


**AGENDA MEMO - COMMUNITY DEVELOPMENT**
**PLANNING COMMISSION MEETING DATE: APRIL 11, 2023**
**DEPARTMENT: COMMUNITY DEVELOPMENT**
**ITEM DESCRIPTION: APPLICANT: APPLICANT: AUGUSTUS COKER - OWNER:  
JGC ELKHORN, LLC**


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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0056-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0056-VAR2 23-0056-SUP1 23-0056-SDR1
<b>23-0056-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0056-VAR1 23-0056-SUP1 23-0056-SDR1
<b>23-0056-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0056-VAR1 23-0056-VAR2 23-0056-SDR1
<b>23-0056-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0056-VAR1 23-0056-VAR2 23-0056-SUP1

**\*\* NOTIFICATION \*\***
**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

23

**NOTICES MAILED** 172

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**23-0056-VAR1 CONDITIONS**

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**Planning**

1. A Variance (23-0056-VAR1) is hereby approved to allow 15 parking spaces where 16 are required.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0056-VAR2), Special Use Permit (23-0056-SUP1) and Site Development Plan Review (23-0056-SDR1) shall be required, if approved.
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 Building and Safety Division.
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.

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**23-0056-VAR2 CONDITIONS**

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**Planning**

1. A Variance (23-0056-VAR2) is hereby approved to allow a 15-foot rear yard setback where 35 feet is required and to allow a 15-foot residential adjacency setback where 73 feet is the minimum required.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0056-VAR1), Special Use Permit (23-0056-SUP1) and Site Development Plan Review (23-0056-SDR1) shall be required, if approved.

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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 Building and Safety Division.
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.

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### 23-0056-SUP1 CONDITIONS

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Convalescent Care Facility/Nursing Home use except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0056-VAR1), Variance (23-0056-VAR2) and Site Development Plan Review (23-0056-SDR1) shall be required, if approved.
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. A Waiver from Title 19.12 is hereby approved, to allow 36 beds where 20 beds are the maximum allowed.
5. A Waiver from Title 19.12 is hereby approved, to allow the setbacks for the proposed Convalescent Care Facility/Nursing Home use to not be the same as required for a single family dwelling in the zoning district where located.
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.

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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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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### 23-0056-SDR1 CONDITIONS

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#### **Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (23-0056-VAR1), Variance (23-0056-VAR2) and Special Use Permit (23-0056-SUP1) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 02/02/23 except as amended by conditions herein.
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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

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7. 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, which 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.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

10. Prior to the issuance of permits, contact sewer billing to determine the cost, if any, for the increased bed capacity. If it is determined that this addition requires an increase in sewer fees, comply with the regulations governing sewer fees for connection and usage.
11. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits [or the submittal of a map for this site], whichever may occur first. Provide and improve all drainage ways as recommended.
12. Comply with all applicable conditions of approval for SDR-59051 and any other site related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 1,462 square-foot building addition to an existing 16,407 square-foot Convalescent Care facility at 7195 Jones Boulevard.

**ISSUES**

- A Major Amendment to a previously approved Site Development Plan Review (SDR-53497) is required as the proposed building alterations would trigger multiple Variances and Waivers from Title 19. Staff does not support this request.
- A Major Amendment to a previously approved Special Use Permit (SUP-53496) is required as the applicant has proposed to increase the number of beds from 28 to 36. Staff does not support this request.
- A Waiver is requested to allow 36 beds where 20 beds are the maximum allowed. Staff does not support this request.
- A Waiver is requested to allow the setbacks for the proposed convalescent care facility/nursing home to not be the same as required for a single family dwelling in the zoning district where located. Staff does not support this request.
- A Variance (23-0056-VAR1) is required to allow 15 parking spaces where 16 are required. Staff does not support this request.
- A Variance (23-0056-VAR2) is required to allow a 15-foot rear yard setback where 35 feet is the minimum required for a proposed addition to an existing convalescent care facility and to allow a 15-foot residential adjacency setback where 73 feet is required. Staff does not support this request.

**ANALYSIS**

The subject site is zoned R-E (Residence Estates) and located in the RP-O (Rural Preservation Overlay) where it is subject to Title 19 development standards. The applicant is proposing to add an additional 1,462 square feet to an existing 16,407 square-foot convalescent care/nursing home development.

