

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT
ITEM DESCRIPTION: DIR-27454 - APPLICANT: WESTCARE NEVADA, INC.

**** CONDITIONS ****

Staff recommends DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for an appeal of the Directors decision, per Title 19.04.010 to deny zoning approval of a business license application for a Convalescent Care Facility at 401 S. Martin Luther King Boulevard.

BACKGROUND DATA

- 12/26/62 The Board of City Commissioners adopted Ordinance #1014 amending the Zoning Map of the City of Las Vegas. The subject property was designated M (Industrial).
- 1973 Buildings were constructed on the property at 401 South Martin L. King Boulevard (then Highland Drive). There is no record of a Site Development Plan Review for this site.
- 11/08/89 A business license was issued to Westcare Nevada, Inc. for a non-profit counseling service (N05-00124).
- 03/20/00 A building permit (#4999) was issued to upgrade the fire alarm at 401 South Martin L. King Boulevard. The Fire Engineering Division inspected the property and gave final approval on 10/18/00.
- 10/11/00 A new business license was printed for Westcare Nevada, Inc. for a non-profit counseling service (N05-00124).
- 02/18/03 The Building and Safety Department received an application for a building permit for a Tenant Improvement for a Certificate of Completion at 401 S. Martin L. King Boulevard. The work involved interior remodeling of the building. The job was canceled and plans were removed prior to issuance of a building permit.
- 04/07/05 City of Las Vegas Neighborhood Services received 13 neighborhood complaints (#98314) regarding graffiti on the subject site.
- 10/05/05 The business license in effect on the subject site was reclassified from N05 (Non-profit, not subject to state licensing) to N30 (Non-profit, subject to state licensing).
- 10/18/05 Planning and Development denied a business license application (N30-00019) for a non-profit mental health crisis unit. The denial was based on a change of use from counseling to convalescent care center with 38 beds, which is not permitted in an M (Industrial) zoning district.

- 11/02/05 DIR-9994 - DIRECTOR'S BUSINESS - APPLICANT: WESTCARE NEVADA INC. - Appeal of the Director's decision to deny a Business License per 19.04.010 for an acute psychiatric hospital on property located at 401 South Martin L. King Boulevard.
- 11/02/05 Temporary Commercial Permit (TCP-10185) to operate a Hospital at 401 S Martin L King Blvd. The Hospital is to operate pursuant to the State of Nevada License number 4395HOS-1. Approved by City Council. This temporary permit shall expire on October 2, 2006.
- 10/02/06 TCP-17093 - WESTCARE NEVADA, INC. - Request for a Temporary Commercial Permit to operate a Hospital at 401 South Martin L. King Boulevard. The hospital shall operate pursuant to State of Nevada License Number 4395HOS-1. This temporary permit shall expire June 30, 2007.*This TCP has been extended till 12/30/07, per the City Attorney's e-mail dated 06/04/07*
- 1/02/08 Business License N35-00010 for the testing treatment and counseling for drug/alcohol abuse; non-profit organization/out patient counseling; individual and group; evaluation intensive our patient counseling was approved. Use was classified by the Planning Department as a Facility to provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse, a permitted use in the M Zoning District.
- 03/12/08 Business License N34-99984 for the testing treatment and counseling for drug/alcohol abuse; non-profit organization/out patient counseling; individual and group; evaluation intensive our patient counseling; 38 residential treatment, transitional client beds was denied by Planning. Use was classified by the Planning Department as a Convalescent Care Facility/Nursing Home which is not a permitted use in the M Zoning District.

DETAILS OF APPLICATION REQUEST

The applicant contends that their previous use at 401 S. Martin Luther King Boulevard was active since 1989 to 2005, was discontinued on temporary basis to allow them to add a mental health crisis use.

ANALYSIS & FINDINGS

The General Plan designation of the subject property is LI/R and zoning is Manufacturing M. The involuntary use is taking in individuals for residential treatment for drugs and alcohol abuse for 30 to 180 days. The proposed use was determined to be a convalescent care facility which is defined as: Convalescent Care Facility/Nursing Home. A building or structure designed, used or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital or special care facility.

Convalescent care facilities are not allowed in the M zone. A general plan amendment, rezoning and special use permit would be required to allow the proposed use in the subject location. The other option would be a text amendment to allow Convalescent Care Facility/Nursing Home with a Special Use Permit for the M zone.

The previous use at this location was for a psychiatric hospital approved by Council under TCP-10185. Such use was and is not permitted in the M Zoning District.

The previous use prior to the psychiatric hospital was approved by the Planning and Development Department on 10/6/89 as an existing non-conforming use. The prior use by Nevada Treatment Center was referenced. The description on the application by Westcare, Inc. was Drug & Alcohol Rehabilitation-Adolescent boys residential/youth runaway shelter-Administration. Subsequent records show 38 beds approved.

This non-conforming use was voluntarily discontinued by the applicant on 11/02/05 with the approval of TCP-10185 for a psychiatric hospital.

Staff finds that per Title 19.16.030.D.3 (2) Discontinuation of Use: if a nonconforming use of land is discontinued for a period of ninety days or changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Title. The psychiatric hospital was found by the City Council to be a conforming use. As such, the requested use for a Convalescent Care Facility/Nursing Home is not in conformity with Title 19.04 as that use is not permitted within the M (Industrial) Zoning District.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0