



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CD-MS (LAS VEGAS), LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0404-GPA1	Staff recommends APPROVAL.	
24-0404-ZON1	Staff recommends APPROVAL.	24-0404-GPA1
24-0404-SUP1	Staff recommends APPROVAL, subject to conditions:	24-0404-GPA1 24-0404-ZON1
24-0404-SUP2	Staff recommends APPROVAL, subject to conditions:	24-0404-GPA1 24-0404-ZON1
24-0404-SUP3	Staff recommends APPROVAL, subject to conditions:	24-0404-GPA1 24-0404-ZON1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

NOTICES MAILED

205 (by City Clerk)

PROTESTS

0

APPROVALS

0

**** CONDITIONS ****

24-0404-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Assisted Living Apartments use.
2. Approval of a General Plan Amendment (24-0404-GPA1) and Rezoning (24-0404-ZON1) shall be required, if approved.
3. Conformance to the approved conditions for Site Development Plan Review (21-0511-SDR1).
4. 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.
5. 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 Building and Safety Division.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0404-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Senior Citizens Apartments use.

Conditions Page Two

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2. Approval of a General Plan Amendment (24-0404-GPA1) and Rezoning (24-0404-ZON1) shall be required, if approved.
3. Conformance to the approved conditions for Site Development Plan Review (21-0511-SDR1).
4. 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.
5. 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 Building and Safety Division.
6. 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.
7. Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0404-SUP3 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Approval of a General Plan Amendment (24-0404-GPA1) and Rezoning (24-0404-ZON1) shall be required, if approved.
3. Conformance to the approved conditions for Site Development Plan Review (21-0511-SDR1).
4. 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.

Conditions Page Three

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5. A Waiver from Title 19.12 is hereby approved, to allow a zero-foot distance separation from an existing School and Individual Care Center licensed for more than 12 children; and a 365-foot distance separation from an existing City Park where 400 feet is required.
6. 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 Building and Safety Division.
7. 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.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment, Rezoning and Special Use Permits to allow an existing Assisted Living Apartments, Convalescent Care Facility/Nursing Home and Senior Citizen Apartments development to serve on-site alcohol to the facilities residents and guests on 3.66 acres at 490 South Hualapai Way.

ISSUES

- The applicant has requested a General Plan Amendment (24-0404-GPA1) to amend the subject site from H (High Density Residential) to SC (Service Commercial) on APN 138-31-210-008. Staff supports the request.
- The applicant has requested a Rezoning (24-0404-ZON1) to amend the subject site from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on APN 138-31-210-008. Staff supports the request.
- The existing Assisted Living Apartments use is permitted in the proposed C-1 (Limited Commercial) zoning district with an approved Special Use Permit (24-0404-SUP1). Staff recommends approval of the request.
- The existing Convalescent Care Facility/Nursing Home use is a permissible use in the proposed C-1 (Limited Commercial) zoning district.
- The Senior Citizen Apartments use is a conditional use in the proposed C-1 (Limited Commercial) zoning district. The use does not comply with Conditional Use Requirement #2, therefore approval of a Special Use Permit (24-0404-SUP2) is required. Staff recommends approval of the request.
- The proposed Alcohol On-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0404-SUP3). The applicant has requested a Waiver to allow a zero-foot distance separation from an existing School and Individual Care Center licensed for more than 12 children; and a 365-foot distance separation from an existing City Park where 400 feet is required. The proposed 199,500 square-foot Alcohol On-Premise Full use with 11,900 square-foot outdoor recreation area is intended to cover the entire floor area of the existing building and the outdoor pool/recreation area located on the eastern perimeter of the building. Staff recommends approval of the request.

ANALYSIS

The subject site is zoned R-3 (Medium Density Residential) with an H (High Density Residential) designation within the Summerlin North area of the General Plan and is subject to Title 19 development standards. The south and east perimeter of the site is bordered by existing commercial land uses within a SC (Service Commercial) General Plan land use designation and C-1 (Limited Commercial) zoning district. The north perimeter of the site is adjacent to existing undeveloped open space with a PR-OS (Parks/Recreation/Open Space) General Plan designation and C-V (Civic) zoning district. Across Hualapai Way to the west are existing single-family detached homes with Summerlin North Master Plan area that have a SF3 (Single Family Detached) special land use designation.

