



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-31153 - APPLICANT/OWNER: LAWRENCE MURRAY**

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

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

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Group Residential Care Facility, including parking requirements.
2. A revised site plan shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect a parking area meeting all requirements of LVMC Title 19.10.
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.

**SUP-31153 - Staff Report Page One  
December 4, 2008 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Group Residential Care Facility with a Waiver to allow a 1,130-foot distance separation where 1,500 feet is required at 2080 La Salle Street. The facility will serve a maximum of ten residents. Staff cannot support the requested Waiver of the minimum separation distance as the requirement is intended to prevent the oversaturation of this use within a limited area; therefore, staff is recommending denial of this request for a Special Use Permit.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/20/90	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0228-90) to allow a residential facility for adult care for a maximum of five (5) adults on property located at 893 Hassell Avenue. This Special Use Permit has expired. [The correct address is 2080 La Salle Street.]
10/04/06	Code Enforcement received a complaint that a single-family residence had been converted into a boarding house, and that multiple building code violations existed. The complaint was resolved on 10/24/06.
<i>Related Building Permits/Business Licenses</i>	
05/09/91	A gas permit (#M-3449-91) was issued for a single-family home located at 2080 La Salle Street. The permit was finalized on 09/11/91.
12/06/07	An electrical permit (#103460) was issued to replace a damaged 200 amp panel at 2080 La Salle Street. The permit was finalized on 10/15/08.
<i>Pre-Application Meeting</i>	
10/06/08	A pre-application meeting was held to discuss the minimum requirements for a Group Residential Care Facility, including the need for a Waiver of the required separation distance and minimum parking requirements.
<i>Field Check</i>	
10/29/08	A field check was conducted by staff of the subject site. It was observed to be a single-family residence in good condition.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.26 Acres

**SUP-31153 - Staff Report Page Two  
December 4, 2008 - Planning Commission Meeting**

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
North	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
East	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
West	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density 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		
West Las Vegas Plan	X		Y
<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		
A-O Airport Overlay District (140 Feet)	X		Y*
<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

*\*The subject site consists of an existing single-story residence and accessory structure; no additional structures are proposed.*

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08, the following parking standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	6,500 SF	11,232 SF	Y
Min. Lot Width	N/A	83 Feet	Y
Min. Setbacks			
• Front	20 Feet	24 Feet	Y
• Side	5 Feet	16 Feet	Y
• Corner	5 Feet	17 Feet	Y
• Rear	20 Feet	44 Feet	Y

**SUP-31153 - Staff Report Page Three  
December 4, 2008 - Planning Commission Meeting**

Min. Distance Between Buildings	10 Feet	N/A	N/A
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	Two stories or 35 feet, whichever is less	1 Story (14 Feet)	Y

*Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Group Residential Care Facility	Maximum 10 Residents	1 Space per 5 Residents, plus 1 space for the administrator	3	Zero	4	1	Y*
<b>TOTAL</b>			3		5		Y*

*\*The submitted site plan shows parking spaces, including one handicapped accessible space, that do not meet the minimum dimensional requirements of Title 19.10. A condition has been added to meet or exceed all minimum requirements of Title 19.10 for the parking area.*

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Allow a distance separation of 1,030 feet from another Group Residential Care Facility	A minimum distance separation of 1,500 feet from another Group Residential Care Facility	Denial

<b>Waiver Information for Distance Separation</b>				
<b>Type of Use</b>	<b>Name and License Number</b>	<b>Address</b>	<b>Required Distance</b>	<b>Distance Provided</b>
Group Residential Care Facility	Covenant of Love (#N43-99114)	1213 Balzar Avenue	1,500 Feet	1,130 Feet

**SUP-31153 - Staff Report Page Four**  
**December 4, 2008 - Planning Commission Meeting**

## **ANALYSIS**

This is a request to provide a Group Residential Care Facility at 2080 La Salle Street to house up to ten elderly residents. The facility is located approximately 1,030 feet from an existing Group Residential Care Facility at 1213 Balzar Avenue, and does not meet the minimum required distance separation of 1,500 feet from a like use. The minimum distance separation was established to prevent an oversaturation of this use within a limited area, so that local community services and resources are not taxed beyond the levels that a community can provide. Therefore, staff cannot support the Waiver of the minimum distance separation required for approval of this Special Use Permit request.

