



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-25031 - APPLICANT/OWNER: FRANK SWEENEY**

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

**STAFF RECOMMENDATION:**     **DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Halfway House for Recovering Alcohol and Drug Abusers use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-29242) shall be required, if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 Special Use Permit to allow for a proposed Halfway House for Recovering Alcohol and Drug Abusers with Waivers to allow a 300-foot separation from an existing Group Residential Care Facility where 1,500 feet is the minimum separation distance required and to allow a 6,136 square-foot lot where 6,500 square feet is the minimum required at 2621 Brady Avenue.

In addition to this application, the applicant has submitted a Variance (VAR-29242) to allow one off-street parking space where three off-street parking spaces are required. The multiple Waivers and Variance requested indicate that the subject property is not an appropriate location for a Halfway House for Recovering Alcohol and Drug Abusers. The structure, originally designed for single-family use is not physically suited for a group residence, therefore staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/11/03	A Code Enforcement inspection (#2498) was conducted at 2621 Brady Avenue for running a Halfway House without a license. The site passed the inspection and the case was closed 08/15/03.
07/26/04	A Code Enforcement inspection (#19132) was conducted at 2621 Brady Avenue for vehicles in the front yard of the property and trash and debris in the front yard. The site passed the inspection and the case was closed on 08/02/04.
05/23/06	A Code Enforcement Citation (#40086) was issued against 2621 Brady Avenue for operating a Halfway House without a permit. This case is still open pending resolution.
<b><i>Related Building Permits/Business Licenses</i></b>	
10/18/99	A building permit application was received for a patio cover/carport addition at 2621 Brady Avenue. The application was never fully processed and building permits were never issued.
01/13/00	A building permit application was received for a room addition at 2621 Brady Avenue. The application was never fully processed and building permits were never issued.
08/15/07	A business license application (#N34-94502) was received for a non-profit sober living facility with up to ten residents at 2621 Brady Avenue. The license was denied as the use is not in conformance with the requirement of the Planning Department.

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<b><i>Pre-Application Meeting</i></b>	
06/17/08	A pre-application meeting was held with applicant where elements of submitting a Special Use Permit and a Variance were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	

<b><i>Field Check</i></b>	
08/05/08	A field check was performed by staff at the subject property. The site was observed to be a typical early 1960s single-family home in decent repair with a gravel front yard containing a single tree. A single-car driveway was noted on the east side of the home extending into the rear lot area of the property, with several chairs and tables in the driveway against the side of the home.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.14

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Halfway House for Recovering Alcohol and Drug Abusers	6 Residents, plus 1 administrator	One space per 5 residents plus 1 space for the administrator	3		1		
<b>TOTAL</b>			3		1		N*
Percent Deviation					67%		

\* A Variance (VAR-29242) has been submitted to allow one off-street parking space where three off-street parking spaces are required.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a 300-foot distance separation from a Group Residential Care Facility	A distance separation of 1,500 feet from a Group Residential Care Facility	Denial
To allow a parcel size of 6,136 square feet	A parcel with a minimum size of 6,500 square feet	Denial

**ANALYSIS**

This is a request to provide a Halfway House for Recovering Alcohol and Drug Abusers at 2621 Brady Avenue. The subject property has been in operation as a Halfway House for Recovering Alcohol and Drug Abusers for several years with a total of three prior Code Enforcement instances, the most recent of which is still open pending resolution. The applicant has stated in the justification letter that it is their intent to bring the subject property into compliance with current Title 19 requirements for a Halfway House for Recovering Alcohol and Drug Abusers with the Waivers requested. The applicant is requesting for a total of six residents and one administrator to occupy the five-bedroom single-family home.

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A Variance (VAR-29242) has been submitted to allow one off-street parking space where three off-street parking spaces are required. The applicant has also requested two Waivers, to allow a 300-foot distance separation from a Group Residential Care Facility where a 1,500-foot distance separation is required and to allow a parcel size of 6,136 square feet where 6,500 square feet is the minimum parcel size required. A review of business licensing confirms that an Adult Group Home is located 300 feet east of the subject property at 2709 Brady Avenue. Parcels range in size between 5,800 and 6,900 square feet within the surrounding neighborhood, with an average lot size of 6,100 square feet. The subject property is 364 square feet, or approximately 5% smaller than the required Title 19 lot size for a Halfway House for Recovering Alcohol and Drug Abusers.

