



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SERENITY BIRTHING CENTER - OWNER:
CHRISTOPHER D. SULLIVAN

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
ZON-74058	Staff recommends DENIAL.	
VAR-74059	Staff recommends DENIAL, if approved subject to conditions:	ZON-74058
SUP-74060	Staff recommends DENIAL, if approved subject to conditions:	ZON-74058 VAR-74059

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 413 - ZON-74058 and VAR-74059
413 - SUP-74060

PROTESTS 0 - ZON-74058 and VAR-74059
0 - SUP-74060

APPROVALS 0 - ZON-74058 and VAR-74059
0 - SUP-74060

**** CONDITIONS ****

VAR-74059 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-74058) and Special Use Permit (SUP-74060) shall be required, if approved.
2. Conformance to the approved conditions for Site Development Plan Review [Z-0026-91(15)].
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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-74060 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Hospital use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-74058) and Variance (VAR-74059) shall be required.
3. Conformance to the approved conditions for Site Development Plan Review [Z-0026-91(15)].

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4. Handicap parking shall be striped in accordance with Title 19.08.110.
5. 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:
 - Four, five-gallon shrubs within the western landscape buffer adjacent to Jones Boulevard.
 - Install a minimum two-inch deep non-vegetative ground cover within the western landscape buffer adjacent to Jones Boulevard.
6. 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.
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, as well as submitted as part of any business license application.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a two-bed birthing center with overnight care at 332 South Jones Boulevard.

ISSUES

- The applicant is requesting to rezone the subject site from P-R (Professional Office and Parking) to O (Office). Staff does not support this request.
- A Variance is requested to allow an existing five-foot side yard setback where 10 feet is required in the proposed O (Office) zoning district. Staff does not support this request.
- A Variance is requested to allow a 65-foot lot width in the proposed O (Office) zoning district where 100 feet is the minimum lot width required. Staff does not support this request.
- A Special Use Permit is requested to allow a Hospital use within the proposed O (Office) zoning district. Staff does not support this request.

ANALYSIS

Rezoning

The subject is zoned P-R (Professional Office and Parking). The P-R District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The setbacks for the P-R (Professional Office and Parking) zoning district mimic the setbacks of the surrounding residential neighborhood [R-1 (Single Family Residential)] as demonstrated below:

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Standard	<i>R-1</i> (Single Family Residential)	<i>P-R</i> (Professional Office and Parking)
Min. Lot Width	60 Feet	60 Feet
Min. Setbacks		
• Front	20 Feet	20 Feet
• Side	5 Feet	5 Feet
• Corner	15 Feet	15 Feet
• Rear	15 Feet	15 Feet

The applicant is proposing to rezone the subject site to O (Office). The Office District is designed to provide for the development of office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. This district accommodates small office buildings developed in a cluster with an internal traffic circulation system or one larger office building. The following demonstrates the permitted setbacks in the O (Office) zone in comparison to those of the surrounding residential neighborhood [R-1 (Single Family Residential)]:

Standard	<i>R-1</i> (Single Family Residential)	<i>O</i> (Office)
Min. Lot Width	60 Feet	100 Feet
Min. Setbacks		
• Front	20 Feet	25 Feet
• Side	5 Feet	10 Feet
• Corner	15 Feet	15 Feet
• Rear	15 Feet	15 Feet

The subject site was constructed in 1961 as a detached single family dwelling within the R-1 (Single Family Residence) zoning district. When development and growth factors in the area indicated the need, the existing single family residences adjacent to Jones Boulevard were rezoned to P-R (Professional Office and Parking) in 1991. With the exception of one residentially zoned property located at 120 South Jones Boulevard, the east side of Jones Boulevard between Upland Boulevard and Alta Drive has remained zoned P-R (Professional Office and Parking).

Growth and development factors in the area do not indicate the need for the subject site to be rezoned to a more intense zoning district. The proposed rezoning of the subject site to O (Office) would result in "spot zoning," as it would be the only property zoned Office adjacent to Jones Boulevard between Upland Boulevard and Alta Drive. The rezoning of the subject site only benefits the owner of the property, and would allow

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incompatible land uses permitted by right with the surrounding residential neighborhood. In addition, the Office zoning district would allow future development that would not resemble the surrounding area as currently required in the Professional Office and Parking zone, and would not be compatible with the adjacent residential neighborhood to the east. For these reasons, staff is recommending denial of the rezoning request.

Variance

The proposed Office zoning district requires development with a 10-foot side yard setback and a minimum 100-foot lot width. The existing structure was originally constructed as a detached, single family residence with a five-foot side yard setback and a lot width of 65 feet as required for the residential zoning district and the succeeding Professional Office and Parking zoning district. The subject site and structure are not appropriate for the Office zoning district as evidenced by the Variance requested, as setbacks are one of many mechanisms used to protect the public health, safety, and welfare; therefore, staff is recommending denial of the Variance request.

Special Use Permit

The Hospital use is defined by Title 19.12 as “an institution, designed within an integrated campus setting, for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.” The proposed use is a birthing center for normal, uncomplicated births as stated in the justification letter, and would provide care for more than 24 hours (overnight) and without an appointment; thus disqualifying the use to be classified as a Clinic use, or Office, Medical or Dental use as those do not permit overnight care. The proposed use meets the definition of a Hospital, and has been classified as such.