On June 10, 2014, the Planning Commission approved the following entitlements for the subject site:

- Variance (VAR-53671) to allow a 10-foot Residential Adjacency Setback where 60 feet is required for a proposed Convalescent Care Facility/Nursing Home.
- Special Use Permit (SUP-53496) for a Convalescent Care Facility/Nursing Home use.

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- Site Development Plan Review (SDR-53497) for a 24-bed Convalescent Care Facility/Nursing Home.

On June 09, 2015, the Planning Commission approved the following entitlements for the subject site:

- Variance (VAR-59050) to allow an 11-foot corner side yard setback where 15 feet is required for a previously approved convalescent care facility/nursing home.
- Site Development Plan Review (SDR-59051) for a Major Amendment to a previously approved Site Development Plan Review (SDR-53497) for a 24-bed Convalescent Care/Facility nursing home with a Waiver to allow a zero-foot to 11-foot landscape buffer along the east perimeter where 15 feet is required.

**Special Use Permit (23-0056-SUP1)**

Per Title 19, the Convalescent Care Facility/Nursing Home use is defined as, “a building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. This use includes a “rest home” and “nursing home,” as well as a use that would qualify as a Community Residence except for the limitation on the number of residents, but does not include an “assisted living apartment,” “hospital” or other medical facility that is specifically defined in LVMC Chapter 19.18” The proposed use meets the definition as the submitted justification letter date stamped, 02/02/23 states that, “The proposed project is a new 4 sleeping room, 8 bed addition to an existing, state licensed, 28 bed memory care facility.”

The Minimum Special Use Permit Requirements for this use include:

U through R-2 Districts

1. The minimum parcel shall size shall be 20,000 square feet.

*The proposed use meets this requirement as the subject parcel is 35,719 square feet.*

2. The maximum number of beds per acre shall be 25.

*The proposed Convalescent Care Facility/Nursing Home contains 36 beds on 0.82 acres. As the site is less than one acre, the maximum beds allowed shall be (25x0.82) or 20 beds. Therefore, the applicant has requested a Waiver of this requirement which staff does not support as evidenced by the multiple requested Waivers and Variances which demonstrate an attempt to overdevelop the site.*

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3. Setbacks for building shall be the same as required for a single family dwelling in the zoning district where located.

*The proposed use does not meet this requirement. The subject property is zoned R-E (Residence Estates) and is subject to the setback requirements for a primary dwelling. Per Title 19.06, any primary dwelling located in the R-E (Residence Estates) zoning district shall have a 35-foot rear yard setback. The applicant has requested a Variance (23-0056-VAR1) to allow a 15-foot rear yard setback where 35 feet is required. Therefore, a Waiver of this requirement has been requested which staff does not support.*

4. The maximum building height shall be 2 stories.

*The submitted building elevations date stamped, 02/02/23 depicts a one-story, 14-foot and 4-inch addition to an existing convalescent care facility and therefore meets this requirement.*

5. The facility must be located on a collector street or larger.

*The proposed use is bounded by Elkhorn Road and Jones Boulevard. Both streets are 100-foot Primary Arterials as defined by the Master Plan of Streets and Highways and therefore, meets this requirement.*

**Site Development Plan Review**

The subject site is a residentially zoned R-E (Residence Estates) parcel and is located in the RP-O (Rural Preservation Overlay) as defined by Title 19.10. The applicant proposes to add an additional 1,462 square-feet located at the rear of the subject site. The addition would be one-story and approximately 14 feet tall. Per the submitted justification letter date stamped, 02/02/23, the applicant intends to add 8 additional beds to an existing 28-bed Convalescent Care facility. The submitted landscape plan date stamped, 02/02/23 depicts no change to previously approved landscape conditions.

The proposed building elevations date stamped, 02/02/23 depicts a one-story addition that is approximately 14 feet tall. The proposed materials would comprise of a stucco finish that would match the existing convalescent care facility. The proposed building façade remains consistent with the requirements of Title 19.08.

Per the Department of Public Works – Traffic Engineering Division, this project will add approximately 6 trips per day on Elkhorn Road and Jones Boulevard. Currently, Elkhorn is at about 50 percent of capacity and Jones is at about 45 percent of capacity. With this project, these capacities are expected to remain unchanged..



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As part of this request, the applicant is requesting a Variance (23-0056-VAR1) to allow 15 parking spaces where 16 is the minimum required. This is a self-imposed hardship as the applicant is attempting to overuse the subject site where no evidence of exceptional narrowness, shallowness, irregular shape, or exceptional topographic conditions has been presented that would warrant the granting of a Variance. Therefore, staff does not support the request.

