



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-10779 - APPLICANT/OWNER: GAMNERDSIRI, LLC

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-11052) and Site Development Plan Review (SDR-10777) shall be required.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow 17 parking spaces where 24 spaces is the minimum number of parking spaces required on 0.29 acres at 2000 Pinto Lane. A companion Variance (VAR-11052) and Site Development Plan Review (SDR-10777) application will be heard concurrently with this item.

EXECUTIVE SUMMARY

The applicant cites financial considerations as the reason for the Variance request; however, financial hardships are contrary to the criteria listed in Title 19.18 for the consideration of Variances. The applicant would need to reduce the building to a maximum of 3,225 square feet in order to comply with the parking requirements listed in Title 19.10.

BACKGROUND INFORMATION

A) Related Actions

- 05/27/97 The City Council approved a Rezone (Z-0020-97) application, rezoning the Las Vegas Medical District to PD (Planned Development). The Planning Commission recommended approval of the request on 04/24/97.
- 06/19/02 The City Council approved a Major Modification [Z-0020-97(33)] to the Las Vegas Medical District Neighborhood Plan to update and revise the plan document. The Planning Commission recommended approval of the request on 04/11/02.
- 07/27/06 The Planning Commission recommended approval of companion items VAR-11052 and SDR-10777 concurrently with this application.
- 07/27/06 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #78/ff).

B) Pre-Application Meeting

- 11/28/05 At the pre-application conference, issues were discussed relative to residential adjacency requirements, parking requirements for medical uses, and general development standards in the Las Vegas Medical District. In addition, the streetscape standards for Pinto Lane and Rose Street were discussed with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.29

B) Existing Land Use

Subject Property: Single-Family Residential Use
 North: Single-Family Residential Use
 South: Single-Family Residential Use
 East: Office Use
 West: Single-Family Residential Use

C) Planned Land Use

Subject Property: MD-1 (Medical Support)
 North: MD-1 (Medical Support)
 South: MD-1 (Medical Support)
 East: MD-1 (Medical Support)
 West: MD-1 (Medical Support)

D) Existing Zoning

Subject Property: PD (Planned Development)
 North: PD (Planned Development)
 South: PD (Planned Development)
 East: PD (Planned Development)
 West: PD (Planned Development)

E) General Plan Compliance

This site is located within the Las Vegas Medical District Plan Area and is designated as MD-1 (Medical Support). The office use is permitted by right within the MD-1 (Medical Support) land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Las Vegas Medical District	X	
Special Overlay District		
Airport Overlay District	X	
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Las Vegas Medical District

The parcel is located within the Las Vegas Medical District, which is intended to provide for future and continued development in this area of an interrelated and cohesive mix of uses in a manner that is safe, orderly, and manageable for pedestrians.

Airport Overlay District

The parcel is located within the boundaries of the Airport Overlay District; any structure over 175 feet in height requires the submittal of a Special Use Permit application. As the structure is less than the specified height, no Special Use Permit application is necessary.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Medical Office	4,281 SF	1/200 GFA (First 2,000 SF); 1/175 GFA (each additional)	23	1 (of total)	16	1 (of total)
Total			24		17	

The provision of only 17 parking spaces represents a 29% reduction in the amount of parking required for the project; the building would need to be reduced to a maximum of 3,225 square feet based on the parking that is available on the site. It should be noted that the building code may require additional handicapped parking spaces in excess of Title 19.10 standards for medical office uses.

B) General Analysis and Discussion

The applicant is proposing to construct a 4,281 square-foot two-story medical office at the front of the site facing Pinto Lane, with a parking lot located to the rear of the structure, and accessed from Rose Street. A total of 17 parking spaces will be provided on the site, one of which will be handicapped accessible. The submitted site plan demonstrates that on-street parking will be available immediately abutting the site on Pinto Lane and on Rose Street; however, on-street parking cannot be credited towards compliance with parking requirements. The applicant cites financial considerations as the reason for the Variance request, which is contrary to the listed criteria for whether or not a Variance is warranted.

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 and cites financial constraints as the reason for the Variance request. Reduction of the building to a maximum of 3,225 square feet 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 18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 145 by City Clerk

APPROVALS 0

PROTESTS 1

