

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-11052 - APPLICANT/OWNER: GAMNERDSIRI, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for 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 a 10-foot Residential Adjacency Setback where 91 feet is the minimum setback required on 0.29 acres at 2000 Pinto Lane. A companion Variance (VAR-10779) and Site Development Plan Review (SDR-10777) application will be heard concurrently with this item.

EXECUTIVE SUMMARY

While the goal of the Las Vegas Medical District Plan is to allow the transition of the area from single-family residential uses to medical and commercial uses, no exemptions are given from Residential Adjacency Standards. The height of the structure, combined with the companion Variance (VAR-10779) application, suggests that the building should be reduced in height and area to comply with code requirements.

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 denial of companion item VAR-11079 and approval of companion item SDR-10777 concurrently with this application.
- 07/27/06 The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #79/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) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. Based on an overall building height of 30-3, the proximity slope requirements would dictate that the building be located 91 feet from the nearest residential property to the west. The proposed structure will be located 10 feet from the common property line. The building would need to be reduced to one story in height in order to comply with residential adjacency standards.
- b) Building setback. In addition to conformance with proximity slope requirements, Title 19.08.060 also requires that commercial structures shall maintain the minimum building setback required for the protected property. In this instance, the protected property is zoned PD (Planned Development), with an MD-1 (Medical Support) designation, and the minimum required side yard setback is 10 feet. The proposed structure complies with the minimum building setback.

B) General Analysis and Discussion

In Objective 1.1 of the Las Vegas Medical District Plan, it states that the goal of the plan is to allow the transition of the former single-family preservation area to medical and commercial uses. However, despite this goal, no exemption from adjacency requirements is granted in either the Medical District Plan or in Title 19.08.060. Consequently, all commercial development in the Medical District is subject to residential adjacency standards when adjacent to existing residences within the district.

The proposed structure will comply with the minimum required setback and lot coverage requirements. Structures in the MD-1 (Medical Support) district may be up to three stories or 45 feet in height; the proposed structure will be two stories and 30-3. Based on the dimensions of the parcel and the location of protected properties immediately adjacent to the site, it is unlikely that any two-story building could be constructed on the site.

One of the factors driving the need for a two-story building is to provide adequate parking for the building. However, even with the relatively limited building footprint, the development is still deficient in the number of parking spaces provided.

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. Reducing the height and area of the building would allow for 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