



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: PAITAKA P. MIYAHIRA AND TASEY R. MIYAHIRA

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-38579	Staff recommends APPROVAL.	
ZON-38580	Staff recommends APPROVAL.	GPA-38579
VAR-38576	Staff recommends DENIAL, if approved subject to conditions:	GPA-38579 ZON-38580
SUP-38574	Staff recommends DENIAL, if approved subject to conditions:	GPA-38579 ZON-38580 VAR-38576
SDR-38577	Staff recommends DENIAL, if approved subject to conditions:	GPA-38579 ZON-38580 VAR-38576 SUP-38574

**** CONDITIONS ****

VAR-38576 CONDITIONS

Planning and Development

- 1.Approval of a General Plan Amendment (GPA-38579) and Rezoning (ZON-38580); approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-38574) and Site Development Plan Review (SDR-38577) shall be required, if approved.
- 2.This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

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3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-38574 CONDITIONS

Planning and Development

1. Approval of a General Plan Amendment (GPA-38579) and Rezoning (ZON-38580); and approval of and conformance to the Conditions of Approval for Variance (VAR-38576) and Site Development Plan Review (SDR-38577) shall be required.
2. Special Use Permit SUP-37892 shall be expunged.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-38577 CONDITIONS

Planning and Development

1. Approval of a General Plan Amendment (GPA-38579) and Rezoning (ZON-38580); and approval of and conformance to the Conditions of Approval for Variance (VAR-38576) and Special Use Permit (SUP-38574) 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 08/04/10, and building elevations date stamped 07/26/10, except as amended by conditions herein.
4. A Waiver from Title 19.12.040(A) is hereby approved to allow a four-foot landscape buffer along the south property line where 15 feet is required and a zero-foot landscape buffer along the east and west property lines where eight feet is required.
5. A Waiver from Title 19.08.040(F) is hereby approved to allow a zero-foot landscape buffer between back of curb and sidewalk along Cheyenne Avenue where a minimum of five feet is required along arterial streets.
6. An Exception from Title 19.08.040(B) is hereby approved, to allow zero trees along portions of the west and east property lines where eight additional trees are required.
7. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. The applicant shall file a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration or submit to the Director of the Clark County Department of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation prior to issuance of a building permit.

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10. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time application is made for a building permit, to remove the five-foot wide access aisle next to Parking Space #6 and to remove the words "Hand. Van." from Parking Space #6.
11. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 08/04/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
12. 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: All required perimeter buffer trees shall be 24-inch box size and shall include four (4) five-gallon shrubs per required tree.
13. 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).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.

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18. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
21. Prior to the issuance of any building permits, abandon the existing septic tank system per Southern Nevada Health District regulations and connect to the public sewer line in Cheyenne Avenue. Alternatively, provide a letter from the Southern Nevada Health District stating that the existing septic tank is acceptable.
22. The location of the crash gate and ADA gate are acceptable as shown as long as no part of the gates, either in the opened or closed position, intrude into the public right of way and it meets all requirements of the Fire Department.
23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Cheyenne Avenue public right-of-way adjacent to this site.
24. Meet with the Traffic Engineering Representative for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The driveway accessing this site from Cheyenne Avenue shall also receive written approval from the Nevada Department of Transportation.
25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The site at 6640 West Cheyenne Avenue consists of a 0.90-acre parcel containing an existing 3,508 square-foot single-family residential dwelling. There are two existing shade canopies with existing parking spaces in the rear yard. The rear yard also contains an unpermitted 1,200 square-foot masonry building, a storage container, and some stored vehicles. The applicant obtained a recent approval for a 10-bed group residential care facility on the site in which some additional landscaping was required. The Special Use Permit (SUP-37892) for the group residential care facility shall be expunged if the current proposal is approved. The submitted site plan proposes two additional buildings on the northern portion of the site totaling 13,069 square feet that would add 37 additional beds and transform the use into a Convalescent Care Facility/Nursing Home. Because a Convalescent Care Facility is a commercial use, land use and zoning classifications must be changed from residential to commercial. The proposed change in land use is appropriate, as it is situated on a primary arterial street that contains commercial uses to the east and west. Staff therefore recommends approval of the General Plan Amendment and Rezoning requests. As proposed, the site is overbuilt, which triggers the need for landscape waivers and residential adjacency variances. Therefore, staff recommends denial of the associated Variance, Special Use Permit and Site Development Plan Review with conditions if approved. If the applications are denied, the site will remain residentially designated with an approved 10-bed group residential care facility use.

