided between a surface parking lot and a roof top parking area, with the surface parking lot providing 33 parking spaces and the remaining 49 spaces located on the third story of the proposed building. With the current layout of 82 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.

**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.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 146

**APPROVALS** 6

**PROTESTS** 1