

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-20816 - OWNER/APPLICANT: SCHIFINI FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-20-97), and Site Development Plan Review (SDR-20812) and Variance (VAR-21609) 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a three story, 50 foot tall building where a two story, 35 foot tall building is allowed within the Las Vegas Medical District, on property located on the southwest corner of Pinto Lane and Tonopah Drive, . The first level will be used for covered parking. The second and third stories will be used for office space with a combined floor space of 15,000 square feet.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| Month/date/year | Action |
| 05/27/97 | The City Council approved a Rezone (Z-0020-97) application, rezoning the Las Vegas Medical District to PD (Planned Development). |
| 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. |
| 05/24/07 | The Planning Commission recommended approval of companion items VAR-21609 and SDR-20812 concurrently with this application. The Planning Commission voted 5-1/rt to recommend APPROVAL (PC Agenda Item #37/lhm). |
| <i>Pre-Application Meeting</i> | |
| 02/05/07 | 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. |
| <i>Neighborhood Meeting</i> | |
| N/A | A neighborhood meeting is not required as part of this application request, nor was one held. |
| <i>Field Check</i> | |
| 04/04/2007 | Undeveloped lot in Las Vegas Medical District area; Office next door, residential in back. Three story building being built, on the east side of Pinto Lane, south of the subject site. |

| <i>Details of Application Request</i> | |
|--|-----|
| <i>Site Area</i> | |
| Net Acres | 0.7 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|--------------------|--------------------------|---------------------------|
| Subject Property | Undeveloped | PD (Planned Development) | P-O (Professional Office) |
| North | Pinto Lane/Offices | PD (Planned Development) | MD-1 (Medical Support) |
| South | Medical Office | PD (Planned Development) | P-O (Professional Office) |
| East | Residential | PD (Planned Development) | P-O (Professional Office) |
| West | Residential | PD (Planned Development) | P-O (Professional Office) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Las Vegas Medical District | X | | N |
| Special Districts/Zones | Yes | No | Compliance |
| Special Purpose and Overlay Districts | | | |
| A-O Airport Overlay District | X | | Y |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

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.

DEVELOPMENT STANDARDS

Las Vegas Medical District Plan

| Standard | Required/Allowed | Provided | Compliance |
|---|---|--------------------------------------|-------------------|
| Min. Lot Size | N/A | 0.7 acres | Y |
| Min. Lot Width | Existing | 157.37 feet | Y |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear | 5 15 Feet 10 Feet 15 Feet 153 Feet** | 15 Feet 70 Feet 15 Feet 823 | Y Y N |
| Max. Lot Coverage | 50% | 40% | Y |
| Max. Building Height | 2 Stories (35 Feet) | 50 Feet | N |
| Trash Enclosure | N/A | | N/A |

****Rear setback of building does not meet residential adjacency standards.**

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|-----------------------------------|--|--|-----------------|--------------|-----------------|--------------|-------------------|
| Use | Gross Floor Area or Number of Units | Parking Ratio | Required | | Provided | | Compliance |
| | | | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Office | 7,500 sf | 1/300 | 25 | 3 | 25 | 3 | Y |
| Medical Office | 7,500 sf | 1/200 sf of gfa up to 2000 sf plus 1 for each addl 175 sf. | 38 | | 47 | | Y |
| SubTotal | | | 63 | | 72 | | Y |
| TOTAL (including handicap) | | | | | 72 | | Y |

ANALYSIS

The applicant is proposing to construct a 15,000 square-foot three-story general office and medical office building on the north east corner of the parcel. Access to the site will be from driveways located on Pinto Lane and Tonopah Drive. Parking for the structure is located on the south and west side of the building and on the ground floor of the proposed building. A total of 72 parking spaces will be provided.

Due to the size of the parcel the proposed building is designed at a height of 50 feet where 35 feet is the maximum height allowed in the PO (Professional Office) land use designation, as stated in the Las Vegas Medical District Development Standards. The applicant cites a three story building was needed in order to provide the required number of parking spaces for the 15,000 square foot building. Twenty-four of the 72 parking spaces will be located on the ground floor of the building. Non-medical office and medical office space will be on floors two and three.

The applicant cites parcel size as the reason for the Variance request, which is contrary to the listed criteria for whether or not a Variance is warranted. Staff recommends denial.

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 site. Alternative is to design a smaller building on the site which 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 16

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 123 by City Clerk

APPROVALS 0

PROTESTS 0