



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FF SERIES HOLDINGS, LLC AND ELAINA V. FILOSI FAMILY TRUST

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-64835	Staff recommends DENIAL.	
ZON-64836	Staff recommends DENIAL.	GPA-64835
VAR-66518	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836
VAR-66519	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836 VAR-66518
VAR-66973	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836 VAR-66518 VAR-66519
WVR-66696	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836 VAR-66518 VAR-66519 VAR-66973
SUP-66520	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836 VAR-66518 VAR-66519 VAR-66973 WVR-66696
SDR-66521	Staff recommends DENIAL, if approved subject to conditions:	GPA-64835 ZON-64836 VAR-66518 VAR-66519 VAR-66973 WVR-66696 SUP-66520

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**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

24 - GPA-64835 and ZON-64836

26 - VAR-66518, VAR-66519,
VAR-66973, WVR-66696,
SUP-66520 and SDR-66521

NOTICES MAILED

151 - GPA-64835 and ZON-64836

206 - VAR-66518 and VAR-66519
206 - WVR-66669 and SUP-66520
206 - VAR-669773 and SDR-66521

APPROVALS

2 - GPA-64835 and ZON-64836

0 - VAR-66518 and VAR-66519
0 - WVR-66669 and SUP-66520
0 - VAR-669773 and SDR-66521

PROTESTS

16 - GPA-64835 and ZON-64836

1 - VAR-66518 and VAR-66519
1 - WVR-66669 and SUP-66520
1 - VAR-669773 and SDR-66521

**** CONDITIONS ****

VAR-66518 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66519), Variance (VAR-66973), Waiver (WVR-66696), Special Use Permit (SUP-66520) and Site Development Plan Review (SDR-66521) shall be required, if approved.
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.

Public Works

6. Sign and record a Covenant Running with Land Agreement for half street improvements not constructed at this time on Starlight Drive (including curb and gutter, sidewalks, permanent paving and possibly fire hydrants and sewers). The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of off-site permits or the recordation of a map, whichever may occur first.

VAR-66519 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66518), Variance (VAR-66973), Waiver (WVR-66696), Special Use Permit (SUP-66520) and Site Development Plan Review (SDR-66521) shall be required, if approved.
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.

VAR-66973 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66518), Variance (VAR-66519), Waiver (WVR-66696), Special Use Permit (SUP-66520) and Site Development Plan Review (SDR-66521) shall be required, if approved.
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.

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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.

WVR-66696 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66518), Variance (VAR-66519), Variance (VAR-66973), Special Use Permit (SUP-66520) and Site Development Plan Review (SDR-66521) shall be required, if approved.
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.

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Public Works

6. The installation of streetlights on Starlight Drive shall be deferred provided that exterior street lighting shall be stubbed out for later use, including all necessary underground improvements including conduit and pull boxes at each future streetlight location, and the developer shall provide to the City such streetlights for future installation. Alternatively, monies in lieu of such deferred streetlights, including foundations, may be contributed to the City if allowed by the Department of Public Works. The contributed amount shall be based on the City's current bond schedules for all streetlights and associated infrastructure deferred by this action adjacent to this site.

SUP-66520 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Convalescent Care Facility/Nursing Home use.
2. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66518), Variance (VAR-66519), Waiver (WVR-66696) and Site Development Plan Review (SDR-66521) shall be required, if approved.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-66521 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-64835), Rezoning (ZON-64836), Variance (VAR-66518), Variance (VAR-66519), Variance (VAR-66973), Waiver (WVR-66696) and Special Use Permit (SUP-66520) shall be required, if approved.
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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/01/16, except as amended by conditions herein.
4. The Trash Enclosure and Mechanical Equipment shall be screened in accordance with Title 19.08.040(E)(4).
5. A six to eight-foot tall perimeter wall shall be constructed adjacent to residentially zoned property and property used for residential purposes in accordance with Title 19.08.
6. A Waiver from Title 19.08 is hereby approved, to allow a ten-foot landscape buffer adjacent to Starlight Drive.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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10. 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. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - a. One, 24-inch box tree every 20 linear feet with four, 5-gallon shrubs for every required tree within the required landscape buffer areas.
 - b. One, 24-inch box tree with four 5-gallon shrubs for every required tree at the end of each row of parking spaces.
 - c. The required landscape buffers shall be installed in accordance with Title 19.08.060 for Landscape Buffers – Minimum Zone Depths, except as amended herein.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Grant a 5-foot Pedestrian Access Easement for a future detached sidewalk on Tenaya Way adjacent to this site prior to the issuance of any permits.
14. Construct half-street improvements meeting Complete Streets on Starlight Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. This condition may be modified by conditions of approval for VAR-66518 and WVR-66696.
15. In accordance with Title 13.56.040, remove all substandard public street improvements and unused driveway cuts on Tenaya Way adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

