

CONGREGATE CARE FACILITY
(TITLE 30)

KIMBERLY AVE/BROADBENT BLVD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-20-400151 (UC-0670-16)-LEGACY KIMBERLY, LLC:

USE PERMIT SECOND EXTENSION OF TIME for a congregate care facility with accessory commercial uses.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit a congregate care facility to be adjacent to and accessed from local streets; and **2)** reduce setbacks.

DESIGN REVIEW for a congregate care facility on 4.8 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Kimberly Avenue and the west side of Broadbent Boulevard within Whitney. JG/bb/jd (For possible action)

RELATED INFORMATION:

APN:

161-27-510-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit a congregate care facility to be adjacent to and accessed from local streets where congregate care facilities are to be adjacent to and accessed from a collector or arterial street.
2.
 - a. Reduce the rear (south) setback for a storage building to 10 feet where a minimum of 20 feet is required (a 50% reduction).
 - b. Reduce the side (west) setback for a storage building to 7 feet where a minimum of 20 feet is required (a 65% reduction).
 - c. Withdrawn per UC-0670-16.
 - d. Reduce the setback for a trash enclosure to 10 feet where a minimum of 20 feet is required (a 50% reduction).

LAND USE PLAN:

WHITNEY - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.8
- Project Type: Congregate care facility
- Number of Beds: 143

- Number of Stories: 1
- Building Height (feet): 34
- Square Feet: 65,446
- Parking Required/Provided: 59/83

Site Plan & History

The original congregate care facility application UC-0670-16 was approved in November 2016. The first extension of time for UC-0670-16 was granted in December, 2018. WS-0350-17 was approved in June, 2017 for alternative landscaping and alternative driveway geometrics, but expired on June 20, 2019. As a result of the expiration of WS-0350-17, the applicant will be required to submit new waiver and design review requests for significant changes to the plans approved by UC-0670-16. The approved plans depict a congregate care facility consisting of 1 building located in the central portion of the parcel. Parking for the facility is located along the north, south, east, and west sides of the building. Access to the site is provided by 2 driveways; 1 from Kimberly Avenue to the north and 1 from Greyhound Lane to the south. The building is set back approximately 55 feet from the east property line, 35 feet from the west property line, and a minimum of 74 feet from each street. The building is constructed around 6 courtyard areas. The plans also depict a small storage structure located on the southwest corner of the site that is set back approximately 7 feet from the west property line and required to be set back 10 feet from the south property line per the Planning Commission.

Landscaping

The previously approved waivers associated with WS-0350-17 depicted alternative landscape areas along Kimberly Avenue and Greyhound Lane. The modified plans related to WS-0350-17 showed a landscape area adjacent to Kimberly Avenue and Greyhound Lane, consisting of only shrubs and groundcover where trees were required. Now that WS-0350-17 has expired, these waivers will need to be submitted for consideration and approval.

The approved plans depict attached sidewalks adjacent to the streets with minimum 6 foot wide landscape areas adjacent to the sidewalks. The landscape areas adjacent to the streets will consist of trees, shrubs, and groundcover. The landscape area along the east property line is 6 feet wide and will consist of a single row of large evergreen trees. The landscape area along the west property line is 10 feet in width and will consist of 2 off-set rows of large evergreen trees. The additional landscape areas consisting of trees, shrubs, and groundcover are located adjacent to the building and within the courtyard areas.

Elevations

The building is 1 story with a maximum building height of 34 feet. The building has a pitched roof with clay tile roofing material and the roofline varies in height from approximately 22 feet to 34 feet. The exterior of the building has a stucco finish painted in earth tone colors. The main entrance of the facility faces to the east and is located in the center of the building elevation.

Floor Plans

The approved plans depicted a 65,446 square foot congregate care facility consisting of 143 beds. The plans depict 84 rooms for the residents, dining facilities, therapy areas, administrative

office, storage, support, and common areas for the residents. The facility will also provide a 224 square foot beauty shop (accessory commercial use) for the residents of the facility.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400233 (UC-0670-16):

Current Planning

- Until November 15, 2020 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-0670-16:

Current Planning

- Reduced rear (south) setback for a storage building to be 10 feet;
- Design review as a public hearing for significant changes to the plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 10 additional feet for Kimberly Avenue, 10 additional feet for Greyhound Lane and associated spandrels.

Building/Fire Prevention

- Applicant is advised that the turning radii within the site drive aisles are to have an inside radius of at least 28 feet and outside radius of at least 52 feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is requesting to extend this original use permit to allow for completion of an updated drainage study. The applicant is in the process of retaining a new architect and is experiencing delays related to Covid-19 at the federal level. The applicant is working towards commencing this project and is requesting an additional 2 years.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400233 (UC-0670-16)	First extension of time for congregate care facility	Approved by PC	December 2018
WS-0350-17	Waived standards for landscaping and driveway geometrics and a design review for modifications for approved congregate care facility - expired	Approved by PC	June 2017
UC-0670-16	Congregate care facility	Approved by PC	November 2016
TM-0144-14	39 single family residential lots - expired	Approved by PC	October 2014
WS-0704-14	Increased block wall height and a waiver of conditions for the original nonconforming zone boundary amendment - expired	Approved by PC	October 2014
TM-0238-13	41 single family residential lots - expired	Approved by PC	February 2014
NZC-0196-13	Amended R-2 zoning for a single family residential development - expired	Approved by BCC	July 2013
TM-0456-05	48 lot single family residential planned unit development (PUD) - expired	Approved by PC	September 2005
NZC-1447-04	Reclassified the property from M-D to RUD zoning with a use permit to establish a single family PUD - expired	Approved by BCC	December 2004
ZC-1602-98	Reclassified the site from R-E to M-D zoning for an office/warehouse complex	Approved by BCC	November 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Medium (3 du/ac to 14 du/ac)	RUD & R-E	Undeveloped
South & West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East	Commercial General	C-2	Retail center

Clark County Public Response Office (CCPRO)
CE20-17840 Neighborhood Nuisance-Vagrant Camp

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, a substantial change has occurred at the subject site since the original approval. The applicant received approval of a design review and waivers for significant landscape changes and significant driveway geometric changes with WS-0350-17, that subsequently expired, making the development of the congregate care facility tied to a design review established by UC-0670-16. In addition, since approval of the first extension of time, no additional progress has been made toward commencement of this project; therefore, staff cannot recommend approval of this second extension of time.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Until November 15, 2022 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT: NEVADA SKILLED NURSING DEVELOPMENT

CONTACT: NEVADA SKILLED NURSING DEVELOPMENT, 6877 S. EASTERN AVE.,
LAS VEGAS, NV 89119