



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-36958 -

APPLICANT/OWNER: SHARON ROTH

**** CONDITIONS ****

Staff recommends DENIAL, if approved subject to conditions:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3474), Review of Condition (ROC-36960) and Site Development Plan Review (SDR-36959) shall be required, 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 request is to allow four parking spaces where nine are required for the conversion of an existing 1,770 square-foot single-family residence to a medical office at 708 North Jones Boulevard. The proposed office will have one doctor and two employees. As one of the provided spaces will be required to be a van accessible handicap space, and parking in the street along Jones Boulevard will not be available, a shortage of parking for staff and patients will result at the subject site. The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request; therefore, staff is recommending denial of the request. If denied, an associated Site Development Plan Review (SDR-36959) cannot be approved, and the site would remain as a single-family residence.

ISSUES

- Associated requests for a Review of Condition (ROC-36960) and a Site Development Plan Review (SDR-36959) have also been submitted. Approval of this Variance request is required for the Site Development Plan Review to be approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/18/04	The City Council approved a General Plan Amendment (GPA-3388) to O (Office) and a Rezoning (ZON-3474) to P-R (Professional Office and Parking at 600-804 North Jones Boulevard. The Planning Commission and staff recommended approval.
10/20/04	The City Council denied a request for a Review of Condition (ROC-5250) for Condition Number 3 of an approved Rezoning (ZON-3474) which required a comprehensive site plan, including all lots, to be submitted for approval by the Planning and Development Department and the Department of Public Works prior to the issuance of a certificate of occupancy for any of the lots involved in the rezoning to allow the lots to submit site development plan reviews on an individual basis at 600 to 804 North Jones Boulevard. Staff recommended denial.
04/20/05	The City Council approved Ordinance #5760, which amended the zoning map by changing the zoning designations of multiple parcels of land. Included in this action were 708 and 800 North Jones Boulevard, which were part of Rezoning (ZON-3474).

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04/05/06	The City Council approved a request for an Extension of Time (EOT-11905) of an approved Rezoning (ZON-3474) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 600-804 North Jones Boulevard. Staff recommended approval. The rezoning subsequently expired on 02/18/08.
09/25/09	A change of ownership was recorded.
01/28/10	The Planning Commission voted to abbeey this item and its associated requests for a Variance (VAR-36958) to allow four parking spaces where nine are required and a Review of Condition (ROC-36960) to delete Condition Numbers 3 and 5 of a previously approved Rezoning (ZON-3474) which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis at 708 North Jones Boulevard.
02/25/10	The Planning Commission will consider associated requests for a Variance (VAR-36958) to allow four parking spaces where nine are required and a Review of Condition (ROC-36960) to delete Condition Numbers 3 and 5 of a previously approved Rezoning (ZON-3474) which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis at 708 North Jones Boulevard.

Related Building Permits/Business Licenses

c. 1964	A single-family residence was constructed at 708 North Jones Boulevard.
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Pre-Application Meeting

10/21/09	A pre-application meeting was held to discuss the requirements for the conversion of a single-family residence to medical office use. Topics included: • Requirement for a Variance for parking, a Review of Condition for conditions 3 and 5 of a previously approved Rezoning (ZON-3474) and a Site Development Plan Review. • Parking requirements, including drive aisle widths, turning radii and an ADA route from the public right-of-way to the building. • Landscape requirements, including required Waivers and Exceptions.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held.

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Field Check	
12/22/09	A field check was conducted by staff. The subject site contains a well-maintained single-family residence.

Details of Application Request	
Site Area	
Gross Acres	0.18 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	O (Office)	P-R (Professional Office and Parking)
North	Single-Family Residence	O (Office)	P-R (Professional Office and Parking)
South	Single-Family Residence	O (Office)	R-1 (Single Family Residential)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)			
Trails			
Rural Preservation Overlay District			
Development Impact Notification Assessment			
Project of Regional Significance			

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Medical	1,770 SF	1 / 200	8	1	3	1	N
TOTAL			9		4		N
Percent Deviation			56%				

ANALYSIS

The proposed site is deficient in parking, and approval of this Variance to allow four parking spaces where nine are required is necessary for the approval of an associated Site Development Plan Review (SDR-36959). One of the provided spaces will be required to be a van accessible handicap space. In addition, parking in the street along Jones Boulevard will not be available, as the Department of Public Works has added a condition of approval to the associated Site Development Plan (SDR-36959) to prohibit such parking due to right-of-way width and traffic volume concerns. The proposed office will have one doctor and two employees, resulting in a shortage of parking for staff and patients. The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070L that would substantiate the Variance request; therefore, staff is recommending denial of the request.

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 19.18.070(L) 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

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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 to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 356

APPROVALS 1

PROTESTS 2