On November 11, 2021 the City Council approved a request for a General Plan Amendment (21-0511-GPA1) from M (Medium Density Residential) to H (High Density Residential) and Site Development Plan Review (21-0511-SDR1) for a proposed 30-bed Convalescent Care Facility/Nursing Home, 49-unit Assisted Living Apartments and 95-unit Senior Citizen Apartment development on the subject site. The subject site is complete with construction of the senior living development and has a certificate of occupancy. On August 21, 2024 a business license (#G72-04983) was issued for a Special Care Facility (MorningStar Senior Living at the Canyons) to operate a senior living community providing housing, food and care in Assisted Living and Memory Care at the subject site, which is still active.

The submitted justification letter states, “In addition to the food plan the Applicant’s residents may choose, the Applicant’s would also like to have the ability to offer a beverage plans that includes on-premises consumption of alcohol. Even though the approved site plan remains exactly the same, the Applicant is requesting an amendment of the General Plan to Service Commercial (SC) and a zone change to Limited Commercial (C-1) so that the Applicant can also request a special use permit to allow on-premises consumption of alcohol.”

The applicant has requested a General Plan Amendment (24-0404-GPA1) from H (High Density Residential) to SC (Service Commercial) and associated Rezoning (24-0404-ZON1) from R-3 (Medium Density Residential) to C-1 (Limited Commercial). The SC General Plan designation generally permits higher intensity retail, service, wholesale, office and mixed-use developments with a residential component or other general business uses. The land use designation is compatible with the P-O (Professional Office), O (Office), C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts.

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The proposed C-1 (Limited Commercial) zoning district is consistent with the proposed SC (Service Commercial) General Plan designation. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. Staff has determined the requested SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district is consistent with the existing commercial development located on the southern and eastern perimeter of the site. Furthermore, although the subject site was originally developed to R-3 (Medium Density Residential) development standards the existing development does comply with all C-1 (Limited Commercial) development standards pertaining to building setbacks, building height and perimeter landscape buffers. Therefore, staff recommends approval of the requested General Plan Amendment (24-0404-GPA1) and Rezoning (24-0404-ZON1).

The existing Assisted Living Apartments use is permitted in the proposed C-1 (Limited Commercial) zoning district with an approved Special Use Permit (24-0404-SUP1). The Assisted Living Apartments use is described in Title 19.12 as, "An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. This use includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed 5% of the total gross floor area of the apartment complex, there is no external signage for the commercial uses, and those uses are not accessible other than internally and only to persons residing within the apartment or apartment complex. This use does not include a convalescent care facility, nursing home or other medical facility that is specifically defined in LVMC Chapter 19.18." There are no minimum special use requirements associated with the land use. Staff finds the use remains harmonious and compatible with the surrounding area; therefore, staff recommends approval of the requested Special Use Permit (24-0404-SUP1).

The Senior Citizen Apartments use is a conditional use in the proposed C-1 (Limited Commercial) zoning district. The Senior Citizens Apartments use is described in Title 19.12 as, "An apartment house or other multi-family dwelling in which each unit is occupied by at least one person 55 years of age or older, or in which the units are intended and operated for occupancy by persons 55 years of age or older. This use includes an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under the provisions of Federal law, including without limitation housing developments that:

1. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
2. Publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years of age or older to the extent allowed by applicable State or Federal law.”

Conditional Use Regulations:

1. For any development that is over three stories in height:
 - a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.

The subject site complies with this condition. The existing structure is four-stories in height and is compatible with the scale and massing of development within the C-1 (Limited Commercial) zoning district and the commercial developments in the surrounding area.

- b. Rooflines and facade elements shall be articulated in order to break down the apparent massing of the structures.

The subject site complies with this condition. The roofline and façade elements of the existing structure are articulated and break down the massing of the structure.

2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but pedestrian access ways, entryways and community rooms may be located on the ground floor.

The subject site does not comply with this condition. The existing senior living community has not been developed with a ground-level nonresidential development. Also, the multi-floor structure has been designed with apartment units on the ground floor of the development. Since the existing development does not comply with this condition, the applicant has requested Special Use Permit (24-0404-SUP2). Staff finds the use remains harmonious and compatible with the surrounding area; therefore, staff recommends approval of the requested Special Use Permit (24-0404-SUP2).