ISSUES

- A Special Use Permit for a proposed 47-bed, 17,777 square-foot Convalescent Care Facility in the C-1 (Limited Commercial) zoning district is required for approval of a Site Development Plan Review. Title 19.04 requires a Special Use Permit for this use in the C-1 (Limited Commercial) Zoning District. There are no minimum use conditions.
- A General Plan Amendment is required to amend the Centennial Hills Sector Plan of the General Plan from a land use designation of DR (Desert Rural Density Residential) to SC (Service Commercial) to allow the appropriate commercial zoning districts on the site.
- A Rezoning is required from R-E (Residence Estates) to C-1 (Limited Commercial) to allow the Convalescent Care/Nursing Home use on the site.
- A Variance to allow a 20-foot rear yard setback where residential adjacency standards require an 84-foot setback from the north property line, and to allow a 10-foot side yard setback where residential adjacency standards require an 81-foot setback from the west property line and an 84-foot setback from the east property line is required for approval of the Site Development Plan Review.

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- Waivers of perimeter landscape buffer requirements are required to allow a four-foot buffer along the south perimeter where 15 feet is required and zero-foot buffers along a portion of the east and west perimeters where eight feet is required.
- A Waiver of the required five-foot landscape buffer between back of curb and sidewalk along Cheyenne Avenue to allow a zero-foot buffer is required.
- One space indicated on the site plan as van accessible does not meet Title 19.10 requirements for accessible spaces and shall be removed. A condition of approval addresses this deficiency.
- If the proposed Special Use Permit for a Convalescent Care Facility/Nursing Home use on this site is approved, the previous Special Use Permit approval for a Group Residential Care Facility will be expunged.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/03/74	A three-lot Parcel Map that included the subject lot was recorded on property generally located at the northwest corner of Cheyenne Avenue and Garehime Avenue (Street).
07/14/94	The Planning Commission approved the Annexation (A-0013-94) of approximately 1.05 gross acres located at 6640 West Cheyenne Avenue. Staff recommended approval. The annexation became effective 10/14/94.
07/21/10	The City Council approved a request for a Special Use Permit (SUP-37892) for a 3,508 square-foot Group Residential Care Facility (10 senior citizens) within an existing residence with a Waiver to allow a 1,481-foot distance separation from another Group Residential Care Facility where 1,500 feet is the minimum required at 6640 West Cheyenne Avenue. The Planning Commission and staff recommended approval. The approval is subject to a one-year administrative required review following issuance of a business license for the use.
07/29/10	The Planning Commission accepted the applicant's request to abey a General Plan Amendment request (GPA-38579) to amend the land use designation of this site from DR (Desert Rural Density Residential) to SC (Service Commercial) and a request for a Rezoning (ZON-38580) from R-E (Residence Estates) to C-1 (Limited Commercial) on this site to the 08/26/10 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
04/14/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
c. 1977	The subject residence was constructed.
02/04/97	A building permit (#97002442) was issued to reroof the main dwelling unit at 6640 West Cheyenne Avenue. A final inspection was completed 02/11/97.
01/22/98	A business license (C11-03277) was issued for an excavating contractor at 6640 West Cheyenne Avenue in conjunction with a home occupation permit (HO-0107-98). The license is still active.