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16. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
17. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Submit an Encroachment Agreement for landscaping and private improvements in the Tenaya Way and Starlight Drive public rights-of-way, if any, prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to construct an 84-bed Convalescent Care Facility/Nursing Home on seven adjacent undeveloped lots located in between Tenaya Way and Starlight Drive, approximately 210 feet south of Azure Drive.

ISSUES

- A General Plan Amendment has been requested to change the future land use designation on the subject site from R (Rural Density Residential) to O (Office).
- A Rezoning has been requested to change the zoning designation on the subject site from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to O (Office).
- A Variance is required to allow a ten-foot Residential Adjacency setback where 69 feet is required.
- A Variance is required to allow no off-site improvements along Starlight Drive where Complete Streets Standards are required.
- A Variance is required to allow for 46 percent lot coverage where 30 percent is the maximum allowed.
- A Waiver is required to allow no streetlights along Starlight Drive.
- A Special Use Permit is required to allow a Convalescent Care Facility/Nursing Home use in the O (Office) zone.
- A Waiver is required to allow a ten-foot landscape buffer adjacent to Starlight Drive.

ANALYSIS

The applicant has proposed to construct a Convalescent Care Facility/Nursing Home on seven, adjacent half-acre lots located in between Tenaya Way and Starlight Drive, approximately 210 feet south of Azure Drive. The seven lots combined total approximately 3.28 acres. The proposed 84-bed Convalescent Care Facility/Nursing Home is a single-story, 56,428 square-foot facility with a 9,300 square-foot support building to be constructed on the west side of the primary structure. The proposed facility would have 14 employees during a full shift.

According to the Department of Public Works – Traffic Division, this project will add approximately 500 trips per day on Tenaya Way, Azure Drive, and Starlight Drive. Currently, Tenaya Way is at approximately 42 percent of capacity and Azure Drive is at approximately 46 percent of capacity. With the addition of this project to the area, Tenaya Way is expected to be at

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about 44 percent of capacity and Azure to be at about 49 percent of capacity. Traffic volumes are not available for Starlight Drive, but it is believed to be under capacity. Based on peak hour use, this development will add into the area roughly 49 additional cars, or about one every minute.

The primary structure (memory care) has been designed to provide the long-term care residents a residential feel with individual rooms, seating areas for gathering, and two courtyards. A linear landscaped pathway separates the two main quadrants of the memory care facility. Four nurse's stations and kitchen areas are strategically placed to provide the residents assistance and care.

The 9,300 square-foot support building located adjacent to the west façade of the memory care building houses the main kitchen, a 24-seat theater, a café and restaurant, and a private dining area. In addition, there are multiple storage areas, men's and women's restrooms, and offices with a conference room.

The floor plans submitted with the proposed development are misleading as there are two different floor plans submitted for the far northwest quadrant. One floor depicts rooms for patients, while the other depicts an exercise/rehab room and enlarged living area in addition to the rooms with patients. The conflicting floor plans do not change the footprint of the building, just how the interior of the structure will eventually be built-out to include.

The proposed Convalescent Care Facility/Nursing Home is a 26-foot tall single-story building when measured to the pitch of the roof. The applicant has proposed a Mediterranean style building with an earth tone palette accented by stone veneers and a concrete tile roof. Canopies have been added to the building façade to aid in the buildings "residential" feel for the residents in addition to doors and windows more characteristic of a residential building then a commercial building.

