



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 15, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: SMITH PLASTIC SURGERY
BUILDING, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-63984	Staff recommends DENIAL, if approved subject to conditions:	
SDR-63985	Staff recommends DENIAL, if approved subject to conditions:	VAR-63984

**** CONDITIONS ****

VAR-63984 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-63985).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein

SDR-63985 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-63984) shall be required.
2. Conformance to the Conditions of Approval for approved Plot Plan Review (Z-0102-96) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan date stamped 04/07/16 and building elevations and floor plans date stamped 03/29/16, except as amended by conditions herein.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalks and sidewalk ramps adjacent to this site, if any, in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site.
10. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan study.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 44 parking spaces where 104 parking spaces are required for an existing office building at 7650 West Sahara Avenue. In addition, the applicant has proposed a Major Amendment to an approved Plot Plan Review (Z-0102-96) for a proposed 4,800 square-foot building addition and parking lot reconfiguration of the subject site for a proposed Medical Office and Clinic use. The subject site was previously utilized as a General Office and Financial Institution use; the proposed building additions and conversion to the medical office and clinic use intensifies the required parking on-site. The proposed Variance is self-imposed as the proposed development is too intense for the site to accommodate; therefore, staff recommends denial of the requested applications.

ISSUES

- A Variance is required to allow 44 parking spaces where 104 parking spaces are required.
- The proposed 4,800 square-foot building additions and conversion to the medical office and clinic use intensifies the required parking on-site, triggering the need for a Variance. Since a Variance application is associated with the applicants request a Major Amendment to the previously approved Plot Plan (Z-0102-96) is required per Title 19.16.100.
- There are no proposed alterations to the existing perimeter landscaping; this proposal is limited to the proposed 4,800 square-foot building addition and parking lot reconfiguration to the subject site for a proposed Medical Office and Clinic use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/06/96	The City Council approved a request for a Rezoning and Plot Plan Review (Z-0102-96) from N-U (Non-Urban) to C-1 (Limited Commercial) and P-R (Professional Offices and Parking) for a proposed Credit Union and Offices located on the north side of Sahara Avenue, approximately 660 feet east of Buffalo Drive.
	The City Council approved a request for a General Plan Amendment (GPA-0046-96) from R (Rural Density Residential) to O (Office) on property located on the south side of Via Olivero Avenue, approximately 660 feet east of Buffalo Drive.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
	The Planning Commission unanimously voted to recommend APPROVAL of a Variance (VAR-63984) TO ALLOW 44 PARKING SPACES WHERE 104 PARKING SPACES ARE THE MINIMUM REQUIRED on 1.20 acres at 7650 West Sahara Avenue (APN 163-03-415-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian) [PRJ-63926].
05/10/16	The Planning Commission unanimously voted to recommend APPROVAL of a Site Development Plan Review (SDR-63985) Major Amendment to a previously approved Plot Plan Review (Z-0102-96) FOR A PROPOSED 4,800 SQUARE-FOOT BUILDING ADDITION AND PARKING LOT RECONFIGURATION FOR A PROPOSED MEDICAL OFFICE AND CLINIC on 1.20 acres at 7650 West Sahara Avenue (APN 163-03-415-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian) [PRJ-63926].

<i>Most Recent Change of Ownership</i>	
11/16/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/13/98	A building permit (#98003235) was issued for on-site improvements located at 7650 West Sahara Avenue. The permit was finalized on 05/11/99.
	A building permit (#98003236) was issued for a shell building located at 7650 West Sahara Avenue. The permit was finalized on 09/29/98.

<i>Pre-Application Meeting</i>	
03/22/16	A Pre-Application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Site Development Plan Review and parking Variance for the proposed expansion of an existing commercial building for a proposed Medical Office and Clinic use.