<i>Pre-Application Meeting</i>	
06/09/10	A pre-application meeting was held with the applicant, where submittal requirements for General Plan Amendment, Rezoning, Variance, Special Use Permit and Site Development Plan Review applications were discussed. The following items were also discussed: • The existing site has two driveways from Cheyenne Avenue. The applicant met with NDOT, which required the west driveway to be gated. • Variances of Residential Adjacency standards are required for building setback, proximity slope setback and trash enclosure setback, unless the plans are revised to meet Title 19 requirements. • Waivers of perimeter landscape standards are required to allow less than 15 feet of buffer width along Cheyenne and zero buffer width along the east and west property lines. • Exceptions of landscape requirements for tree spacing and parking lot landscaping will be required. • Business licensing requirements were discussed, including licensing for additional activities taking place within the proposed convalescent facility.

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<i>Neighborhood Meeting</i>	
07/14/10	A neighborhood meeting was held at 3300 North Buffalo Drive. Four members of the public, two city staff members and four members representing the applicant were in attendance. The following concerns were voiced regarding the proposed project: • The proposed structure is too close to the property lines. • The two-story height of the structure will eliminate the privacy of the residential properties that abut the subject site, and residents of the care center will be looking into the adjoining back yards. • The proposed use will change the residential character of the neighborhood and decrease property values by introducing a commercial use adjacent to residential properties. • Landscape buffers will not be adequate to screen the proposed structure from the abutting residential properties. • A couple of the attendees were of the opinion that a restricted office use would be an appropriate commercial use of the property, provided any structures would be limited to one story in height and located adjacent to Cheyenne Avenue; the remainder felt that the residential land use should be maintained. • Residents expressed frustration with repeated attempts in the area by developers to rezone residential properties for commercial uses.

<i>Field Check</i>	
07/22/10	A field check was conducted on the subject site. The following items were noted: • The site contains a well maintained single family residence. • A large storage container in the rear yard was visible from the public right-of-way.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.90

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family Dwelling, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Dwelling, Detached	RE (Rural Estates – Clark County)	R-E (Rural Estates Residential – Clark County)
South	Single Family Dwelling, Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family Dwelling, Detached	RE (Rural Estates – Clark County)	R-E (Rural Estates Residential – Clark County)
West	Single Family Dwelling, Detached	RE (Rural Estates – Clark County)	R-E (Rural Estates Residential – Clark County)
	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject site:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	39,264 SF	N/A
Min. Lot Width	100 Feet	136 Feet	Y
Min. Setbacks:			
• Front	20 Feet	48 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	20 Feet	20 Feet	Y

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Min. Distance Between Buildings	10 Feet	28 Feet	Y
Max. Lot Coverage	50%	37%	Y
Max. Building Height	N/A	28 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, w/roof	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060, the following Residential Adjacency standards apply to the subject proposal:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope (west lot line)	81 Feet	10 Feet	N
3:1 proximity slope (east lot line)	84 Feet	10 Feet	N
3:1 proximity slope (north lot line)	84 Feet	20 Feet	N
Adjacent development matching setback (north lot line)	10 Feet	20 Feet	Y
Adjacent development matching setback (east lot line)	30 Feet	10 Feet	N
Trash Enclosure	50 Feet	53 Feet	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates)	2.18 du/ac	1
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
DR (Desert Rural Density Residential)	2.49 du/ac	2
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	N/A

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Pursuant to Title 19.12, the following landscape standards apply to the subject proposal:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	7 Trees	26 Trees	Y
• South	1 Tree / 20 Linear Feet	4 Trees	9 Trees	Y
• East	1 Tree / 20 Linear Feet	14 Trees	11 Trees	N
• West (adjacent to residential use)	1 Tree / 20 Linear Feet	6 Trees	12 Trees	Y
• West (adjacent to commercial use)	1 Tree / 30 Linear Feet	5 Trees	0 Trees	N
TOTAL PERIMETER TREES		36 Trees	58 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	8 Trees	10 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		20 Feet	Y
• South	15 Feet		4 Feet	N
• East	8 Feet		0 Feet	N
• West	8 Feet		0 Feet	N
Buffer Width adjacent to arterial street	5 Feet		0 Feet	N
Wall Height			6 Feet	Y