3. The entryway to individual apartments for residents and guests must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.

The subject site does not comply with this condition. The existing senior living community has not been designed with ground floor commercial uses, so there are no entryways adjacent to commercial uses. However, the entryway to individual apartments for residents and guests have not been designed to be accessible from and oriented to the street. All entryways to individual apartments for residents have been designed to be access from the main lobby on the west perimeter of the building. Since the existing development does not comply with this condition, the applicant has requested Special Use Permit (24-0404-SUP2). Staff finds the use remains harmonious and compatible with the surrounding area; therefore, staff recommends approval of the requested Special Use Permit (24-0404-SUP2).

4. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

The subject site complies with this condition. The overall architecture of the front elevation uses variations in volume and proportion and is a cohesive whole through finishes and colors.

5. For any development that, in accordance with LVMC 19.08.070, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements and minimum setback requirements for the C-1 District shall be met.

The subject site complies with this condition. The existing development has a 33 percent lot coverage, where 50 percent is the maximum allowed by Title 19.08.070 C-1 (Limited Commercial) development standards. Also, the exiting development complies with all landscape buffer and building setback requirements for the C-1 (Limited Commercial) zoning district.

The proposed 159,430 square-foot Alcohol On-Premise Full use is intended to cover the entire 3.66 acre (159,430 square-foot) site. This land use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0404-SUP3). An Alcohol, On-Premise Full use is described in Title 19.12 as, "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold."

Minimum Special Use Permit Requirements:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, On-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full establishment may be located within 400 feet of any of the following uses:
 - a. Church/House of Worship
 - b. School
 - c. Individual care center licensed for more than 12 children; or
 - d. City park.

The proposed use meets does not meet this requirement, the subject site is located directly adjacent to an existing school and individual care center to the southeast and an existing City Park to the north of the subject site. The applicant has requested a Waiver to allow a zero-foot distance separation from an existing School and Individual Care Center; and a 365-foot distance separation from an existing City Park where 400 feet is required.

2. The distance separation requirement set forth in Requirement 1 does not apply to the following:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space. In addition, is the site is not located within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title.

Staff has determined the proposed project is compatible with surrounding development in the area. In addition, the combination of senior living land uses including assisting living, convalescent care and senior citizen apartments remains consistent with the previously approved Site Development Plan Review (21-0511-SDR1). Staff finds the addition of on premise alcohol for consumption by the facilities residents and guests will remain harmonious with the surrounding land uses, as this area is physically suitable for this use. Furthermore the existing development meets the base requirements of Title 19.08.070 for the C-1 (Limited Commercial) zoning district; therefore, staff recommends approval of this requested General Plan Amendment, Rezoning and associated Special Use Permits with conditions.

FINDINGS (24-0404-GPA1)

Section 19.16.030(l) 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 SC (Service Commercial) designation is compatible with the existing adjacent commercial land use designations located on the southern and eastern perimeter of the subject site. Also, the SC (Service Commercial) designation is compatible with the proposed C-1 (Limited Commercial) zoning district proposed for the site.

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

The proposed amendment would allow for the proposed C-1 (Limited Commercial) zoning district, which is compatible with the adjacent commercial properties to the south and east fronting Alta Drive and Hualapai Way.

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

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

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

There are no other applicable plans for this particular area.

FINDINGS (24-0404-ZON1)

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 C-1 (Limited Commercial) zoning district conforms to the proposed SC (Service Commercial) General Plan designation which allows three zoning districts: P-O (Professional Office), O (Office) and C-1 (Limited Commercial) zoning districts.

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 commercial uses allowed in the proposed C-1 (Limited Commercial) zoning district are compatible with the existing surrounding commercial developments located to the south and east of the subject site.

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

There are growth or development factors in the community that indicate the proposed C-1 (Limited Commercial) is appropriate for the subject site.

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.**

Vehicular access to the site will not change. The site is accessed from Hualapai Way, a 100-foot wide Primary Arterial Street, with sufficient capacity for the traffic needs of the proposed use.

