



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: APRIL 16, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: WESTCARE - OWNER: SOUTHERN NEVADA
REGIONAL HOUSING AUTHORITY

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-52719	Staff recommends APPROVAL, subject to conditions:	
SUP-52715	Staff recommends APPROVAL, subject to conditions:	VAR-52719
SUP-52717	Staff recommends APPROVAL, subject to conditions:	VAR-52719
VAC-52721	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

VAR-52719 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Vacation (VAC-52721).
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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 Department of Building and Safety.
- 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-52715 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-52719) shall be required.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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 Department of Building and Safety.
- 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-52717 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-52719) shall be required.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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 Department of Building and Safety.

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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.

VAC-52721 CONDITIONS

1. The limits of this Petition of Vacation shall be the remaining public alley dedicated per Book 1, Page 7 of plats situated in between assessor lots APN #139-35-211-072 and 139-35-211-093.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.
3. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. If the Order of Vacation (or Order of Relinquishment of Interest if a Patent Reservation) is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Variance to allow 29 parking spaces where 62 parking spaces are the minimum required on 1.47 acres at 323 North Maryland Parkway for the relocation of a Social Service Provider and a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse uses. An associated Vacation (VAC-52721) application will be heard concurrently with this request. Staff is recommending approval of the requests as the site was previously utilized as a Social Service Provider and the unique shape of the parcels support the requested Variance. If denied, no business licenses could be issued for the proposed uses.

ISSUES

- A Variance is required to allow 29 parking spaces where 62 parking spaces are required. Staff supports this request due to the unique, odd shape of the parcels.
- A Special Use Permit is required for a Social Service Provider. Staff supports this request.
- A Special Use Permit is required for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse. Staff supports this request.
- A Vacation is required to remove a right-of-way. Staff supports this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/24/78	The Board of Zoning Adjustment approved a Special Use Permit (U-0005-78) to allow a child care center at 323 North Maryland Parkway.
09/01/90	The Planning and Development Department approved a plot plan for an addition to an existing structure at 323 North Maryland Parkway.
09/06/06	The City Council approved a Special Use Permit (SUP-14252) for an existing social service provider at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-14246) from: R-2 (Medium-Low Density Residential) to: C-1 (Limited Commercial) on 1.47 acres at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/06/06	The City Council approved a Variance (VAR-14251) to allow 29 parking spaces where 50 parking spaces are the minimum required on 1.47 acres at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.
03/11/14	The Planning Commission voted (5-0-1) to recommend APPROVAL of VAR-52719 [Variance to allow 29 parking spaces where 62 spaces are required]; and voted (6-0-1/bg) to recommend APPROVAL of SUP-52715 [Special Use Permit for a social service provider], SUP-52717 [Special Use Permit for a facility to provide testing, treatment, or counseling for drug or alcohol abuse] and VAC-52721 [Vacate a public right-of-way].

<i>Most Recent Change of Ownership</i>	
08/10/11 and 08/18/11	Deeds were recorded for a change in ownership of the three parcels.

<i>Pre-Application Meeting</i>	
01/07/14	Staff met with the applicant regarding locating a Social Service and Alcohol Abuse Treatment Facility at 323 North Maryland Parkway. It was noted a Vacation and a Variance for parking would be required in addition to the two Special Use Permit applications.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
01/30/14	Staff visited the site and found a well maintained vacant building. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.47

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
North	I-515 Rights-of-way	I-515 Rights-of-way	I-515 Rights-of-way
South	Shopping Center	MXU (Mixed Use)	C-2 (General Commercial)
	Convenience Store		
East	General Personal Service	MXU (Mixed Use)	C-1 (Limited Commercial)
	Multi Family		R-3 (Medium Density Residential)
West	Multi Family	MXU (Mixed Use)	R-3 (Medium Density Residential)
			R-4 (High Density Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Live/Work Overlay District	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N
Project of Regional Significance	N

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Maryland Parkway	Secondary Collector	Planned Streets and Highways	80	Y
13 th Street	Secondary Collector	Planned Streets and Highways	65	Y

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Pursuant to Title 19.08 and 19.12, 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	
Social Service Provider	18,588 SF	1/300 SF	62				
TOTAL SPACES REQUIRED			62		29		N
Regular and Handicap Spaces Required			60	2	28	1	N
Percent Deviation			46 %				N

ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a Mixed-Use (MXU) land use designation. The Mixed-Use (MUX) designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

The Social Service Provider use is defined as “A facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. This use includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission, homeless shelter or an adult day care center”. The proposed use meets the definition as stated in the applicants’ justification letter.

There are no minimum Special Use Permit requirements for this use.

A Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse is defined as “A facility that: 1. Operates under or is subject to the provisions of NRS 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”. The proposed use meets the definition as stated in the applicants’ justification letter.

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There are no minimum Special Use Permit requirements for this use.

This site previously housed another Social Service Provider without incident for nearly ten years. Staff finds no reason to believe that another such use would be any different and support the request. The companion Special Use Permit for A Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse is also appropriate for this location. The parcels are bounded by the I-515 right-of-way on the north and two major one-way collectors on the east and west perimeters. The south is boarded by the rear of a shopping center and a convenience store with a six-foot solid wall separating the uses. The site has easy access to public transportation. There are no single family residences in the near vicinity which makes this an ideal location for providing needed services to the community.

However, in order to locate here, a Variance is required to allow 29 parking spaces where 62 are required. Staff supports this request primarily due to the unique shape of the parcels, which limit the development potential of the site. The applicant also states that the majority of their clients utilize mass transportation to get to and from the facility. It should be noted that the previous Social Service Provider also required a Variance for parking in order to operate at this location. That Variance was also supported and approved by the City.

This application request also proposes that the City of Las Vegas relinquish its interest in an 20-foot wide by 145-foot easement, generally located on the west side of 13th Street approximately 145 feet north of Stewart Avenue. The Legal Description is:

“All that part of granview addition, a subdivision of the norhtwest quarter of the northwest quarter of section 35, township 20 south, range 61 east, M.D.B. & M, Clark County, Nevada, and all that part of Fairview Tract, a subdivision of the southwest quarter of section 35, township 20 south, range 61 east, M.D.B. & M, and a part of 14th street city addition to the city of Las Vegas, Clark County, Nevada, a subdivision of the northwest quarter of section 35, township 20 south, range 61 east, M.D.B. & M., described as follows:

Beginning at the southeast corner of the northwest quarter of the northwest quarter of said section 35; Thence north 0°13' east a distance of 298.6 feet to the southeast corner of the Gunnery Flying School Tract; Thence north 89°57' west a distance of 882.44 feet to the southwest corner of said Gunnery Flying School Tract; Thence south 0°19' west a distance of 298.60 feet to the southwest corner of said part of Grand View Addition; Thence south 89°57' east, a distance of 316.28 feet to a point; Thence south 0°19' west 36.336 feet to a point; Thence tangent to the prededing course, around the arc of a 287.433 feet radius curve to the right, having a central angle of 27°54', a distance of 139.965 feet to a point on the northerly end line of 11th street; Thence south 61°47' east 208.00 feet to the center line of the dedicated alley in block 11 of said Fairview Tract; Thence south 28°13' west a distance of 250 feet to a point; Thence south 61°47' east a distance of 570 feet to a point on the center line of 13th street; Thence south 28°13' west along said center line of 13th street a distance of 189.82 feet to its intersection with the center line of Stewart Street; Thence south 61°47' east a distance of 134.26 feet to a point in the west line of 14th street addition; Thence south 61°48' (east a distance of 245.38 feet to a point on

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the center line of 14th street; Thence north 28°09' east along said center line of 14th street, a distance of 480.12 feet to its intersection with the center line of Marlin Avenue (formerly Mesquite Street); Thence north 61°48' west along said center line of Marlin Avenue a distance of 22 feet to its intersection with the southerly extension of the center line of 14th street; Thence north 0°06' east along said center line and its extension a distance of 406.67 feet to a point; Thence north 89°29' west a distance of 260 feet to a point on the center line of 13th street; Thence southerly and southwesterly along said center line of 13th street south 0°06' west a distance of 135.20 feet and south 28°09' west a distance of 118.67 feet to its intersection with the center line of said Marlin Avenue; Thence north 0°18' east a distance of 245.77 feet to a point; Thence north 89°57' west a distance of 140 feet to a point; Thence north 0°18' east a distance of 131.08 feet to a point; Thence north 28°13' east a distance of 78.02 feet to a point; Thence south 89°57' east a distance of 103.47' to a point of beginning.

Excepting therefrom the west half of that part of 14th street extending from the center line of Stewart Street to the north line of lot 16 extended in block 7 of 14th street, City Addition.

