

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 19, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-24513 - APPLICANT/OWNER: ICONIUM CORPORATION,
LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 5, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (3-1/ds-1/rt vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Hours of operation shall be from 5:00 a.m. to 2:00 p.m. Monday through Thursday, and from 5:00 p.m. to 7:00 p.m. Monday through Friday.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse at 1311 South Casino Center Boulevard.

The use is proposed to be located within an existing commercial building in the Downtown South District adjacent to an existing single-family residential dwelling. As the proposed use is incompatible with the abutting land uses, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/25/07	The Planning Commission voted 3-1/ds-1/rt to recommend DENIAL (PC Agenda Item #52/ss).
09/08/92	A building permit (#92159218) was issued for a 32 square foot freestanding pole sign at 1311 South Casino Center Boulevard. A final inspection was completed 09/21/92.
04/11/07	A building permit (OTC-86071) was issued for an interior demolition of the building at 1311 South Casino Center Boulevard. No inspections have been conducted.
06/14/07	A building permit (#07001969) was issued for a tenant improvement for a Certificate of Occupancy at 1311 South Casino Center Boulevard. A final inspection was completed 07/23/07.
<i>Pre-Application Meeting</i>	
08/28/07	Submittal requirements for a Special Use Permit were discussed. A detailed parking analysis was required to be submitted with the site plan.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
09/18/07	Access to the site is from Casino Center Boulevard and a rear alley, both gated by wrought iron. The building appears to be of CMU block construction with an aluminum patio cover at the front of the structure. Parking in the rear appears to be very tight. There is a block wall on south property line with wrought iron on top. The building has some exterior lighting. An existing freestanding sign is located about one foot from the sidewalk (ROW) and appears to be about 12 tall. The lot to the north is undeveloped. The lot to the south contains a single family residence that is currently occupied. The front landscape area is unkempt and consists of tall oleanders within approximately four-foot planter. No trash facilities were visible.

Details of Application Request	
Site Area	
Net Acres	0.16 acres (7,000 square feet)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office (Labor Union)	MXU (Mixed Use)	C-2 (General Commercial)
North	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential)
South	Single Family Residence	MXU (Mixed Use)	R-4 (High Density Residential)
East	Banquet Facility	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-family residential (apartments)	MXU (Mixed Use)	R-4 (High Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District (Downtown South)	X		Y
Live/Work Overlay District	X		N/A
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan Standards, the following development standards are required for the subject property:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	7,000 SF	N/A
Min. Lot Width	N/A	50 feet	N/A
Min. Setbacks			
• Front	0 feet	43 feet	Y
• Side	0 feet	1 foot	Y
• Corner	N/A	N/A	N/A
• Rear	0 feet	21 feet	Y
Max. Lot Coverage	N/A	31.7%	N/A
Trash Enclosure	Walled, gated, screened	None shown	N*
Mech. Equipment	Screened	None shown	N

*The applicant has indicated that curbside trash removal will be used. Containers are located in the rear with alley access.

Pursuant to Title 19.06, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the table below is used to illustrate the requirements of an analogous project in another location in the city. The site is located on a bus route and is easily reached by foot from the downtown area and areas to the east. On-street parking along Casino Center Boulevard is also currently permitted.

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement	Provided		Compliance		
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse	2,220 SF	1 space per 300 SF GFA	7	1	4	1	
SubTotal			7	1	4	1	
TOTAL			8		5		Y

Freestanding Signs: [Existing freestanding sign on Casino Center Boulevard]		
Standards	Allowed	Provided
Maximum Number	1 / 200 feet frontage 1 total	1 / 50 feet frontage 1 total
Maximum Area	100 SF (2 SF x 50 feet frontage)	32 SF
Maximum Height	40 feet	20 feet
Minimum Setback	5 feet	1 foot
Illumination	Non-illuminated	Non-illuminated

This sign was issued a building permit and received an inspection in 1992.

