



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 11, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-20468 - APPLICANT/OWNER: AHP NEVADA, INC.**

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### **\*\* 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), and Rezoning (ZON-20470) 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 development shall be in conformance with the site plan and landscape plan date stamped 03/13/07, and building elevations date stamped 04/09/07, except as amended by conditions herein.
4. A Waiver from 19.12.040 is hereby approved, to allow an 8-foot buffer where 15-feet is required along the north property line and a 7.5-foot buffer where 15-feet is required along the east property line.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide nine additional 24 inch box trees within minimum five foot wide finger planters, to be designed as shown in figure 6 of Title 19.10
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. .
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

13. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
14. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing this site from Tioga Way.
15. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
17. Site development to comply with all applicable conditions of approval for Zoning

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Site Development Plan Review for a proposed 17,466-square foot expansion of an existing 39,845 square foot convalescent care center that will result in the addition of 36 beds for an increase to 154 total beds, and a Waiver of the perimeter landscape buffer standards to allow an 8-foot buffer where 15-feet is required along the north property line and a 7.5-foot buffer where 15-feet is required along the east property line. The project is located on a 3.99 acre site located at 3450 North Buffalo Drive, south of Delhi Avenue within the Centennial Hills Sector Plan area. Companion requests to be considered concurrently with this application include a General Plan Amendment (GPA-20466), Rezone (ZON-20470), Variance (VAR-21139), and Special Use Permit (SUP-20471). The project will result in an intensification of the current use which is considered inappropriate with the surrounding low density residential uses. Staff does not support the request and recommends denial.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 (A-0022-96) and was approved by the Planning Commission for an approximately 2.5 acre area of land.                                                                                        |
| 9/26/1996                                                                 | The project site was incorporated into the city as part of an Annexation [A-0010-96(A)] and was approved by the Planning Commission for an approximately 2.5 acre area of land.                                                                                     |
| 06/14/07                                                                  | <p>The Planning Commission recommended approval of companion items GPA-20466, ZON-20470, VAR-21139 and SUP-20471 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/ja).</p>                    |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |                                                                                                                                                                                                                                                                     |
| 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.                                                                                                                               |

| <b><i>Pre-Application Meeting</i></b>                                                 |                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |
| <b><i>Neighborhood Meeting</i></b>                                                    |                                                                                                                                                                                       |
| A neighborhood meeting is not required for this type of application nor was one held. |                                                                                                                                                                                       |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 3.99 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                        | <b>Planned Land Use</b>                              | <b>Existing Zoning</b>                                                                                                   |
|-----------------------------|-------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Subject Property            | Convalescent Care                               | Rural Density Residential (General Plan Designation) | U (Undeveloped) [R (Rural Density Residential) General Plan Designation]<br>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]                                           |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   |                  |                          |
| Centennial Hills                                  | X                 |                  | Y                        |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District                    | X                 |                  | Y                        |
| Northwest Openspace                               | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | Y                        |
| <b>Rural Preservation Overlay District</b>        |                   | X                | Y                        |
| <b>Development Impact Notification Assessment</b> | X                 |                  | Y                        |
| <b>Project of Regional Significance</b>           | X                 |                  | Y                        |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following residential development standards apply:*

| <b>Standard</b>                                                                                                           | <b>Required/Allowed</b>                 | <b>Provided</b>                           | <b>Compliance</b> |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------|-------------------|
| Min. Lot Size                                                                                                             | 6,500                                   | 94,733                                    | Y                 |
| Min. Lot Width                                                                                                            | NA                                      | NA                                        | Y                 |
| Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul> | 20 feet<br>5 feet<br>5 feet<br>20 feet  | 120 feet<br>30 feet<br>81 feet<br>64 feet | Y                 |
| Min. Distance Between Buildings                                                                                           | 10                                      | NA                                        | Y                 |
| Max. Lot Coverage                                                                                                         | NA                                      | NA                                        | Y                 |
| Max. Building Height                                                                                                      | 2 stories or 35 feet, whichever is less | 34 feet                                   | Y                 |
| Trash Enclosure                                                                                                           | Yes                                     | Yes                                       | Y                 |
| Mech. Equipment                                                                                                           | YES                                     | YES                                       | Y                 |