An additional Variance (23-0056-VAR2) is requested for setbacks and residential adjacency. Since this a commercial use conducted on a R-E (Residence Estates) zoned property, residential adjacency standards apply as there is a residential zoned property to the south of the subject site. As the subject property is 24 feet and 2 inches tall, the building must be set back 73 feet from the property line of the protected property where 15 feet is provided. The proposed building addition also doesn't meet the rear yard setback requirements for the R-E (Residence Estates) zoning district which calls for 35 feet. Again, no evidence of a unique or extraordinary circumstance has been presented and therefore, staff also does not support this request.

While this type of development is appropriate for the area, as designed, the site cannot accommodate the proposed building addition as evidenced by multiple Waiver requests of the minimum Special Use Permit requirements. The building addition would also increase the amount of parking required and would be within required setbacks, prompting multiple Variances that detract from the intent of the RP-O (Rural Preservation Overlay) to provide adequate buffer areas and an efficient transition of land uses. No evidence of a unique or extraordinary circumstance has been presented; therefore, staff recommends denial of both Variances, Special Use Permit and Site Development Plan Review. If approved, they will be subject to conditions.

**FINDINGS (23-0056-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the 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

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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 building addition that is placed within setbacks and that increases required parking. 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.

**FINDINGS (23-0056-SUP1)**

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 proposed land use expansion cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses as the applicant has requested Waivers to allow 36 beds where 20 is the maximum allowed and to allow the setbacks for the proposed addition to not match those of a primary dwelling in the R-E (Residence Estates) zoning district.

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

The subject site is 0.82 acres where the applicant requested Waivers to allow 36 beds where 20 are allowed for a parcel of this size and to allow the setbacks to not be the same for a dwelling in the zoning district where located. Multiple Variances are also required for insufficient parking and setbacks. These requests are evidence that the subject site is no longer suitable for the type and intensity of the land use proposed.

- 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.**

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This site is accessed by Jones Boulevard and Elkhorn Road. Both are 100-foot primary arterials as defined by the Master Plan of Streets and Highways and are adequate in size to meet the requirements 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.**

If approved, this Special Use Permit will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health, safety and welfare.

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

The proposed Convalescence Care Facility/Nursing Home use does not meet all of the applicable conditions per Title 19.12 as Waivers have been requested to allow 36 beds where 20 beds are the maximum allowed and to allow the setbacks to not be the same as required for a single family dwelling in the zoning district where located. Staff does not support these requests

### **FINDINGS (23-0056-SDR1)**

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is adjacent to other R-E (Residence Estates) zoned parcels with single family residential properties. Residential adjacency standards apply for a non-residential use on a residentially zoned parcel. The applicant has requested a Variance of residential adjacency standards which would make the proposed development incompatible with the surrounding area.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards as Variances for residential adjacency and minimum setback requirements have been requested.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access and circulation remains unchanged from what was previously approved and will not negatively impact adjacent roadways or neighborhood traffic.