In March of 2008, General Plan Amendment (GPA-26004) and Rezoning (ZON-26006) was approved for ten parcels directly adjacent to Tenaya Way. Parcel one (125-27-610-001) located on the southeast corner of Tenaya Way and Azure Drive, in addition to the nine sequential parcels (125-27-610-002 through 010) south of parcel one were amended to the O (Office) General Plan designation and rezoned to O (Office) to create a buffer for the existing single family residences and the remaining residentially zoned properties located east of these parcels from the increasing traffic on Tenaya Way and more intense commercial uses located on the west side of Tenaya Way by creating this Office corridor. The four subject lots adjacent to Tenaya Way (APNs 125-27-610-003, 004, 005, and 006) were part of this action. The three subject lots adjacent to Starlight Drive (APNs 125-27-610-020, 021, and 022) were not part of this action and remained residentially zoned. The applicant has requested a General Plan Amendment from R (Rural Density Residential) to O (Office), and a Rezoning from U (Undeveloped) [R (Rural Density Residential) General Plan designation] to O (Office) for these three lots in order for them to be developed as part of this proposal.

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The approval of this General Plan Amendment and associated Rezoning application would allow commercial uses in a residential neighborhood and introduce incompatible uses of land. For this reason, staff is recommending denial of both the General Plan Amendment and Rezoning requests.

The applicant is also requesting three Variances for the proposed project. The first requested Variance (VAR-66518) is to allow for no off-site improvements along Starlight Drive. The City is currently in the process of upgrading current roadways to Complete Streets Standards, a connected transportation system as outlined in the City's General Plan to provide a safe and accessible environment for a variety of transportation modes and users, including pedestrians. While it is customary for this area to not have sidewalks, curb and gutters, staff finds the approval of this Variance request will set a precedence for future development along Starlight Drive and is recommending denial of this request.

The second Variance (VAR-66519) request is to allow a ten-foot Residential Adjacency where 69 feet is required. Directly adjacent to the subject site along the northern and southern eastern edge of the proposed project are existing single-family residences. Title 19 allowed for a maximum building height of 15 feet when built to the setback line for Residential Adjacency. The applicant has proposed to construct a 26-foot tall building when measured to the tallest roofline peak. Per Title 19 for Residential Adjacency Standards, this particular building would require a 69-foot setback when the 3:1 slope requirement is applied. Staff finds the proposed building setback of ten feet will be too intrusive to the existing residential neighbors and is recommending denial of this Variance request.

Variance (VAR-66973), the third Variance requested, is a request to allow 46 percent lot coverage where the O (Office) zone allows a maximum of 30 percent lot coverage. Staff finds the applicant has proposed to overdevelop the site, as evidenced by the need for this Variance request and is recommending denial of this request.

In addition to Variance request to not install half-street improvements, the applicant is also requesting a Waiver (WVR-66675) to not install streetlights along Starlight Drive. Staff finds this will also set a precedence for development in the area and is recommending denial of this request, but if approved, a Condition of Approval has been added for the exterior street lighting to be stubbed out for later use.

In the O (Office) zoning district, a Special Use Permit is required for a Convalescent Care Facility/Nursing Home. The Convalescent Care Facility/Nursing Home use is defined as "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. This use includes a "rest home" and "nursing home," as well as a use that would qualify as a Community Residence except for the limitation on the number of residents, but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in LVMC Chapter 19.18."

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The Minimum Special Use Permit Requirements for this use include:

1. Requirement 1: The minimum parcel size shall be 10,000 square feet.

The combined square footage of the two lots is 142,877 square feet, meeting this requirement.

2. Requirement 2: The maximum number of beds per acre of land shall be 50.

The proposed Convalescent Care Facility/Nursing Home contains 84 beds on 3.28 acres, which is approximately 27 beds per acre. The proposed development has met this requirement.

3. Requirement 3: The facility must be located on a collector street or larger.

The subject site has frontage on two adjacent roadways. Access to the site will be provided by Tenaya Way, a Major Collector. Vehicular access will not be provided to the site from Starlight Drive.

Although the proposed land use has met the Minimum Requirements for the approval of a Special Use Permit for a Convalescent Care Facility/Nursing Home, staff finds the proposed building to be too large and too intense for the subject site as evidenced by the requested Variances and is recommending denial of this request and all associated request.

Landscape buffer requirements set forth by Title 19.08 for the O (Office) zoning district include a 15-foot landscape buffer adjacent to right-of-way. The applicant has proposed portions of the required 15-foot landscape buffer adjacent to Starlight Drive reduce down to ten feet in some sections. Directly adjacent to the subject site along the northeastern and southeastern edge of the proposed development are existing single-family residences. Due to the proposal of the construction of an incompatible land use and building into a residential neighborhood, staff cannot support a reduction in the required landscape buffer adjacent to a right-of-way primarily used by residents and is recommending denial of this Waiver request.