<i>Neighborhood Meeting</i>	

A neighborhood meeting is not required for this type of request, nor was one held.
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Field Check

03/31/16	Staff conducted a routine site visit and found that the subject site is a well maintained commercial development free from trash and debris.
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Details of Application Request**Site Area**

Net Acres	1.20
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Financial Institution, General		
North	General Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Motor Vehicle Sales	CG (Commercial General) – Clark County	C-2 (General Commercial) – Clark County
East	Undeveloped	SC (Service Commercial)	U (Undeveloped)
West	Medical Office	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS*Pursuant to Title 19.08.070, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	166 Feet	Y or N
Min. Setbacks	10 Feet	67 Feet	Y

VAR-63984 & SDR-63985 [PRJ-63926]

• Front • Side (East) • Side (West) • Rear	5 Feet 5 Feet 20 Feet	20 Feet 78 Feet 74 Feet	Y Y Y
Max. Lot Coverage	50 %	19 %	Y
Max. Building Height	N/A	42 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

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Pursuant to approved Plot Plan Review (Z-0102-96), the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A	2 Trees	2 Trees	Y
• South	N/A	3 Trees	3 Trees	Y
• East	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
• West	N/A	7 Trees	7 Trees	Y
TOTAL PERIMETER TREES		12 Trees	12 Trees	Y

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	6 Trees	8 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	3 Feet		3 Feet	Y
• South	15 Feet		15 Feet	Y
• East	0 Feet		0 Feet	Y
• West	5 Feet		5 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Not Indicated

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
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VAR-63984 & SDR-63985 [PRJ-63926]

Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	150	Y
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Pursuant to Title 19.08 and 19.12, 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 or Dental	18,430 SF	1:200 up to 2,000 SF, then 1:175 SF.	104				
TOTAL SPACES REQUIRED			104		44		N
Regular and Handicap Spaces Required			99	5	40	4	N
Percent Deviation			58%				

ANALYSIS

This is a request for a Major Amendment to an approved Plot Plan Review (Z-0102-96) building addition and parking lot reconfiguration of a proposed Medical Office and Clinic use, with a Variance to allow 44 parking spaces where 104 parking spaces are required on 1.20 acres at 7650 West Sahara Avenue. The subject site is located within the C-1 (Limited Commercial) zoning district. The subject site was previously utilized as an Office, other than listed and Financial Institution use land use.

The applicant has proposed a Major Amendment to an approved Plot Plan Review (Z-0102-96) for a proposed 4,800 square-foot building addition to an existing 13,630 square-foot commercial building. This increase in floor area represents a 35% increase in floor area from the previously approved Plot Plan Review (Z-0102-96). Per Title 19.16.100, a major amendment of the Plot Plan Review is required in conjunction with the Variance for parking.

The subject site remains in compliance with the perimeter landscaping plan from previously approved Plot Plan Review (Z-0102-96). However, the applicant has proposed to reconfigure the existing parking lot to a clockwise one-way circulation pattern around the existing building, which has resulted in 17 parking spaces being removed from the parking lot area.

The required parking for the Medical Office and Clinic use is 104 parking spaces after the proposed increase in floor area, however only 44 parking spaces are provided on the subject site, which is why a Variance for parking has been requested. The proposed Variance is self-imposed as the proposed floor area expansion is too intense for the site to accommodate; therefore, staff recommends denial of the project and all associated land use entitlements.

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FINDINGS (VAR-63984)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 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 4,800 square-foot increase in floor area to an existing building for a proposed Medical Office and Clinic use which requires additional parking on the subject site. The proposed addition and change of use would create a site with insufficient parking and result in a 58% deviation from standard parking requirements. A less intense development proposal 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.

FINDINGS (SDR-63985)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development of the subject site with is not consistent with surrounding development in the area. The applicant proposed 4,800 square-foot building addition to an existing 13,630 square-foot commercial building for a proposed Medical Office and Clinic use. This increase in floor area represents a 35% increase in floor area from the previously approved Plot Plan Review (Z-0102-96). The proposed addition would create a site with insufficient parking and result in a 58% deviation from standard parking requirements.

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2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development of the subject site is consistent with the SC (Service Commercial) General Plan designation and the development standards outlined in Title 19. With the exception of the requested Variance to allow 44 parking spaces where 104 parking spaces are required.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Primary site access is from Sahara Avenue, a 150-foot Primary Arterial, which provides adequate capacity to serve the proposed use.

4.Building and landscape materials are appropriate for the area and for the City;

The subject site remains in compliance with the landscaping plan and building materials utilized from the previously approved Plot Plan Review (Z-0102-96).

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The design characteristics of the building elevations remain in conformance with the previously approved Plot Plan Review (Z-0102-96) and are not unsightly and are compatible with development in the area.

6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed building addition to the existing office building will be subject to inspections in order to protect the public health, safety and general welfare by City staff.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

20

NOTICES MAILED

101 (By City Clerk)

APPROVALS

3

PROTESTS

1