



City of Las Vegas

Agenda Item No.: 30.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 28, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VAR-2924 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: FRANK
SWEENEY - Request for a Variance to ALLOW ONE OFF-STREET PARKING SPACE
WHERE THREE OFF-STREET SPACES ARE REQUIRED on 0.14 acres at 2621 Brady Avenue
(APN 139-25-000000000R - Single Family Residential) Zone, Ward 3 (Reese)

IF APPROVED, C.C. # 2008/08/28/001/2008
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	6	Planning Commission Mtg.	1
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda Protest/Support Postcards for Items 30 and 31
8. Submitted at Meeting Photographs and Support Petition with 18 signatures by Peter Strother for Items 30 and 31

Motion made by STEVEN EVANS to Approve subject to conditions

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0
SAM DUNNAM, DAVID STEINMAN, RICHARD TRUESDELL, GLENN TROWBRIDGE,
STEVEN EVANS, VICKI QUINN; (Against-BYRON GOYNES); (Abstain-None); (Did Not
Vote-None); (Excused-None)

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 30 and 31.

DOUG RANKIN, Planning and Development Department, stated that the Variance request could not be supported because the lot was not an unusual shape. He recommended denial of Item 30

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as it was a self-imposed hardship. He recommended denial of Item 31 due to the multiple waiver requests and inability to meet minimum requirements.

PETER STROTHER, 4209 Newcastle Road, appeared on behalf of the applicant, Quest House, which is a recovery house for recovering alcoholics and drug users. He acknowledged that tandem parking could not be considered, but pointed out that parking was sufficient and available. He pointed out that the residents typically did not have vehicles as they usually were in the first few months of their recovery.

Addressing the sites proximity to the senior home, MR. STROTHER stated that Quest House has been operating at this location for the past 10 years and the operators had been unaware of the senior home or how long it had been operating. He suggested distance separation was not an issue as the two uses had operated harmoniously without being aware of the others existence.

Regarding staffs contention that the Variance request was a self-imposed hardship, MR. STROTHER stressed that Quest House was not a business and was not intended to make a profit. He explained that the occupancy would be similar to other homes in the neighborhood and noted the house was one of the better maintained homes. The staff house was a much-needed community service and requested approval.

MR. STROTHER submitted a support petition and suggested that there was little opposition by the neighborhood. CHAIR GOWANES read from an opposition letter which stated parking was problematic particularly when meetings are held.

TODD FARLOW, 240 North 19th Street, appeared in opposition, stating the neighborhood was over-saturated with group homes. He argued that the applicant was operating this business for a profit.

JOE ESPOSITO, 8381 Plum Creek Court, appeared on behalf of the applicant and stressed that the facility is not run for profit. He explained that the Quest House does not receive any government subsidies and depends on private contributions. He emphasized the facilities efforts to be a good neighbor and stated that misconduct from the residents is not tolerated.

COMMISSIONER EVANS questioned MR. RANKIN regarding when the requirement of a SUP for a group home came into effect and MR. RANKIN answered that, 10 years ago, halfway houses may have been classified differently and further research would be needed.

MR. ESPOSITO informed COMMISSIONER EVANS that complaints by the neighbors had not been an issue and explained that Quest House was working to bring property into compliance. COMMISSIONER EVANS acknowledged the need for programs like the Quest House and suggested that the lack of parking was not the main problem. He stated he could support the project if the applicant would commit to installing substantial landscaping and to improving the appearance of the property.

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COMMISSIONER TRUESDELL agreed that this facility was needed and commented that this house should be the best maintained property in the neighborhood, stating that if the residents put in a little work on the yard, it would look amazing.

CHAIR GOYNES applauded the efforts of Quest House, but wondered why the yard had not been landscaped. BRIAN FISHER, 2986 Bel Air Drive, appeared on behalf of the applicant and explained that desert landscaping had been installed through the Southern Nevada Water Authority's rebate program.

CHAIR GOYNES noted the numerous Code Enforcement inspections and other open Code Enforcement cases. CHAIR GOYNES wondered if the house was fully licensed and MR. FISHER explained that the license could not be approved with the parking variance. MR. FISHER stated that Quest House had previously operated two halfway houses and had closed one at the request of COUNCILMAN REESE.

MR. STROTHER stated that some of the residents do repair work on the facility and MR. ESPOSITO promised to improve the landscaping.

COMMISSIONER STANNMAN expressed his surprise that the applicant was unaware of the neighboring facility, pointing out the senior home has a large AA is very attractive. He read from the senior homes protest letter which described the traffic and parking problems caused by the Alcoholics Anonymous (AA) meetings.

COMMISSIONER TROWBRIDGE expressed concern that the business has been operating for ten years without a license and has received one violation with one case still pending. He observed that AA meetings were being held in the house, which is not permitted, resulting in traffic and parking issues. MR. ESPOSITO acknowledged that the traffic and parking issues were related to the AA meetings, but explained that they were necessary. COMMISSIONER TROWBRIDGE stated that the meetings should be limited to the residents and added that he could not support allowing the use to continue in its current manner.

At CHAIR GOYNES' request, MARGO WHEELER, Director of the Planning and Development Department, clarified what would be permitted if the SUP were approved. She stated that the requested facility, a halfway house for recovering alcoholics and narcotics abusers, is a residential use only and is not intended for outside meetings. PETER LOWENSTEIN, Planning and Development Department, noted that those meetings are considered treatment. CHAIR GOYNES stated the AA meetings need to be held in a commercial center and suggested the requested use tends to erode a neighborhood rather than help it.

COMMISSIONER TROWBRIDGE suggested an additional condition requiring a one-year review on the SUP. COMMISSIONER DUNNAM stated he could support the application with a one-year review, explaining that he wanted to ensure the applicants are held accountable to their commitments and the neighborhood is protected.

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During the crafting of the motion, MS. WHEELER assisted COMMISSIONER EVANS in crafting the added condition regarding the one-year review.

CHAIR GOYNES declared the Public Hearing closed for Items 30 and 31.