Staff finds the placement of two parking lots and a support building adjacent to Tenaya Way, or the “front” of the development to be not aesthetically pleasing and incompatible with development in the area. The proposed project does not support the development goals set forth by Title 19 and is recommending denial of this Site Development Plan Review and all related application requests.

FINDINGS (GPA-64835)

Section 19.16.030(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 proposed O (Office) General Plan Designation would not be compatible with the existing single-family residential uses located adjacent to and near the subject sites.

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

Amending the General Plan for the subject site from R (Rural Density Residential) to O (Office) would not be an appropriate land use designation as this would allow for the encroachment of commercial uses into the existing residential neighborhood.

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

Starlight Drive is a local street designed to carry a combination of light commercial and residential traffic between minor collectors, major collectors, and primary arterials. Starlight Drive may be adequate to handle land uses and densities permitted in the O (Office) General Plan Designation.

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

The subject sites are three undeveloped lots directly adjacent to single family residences. While developing these lots would be in support of the City's policies, it only supports City policy when such development is compatible with the surrounding area.

FINDINGS (ZON-64836)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

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If approved, the proposed O (Office) zoning district would conform to the proposed O (Office) General Plan Designation.

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 uses allowed in the proposed O (Office) zoning district would not be appropriate for integration with the existing and planned residential uses.

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

The subject site is directly adjacent to single family residential, it would be more appropriate to develop the subject site in accordance with the current General Plan designation for residential and allow the Office corridor already established along Tenaya Way to serve the area residents commercial needs.

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.

Starlight Drive is a local street designed to carry a combination of light commercial and residential traffic between minor collectors, major collectors, and primary arterials. Starlight Drive may be adequate to handle land uses and densities permitted in the O (Office) General Plan Designation.

FINDINGS (VAR-66518)

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

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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 not install the half-street improvements in accordance with the Complete Streets Standard along Starlight Drive. 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.

FINDINGS (VAR-66519)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to over build the subject site and not meet the required Residential Adjacency setback. Alternative site design, including a building proportioned to fit within the building envelope 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 (VAR-66973)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overdevelop the subject site and exceed the maximum lot coverage allowed by Title 19. Alternative site design including a reduction in the building footprint would allow conformance to the Title 19 requirements for lot coverage. 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.

FINDINGS (WVR-66696)

When a site is developed in the City of Las Vegas, it is customary to require the installation of all incomplete or damaged improvements surrounding the site so they match what exists in the surrounding area.

Although streetlights are not customary in this area, the City is currently working on building complete streets throughout the City. Additionally, developing three lots adjacent to Starlight Drive will set the precedent for future improvements on Starlight Drive. Therefore, staff is recommending denial of this Waiver request.

FINDINGS (SUP-66520)

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.

The proposed Convalescent Care Facility/Nursing Home encroaches into an area designated for single-family homes, with an existing single-family residence located directly adjacent to the subject site on the northeastern and southeastern edge along Starlight Drive. With the proposed building not meeting Residential Adjacency Standards, the proposed land use cannot be conducted in a manner that is harmonious or compatible with the surrounding land uses.

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

As demonstrated by the requested Waiver and numerous Variances, the subject site is not physically suited for the type and intensity of 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.

Tenaya Way is a Major Collector and is adequate in size to meet the requirements of the proposed use.

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.

Amending the General Plan in order to encroach a commercial use into an area designated for single-family homes does not support the overall objectives of the General Plan.

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

The proposed Convalescent Care Facility/Nursing Home meets all of the applicable requirements set forth by Title 19.12.

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FINDINGS (SDR-66521)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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;

Three of the subject lots are directly adjacent to existing single-family residences on Starlight Drive. The requested Variance to allow for a 10-foot Residential Adjacency setback where 69 feet is required demonstrates that the proposed development is not compatible with adjacent development.

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 development is not consistent with Title 19 requirements for Residential Adjacency Standards, Complete Street Standards, and maximum lot coverage allotment for the O (Office) zoning district. In addition, the applicant has requested a Waiver to reduce a portion of the required 15-foot landscape buffer adjacent to Starlight Drive to ten feet, a road primarily used by residents. The proposed development does not support the overall goals of the General Plan nor does it meet the minimum developments standards set forth by Title 19.