Further excepting therefrom any portion of land lying within the 14th street addition as recorded in book of plats one (1), page eighty-two (82) as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom any dedicated streets & alleys per the refereced plats of Grand View, as recorded in book two (2) of plats, page twenty (20), of Fairview Tract, as recorded in book one (1) of plats, page seven (7), and of 14th street addition, as recorded in book one (1) of plats, page eighty-two (82) as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further exception therefrom that parcel of land as conveyed to the City of Las Vegas on October 16th, 1968 in book 985 as instrument no. 791138, on January 28th, 1970 in book 6 as instrument no. 4749, on March 9, 1970 in book 16 as instrument no. 12351, on June 11th, 1970 in book 40 as instrument no. 31288, and on October 14th, 2002 in book 20021014 as instrument nos. 00600, 00602 and 00604 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom those properties deed to the State of Nevada on October 15th, 1979 in book 1133 as instrument no. 1092029, and on November 3rd, 1980 in book 1305 as instrument no. 1264372 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom any protion of described property lying within interstate route 515 as deeded to the State of Nevada from the Housing Authority of the City of Las Vegas as recorded on November 23rd, 1979 in book 1151 as instrument no. 1110439, and corrected by deed recorded September 24th, 1981 in book 1467 as instrument no. 1426324 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

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And further excepting therefrom all the property described in the deed recorded on February 5th, 2002 in book 20020222 as instrument no. 02033 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom the property deeded to the Latin Chamber of Commerce Community in book 20020130:00005, dated January 30th, 2002, being lot 3 of parcel map file 93, page 43 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom the property deeded to the Ray & Colleen Baily 1988 Living Trust by deed recorded January 18th, 1995 in book 19950118 as instrument no. 00530 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

And further excepting therefrom the above described parcel lot 1 of parcel map file 63, page 86. Together with the vacated streets, which would pass by operation of law, per the following: Order of vacation recorded September 25th, 1979 in book 1122 as instrument no. 1081851, and order of vacation recorded October 11th, 2002 in book 20021011 as instrument no. 00923 as recorded in the office of the Clark County Recorder, Clark County, Nevada.

(The above metes and bounds description is the same as appeared in the deeds recorded August 18th, 2011 in book 20110818 as document no's. 02337, 02338, 02340 of official records)."

The Public Works Department has provided the following comments:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it is to eliminate a land-locked public alley which should have been previously vacated with onsite development.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since it is an unused alley.*
- C. Does it appear that the vacation request involves only excess right-of-way? *The vacation is for a land-locked, unused public alley.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SUP-52715, SUP-52717, and VAR-52719, which are to provide social services.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

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FINDINGS (VAR-52719)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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.”

The applicant cites operational characteristics and the economic status of their clients as the basis for the Variance request. In addition, the parking requirement for the Social Service Provider use applies the same standard as is applied to the general office use, and does not address differences in clientele or operations.

The proposed Variance will not:

1. Permit a use in a zoning district in which it is not allowed;
2. Vary any minimum spacing requirements, as no separation requirements apply to either the Social Service Provider or Child Care Center uses;
3. Relieve a hardship that is financial or personal in nature, but rather addresses a different operational standard that is not provided by Title 19.16.

FINDINGS (SUP-52715)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.**

A Social Service Provider use has been in operation on the site since 2000, and there is no evidence of impacts to adjoining properties. The subject site is surrounded by multifamily uses and commercial uses, and the Social Service Provider use is consistent with the General Plan land use designation.

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

The subject site is generally adequate for the uses intended for the site. The facility will require the approval of a Variance (VAR-52719), as the property does not comply with the parking requirements listed in Title 19.12.

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.

The subject property has access to Maryland Parkway and Rue 13, both of which are designated as 80-foot wide Secondary Collectors on the Master Plan of Streets and Highways.

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 the use will not be inconsistent with the General Plan, nor will it compromise public health, safety, or welfare.

5.The use meets all of the applicable conditions per Title 19.12.

There are no additional conditions per Title 19.12. for a Social Service Provider.

FINDINGS (SUP-52717)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.

A Social Service Provider use has been in operation on the site since 2000, and there is no evidence of impacts to adjoining properties. The subject site is surrounded by multifamily uses and commercial uses, and the Social Service Provider use is consistent with the General Plan land use designation.

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

The subject site is generally adequate for the uses intended for the site. The facility will require the approval of a Variance (VAR-52719), as the property does not comply with the parking requirements listed in Title 19.12.

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.

The subject property has access to Maryland Parkway and Rue 13, both of which are designated as 80-foot wide Secondary Collectors on the Master Plan of Streets and Highways.

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 the use will not be inconsistent with the General Plan, nor will it compromise public health, safety, or welfare.

5.The use meets all of the applicable conditions per Title 19.12.

There are no additional conditions per Title 19.12. for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse use.

FINDINGS (VAC-52721)

Staff has no objection to the vacation of this public right-of-way, as the easement is no longer utilized. Staff recommends approval with conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

230 [VAR-52719, SUP-52715 & SUP-52717] By City Clerk

24 [VAC-52721] By City Clerk

APPROVALS

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PROTESTS

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