The proposed use is permissible in an R-1 (Single Family Residential) zoning district with the approval of a Special Use Permit. While the applicant is providing a service to the community, the standards of Title 19.04 have been established to ensure against oversaturation of group homes within single-family neighborhoods and to prevent parking impairments on neighborhood roadways. The patio furniture in the driveway observed by staff during the field check is further evidence that the existing lot size is inadequate to meet the needs of the proposed use. The Waivers and Variance requested are indications that the subject property is not suitable for a Halfway House for Recovering Alcohol and Drug Abusers; therefore, staff recommends denial of this request.

- **Zoning**

This project is located within the R-1 (Single Family Residential) zoning district. The purpose of the R-1 (Single Family Residential) zoning district is to provide for the development of single-family detached dwellings in a suburban setting. The R-1 (Single Family Residential) zoning district is consistent with the policies of the L (Low Density Residential) category of the General Plan. The subject property is carries a General Plan land use designation of L (Low Density Residential).

- **Use**

A House for Recovering Alcohol and Drug Abusers is defined by Title 19.04 as a dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

#### **Minimum Special Use Permit Requirements**

1. The facility must comply on an ongoing basis with all governmental licensing requirements.

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2. Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients when they reside in the facility. Upon that request, the facility operator shall produce evidence satisfactory to the Director that the facility is in compliance with this condition.
3. The facility must be located on a parcel with a minimum size of 6,500 square feet.
4. The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
5. Off-street parking shall be provided on that basis of at least one space per five residents, plus an additional space for the administrator.
6. Indoor common area shall be provided on the basis of a minimum of 15 square feet per resident.
7. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
8. No signage, graphics, display or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.
9. A facility may not be located closer than 1,500 feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, or a Group Residential Care Facility, except where there is an intervening street, freeway, or drainage channel wider than 100 feet. The provisions of Section 19.04.040(B) do not apply to this Condition, however, a waiver of the distance limitation may be obtained from the City Council, after a recommendation from the Planning Commission, as follows:
  - a. A public hearing must be conducted by both the Planning Commission and City Council, after a notice of hearing has been provided as in the case of a Special Use Permit.
  - b. The applicant must demonstrate to the satisfaction of the City Council that:
    - i. Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;

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- ii. The location of the proposed facility in proximity to other facilities whose located is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;
  - iii. The proposed facility will be operated in compliance with Conditions 1 and 2;
  - iv. The proposed facility will comply with Conditions 3 through 8 and Condition 10, unless any such condition has been waived in connection with the approval of a Special Use Permit; and
- c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.
10. The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards;
- a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
  - b. For each bedroom thereafter:
    - i. A maximum of one adult, for bedrooms one hundred square feet in area; and
    - ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.

The proposed Halfway House for Recovering Alcohol and Drug Abusers does not meet all of the Minimum Special Use Permit Requirements. Specifically, conditions three, five and nine cannot be met. Failure to meet these minimum conditions are indications that the subject site is not a suitable location for a Halfway House for Recovering Alcohol and Drug Abusers; therefore, staff recommends denial of this request.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 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.**

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The proposed Group Residential Care Facility does not meet the required distance separation requirements and would constitute an increase in land use intensity within the subject neighborhood. The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

The subject site is not physically suitable for the intensity of land use associated with a Group Residential Care Facility, as it is within 300 feet of another group home on located on a parcel that is 6,136 square feet. The site provides one parking space where three are required. Therefore, the site does not meet the required distance separation of 1500 feet between group homes or minimum lot size requirement of 6,500 square feet.

**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.**

The site gains access from Brady Avenue, a 51-foot local street. This access will be 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.**

The County Health Department and other code enforcement agencies will monitor the Group Residential Care Facility; therefore public health and safety will be protected. However, congregating group homes this closely together may compromise the general welfare of the area.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Group Residential Care Facility is within 300 feet of another group home, provides one off-street parking space, and is sited on a parcel 6,136 square feet in size. These site constraints do not meet the required distance separation of 1,500 feet between group homes, required off-street parking of three spaces or required minimum parcel size of 6,500 square feet; therefore, failing to meet the applicable conditions of Title 19.04.010.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 8

**NOTICES MAILED** 358

**APPROVALS** 1

**PROTESTS** 8