



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-20471 - APPLICANT/OWNER: AHP NEVADA, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-20466), Rezoning (ZON-20470), and Site Development Plan Review (SDR-20468) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Special Use Permit for a Convalescent Care Center located at 3450 North Buffalo Road. The proposal will allow for the expansion and operation of an existing use. The project is considered incompatible with neighboring residential development and is considered an intensification of use within a rural density residential district. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/25/1997	The Board of Zoning Adjustment considered and approved an Extension of Time for an approved Special Use Permit (UC-91-95) allowing a convalescent care facility at the east side of Buffalo Drive bounded by Ruby Valley and Tioga Way. Staff recommended approval.
12/19/1996	The project site was incorporated into the city as part of an Annexation approved by the Planning Commission. The action was effectuated on 3/19/1997.
06/14/07	The Planning Commission recommended approval of companion items GPA-20466, ZON-20470, VAR-21139 and SDR-20468 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #16/ja).
<i>Related Building Permits/Business Licenses</i>	
7/17/2001	A business license was issued by Business Licensing for a Cosmetology Establishment (B05-02813-6-09383). The license is currently active.
11/13/1998	An active business license was issued by Business Licensing for a Nursing Home (N04-00009-2-081886). The license is currently active.
<i>Pre-Application Meeting</i>	
02/13/2007	A Pre-application meeting was held with the applicant and Planning staff advised of the General Plan, Zoning, and Special Use Permit requirements applicable to the proposed project.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	

Net Acres	3.99 acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convalescent Care	Rural Density Residential (General Plan Designation)	U (Undeveloped) [R (Rural Density Residential) General Plan Designation] Proposed to R-3 (Medium Density Residential)
North	Private School	Rural Density Residential	Clark County/ R-E (Rural Estates)
South	Single-family Residential and Commercial Office	Rural Density Residential	Clark County/ R-E (Rural Estates)
East	Single-family Residential	Rural Density Residential	Clark County/ Single-family Residential
West	Single-family Residential	Medium Low Density Residential	U (Undeveloped) [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			
Centennial Hills	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Northwest Openspace	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

SPECIAL USE REQUIREMENTS

Pursuant to Title 19.04, the following Special Use Conditions for Convalescent Care Facility apply to the R-3 District:

	<i>Minimum Parcel Size</i>	<i>Maximum Number of Beds/Acre</i>	<i>Minimum Building Setbacks</i>	<i>Location</i>
<i>Required</i>	10,000 square feet	50 beds per acre	One story structure: 25 feet	Must be located on collector street or larger
<i>Proposed</i>	173,916 square feet	39 beds per acre	One story structure: 30 feet	Sited on major thoroughfare, collector, streets
<i>Compliance</i>	YES	YES	NO*	YES

**** Project is subject to Residential Adjacency Standards and site plan and elevations inadequately addresses the proximity slope setback requirements.***

ANALYSIS

Site History

The existing convalescent care use was initially approved by the Clark County Comprehensive Planning Department under Conditional Use Permit (UC-00091-95). The project site was incorporated into the City of Las Vegas by the Planning Commission via Annexations (A-0022-96) of an approximately 2.5 acre area on 12/19/1996, and [A-0010-96(A)] for an adjacent approximately 2.5 acre area on 9/26/1996.

Business Licensing

The facility currently has two active business licenses; one for a Nursing Care Facility (N04-00009-2-081886) the other for a Cosmetology Establishment (B05-02813-6-09383). The applicant states that the cosmetology establishment is located within the facility and provides beauty services to the patients of the center. The establishment is considered an accessory use to the convalescent care operation.

General Plan and Zoning

The project site is currently designated under the General Plan as R (Rural Density Residential) while the underlying zone is currently U (Undeveloped). Companion requests to amend the General Plan (GPA-20466) designation to M (Medium Density Residential) along with a Rezone (ZON-20470) to R-3 (Medium Density Residential) shall be considered concurrently with this application.

The proposal is subject to the Special Use Permit requirements for Convalescent Care facilities which via the underlying zone limits the number of beds allowed. Title 19.04 restricts the R-3 zone to a maximum of 50 beds per acre. As designed the 17,466 square foot expansion will allow for the addition of 36 beds to an existing 118 bed care facility for a total of 154 beds. The 3.99 acre site will result in 39 beds per acre.

Minimum Special Use Requirements

The project is subject to the Title 19.04 Special Use conditions for Convalescent Care facility. Although the proposal meets the minimum building setbacks of 25 feet for a one story structure, the project as designed will not achieve the Title 19.08 Residential Adjacency Standards (RAS) setback of 66 feet for a 22 foot tall structure. The project height is considered inappropriate for this location and incompatible with adjacent low density residential uses.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposal will not result in a project compatible with adjacent low density residential uses. The project site is currently designated for rural density residential and the proposal to intensify the current convalescent care center will result in bulk and scale in excess of the underlying rural zone. Furthermore, the project will not meet the Residential Adjacency Standards of Title 19.08 as the building height does not conform to the proximity slope limits and the corresponding building setback requirement.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The project site is not physically suitable for the proposed development intensity. The project requests Waivers of required landscape buffers along the east and north property lines to accommodate required parking and the floor area of the expanded facility.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Adequate automobile access will be provided along Tioga Way and Delhi Avenue.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The project site will not adversely affect human health and public safety and will required conformance to state health regulations for convalescent care facilities.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use will satisfy all Special Use requirements of Title 19.04. However, protected residential property is situated along the south property line where the proposed expansion will not meet Residential Adjacency Standards (RAS). The RAS is more restrictive in setback requirements and building height along residential zoned property. The project design does not take into account the RAS provisions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 250 by City Clerk

APPROVALS 0

PROTESTS 0