| <b>Existing Zoning</b>                                                   | <b>Permitted Density</b> | <b>Units Allowed</b> |
|--------------------------------------------------------------------------|--------------------------|----------------------|
| U (Undeveloped)                                                          | NA                       | NA                   |
| <b>Proposed Zoning</b>                                                   | <b>Permitted Density</b> | <b>Units Allowed</b> |
| R-3 (Medium Density Residential)                                         | 50 beds per acre         | 38 beds per acre     |
| <b>General Plan</b>                                                      | <b>Permitted Density</b> | <b>Units Allowed</b> |
| R (Rural Density Residential)<br>Proposed M (Medium Density Residential) | NA                       | NA                   |

| <b>Residential Adjacency Standards</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|----------------------------------------|-------------------------|-----------------|-------------------|
| 3:1 proximity slope                    | 66 Feet                 | 30 Feet         | N*                |
| Adjacent development matching setback  | 20 Feet                 | 30 Feet         | Y                 |
| Trash Enclosure                        | 50 Feet                 | 63 Feet         | Y                 |

This issue will be addressed within related Variance VAR-21139.

*Pursuant to Title 19.12 the following landscape standards apply:*

| <i><b>Landscaping and Open Space Standards</b></i> |                                                                                                                          |                                 |                                                                                                    |                          |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------|--------------------------|
| <i><b>Standards</b></i>                            | <i><b>Required</b></i>                                                                                                   |                                 | <i><b>Provided</b></i>                                                                             | <i><b>Compliance</b></i> |
|                                                    | <i><b>Ratio</b></i>                                                                                                      | <i><b>Trees</b></i>             |                                                                                                    |                          |
| Parking Area                                       | 1 Trees/ 6 Spaces                                                                                                        | 24 Trees                        | 10 Trees                                                                                           | N                        |
| Buffer:<br>Min. Trees                              | 1 Trees/30 Linear Feet<br>along public right-of-<br>way<br>1 Trees/20 Linear Feet<br>along residential<br>property lines | 7 Trees<br>10 Trees<br>10 Trees | 12 Trees<br>10 Trees<br>10 Trees                                                                   | Y                        |
| <b>TOTAL</b>                                       |                                                                                                                          | 51                              | 42                                                                                                 | N*                       |
| Min. Zone Width                                    | 15 Feet along Right-of-Way<br>10 Feet along interior lot lines                                                           |                                 | 8 feet north<br>property line<br>7.5 feet east<br>property line<br>20 feet<br>interior lot<br>line | N                        |
| Wall Height                                        | 8 Feet                                                                                                                   |                                 | 8 feet existing<br>along south<br>property line                                                    | Y                        |

\*Staff finds that there is adequate room in the parking lot to provide nine additional 24 inch box trees within minimum five foot wide finger planters, and has addressed this issue in condition number 5.

***Pursuant to Title 19.10, the following parking standards apply:***

| <b>Parking Requirement</b> |                                            |                                                                                                                                  |                                                                    |                 |                |                   |   |
|----------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                 | <b>Gross Floor Area or Number of Units</b> | <b>Required</b>                                                                                                                  |                                                                    | <b>Provided</b> |                | <b>Compliance</b> |   |
|                            |                                            | <b>Parking Ratio</b>                                                                                                             | <b>Parking</b>                                                     |                 | <b>Parking</b> |                   |   |
|                            |                                            |                                                                                                                                  | Regular                                                            | Handi-capped    | Regular        | Handi-capped      |   |
| Convalescent Care Facility | 154 beds                                   | One space for each 6 beds, plus one space for each employee on the largest shift, plus 3 spaces for use by medical professionals | 26 for beds<br>27 employees<br>5 medical professionals<br>58 total | 3               | 139            | 7                 | Y |
| <b>SubTotal</b>            |                                            |                                                                                                                                  | 58                                                                 |                 | 139            |                   |   |
| <b>TOTAL</b>               |                                            |                                                                                                                                  | 58                                                                 |                 | 139            |                   |   |
| Loading Spaces             |                                            |                                                                                                                                  | 4                                                                  |                 | 4              |                   |   |
| Percent Deviation          |                                            |                                                                                                                                  |                                                                    |                 |                |                   |   |