ANALYSIS

- **Zoning**

The subject site is zoned C-2 (General Commercial), which is in conformance with the MXU (Mixed Use) General Plan designation. A Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse is permitted use in the C-2 District with approval of a Special Use Permit. The Downtown South section of the Downtown Overlay District permits the same uses as are allowed by the zoning district.

As there is no new development and only the proposed introduction of a new use on the site, Downtown South development standards, including streetscape standards, are not applied. The exception to this is the required ongoing maintenance of existing landscaping and the requirement for an encroachment agreement with the Public Works Department for any landscaping within existing rights-of-way. Condition Number 3, as applied through Title 19.12.030, addresses the maintenance of existing landscaping.

The proposed use abuts property to the south containing a single family residential use. In addition, parcels to the north, south and west of the subject site are zoned R-4 (High Density Residential). The parcel to the north is undeveloped.

- **Use**

Title 19 defines a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse as a facility that:

1. Operates under or is subject to the provisions of Nevada Revised Statutes Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or

2. Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

In regard to 1 above, the applicant has received accreditation from the Commission of Accreditation of Rehabilitation Facilities (CARF), holds federal licenses and certifications from the Drug Enforcement Agency (DEA), and holds state licenses and certifications from the Nevada State Board of Pharmacy, State of Nevada Bureau of Licensure and Certification and the Bureau of Alcohol and Drug Abuse (BADA). It is an outpatient substance abuse treatment facility accommodating appointments for family, individual or group counseling sessions or assessments.

In regard to 2 above, the applicant provides treatment and counseling services to patients referred from private doctors and local agencies, as well as treatment ordered by courts of law.

The applicant currently operates an existing clinic at 721 East Charleston Boulevard, Suite #6, and has been licensed at that location since April 2000 without a Special Use Permit. Those facilities are slated to be demolished.

- **Floor Plan**

The submitted floor plan shows a 2,220 square foot single-story office. The space includes a lobby (approximately 220 square feet), reception area, nurse station, six offices, one meeting room for group sessions, break room, storage room and restrooms. The nurse station is available for the staff physician or nurse to administer medication.

- **Minimum Requirements**

There are no minimum requirements for approval of a Special Use Permit for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse. The applicant must meet the narrow definition stated in Title 19.20 to be considered for this use. If approved conditions have been added limiting the hours of operation. The anticipated operating hours are 5:00 a.m. to 2:00 p.m. Monday through Saturday for patient-prescribed medication and one-on-one consultations. The facility also plans to offer family and group counseling services from 5:00 p.m. to 7:00 p.m. Monday through Friday. The facility would be closed on Sundays.

It is noted that the Statement of Financial Interest and application forms submitted with this request were notarized by a Notary Public in the state of Arizona. The notary's seal was embossed and therefore does not transfer to any scanned copies or photocopies.

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 subject Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse is proposed on property that is adjacent to existing single-family uses. Due to the nature of this use, it cannot be conducted in a manner that is harmonious and compatible with existing land uses.

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

The site is located in an area that is convenient for clients to reach by bus or on foot. Parking is limited but not subject to the automatic application of Title 19 standards. The building will be able to accommodate the number of expected clients.

- 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.**

Access to the site is provided by Casino Center Boulevard, an 80-foot Secondary Collector as designated by the city's Master Plan of Streets and Highways. A secondary access is available from a rear alley. Both driveways are gated. Parking is available along Casino Center Boulevard. These facilities are adequate to meet the needs of the proposed Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse.

- 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.**

This use is subject to regular inspection for licensing, and would therefore not compromise the public health, safety and welfare.

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

There are no minimum requirements for approval of a Special Use Permit for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse. However, if approved conditions have been added limiting the hours of operation.

PLANNING COMMISSION ACTION

The Planning Commission considered adding conditions to remove the free standing sign, limiting hours to 5:00 a.m. to 2:00 p.m. Monday through Saturday. There was one speaker in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 149 by City Clerk

APPROVALS 1

PROTESTS 8