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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	
Convalescent Care Facility/ Nursing Home	47 beds; 8 employees on largest shift	1 space/ 6 beds, plus one space/ employ- ee on largest shift, plus 3 spaces	19		16		Y
TOTAL SPACES REQUIRED			19		19		Y
TOTAL (With Handicapped)			18	1	18	1	Y
Compact Spaces Allowed (maximum)			6	N/A	6	N/A	Y

Waivers		
Requirement	Request	Staff Recommendation
Title 19.12.040(A) Buffer Zones —Min. 15 feet buffer width adjacent to rights-of-way	Four feet minimum along the south perimeter	Denial
Title 19.12.040(A) Buffer Zones —Min. 8 feet buffer width adjacent along interior lot lines	Zero feet minimum along a portion of the east and west perimeter	Denial
Title 19.08.040(F) Sidewalks— Min. 5 feet buffer between back of curb and sidewalk along 100-foot arterial streets	Zero feet	Denial

Exceptions		
Requirement	Request	Staff Recommendation
Title 19.08.040(B) Tree Spacing —1 Tree per 20' adjacent to residential uses; 1 Tree per 30' adjacent to commercial uses	0 trees adjacent to commercial and 0 trees adjacent to residential on a portion of the east perimeter	Denial

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ANALYSIS

The project site is located on a primary arterial street in a predominantly low density single-family neighborhood. This lot is adjacent to a convenience store to the west; all other neighboring lots have single-family residential uses, including a lot to the west within the jurisdiction of Clark County. The adjacent lot to the east contains a single-family dwelling and also has frontage along Cheyenne Avenue. Lots along the south side of Cheyenne Avenue are exclusively single-family residential in this area. However, there is a precedent for rezoning residential property for commercial uses along the north side of Cheyenne Avenue. Commercial uses that could be allowed on this site would be compatible with the existing commercial and residential uses in this area. Staff therefore recommends approval of the General Plan Amendment and Rezoning requests.

The subject site is located within the North Las Vegas Airport Overlay District. The ultimate height of the proposed buildings will be well below the 140-foot height restriction in this area; however, the Clark County Department of Aviation has noted that the proposed development will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway. As a result, the applicant is required to file documentation notifying the Federal Aviation Administration of the project. This requirement is noted as a condition of approval of this Site Development Plan Review request.

The site receives access from a 30-foot driveway from Cheyenne Avenue. A crash gate is proposed on the west driveway to comply with Nevada Department of Transportation requirements. Circulation around the site is adequate and will allow for emergency vehicle access to all buildings. However, in order to accommodate the path of circulation a portion of the east and west perimeter landscape buffers have been eliminated, requiring waivers of Title 19.12. Additionally, a waiver is required to allow a zero-foot buffer between the sidewalk and back of curb where five feet containing drought-tolerant plant materials is required. Staff cannot support these waivers because they reflect overbuilding of the site and no adequate justification has been shown for their approval. While additional trees along the north perimeter and the northern portion of the east and west perimeters have been provided to make up for the lack of trees adjacent to commercial and residential properties, an exception is necessary to allow this configuration.

Sufficient parking is provided to meet Title 19 requirements for the use, given a maximum of eight employees on the largest shift. Any increase in staffing will require a variance for a reduction in the amount of provided parking. One space indicated on the site plan as van accessible does not meet Title 19.10 requirements for accessible spaces and shall be removed. A condition of approval addresses this deficiency.

