

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-18908 - APPLICANT/OWNER: FFPW MEDICAL DEVELOPMENT, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-18660) 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 ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 33 percent lot coverage where 30 percent is the maximum lot coverage allowed on 4.16 acres at 9040 and 9092 West Cheyenne Avenue. The proposed development is not consistent with city standards because the site exceeds the maximum lot coverage in an O (Office) Zoning District. Staff cannot support as it is the result of a self-imposed hardship.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/25/02	The Planning Commission tabled requests to amend a portion of the Centennial Hills Sector Plan (GPA-0008-02) from ML (Medium-Low Density Residential) to O (Office) and to Rezone (Z-0022-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on 2.5 acres adjacent to the north side of Cheyenne Avenue, approximately 600 feet east of Fort Apache Road. Staff recommended denial of both requests.
08/21/02	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan (GPA-0011-02) from ML (Medium-Low Density Residential) to O (Office) on 10.00 acres adjacent to the northwest and northeast corner of Campbell Road and Cheyenne Avenue. The City Council also approved a Rezoning (Z-0063-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on 5.0 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road. The previous actions on the site (GPA-0008-02 and Z-0022-02) were expunged. Planning Commission and staff recommended approval.
05/21/03	The City Council approved a General Plan Amendment (GPA-1016) to SC (Service Commercial) and a Rezoning (ZON-1017) on the subject site. The City Council amended the Rezoning application (ZON-1017) to N-S (Neighborhood Service). The Planning Commission recommended approval.
11/05/03	The City Council approved a request for a Site Development Plan Review (SDR-2871) for a proposed 77,000 square foot mini-warehouse facility with Recreational Vehicle and Boat Storage located adjacent to the north side of Cheyenne Avenue, approximately 340 feet east of Fort Apache Road. The Planning Commission and staff recommended approval.

05/06/04	The Planning and Development Department approved an administrative site plan and elevation drawing for a proposed slim-line wireless communication facility at the northwest corner of the subject site.
07/22/04	The Department of Building and Safety issued a building permit (#04019515) for a monopole and slim-line antennas at 9176 West Cheyenne Avenue. A final inspection was approved for the block wall enclosure on 12/03/04, but no final inspection for the wireless facility was approved.
08/04/04	The City Council approved the request for an Extension of Time (EOT-4691) on an approved Rezoning (Z-0063-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on 2.68 acres adjacent to the north side of Cheyenne Avenue, approximately 340 feet west of Campbell Road.
09/15/04	The City Council approved the request for a Rezoning (ZON-4699) from U (Undeveloped) [O (Office) General Plan Designation] to O (Office) on 2.5 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road. The Planning Commission and staff recommended approval.
09/15/04	The City Council approved a Vacation (VAC-4700) application for a Petition to Vacate U.S. Government Patent Easements generally located west of Campbell Road, north of Cheyenne Avenue. The Planning Commission and staff recommended approval.
12/02/04	The Planning Commission approved a request for a Tentative Map (TMP-5356) for a one-lot commercial subdivision on 5.36 acres adjacent to northwest corner of Cheyenne Avenue and Campbell Road. Staff recommended approval.
03/01/06	The City Council approved a General Plan Amendment (GPA-10763) to change the land use designation on this site from O (Office) and SC (Service Commercial) to ML (Medium-Low Density Residential), a Rezoning (ZON-10766) to R-PD7 (Residential Planned Development 7 Units Per Acre), a Variance (VAR-10765) to allow a reduction in required open space, and a Site Development Plan Review (SDR-10769) for a proposed 56-lot single-family residential development with this item. The City Council approved SDR-10769 for a maximum of 55 lots. The Planning Commission and staff recommended denial.
09/06/06	The City Council approved a General Plan Amendment (GPA-14417) to change the land use designation on this site from ML (Medium-Low Density Residential), to O (Office) and to a Rezoning (ZON-14420) from: U (Undeveloped) [ML (Medium-Low Density Residential) Master Plan Designation] under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units per acre) to: O (Office), and a Site Development Plan Review (SDR-14423) for a 58,400 square foot office development.
10/05/06	The City Council approved a request for a Tentative Map (TMP-16175) for a one-lot commercial subdivision on 5.0 acres at 9040 and 9092 West Cheyenne Avenue.
01/25/07	<p>The Planning Commission recommended approval of companion item SDR-18660 concurrently with this application.</p> <p>The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #9/ng).</p>

<i>Pre-Application Meeting</i>	
11/20/06	A pre-application meeting was held. It was noted that this would be a major amendment to the approved Site Development Plan Review (SDR-14423). After reviewing the submittal, staff discovered that the applicant supplied an incorrect acreage total for the site. The Site Development Plan Review application supplied a gross acreage where it should have been net acreage for the site. As calculated in net acres, the site exceeds the maximum lot coverage for an O (Office); therefore, the application needs a Variance.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.16

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	U (Undeveloped) Under Resolution of Intent to O (Office)
North	Single Family Residential	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Single Family Residential	ML (Medium-Low Density Residential)	P-C (Planned Community)
East	Office Buildings	O (Office)	P-R (Professional Office and Parking)
West	Undeveloped	ML (Medium-Low Density Residential)	U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Special Purpose and Overlay Districts		X	Y
Trails	X		Y
Pedestrian Path	X		Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	NA	NA	NA
Min. Lot Width	100 Feet	608 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	25 Feet 10 Feet 15 Feet 15 Feet	25 Feet 15 Feet NA NA	Y
Max. Lot Coverage	30%	33%	N*
Max. Building Height	2 stories or 35 feet	2 stories and 35 Feet	Y
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Yes	Yes	Y

A Variance (VAR-18908) application is required.

ANALYSIS

The previous application, Site Development Plan Review (SDR-14423); supplied an incorrect acreage total for the site. The Site Development Plan Review supplied a gross acreage of five acres where it should have been 4.16 net acres for the site. The proposed plan shows 33 percent lot coverage where 30 percent maximum lot coverage is permitted for an O (Office) Zoning District. Therefore, the application needs a Variance.

The applicant has supplied a different office layout and increased the office floor area. Per Title 19.18 the increase in the floor area necessitates a Major Amendment, or a Site Development Plan Review. The applicant is proposing four single story office buildings and three 2-story office buildings totaling 28,000 square feet of medical office space and 32,160 square feet of professional offices on the 4.16 acre site. On 09/06/06, a Site Development Plan Review (SDR-14423) was approved for the site for a 58,400 square-foot office development consisting of one 2-story and four single story office buildings totaling 36,400 square feet of medical office space and 22,000 square feet of professional offices. This included a General Plan Amendment (GPA-14417) to change the land use designation on this site from ML (Medium-Low Density Residential), to O (Office) and a Rezoning (ZON-14420) from U (Undeveloped) [ML (Medium-Low Density Residential) Master Plan Designation] under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre) to O (Office).

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. An alternative design 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 7

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 432 by City Clerk

APPROVALS 1

PROTESTS 0