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

Site access will not be provided by Starlight Drive, therefore, not negatively impacting residential neighborhood traffic. Primary access to the site is provided by Tenaya Way, an 80-foot Major Collector.

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

The proposed building finishes consist of stucco, concrete, and stone veneers; with the proposed landscape materials consisting of Mexican Palo Verde Trees and Texas Ranger shrubs. All of these materials are appropriate for the City and a desert climate.

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;

Building elevations are not unsightly or obnoxious in appearance, but are not compatible with the existing single-family residences in the area as evidenced by the Variance request to exceed the allowable lot coverage and to reduce Residential Adjacency from 69 feet to 10 feet.

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

The proposed project is subject to the building permit review process during the permitting phase, and subject to building inspections during the construction phase securing and protecting the public health, safety, and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/16/02	The City Council approved a Petition to Annex (ANX-21629) property generally located on the southeast corner of the intersection of Tenaya Way and Azure Drive. The annexation was effective as of 01/25/02.
03/19/08	The City Council approved a request for a General Plan Amendment (GPA-26004) to amend a portion of the Centennial Hills Sector Plan of the General Plan from R (Rural Density Residential) to O (Office) on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-26006) from U (Undeveloped) [R (Rural density Residential) General Plan designation] (Rural Density Residential) to O (Office) on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Variance (VAR-26369) to allow a 20-foot front yard setback where 25 feet is required for a proposed five building, 51,000 square-foot professional office development on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. The Planning Commission recommended approval, staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (SDR-26008) for a proposed five building, 51,000 square-foot professional office development on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. The Planning Commission recommended approval, staff recommended denial.
08/02/16	The Planning Commission approved a request to hold General Plan Amendment (GPA-64835) and Rezoning (ZON-64836) in abeyance until the 10/11/16 Planning Commission meeting due to a notification error.

<i>Most Recent Change of Ownership</i>	
12/01/08	A deed was recorded for a change in ownership for parcel numbers 125-27-610-004, 005, 006 and 021.
09/22/15	A deed was recorded for a change in ownership for parcel number 125-27-610-003, and 022.

<i>Related Building Permits/Business Licenses</i>
There are no relevant building permits for the subject parcels.

<i>Pre-Application Meeting</i>	
05/24/16	Staff conducted a pre-application conference where the submittal requirements for a General Plan Amendment and Rezoning were discussed via email and telephone conference.

<i>Neighborhood Meeting</i>	
06/29/16	A neighborhood meeting was held on June 29, 2016 at 6:30 p.m. at the Centennial Hills YMCA located at 6601 North Buffalo Drive. Meeting Start Time: 6:30 p.m. Meeting End Time: 8:15 p.m.

<i>Neighborhood Meeting</i>	
06/29/16	Attendance: 6 Representatives for the Applicant/Owner 1 Representative from the Planning Department 1 Representative from Mayor Pro Tem Ross' Office Approximately 12 Members of the public (neighbors) were in attendance. The owner/applicant and his Architect presented some conceptual drawings that included a possible site plan and interior elevations of a Memory Care facility for Alzheimer's and Dementia patients to be built on the subject site. They also presented a brief video that provided the neighbors with a glimpse of how an existing facility they currently operate looks and feels. The drawings demonstrated a single-story facility with 90 beds designed in "pods" to provide a home-like setting for the patients. The facility would be "secured" to prevent patients from wondering off.

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October 11, 2016 - Planning Commission Meeting

<i>Neighborhood Meeting</i>	
	Concerns: • The neighbors do not want zoning to change along Starlight Drive, want it to remain residential. • Since the memory care could be built in the R-E (Residence Estates) zone with a Special Use Permit as well, is there an option of zoning the property along Tenaya Way to R-E (Residence Estates) instead of rezoning the properties to O (Office) along Starlight Drive? • The neighbors want to maintain their rural lifestyle and do not want sidewalks, streetlights, etc. They do not feel the proposed memory care has a “rural” feel like their homes and that it would not “fit-in” with the neighborhood. • They are also concerned about lighting, would prefer no lighting. • The neighbors are afraid by allowing for this development to occur that it will set precedence in the residential neighborhood for high density development, they feel the proposed memory care is too dense and requested that if it is going to be built to at least reduce the number of beds, widen the setbacks, provide walls, and denser landscaping. • There was also concern about increased traffic in the area, where would the employees park, etc. Would there be access to the site off of Starlight Drive? Concern was also raised about property values. Neighbors feel by surrounding their residential properties with commercial, their home values will drop and they will not be able to sell them at any price.