FINDINGS (24-0404-SUP1, SUP2 AND SUP3)

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.**

Staff finds the combination of senior living land uses including assisting living, convalescent care and senior citizen apartments remains consistent with the previously approved Site Development Plan Review (21-0511-SDR1). Also, the addition of on premise alcohol for consumption by the facilities residents and guests will remain harmonious with the surrounding commercial land uses located to the south and east of the subject site.

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

The subject site and existing senior living community development is physically suitable for the proposed land uses.

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.**

Vehicular access to the site will not change. The site is accessed from Hualapai Way, a 100-foot wide Primary Arterial Street, with sufficient capacity for the traffic needs 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.**

The proposed use will be subject to business license review and periodic inspection, thereby safeguarding the public health, safety and general welfare.

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

There are no minimum special use permit requirements associated with the proposed Assisted Living Apartments use.

The proposed Senior Citizen Apartments use does not comply with Conditional Use Requirements #2 and #3 which state, “The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but pedestrian access ways, entryways and community rooms may be located on the ground floor” and “The entryway to individual apartments for residents and guests must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.” Therefore approval of a Special Use Permit is required.

The proposed Alcohol On-Premise Full use does not comply with Special Use Permit requirement #1, which requires a 400-foot distance separation from an existing Church/House of Worship, School, Individual care center licensed for more than 12 children; or City park. The applicant has requested a Waiver to allow a zero-foot distance separation from an existing School and Individual Care Center licensed for more than 12 children; and a 365-foot distance separation from an existing City Park where 400 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/04/90	The City Council approved a request for a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V) to R-3 (Limited Multiple Residence) R-PD7 (Residential Planned Development), and C-1 (Limited Commercial) on property located on the east side of Hualapai Way, west of Durango Drive between the south boundary of Angel Park and Sahara Avenue.
01/04/95	The City Council approved a request for a Rezoning (Z-0146-94) from N-U (Non-Urban – Under Resolution of intent to C-1 (Limited Commercial), R-3 (Limited Multiple Residences) and R-PD7 and R-PD9 (Residential Planned Development)] to R-PD7 (Residential Planned Development, R-3 (Limited Multiple Residence) and C-1 (Limited Commercial) on property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way.
07/27/05	A Code Enforcement case (#CE-33018) was processed for trash and debris on a vacant lot located on the east side of Hualapai Way, approximately 320 feet north of Alta Drive. The case was resolved on 08/04/05.
06/27/16	A Code Enforcement case (#CE-168170) was processed to remove political signs on a vacant lot located on the east side of Hualapai Way, approximately 320 feet north of Alta Drive. The case was resolved on 08/02/16.

24-0404 [GPA1, ZON1, SUP1, SUP2 AND SUP3]

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
11/16/16	The City Council approved a request to withdraw without prejudice Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Plan to amend the number of allowable units, to change the land use designation of parcels comprising the current badlands golf course, to provide standards for redevelopment of such parcels and to reflect the as-built condition of the remaining properties on 1,569.60 acres generally located east of Hualapai Way, between Alta Drive and Sahara Avenue.
11/17/21	The City Council approved a request for a General Plan Amendment (21-0511-GPA1) from M (Medium Density Residential) to H (High Density Residential) on 3.67 acres on the east side of Hualapai Way, approximately 320 feet north of Alta Drive.
	The City Council approved a request for a Site Development Plan Review (21-0511-SDR1) for a proposed 30-bed Convalescent Care Facility/Nursing Home, 49-unit Assisted Living Apartments and 95-unit Senior Citizen Apartment development on 3.67 acres on the east side of Hualapai Way, approximately 320 feet north of Alta Drive.
05/02/24	The Department of Community Development - Planning Division processed a request for a Conditional Use Verification (101528-CUV) for a senior living apartment community to sell and serve alcohol to our residents. The application was now not approved because, alcohol sales of any type not permitted in the R-3 (Medium Density Residential) zoning district.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
10/08/24	<p>The Planning Commission (7-0 vote) to recommend APPROVAL on the following Land Use Entitlement project requests on 3.66 acres at 490 South Hualapai Way (APN 138-31-210-008), Ward 2 (Seaman).</p> <p>24-0404-GPA1 - GENERAL PLAN AMENDMENT - FROM: H (HIGH DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL)</p> <p>24-0404-ZON1 - REZONING - FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL)</p> <p>24-0404-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED ASSISTED LIVING APARTMENTS USE</p> <p>24-0404-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED SENIOR CITIZENS APARTMENTS USE</p> <p>24-0404-SUP3 - SPECIAL USE PERMIT - FOR A PROPOSED 199,500 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH 11,900 SQUARE-FOOT OUTDOOR RECREATION AREA WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM AN EXISTING SCHOOL AND INDIVIDUAL CARE CENTER LICENSED FOR MORE THAN 12 CHILDREN; AND A 365-FOOT DISTANCE SEPARATION FROM A CITY PARK WHERE 400 FEET IS REQUIRED</p>