- **Zoning**

This project is located within the R-2 (Medium-Low Density Residential) zoning district. The purpose of this R-2 (Medium-Low Density Residential) zoning district is to establish lots primarily for medium to low density single-family detached units and duplex units. The R-2 District is consistent with the policies of the Medium-Low Density and Medium-Low Attached Residential categories of the General Plan. The subject property carries a General Plan land use designation of MLA (Medium Low Attached Density).

- **Use**

A Group Residential Care Facility is defined by Title 19.04 as a dwelling of a residential character which is used or intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm, physically or mentally handicapped, or physically dependant, and are living together for the purpose of training, observation, common support, or a combination thereof. The term does not include an individual residential care facility; a facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any facility which:

1. Provides surgical, medical, psychiatric or other specialized treatment on a regular basis; or
2. Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.

- **Minimum Special Use Permit Requirements**

1. The facility must comply on an ongoing basis with all governmental requirements.
2. The facility must be located on a parcel with a minimum size of 6,500 square feet.

**SUP-31153 - Staff Report Page Five**  
**December 4, 2008 - Planning Commission Meeting**

3. Off-street parking shall be provided on the basis of at least one space per 5 residents, plus an additional space for the administrator.
4. Indoor common area shall be provided on the basis of a minimum 15 square feet per resident.
5. 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.
6. No signage, graphics, display or other visual representation that is visible from a public street be used to identify the facility as a Group Residential Care Facility.
7. A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Group Residential Care Facility, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers, except where there is an intervening street, freeway or drainage channel wider than one hundred feet. The provisions of 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 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 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;
    - ii. The location of the proposed facility in proximity to the facilities whose location 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 Condition 1;
    - iv. The proposed facility will comply with Conditions 2 through 6 and Condition 8, unless any such condition has been waived in connection with the approval of a Special Use Permit.
  - c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use

**SUP-31153 - Staff Report Page Six**  
**December 4, 2008 - Planning Commission Meeting**

8. The number of occupants within a Group Residential Care Facility 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 less than one hundred square feet in area; an
    - ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.
9. In connection with approval of a Special use Permit, the City Council may waive any of the occupancy standards in Condition 8 for disabled adults if the applicant demonstrates that:
  - a. There will be adequate parking based on the number of occupants;
  - b. The number of occupants will not exceed the number permitted in the zoning district in which the proposed facility is to be located; and
  - c. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.
10. Conditions 2-9 shall not apply to a Group Residential Care Facility whose proposed location is not closer than one thousand five hundred feet to any of the following uses:
  - a. Another Group Residential Care Facility;
  - b. A Facility for Transitional Living for Released Offenders;
  - c. A Halfway House for Recovering Alcohol and Drug Abusers.

The proposed Group Residential Care Facility does not meet all of the Minimum Special Use Permit Requirements. Specifically, condition number seven cannot be met. Failure to meet this minimum condition is an indication that the subject site is not a suitable location for a Group Residential Care Facility as similar uses exist within close proximity, leading to a saturation of use within the area. Therefore, staff recommends denial of this request.

## FINDINGS

The following findings must be made for a Special Use Permit:

- 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 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. While the use is permitted within a Medium-Low Density residential zoning district, the distance separation requirement was established to prevent oversaturation within established neighborhoods.

- 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 type and intensity of land use proposed as it located approximately 830 feet from another Group Residential Care Facility where a 1,500-foot distance separation is required.

- 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 is accessed from La Salle Street, a 60-foot Local Road according to the Master Plan of Streets and Highways. A secondary driveway is located on Hassell Avenue, a 60-foot Local Road, according to the Master Plan of Streets and Highways. Both roadways 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.**

The County Health Department and other code enforcement agencies will monitor the Group Residential Care Facility; therefore public health and safety will be protected.

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

The proposed Group Residential Care Facility is within 1,030 feet of another group home. This site constraint does not meet the required distance separation of 1,500 feet between Group Residential Care Facilities per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 236

**APPROVALS** 1

**PROTESTS** 0