<i>Neighborhood Meeting</i>	
06/29/16	The neighbors in attendance were opposed to the proposed General Plan Amendment and Zone change, and the conceptual memory care development presented. A few expressed interest in working with the applicant on design elements (reduced number of beds, increased landscaping buffer, increased wall height, low-level lighting, etc.) to aid in the facility blending in with the neighborhood if it was going to be built, but would prefer it to be not built at all.

<i>Field Check</i>	
06/02/16	Staff performed a routine field check where seven vacant, undeveloped lots were observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.28

<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	Undeveloped	R (Rural Density Residential)	U (Undeveloped)[R (Rural Density Residential)]
North	Detached Single Family Residence	RL (Residential Low) Clark County	R-E [Rural Estates Residential (2 Units per Acre)] Clark County
South	Detached Single Family Residence	RL (Residential Low) Clark County	R-E [Rural Estates Residential (2 Units per Acre)] Clark County
East	Undeveloped	RL (Residential Low) Clark County	R-E [Rural Estates Residential (2 Units per Acre)] Clark County
West	Undeveloped	O (Office)	O (Office)

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

DEVELOPMENT STANDARDS

Pursuant to 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	290 Feet	Y
Min. Setbacks			
• Front	25 Feet	25 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	15 Feet	15 Feet	Y
Max. Lot Coverage	30 %	46 %	N*
Max. Building Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof	26 Feet	N**
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Not Indicated	Y***
Mech. Equipment	Screened	Not Indicated	Y***

**The applicant has requested a Variance (VAR-66974) to allow for 35 percent lot coverage where 30 percent is the maximum allowed.*

***Residential Adjacency Standards limit the maximum height allowed to 15 feet.*

****A Condition of Approval has been added to ensure compliance.*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	69 Feet	10 Feet	N*
Adjacent development matching setback	10 Feet	10 Feet	Y
Trash Enclosure	50 Feet	140 Feet	Y

**The applicant has requested a Variance (VAR-66519) to allow a ten-foot Residential Adjacency Setback where 69 feet is required.*

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	10 Trees	10 Trees	Y*
• South	1 Tree / 20 Linear Feet	18 Trees	18 Trees	Y*
• East	1 Tree / 20 Linear Feet	14 Trees	14 Trees	Y*
• West	1 Tree / 20 Linear Feet	13 Trees	13 Trees	Y*
TOTAL PERIMETER TREES		55 Trees	55 Trees	Y*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	2 Trees	N**
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y*
• South	8 Feet		8 Feet	Y*
• East	15 Feet		10 Feet	N***
• West	15 Feet		15 Feet	Y*
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y****

**Since the conceptual landscape plan did not contain dimensions, a Condition of Approval has been added to ensure the proper amount of trees and shrubs are installed in landscape buffers that meet the minimum requirements set forth by Title 19.08 for landscape buffers.*

***A condition of approval has been added to ensure the appropriate amount of parking lot trees are installed in accordance with Title 19.08.*

****A Waiver has been requested to allow a ten-foot landscape buffer adjacent to Starlight Drive.*

*****A Condition of Approval has been added to ensure compliance with Residential Adjacency Standards.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Starlight Drive	Local Street	Title 13	40	N*
Tenaya Way	Major Collector	Master Plan of Streets and Highways	80	Y

**The applicant has requested a Variance (VAR-66512) to provide no off-site improvements and a Waiver (WVR-66696) to not install street lighting.*

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	
Convalescent Care Facility / Nursing Home	65,728 SF (84 Beds)	1 Per 6 Beds	14				
		1 Per Employee / Largest Shift	14				
		Plus 3 For Medical Professionals	3				
TOTAL SPACES REQUIRED			31		40		Y
Regular and Handicap Spaces Required			29	2	37	3	Y
Loading Spaces		1			1		Y

Waivers		
Requirement	Request	Staff Recommendation
A 15-foot landscape buffer adjacent to Starlight Drive.	To allow a ten-foot landscape buffer adjacent to Starlight Drive.	Denial