



AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS -

OWNER: 2701 WESTWOOD, LLC

**** CONDITIONS ****

The Planning Commission (5-2/se/gf vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Custodial Institution use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a business license removing all razor wire from perimeter fencing.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Custodial Institution; the subject site contains an existing 26,638 square-foot Office/Warehouse located at 2701 Westwood Drive. The applicant has proposed to establish a facility that provides living space, re-entry programs, in-house counseling and job placement assistance for up to 120 parolees. If this application is denied, the applicant will have to find a suitable location for the proposed use.

ISSUES:

- Approval of an associated General Plan Amendment (GPA-34597) to change the General Plan designation from C (Commercial) to LI/R (Light Industry/Research) is required as the proposed Custodial Institution use is too intense for the existing C (Commercial) designation.
- The proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
01/12/61	The Board of City Commissioners approved a request for Reclassification of Property (Z-62-60) from R-E (Residence Estates) to M-1 (Light Industry) generally located south Sahara Avenue between Highland Drive and the proposed freeway [Interstate 15].
10/28/93	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0062-60(1)] for a warehouse and office building at 2701 Westwood Drive.
03/08/98	The Board of Zoning and Adjustment approved a request for a Variance (V-112-98) to allow a proposed 16,097 square-foot addition to an existing legal non-conforming warehouse building on the side property line where 10 feet is the minimum setback required; and to allow 51 parking spaces where 59 spaces are the minimum required at 2701 Westwood Drive.
05/27/99	The Planning Commission approved a request for a Site Development Plan Review [Z-62-60(2)] for a proposed 23,148 square foot addition to an existing Print Shop on property located at 2701 Westwood Drive.
09/14/04	Most recent of ownership
04/20/05	A Code Enforcement case (#29063) was processed for outside storage at 2701 Westwood Drive. Code Enforcement closed the case on 06/16/05.

01/17/06	A Code Enforcement Case (#37578) was processed for using parking area for storage, forcing employees to park in complainant's parking lot at 2701 Westwood Drive. Code Enforcement closed the case on 01/18/06.
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval of the request.
03/04/08	A Code Enforcement case (#62937) was processed for customer who called and asked for assistance at this commercial manufacturing & Processing Plant. States there are environmental and other issues and would like a complete exterior inspection of the business and grounds. Code Enforcement closed the case on 01/14/09.
07/24/08	The Planning Commission approved a request for a Site Development Plan Review (SDR-28536) for a minor amendment to an approved Site Development Plan Review [Z-0062-60(1)] to allow for parking lot modifications at 2701 Westwood Drive.
08/13/09	The Planning Commission recommended approval of companion item GPA-34597 concurrently with this application. The Planning Commission voted 5-2/se/gf to recommend DENIAL (PC Agenda Item #15/jb).
<i>Related Building Permits/Business Licenses</i>	
06/08/94	A building permit (#94335306) was issued for On-site Improvements at 2701 Westwood Drive. This permit was expired on 12/02/95.
	A building permit (#94335307) was issued for a warehouse/office building Certificate of Occupancy at 2701 Westwood Drive. This permit was completed on 11/02/94.
09/12/94	A building permit (#94347595) was issued for a masonry wall at 2701 Westwood Drive. This permit was completed on 11/03/94.
12/29/00	A building permit (#23291) was issued for a Tenant Improvement to install a paper collector at 2701 Westwood Drive. This permit was expired on 07/07/01.
<i>Pre-Application Meeting</i>	
05/14/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed topics included. • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines

Neighborhood Meeting	
06/09/09	A neighborhood meeting was held on Tuesday, June 9th at 6:30 PM at 2701 Westwood Drive, Las Vegas. Four members from the applicant attended the meeting along with one staff member from the Ward 1 City Council office and one member of the Planning and Development staff. No members of the public attended the meeting. The applicant clarified that they would only be renovating and using the first floor of the building. Pending a positive review of their Special Use Permit (if approved), they may submit a request to renovate the second floor of the building and increase the number of residents. The applicant noted that the pet day care use shown on the plans would be a separate business unrelated to the custodial institution. The applicant would drive to major employment centers (such as casinos) in the morning, pick up employees' pets, care for them at the Westwood location during the day, and drive back to the employment centers to return the pets to employees.
Field Check	
06/04/09	During a routine site inspection performed by staff the subject property was noted as having • Required landscaping along the eastern property line has either been removed or is dying. • No ADA van accessible parking space located on the site

Details of Application Request	
Site Area	
Gross Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Warehouse	C (Commercial)	M (Industrial)
North	Motel	C (Commercial)	M (Industrial)
South	Parking Lot	LI/R (Light Industrial/ Research)	M (Industrial)
East	Parking Lot	LI/R (Light Industrial/ Research)	M (Industrial)
West	Interstate (I-15)	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O Airport Overlay District 175 feet	X		Y
Trails		X	N/A
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 Title 19.10, 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	
Custodial Institution	22,790 SF	1:20 Inmates	6	1	30	2	Y
Office	3,248 SF	1:300	11				
Pet Boarding	600 SF	1:250	3				
TOTAL	26,638 SF		21		32		

ANALYSIS

This is a request for a Special Use Permit for a proposed Custodial Institution defined in Title 19.04 as, One or more buildings and related facilities used for the housing or detention of persons who have been charged with or have been convicted of felonies or misdemeanors. The subject site contains an existing Office/Warehouse building located at 2701 Westwood Drive. The applicant has proposed to establish a 22,790 square-foot facility that provides living space, re-entry programs, 12-step recovery programs, in-house counseling and job placement assistance for up to 120 parolees. The program was adopted by the Nevada State Senate in 2003, and is now monitored by the Nevada Department of Public Safety Division of Parole and Probation. The proposed land use is not compatible with the existing C (Commercial) General Plan designation as it is too intense. However, this application has been submitted with an associated General Plan Amendment (GPA-34597) requesting a change from C (Commercial) to LI/R (Light Industrial/Research) which, if approved, would allow the intensity of the proposed use. Staff is recommending approval of this application, as the proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses.

FINDINGS

The following findings must be made for a Special Use Permit:

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

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

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

- 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.**

Site access is provided from Westwood Drive a 70-foot Frontage Street as designated in the Master Plan of Streets and Highways. This street provides adequate access to and from the subject property.

- 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.**

Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Custodial Institution use will be subject to regular inspections.

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

The proposed Custodial Institution use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission discussed adding the following condition:

- Required review at a Public Hearing of the Planning Commission six months after issuance of city business license and state license.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 10

SENATE DISTRICT 7

NOTICES MAILED 56 by City Clerk

APPROVALS 1

PROTESTS 9