



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-22867 - APPLICANT/OWNER: WORLD WELLNESS GROUP, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-23225) and Site Development Plan Review (SDR-21998) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to allow a Variance to allow 26 parking spaces where Title 19.04 requires a total of 48 spaces for a Medical Clinic and Office Building.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by failing to properly accommodate the additional parking requirements by expanding building 3,375 square feet. Therefore, staff is recommending denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no significant planning actions recorded against 3100 South Valley View Boulevard.	
<i>Related Building Permits/Business Licenses</i>	
There are no active building permits or business licenses at 3100 South Valley View Boulevard.	
<i>Pre-Application Meeting</i>	
7/11/07	A Pre-application meeting was held with staff to revisit the previous submittals SDR-21998 and VAR-22867 and to discuss the requirements for a Rezoning of the subject property to the M (Industrial) Zoning District.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
7/23/07	A field check was to the site was made with the following observations: <ul style="list-style-type: none"> • There are 32 parking spaces on site. • Existing building is currently vacant. • Billboard located at the southwest corner of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.39 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	LI/R (Light Industrial/Research)	C-1 (Limited Commercial)
North	Auto Shop & Storage	LI/R (Light Industrial/Research)	M (Industrial)
South	Offices & Retail	LI/R (Light Industrial/Research)	C-1 (Limited Commercial)

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East	Office Building	LI/R (Light Industrial/Research)	M (Industrial)
West	Office Building	Clark County	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regul ar	Handi-capped	Regular	Handi-capped	
Medical Clinic	4,175 sq. ft.	1: 200 sq. ft for first 2,000 sq. ft.; 1:250 sq. ft thereafter	19	2			
Medical Office	4,175 sq. ft.	1: 200 sq. ft for first 2,000 sq. ft.; 1:175 sq. ft thereafter	23				
Medical Office	1,125 sq. ft.	1: 200 sq. ft for first 2,000 sq. ft.; 1:175 sq. ft thereafter	6				
SubTotal	9,475 sq. ft.		48	2	24	2	
TOTAL (including handicap)			48		26		N
Percent Deviation					218%		

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ANALYSIS

The applicant has requested a Variance to allow 26 parking spaces where Title 19.04 requires a total of 48 parking spaces. The applicant is proposing to construct an additional 3,375 square feet of floor space to the existing 6,000 square feet. The first floor will provide a 4,175 square foot Medical Clinic that has a parking requirement of 1 space per 200 square feet of gross floor area for the first 2,000 square feet with an additional space required for every 250 square foot of space thereafter. The second floor and third floors are to be utilized as a Medical Office, which has a higher parking requirement of 1 space per 200 square feet of gross floor area for the first 2,000 square feet with an additional space required for every 175 square foot of space thereafter. Due to the increase in the existing building size and the lot constraints, staff is unable to support this request as the applicant has created a self-imposed hardship.

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 proposing a 3,375 square foot addition to a site that meets the minimum parking standards. The applicant states that the Variance is warranted due to the close proximity of multi-family housing, a bus-stop, and neighboring businesses that would utilize the proposed health services. However, an alternative design with reduce floor space or alternative parking arrangements 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.

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<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	8
<u>ASSEMBLY DISTRICT</u>	10
<u>SENATE DISTRICT</u>	7
<u>NOTICES MAILED</u>	93 [Mailed with ZON-23225 & SDR-21998]
<u>APPROVALS</u>	0
<u>PROTESTS</u>	1