

CONGREGATE CARE  
(TITLE 30)

JONES BLVD/POST RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0226-DRY CREEK PLAZA, LLC:**

**USE PERMIT** for a congregate care facility.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced minimum lot size for a congregate care facility; **2)** allow a congregate care facility to have a non-residential appearance; and **3)** landscaping.

**DESIGN REVIEWS** for the following: **1)** a congregate care facility; and **2)** finished grade on 1.8 acres in a C-P (Office and Professional) (AE-60 & AE-65) Zone in the CMA Design Overlay District.

Generally located on the northeast corner of Jones Boulevard and Post Road within Spring Valley. MN/al/jd (For possible action)

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RELATED INFORMATION:

**APN:**

163-36-301-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the minimum lot size for a congregate care facility to 78,408 square feet where a minimum of 80,000 square feet is required per Table 30.44-1 (a 2% reduction).
2. Allow a congregate care facility to have a non-residential appearance when adjacent to a residential neighborhood where a residential appearance is required per Table 30.44-1.
3. Permit alternative landscaping along Jones Boulevard (an arterial street) where landscaping per figure 30.64-17 is required.

**DESIGN REVIEWS:**

1. A congregate care facility.
2. Increase finished grade to 60 inches (5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 233% increase).

**LAND USE PLAN:**

SPRING VALLEY - OFFICE PROFESSIONAL

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 6070 W. Post Road
- Site Acreage: 1.8
- Project Type: Congregate care
- Number of Stories: 1
- Building Height (feet): 35
- Square Feet: 31,100
- Parking Required/Provided: 61/64

#### History

This site was reclassified to a C-P zone by ZC-18-0456 in August 2018. The zone change was conforming to the land use plan and was approved subject to no resolution of intent and an ordinance was adopted to change the zoning map. A use permit with design review and waivers of development standards was approved for a similar congregate care facility with the zone change; however, the use permit, design review and waivers had a time limit of 2 years to commence. The project did not commence, and these approvals expired. This request is to reestablish approval of the congregate care facility, which also includes some modifications to the previously approved plans.

#### Site Plans

The plans show a proposed 60 bed congregate care facility located approximately 20 feet from the west property line, 18 feet from the south property line, and 77 feet from the east property line. Access to the site is from both Jones Boulevard and Post Road. A total of 64 parking spaces are provided to the north and east of the building where a minimum of 61 parking spaces are required. An emergency generator is located on the east side of the building and is screened by a metal gate. A 6 foot high block wall is provided along the north and east property lines.

#### Landscaping

A 15 foot to 20 foot wide landscape area with a detached sidewalk is provided along Jones Boulevard. The landscaping along Jones Boulevard does not comply with the requirements of Figure 30.64-17 for the placement of plant material. The plans depict shrubs and groundcover between the back of curb and the sidewalk, and trees, shrubs, and groundcover between the sidewalk and the building. Trees are not being planted between the back of curb and the sidewalk due to the location of site zones for the street intersections and driveways. An approximate 18 foot wide landscape area with an attached sidewalk is provided along Post Road. A 10 foot wide intense landscape buffer per Figure 30.64-12 is provided along the east property line. A 6 foot wide landscape area is provided along the north property line. The landscaping material will consist of trees, various shrubs, and groundcover.

#### Elevations

The plans depict a 1 story, 35 foot high, congregate care building. Building materials consist of EIFS, metal shade canopies, aluminum storefront systems and decorative block windows. The roof is flat with parapet walls at various heights.

### Floor Plans

The plans show a 31,100 square foot, 60 bed congregate care facility consisting of semi-private and isolation rooms, dining area, cooking area, nurse stations, play area, physical therapy area, lobby, offices, and restrooms. The facility also includes a 2,000 square foot clinic that will serve the patients of the facility and patients outside of the facility with similar medical conditions.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the facility will serve medically fragile children up to the age of 18 years old. The children are medically stable; however, by birth or through accident, require long-term, 24 hour skilled nursing services, and/or life sustaining equipment to survive. Furthermore, the applicant states that although the building does not have a traditional residential appearance, the building has a pleasing look with varied materials, height, and depth. The smaller lot size is only 2% below what is required and is adjacent to an approved congregate care facility to the north.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-18-0456	Reclassified 1.8 acres from R-E to C-P zoning for a congregate care facility - congregate care facility expired	Approved by BCC	August 2018
NZC-0180-07	Reclassified the site from R-E to C-P zoning for an office development, subject to no vehicular access to Post Road and single story buildings with architectural elements consistent with contiguous single family residences - expired	Approved by BCC	April 2007

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Office Professional	R-E	Undeveloped with an approved congregate care facility
South	Office Professional	C-P	Hospice care facility & office building
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
West	Public Facilities	R-E	Undeveloped

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-21-0245	A vacation of easements and portion of right-of-way of Jones Boulevard is a companion item on this agenda.

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Staff finds that the proposed congregate care use is compatible with the surrounding uses in the area. The proposed use is consistent with the congregate care use approved on the adjacent property to the north and the existing hospice use to the south. Additionally, staff finds that a congregate care use is an appropriate transitional use from Jones Boulevard to the existing and planned residential developments to the east.

##### Waivers 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.

##### Waiver of Development Standards #1

Staff finds that the 2% reduction in minimum lot size for a congregate care facility to be minimal and will not result in negative impacts to the surrounding area. Although the approved congregate care facility to the north is a separate project, the subject site combined with the adjacent property to the north results in an overall area used for congregate care uses well beyond the minimum 80,000 square foot lot area required.

##### Waiver of Development Standards #2 & Design Review #1

The proposed building complies with Urban Specific Policy 78 which encourages architectural treatments on all building sides to eliminate blank building elevations along public rights-of-way and areas visible to the general public to improve visual quality. The architecture of the proposed building is consistent and compatible with an existing office complex to the southwest and to the hospice care facility & office building to the south. The design of the proposed building is also similar in design to the previously approved plans for a congregate care facility at this location. Therefore, staff can support the design review.

##### Waiver of Development Standards #3

The proposed landscape plan is not depicting trees between the back of curb along Jones Boulevard and the detached sidewalk due to the location of the driveway and street intersection site zones. To provide a uniform streetscape along Jones Boulevard shrubs and groundcover will

be provided to the west of the sidewalk and trees, shrubs, and groundcover on the east side of the sidewalk. Because of the unique situation with the site zones staff can support this waiver.

### **Public Works - Development Review**

#### **Design Review #2**

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE-65 (65 - 70 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International Airport facilities to meet future air traffic demand.

### **Staff Recommendation**

Approval.

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**

- 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;

- Traffic study and compliance;
- Full off-site improvements;
- Coordinate with Public Works - Design Division for the Jones Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Jones Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### **Building Department - Fire Prevention**

- No comment.

#### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0209-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CLAYTON NEILSEN

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