

01/18/22 PC AGENDA SHEET

CONGREGATE CARE FACILITY
(TITLE 30)

KIMBERLY AVE/BROADBENT BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0696-LEGACY KIMBERLY, LLC:

WAIVER OF DEVELOPMENT STANDARDS for alternative landscaping for an approved
congregate care facility.

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/jvm/jo (For possible action)

RELATED INFORMATION:

APN:

161-27-510-014

WAIVER OF DEVELOPMENT STANDARDS:

Permit alternative landscaping adjacent to local streets (Kimberly Avenue and Greyhound Lane)
where landscaping per Figure 30.64-13 is required.

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: 144
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 69,100
- Parking Required/Provided: 59/77

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 is required to submit new waiver and design review requests for significant changes to the plans approved by UC-0670-16. If the driveway is built to the 2016 approved plan, it will not require a waiver. 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. A total of 77 parking spaces are now proposed with 59 spaces required. Access to the site is provided by 2 local street driveways that were approved as a waiver request in 2016: 1 from Kimberly Avenue to the north and 1 from Greyhound Lane to the south. The revised building is set back approximately 66 feet from the east property line, 60 feet from the west property line, 101 feet from the north property line and 107 feet from the south property line. A previously approved small storage structure located on the southwest corner of the site is no longer proposed as part of this plan and will be replaced with landscaping and parking spaces.

Landscaping

The applicant is proposing to remove the landscaping adjacent to the east property line, in order to protect a gas line in that area. A 10 foot area adjacent to the west property line is proposed to be plant free due to special geotechnical engineering issues related to not watering near the existing wall. The applicant is proposing to have an 18 foot wide area with 8 feet of intense landscaping on the western side of the property. Approved landscaping will remain along Greyhound Lane and Kimberly Avenue, with the exception of a new concrete drainage facility at the northeast corner of the property. WS-0350-17 expired, and the applicant is requesting to keep the majority of previously approved landscaping for the areas adjacent to Greyhound Lane and Kimberly Avenue. The Greyhound Lane landscaping is enhanced without the presence of the previously approved accessory buildings, that are no longer being proposed.

Elevations

The elevations depict an angular prefabricated concrete wall building with stucco siding and flat roofs. An aluminum storefront entrance with glazed glass windows, and ground to top cultured stone paneling is located on the east side of the building. The previously approved façade had a residential appearance with cement plaster siding, clay tile pitched roof (hip style) with peaks. The previously approved design did have a maximum peak height of 33 feet at one area. The majority of the roof was at 22 feet in height.

Floor Plans

The revised building is constructed around 4 light access corridors and 2 active use courtyard areas. The previously approved plan from 2016 included 4 active use courtyards that included landscaping, paver walkways, seating, and sod areas. The proposed linear corridor areas will provide light but are not shown with any landscaping other than small rock groundcover. The 2 proposed active courtyard areas will include landscaping, seating, and sidewalks.

Signage

Signage is not a part of this request.

Applicant's Justification

The proposed project is a 144 bed congregate care, state licensed, skilled nursing facility with a floor area of 69,100 square feet, in a single story configuration. The project was previously approved by UC-0670-16, with additional extensions of time to keep the request active. The general layout, access, and orientation of the building remains similar to the originally approved plan. The proposed changes include architecture and façade design elements, adding 1 additional bedroom (143 to 144), and decreasing the floor area by 2,575 square feet. A generator will be moved from the southwest corner of the lot to the west central part of the lot. The width of the landscape buffer on the west side of the property will be increased from 10 feet to 18 feet with a 10 foot area to include only groundcover and not watered plants, due to a recommendation in the geotechnical report. The remaining 8 feet will have intense landscaping with trees and shrubs to meet the buffer requirements. The loading zone will be provided on the west side of the building. Parking will be adjusted on the property while keeping more than enough spaces to meet code requirements. An exterior memory care courtyard will be located on the northwest corner of the property with matching block walls limiting access. Non-required landscaping will be removed from the east property line to accommodate an existing gas line limitations. Removal of landscaping within 10 feet of existing walls is required to comply with geotechnical concerns and to avoid expansive soils issues.

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 | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RUD & R-E | Undeveloped |
| South & West | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2 | Single family residential |
| East | Corridor Mixed-Use | C-2 | Retail center |

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative. Clark County Master Plan Countywide Policy 1.1.5: Housing for Vulnerable Populations, provides for expansion of housing options for vulnerable populations, including the elderly. The proposed landscaping along the south and north property lines will be consistent with the previously approved landscape plan and will not be detrimental to the surrounding area. The removal of the previously approved accessory structures along the south property line will provide more area of landscaping and enhance the previously approved plan. The granting of the waiver is in harmony with the general purpose, goals, and policy of the Master Plan; therefore, staff recommends approval of the proposed landscape waiver.

Design Review

The proposed changes to the approved 2016 architecture, roof type, and façade treatments are significantly different and not compatible with the surrounding area, are unsightly, and not harmonious with the residential character of the adjacent residential neighborhood. The proposed architecture and design are more appropriate for employment uses that do not involve full time on-site living. The Master Plan, Policy 6.2.1: Context-sensitive design, and Policy 6.2.3: Neighborhood Transitions, ensures the character, design, and intensity of new development is compatible with established neighborhoods and uses. The Economic Development Strategic Plan, Broad Goal #5 promotes community-centered design of the built environment. The proposed design change does not promote a compatible community-centered design and is not compatible with the adjacent residential development in the area; therefore, staff cannot support the proposed design.

Staff Recommendation

Approval of the waiver of development standards; denial of the design review.

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

PRELIMINARY STAFF CONDITIONS:**Current Planning**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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;
- 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Whitney - approval.

APPROVALS:

PROTESTS:

APPLICANT: LEGACY KIMBERLY, LLC

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