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Two additional buildings are proposed at the rear of the property. Building 'A', located on the west side of the property, is proposed to be a single-story structure; however, it will be attached to a proposed 27-foot tall two-story structure that will contain a kitchen, meeting room and a caretaker's quarters. Building 'B', located on the east side of the property, is for residents only and is 28 feet tall and two stories. As these structures are located adjacent to single-family residential properties, they are subject to Title 19.08 Residential Adjacency Standards. These standards cannot be met given the proposed heights. A reduction in height below 15 feet would allow for compliance with the 3:1 Proximity Slope; however, these standards also require at least a 30-foot setback from the east property line, which cannot be met by this proposal. As the site is overbuilt relative to the size of the property, staff recommends denial of the associated Variance, Special Use Permit and Site Development Plan Review requests. If these requests are denied, the site will retain its entitlement for a Group Residential Care Facility on a single-family residential lot. If approved, the Special Use Permit approval for a Group Residential Care Facility will be expunged.

FINDINGS (GPA-38579)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The intensity of the proposed amendment to an SC (Service Commercial) land use designation is compatible with existing Service Commercial property to the west. Some mitigation of negative effects may be necessary from adjacent residentially designated properties.

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The proposed amendment to SC (Service Commercial) would allow zoning districts that permit new and converted offices, neighborhood services and light retail and other commercial uses. These uses will be compatible with the existing commercial and residential uses on adjacent properties.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

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The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Cheyenne Avenue, a 100-foot wide Primary Arterial street, provides adequate access to any proposed commercial use. Thus, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no special area plans that include this site or neighboring parcels.

FINDINGS (ZON-38580)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

With approval of an associated request proposing to amend the General Plan on this site from DR (Desert Rural Density Residential) to SC (Service Commercial), the request to rezone from R-E (Residence Estates) to C-1 (Limited Commercial) would conform to the General Plan.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The wide range of commercial uses that would be allowed on this site will be compatible with the surrounding land uses and zoning districts, which include a C-1 (Limited Commercial) property to the west and O (Office) to the east.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

There is precedence for rezoning existing residential properties for commercial use along the north side of Cheyenne Avenue; rezoning of the subject property will not result in leapfrog development.

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4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Cheyenne Avenue, a 100-foot Primary Arterial street, provides access to the property. This street provides adequate capacity to meet the needs of development on the subject parcel.

FINDINGS (VAR-38576)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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FINDINGS (SUP-38574)

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 proposed Convalescent Care Facility cannot be conducted in a manner that is harmonious and compatible with the adjacent low density residential uses, unless it is reduced in size and scope.

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

At 0.90 acre, the site cannot accommodate the size and height of the buildings proposed without approval of applicable landscape waivers and variances of residential adjacency standards. The land use type may be appropriate if the project were designed for fewer residents.

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.

Cheyenne Avenue, a 100-foot Primary Arterial street, provides access to the property. This street provides adequate capacity to meet the needs of development on the subject parcel.

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 proposed Convalescent Care Facility will be subject to building and licensing inspection and will 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 Special Use Permit requirements for a Convalescent Care Facility/Nursing Home use located within a commercial zoning district.

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FINDINGS (SDR-38577)

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 17,777 square-foot Convalescent Care Facility is two stories in height, not adequately buffered from protected residential uses and is out of character with existing development in the area.

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;

The proposed Convalescent Care Facility requires a variance from several residential adjacency setback requirements and waivers from perimeter landscape buffer requirements.

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

Site access is provided by one driveway from Cheyenne Avenue, a 100-foot Primary Arterial street. A second driveway access is provided for emergency vehicles and is proposed to be gated. The circulation designed for the site is adequate and should not impede neighborhood traffic.

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

Buildings contain stucco exteriors with concrete tile roofs, typical of other residential, office and retail buildings in this area. Landscape materials cover a variety of drought-tolerant species and are appropriate 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 building elevations are suitable for the use and create an orderly and pleasing environment; however, at the height proposed, they are not harmonious and compatible with adjacent single-family residential development.

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

The proposed project will be subject to licensing and building inspections and maintenance, thereby securing the public health, safety and general welfare.

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