| <b>Waivers</b>            |                                   |                             |
|---------------------------|-----------------------------------|-----------------------------|
| <b>Request</b>            | <b>Requirement</b>                | <b>Staff Recommendation</b> |
| 8-foot landscape buffer   | 15-feet along public right-of-way | DENIAL                      |
| 7.5-foot landscape buffer | 15-feet along public right-of-way | DENIAL                      |

## 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 City of Las Vegas Planning Commission annexed (A-0022-96) an approximately 2.5 acre area on 12/19/1996, and [A-0010-96(A)] the 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 the other for a Cosmetology Establishment. 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.

### **Site Plan**

The site plan shows a 17,466 square foot addition to an existing 39,845 square foot convalescent care facility. An Americans with Disabilities Act (ADA) accessible route is indicated in the design along with associated hardscape improvements.

### **Parking**

Pursuant to Title 19.04 and 19.10, the required parking for this project is 1 space for every 6 beds, plus one space for each employee, and 3 spaces for use by medical professionals. Proposed parking will be in excess of code requirements. A total of 58 spaces are required by code however the site plan depicts 139 spaces including 7 handicapped accessible spaces and a loading zone.

### **Landscape Plan**

Project landscaping is provided along all perimeters of the site in conformance with Title 19 commercial landscape standards. Trees placement shows spacing 20 feet on center along the public right-of-way and the interior lot lines where 30-feet and 20-feet on center are required by Title 19.12 respectively. Twenty-four inch box Acacia, Chitalpa, and Chilean Mesquite trees are included in the palette along with various 5 gallon ornamental shrubs.

### **Elevations**

The project elevations indicate the use of stucco, aluminum trim, Spanish tile roofing, with a stonehedge shadow, ruby ridge shadow, and indigo violet color scheme. The structure will be situated on a pad raised 2.5 feet above the existing grade resulting in a total building height of 21 feet.



### **Residential Adjacency**

Single-family residential units within Clark County jurisdiction are situated along the southern boundary of the site. The building height is subject to the 3:1 proximity slope regulation which at the proposed project height of 22-feet requires a 66 foot setback from the property line bordering the residential use to the south. The project will not meet the minimum set back requirements or proximity slope limitations imposed by Title 19.08 Residential Adjacency Standards. A companion Variance (VAR-21139) shall be considered along with this request.

### **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 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 General Plan Amendment and Rezone will allow for the existing convalescent care facility to expand thereby resulting in an intensification of the current use. Staff does not consider the proposal appropriate for this location as the project site is surrounded by developed rural density residential uses to the south and east. The proposal is more suited to a land use designated for Commercial or Multi-family residential use.

- 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;**

As the character of existing neighboring development is of a more restrictive land use designation staff considers the expansion project to be incompatible with the adjacent rural residential district uses and therefore inconsistent with the goals and intent of the General Plan.

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

Access to the project site is adequate along North Buffalo, Delhi Avenue, and Tioga Way and road capacity is available.

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

Building materials will complement surrounding uses and landscape materials are acceptable for the area.

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 architecture will contain aesthetically pleasing elements however the project height and bulk and scale are considered unsuitable with the protected residential uses.

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

The proposal will not be detrimental to human health and public safety.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 5

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 248 by Planning Department

**APPROVALS** 0

**PROTESTS** 0