



City of Las Vegas

Agenda Item No.: 36.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MAY 14, 2013**

DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGG

Consent Discussion

SUBJECT: VAR-4879 - VARIANCE - PUBLIC HEARING - APPLICANT: 5000 W OAKEY, LLC - OWNER: 5000 W OAKEY, LLC AND 5002 LLC - For possible action on a request for a Variance TO ALLOW ZERO FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED on 2.3 acres at 5000 Oakey Boulevard (ADNs 163-01-602-002 and 004), C-1 (Limited Commercial) and C-2 (General Commercial) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

P.C.: FINAL ACTION Unless Appeared Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	1	Planning Commission Mtg.	3
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda Protest/Support Postcards

Motion made by RICHARD TRUESDELL to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0
TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, TODD L. MOODY, RICHARD TRUESDELL, RICHARD P. BONAR; (Against-None); (Abstain-GUS FLANGAS); (Did Not Vote-None); (Excused-None)

NOTE: CHAIR FLANGAS abstained because his law firm was engaged in litigation against one of the principals, Earnest Becker, Jr.

Minutes:

VICE CHAIR MOODY declared the Public Hearing open.



DOUG RANKIN, Planning, read the staff report and stated staff recommended denial as allowing this would create a zero-foot setback, which is a self-imposed hardship.

DAVID STRAIT, representing the applicant, countered staff's assessment that it is a self-imposed hardship because Building C resides on this property and on the easterly neighbor's property. The remapping was done to resolve this issue and to obtain a clear title. Staff advised the applicant to acquire the additional ten feet, but the property is not available. But there would be no benefit in owning the land since it is not used and located on a drainage easement. The only alternative to Planning signing off is this variation. He requested approval and concurred with the conditions.

DENNIS LAYTON, Heritage Surveying, offered to demonstrate where the overlay on the property occurs.

COMMISSIONER QUINN clarified what occurred due to a quit claim deed confusion in the late 1980's.

COMMISSIONER SCHLICHTMANN received confirmation from MR. RANKIN that remapping would still be required. Staff is recommending denial of the application because it does not meet the setback requirements. MR. LAYTON explained that the property was too expensive to acquire, so the applicant has tried to do a temporary encroachment of eight inches to clear the existing building while the map is in progress.

COMMISSIONER TRUESDELL stated there are technical issues, but the map would solve the problem as opposed to seeking an unobtainable encroachment. He believed this is a unique hardship.

VICE CHAIR MOODY declared the Public Hearing closed.