**4. Building and landscape materials are appropriate for the area and for the City;**

The submitted elevation plan date stamped, 02/02/23 depicts building materials that match the existing Convalescent Care facility. Landscape materials remain unchanged from what was previously approved and remains appropriate for the area for the City.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The submitted elevation plan date stamped, 02/02/23 depicts an approximately 14-foot tall building addition that will match the aesthetics of the existing convalescent care facility. The proposed intensification of the setbacks and residential adjacency standards make the proposed expansion not harmonious or compatible with development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The building addition is subject to building permit review and regular inspections during the installation phase to secure and protect the public health, safety and general welfare.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
06/18/08	The City Council approved the request to Annex (ANX-27333) 0.83 acres located at the southwest corner of Jones Boulevard and Elkhorn Road. The effective date was 06/16/08.
02/12/09	The Planning Commission approved a motion to Table a request to amend the land use (GPA-32557) from DR (Desert Rural Density Residential) to SC (Service Commercial), a Rezoning (ZON-32556) from U (Undeveloped) to C-1 (Limited Commercial), a Variance (VAR-32575) to allow 28 parking spaces where 40 is required and no loading zone, and a Site Development Plan Review (SDR-32569) for a proposed 7,000 square-foot convenience store with multiple landscape waivers. Staff recommended denial.
10/16/13	The City Council approved a Rezoning (ZON-50461) from U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] to R-E (Residence Estates) on 0.83 acres at the southwest corner of Elkhorn Road and Jones Boulevard. The Planning Commission and staff recommended approval.
06/10/14	The Planning Commission approved a Variance (VAR-53671) to allow a 10-foot Residential Adjacency Setback where 60 feet is required for a proposed Convalescent Care Facility/Nursing Home at the southwest corner of Elkhorn Road and Jones Boulevard. Staff recommended approval.
06/10/14	The Planning Commission approved a Special Use Permit (SUP-53496) for a Convalescent Care Facility/Nursing Home at the southwest corner of Elkhorn Road and Jones Boulevard. Staff recommended approval.
06/10/14	The Planning Commission approved a Site Development Plan Review (SDR-53497) for a 24-bed Convalescent Care Facility/Nursing Home on 0.83 acres at the southwest corner of Elkhorn Road and Jones Boulevard. Staff recommended approval.
06/09/15	The Planning Commission approved a Variance (VAR-59050) to allow an 11-foot corner side yard setback where 15 feet is required for a previously approved convalescent care facility/nursing home on 0.93 acres at the southwest corner of Elkhorn Road and Jones Boulevard.
06/09/15	The Planning Commission approved a Major Amendment to a previously approved Site Development Plan Review (SDR-53497) for a 24-bed convalescent care/facility nursing home with a Waiver to allow a zero-foot to 11-foot landscape buffer along the east perimeter where 15 feet is required

<b><i>Most Recent Change of Ownership</i></b>	
04/02/20	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
11/05/15	A Building Permit (C-283666) was issued for a nursing home. The Building Permit was final 11/23/16
01/11/18	A Business License (G66-00046) was issued for a 24 bed/suite care facility for individuals suffering from dementia. The license is active pending renewal.

<b>Pre-Application Meeting</b>	
01/30/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review, Special Use Permit and Variances.

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

<b>Field Check</b>	
02/29/23	Staff conducted a field check of the subject site and observed an existing Convalescent Care facility. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.82

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Convalescent Care Facility/Nursing Home	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Undeveloped	R (Rural Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	Ranch Estate Neighborhood (up to 2 du/ac) – Clark County	R-E (Rural Estates Residential [2 Units per Acre] – Clark County)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Tule Springs	N
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
RP-O (Rural Preservation Overlay) District	N
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails (Bike Lane – Elkhorn Road – Constructed)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	20,000 SF	36,155 SF	Y
Min. Lot Width	100 Feet	130 Feet	Y
Min. Setbacks			
• Front	50 Feet	79 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	11 Feet	Y*
• Rear	35 Feet	15 Feet	N**
Max. Lot Coverage	N/A	56%	Y
Max. Building Height	35 Feet	24'-2"	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

\*A Variance (VAR-59050) was approved to allow an 11-foot corner side yard setback where 15 feet is required for a previously approved convalescent care facility/nursing home.

\*\*A Variance (23-0056-VAR1) is requested to allow a 15-foot rear yard setback where 35 feet is required.

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	73 Feet	15 Feet	N*
Adjacent development matching setback	N/A	N/A	N/A
Trash Enclosure	50 Feet	81 Feet	Y

\*A Variance (23-0056-VAR2) is requested to allow a 15-foot residential adjacency setback where 73 feet is required.

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Jones Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100 Feet	Y
Elkhorn Road	Primary Arterial	Master Plan of Streets and Highways Map	100 Feet	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
Convalescent Care Facility/ Nursing Home	36 Beds	1 space for each 6 beds, plus one space for each employee on the largest shift, plus 3 spaces for use by medical professionals	16				
TOTAL SPACES REQUIRED			16		15		N*
Regular and Handicap Spaces Required			15	1	14	1	N*
Percent Deviation			6.25%				N*

\*A Variance (23-0056-VAR1) to allow 15 parking spaces where 16 parking spaces are required.



<b><i>Waivers</i></b>		
<b><i>Requirement</i></b>	<b><i>Request</i></b>	<b><i>Staff Recommendation</i></b>
The maximum number of beds per acre shall be 25	To allow 36 beds where 25 is the maximum allowed per acre	Denial
Setbacks for buildings shall be the same as required for a single family dwelling in the zoning district where located	To allow a 15-foot rear yard setback where 35 feet is required for a single family dwelling in the zoning district where located	Denial