There are no Minimum Special Use Permit Requirements for this use in the O (Office) zoning district.

The subject site is currently zoned Professional Office and Parking which does not allow the proposed Hospital land use, as this use allows for overnight care, and for care to occur at any time of the day or night which staff finds to be too intense for the area and would negatively impact the adjacent residential neighborhood with 24-hour activity; therefore, staff recommends denial of the Rezoning, Variance, and Special Use Permit application.

FINDINGS (ZON-74058)

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.

The proposed O (Office) zoning district conforms to the 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.

Such uses as a Business School; Employment Agency; Financial Institution, General [bank]; and Library, Art Gallery or Museum (Public or Private) are permitted by right in the proposed O (Office) zoning district. Staff finds these land uses would be too intense for the existing surrounding residential neighborhood.

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

Growth and development factors in the area do not indicate the need for a more intense zoning district and the proposed Office district is not appropriate.

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.

Jones Boulevard is an 80-foot wide Collector Street and is adequate in size to meet the needs of the proposed Office zoning district.

FINDINGS (VAR-74059)

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 a zoning district for an existing structure that does not meet the lot width or side setback standard. 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. Staff is recommending denial of the Variance request.

FINDINGS (SUP-74060)

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 Hospital use allows care to be provided to patients any time of the day or night, and without an appointment. This use cannot be conducted in a manner that harmonious or compatible with the adjacent residential neighborhood as the proposed Hospital land use allows overnight care and would be disruptive to the area residents.

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

The subject site is not physically suitable for the intensity of the proposed Hospital use as the subject site has existing single family residences directly adjacent to the subject site.

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.

Jones Boulevard is an 80-foot wide Collector Street and is adequate in size to meet the needs of the proposed Office zoning district.

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 approval of a Special Use Permit that would allow an intense, 24-hour land use adjacent to detached, single family residences does not support the objectives of the General Plan or the Master Plan which clearly states, *“The Master Plan seeks to stabilize and improve those areas that form the heart of the community; protect them from the intrusion of non-residential land uses; and where a transition to incompatible non-residential activities is underway, to integrate these uses in a sensitive and attractive manner.”*

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

There are no applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/01/91	The City Council approved a request for Reclassification of Property (Z-0026-91) located on both sides of Jones Boulevard, between Alta Drive and the Oran K. Gragson Highway from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for proposed professional offices. The Planning Commission recommended denial.
05/16/01	The City Council approved a request for a Site Development Plan Review [Z-0026-91(15)] and a Waiver of the landscaping requirements to allow a reduction in the perimeter landscaping for a proposed 1,500 square-foot office building conversion on 0.17 acres at 332 South Jones Boulevard. The Planning Commission recommended approval.
05/16/06	The City Council approved a request for a General Plan Amendment (GPA-12156) to amend a portion of the Southeast and a portion of the Southwest Sector Plan of the General Plan from SC (Service Commercial), L (Low Density Residential) and M (Medium Density Residential) to O (Office). The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
06/28/00	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
03/20/18	A business license (G66-01363) was issued for a medical practice (Serenity Birth Center) at 332 South Jones Boulevard. The license is active as of 08/23/18.
05/10/18	A building permit application (C18-01914) was submitted for a tenant improvement at 332 South Jones Boulevard. The building permit application is currently under review.

<i>Pre-Application Meeting</i>	
07/17/18	Staff conducted a pre-application meeting where the submittal requirements for the proposed use were discussed.

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

<i>Field Check</i>	
08/02/18	Staff performed a routine field check where the subject site was observed. Staff took note of the bare landscape buffer adjacent to Jones Boulevard and a Condition of Approval has been added to ensure the missing landscaping and ground cover is replaced.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.18

<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	Office, Medical or Dental	O (Office)	P-R (Professional Office and Parking)
North	Single Family, Detached	O (Office)	P-R (Professional Office and Parking)
South	Office, Other Than Listed	O (Office)	P-R (Professional Office and Parking)

<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>
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District – 175 Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	65 Feet	N*
Min. Setbacks			
• Front	25 Feet	30 Feet	Y
• Side	10 Feet	5 Feet	N*
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	42 Feet	Y
Max. Lot Coverage	30 %	23 %	Y
Max. Building Height	2 Stories / 35 Feet	15 Feet	Y

**The applicant is requesting a Variance to allow a lot width of 65 feet and a five-foot side yard setback where the Office zoning district requires a 10-foot side yard setback and a minimum lot width of 100 feet.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Jones Boulevard	Collector	Master Plan of Streets and Highways	80	Y

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	
Hospital	1,778 SF / 2 Beds	1.5 Per Bed	3				
TOTAL SPACES REQUIRED			3		8		Y
Regular and Handicap Spaces Required			2	1	7	1	Y

Las Vegas Valley Water District Comments:

Parcel Number	Comments
138-36-210-008	This site is currently served by LVVWD but does not have the backflow prevention as required by NAC 445A.67195. Backflow retrofit will be required for this use.