<i>Most Recent Change of Ownership</i>	
02/17/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/22/22	A building permit (#L22-00430) was issued for civil offsite improvements for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at Hualapai Way and Alta Drive. The permit has not been finalized.
10/03/22	A building permit (#C22-03754) was issued for complete site grading and utilities for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
10/13/22	A building permit (#R22-16491) was issued for a temporary power pole for a construction trailer for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit was finalized on 12/22/22.

24-0404 [GPA1, ZON1, SUP1, SUP2 AND SUP3]

<i>Related Building Permits/Business Licenses (cont.)</i>	
10/21/22	A building permit (#R22-17440) was processed for a wood and steel structure building for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been issued.
11/10/22	A building permit (#C22-02325) was issued for foundation only for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
12/27/22	A building permit (#PRC22-00111) was issued for a master package for a wood and steel structure building for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit was finalized on 12/27/22.
12/29/22	A building permit (#R22-16492) was issued for a temporary power pole for a construction trailer for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit was finalized on 01/05/23.
01/10/23	A building permit (#C22-04196) was issued for retaining walls for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
05/23/23	A building permit (#C22-04989) was issued for tenant improvements for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
10/26/23	A building permit (#R23-12366) was issued to add a sales trailer onsite so at first of year Owner can begin to sell units within building from the trailer for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit was finalized on 12/08/23.
01/30/24	A building permit (#R24-00832) was issued for screen walls for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
04/11/24	A building permit (#R24-05278) was processed to install one (1) illuminated freestanding monument cabinet, one (1) set of non-illuminated aluminum letters and one (1) set of illuminated reverse pan channel letters (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been issued.
05/13/24	A building permit (#C23-04349) was issued to install six standard pre-approved carports for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.

<i>Related Building Permits/Business Licenses (cont.)</i>	
05/15/24	A building permit (#C24-00460) was issued to install two free standing cantilever open lattice patio covers on footings for a proposed senior living facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
05/21/24	A business license (G72-03261) was processed for a Special Care Facility (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The license has not been issued. The application has been denied by the Fire Department as their review finds that a Certificate of Occupancy is required.
06/17/24	A building permit (#C24-01459) was issued to install retaining walls (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
06/18/24	A building permit (#C24-01133) was issued to install one (1) illuminated freestanding monument cabinet, one (1) set of non-illuminated aluminum letters and one (1) set of illuminated reverse pan channel letters (Morningstar Senior Living Center at the Canyon) at 490 South Hualapai Way. The permit has not been finalized.
08/21/24	A business license (#G72-04983) was issued for a Special Care Facility (MorningStar Senior Living at the Canyons) to operate a senior living community providing housing, food and care in Assisted Living and Memory Care at 490 South Hualapai Way. The license is still active.

<i>Pre-Application Meeting</i>	
07/29/24	A pre-application meeting was conducted with the applicant to review the application materials and submittal requirements for a proposed General Plan Amendment, Rezoning and Special Use Permits for the existing Senior Living development to serve alcoholic beverages on-site.

Neighborhood Meeting	
09/04/24	<p>A neighborhood meeting was held at Summerlin Library Conference Room at 1771 Inner Circle Drive, at 5:30pm to discuss the proposed General Plan Amendment, Rezoning and Special Use Permits at Assessor's Parcels 138-31-210-008.</p> <p>The meeting was attended by one Department of Planning staff member and two Council Ward 2 liaisons. There were two members of the development team representing the applicant and three members of the public in attendance; as such the following concerns were raised regarding the proposed development.</p> <ul style="list-style-type: none"> • How with the proposed liquor use work in conjunction with the other senior living and memory care uses on the site? <ul style="list-style-type: none"> ○ The applicant stated the alcohol will be offered as part of the meal plan to residents of the community. They indicated there is a dining area/bistro located on the interior of the community that is oriented on the eastern perimeter of the site that will provide the alcohol to residents and their guests while they dine. • Will the on-site food/bistro area with alcohol be open to the public? <ul style="list-style-type: none"> ○ The applicant indicated the area is intended to be open to the residents of the community and their guests, not to the open public. The applicant stated they do not want to create an uncomfortable environment for other residents of the community, which is why the area will only be available to residents and their guests. • Does the proposed business model rely on alcohol sales to be successful or impede the primary goals of the facility? <ul style="list-style-type: none"> ○ The applicant stated that they have developed multiple senior living communities and that they all provide so form of alcohol service to their residents. • Did the original development proposal that was approved by the City Council include a proposal to provide alcohol sales? <ul style="list-style-type: none"> ○ The applicant stated that there was no previous disclosure of original alcohol sales. However, there was no purposeful intent to not bring it up.

Field Check	
08/22/24	During a routine site visit staff observed a well maintained senior living community free of trash and debris.

Details of Application Request	
Site Area	
Gross Acres	3.66

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Assisted Living Apartments	High Density Residential	R-3 (Medium Density Residential)
	Convalescent Care Facility/Nursing Home		
	Senior Citizen Apartments		
North	Hualapai Canyon Trailhead	PR-OS (Parks/Recreation and Open Space)	C-V (Civic)
South	Office, Other than Listed / Medical Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Private School / Individual Care Center	SC (Service Commercial)	C-1 (Limited Commercial)
	Medical Office		
West	Single-Family, Detached	SUM (Summerlin) – SF3 (Single Family Detached) Special Land Use Designation	P-C (Planned Community)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Summerlin North	Y
Peccole Ranch Phase 1 & 2	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan	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 19.08.070, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	372 Feet	Y
Min. Setbacks			
• Front	10 Feet	65 Feet	Y
• Side (north)	10 Feet	11 Feet	Y
• Side (south)	10 Feet	80 Feet	Y
• Rear	20 Feet	55 Feet	Y
Max. Lot Coverage	50%	33% (52,088 SF building footprint / 159,865 SF lot size)	Y
Max. Building Height	N/A	55 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Existing Zoning	Permitted Density	Units Allowed
R-3 (Medium Density Residential)	13-50 du/acre	Maximum dwelling units per acre (DUA) is determined by the underlying General Plan Designation and may not exceed the density permitted under said designation.
Proposed Zoning	Permitted Density	Units Allowed
C-1 (Limited Commercial)	N/A	N/A
Existing General Plan	Permitted Density	Units Allowed
H (High Density Residential)	≥25.5 du/acre	Unlimited
Proposed General Plan	Permitted Density	Units Allowed
SC (Service Commercial)	N/A	N/A

Pursuant to Title 19.08.070, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		10 Feet	Y
• South	8 Feet		10 Feet	Y
• East	8 Feet		10 Feet	Y
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Hualapai Way	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Pursuant to previously approved Site Development Plan Review (21-0511-SDR1), 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	

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Parking Requirement							
Convalescent Care Facility/ Nursing Home (24 Units w/ 30 Beds)	30 beds	1 space per 6 beds	5				
	7 employees	1 space per employee on largest shift, plus 3 spaces for medical personnel	10				
Assisted Living Apartments (49 Units w/ 85 residents)	85 residents	1 space per 3 residents	29				
Senior Citizen Apartments	95 units	0.75 space per unit	72				
TOTAL SPACES REQUIRED			116		138		Y
Regular and Handicap Spaces Required			111	5	133	5	Y
Loading Spaces	1			1			Y

Waivers		
Requirement	Request	Staff Recommendation
Pursuant to Title 19.12 the Alcohol, On-Premise Full use requires a 400-foot distance separation from a Church/House of Worship, School, Individual care center licensed for more than 12 children and City Park.	To allow a zero-foot distance separation from an existing School and Individual Care Center licensed for more than 12 children; and a 365-foot distance separation from an existing City Park where 400 feet is required.	Approval