



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: PAITAKA P. AND TASEY MIYAHIRA

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37892	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-37892 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Group Residential Care Facility use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The Group Residential Care Facility shall be limited to no more than 10 senior citizens at any one time.
4. Prior to occupancy, all necessary building permits shall be obtained for all proposed and existing structures and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of the 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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Public Works

7. Prior to the issuance of any building permits, abandon the existing septic tank system per Southern Nevada Health District regulations and connect to the public sewer line in Cheyenne Avenue. Alternatively, provide a letter from the Southern Nevada Health District stating that the existing septic tank is acceptable.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit (SUP-37892) for a single-story 3,508 square-foot Group Residential Care Facility for no more than ten senior citizens located at 6640 West Cheyenne Avenue. The proposed use meets all minimum Conditional Use Requirements of Title 19 requirements, with the exception of the 1,500-foot distance separation from another Group Residential Care Facility. The applicant is requesting a Waiver to allow a 1,481-foot distance separation from another Group Residential Care Facility. Staff recommends approval of this request as it can be conducted in a manner that is compatible with the surrounding uses and the requested Waiver is minor in nature. If this application is denied the property would remain as single-family residential use.

ISSUES

- The proposed Group Residential Care Facility does not meet condition #7, which states a facility may not be closer than 1,500 feet (measured by the 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. A Waiver is required as the nearest Group Residential Care Facility is located at 3329 Irv Markus Drive, which is approximately 1,481 feet to the northwest.
- A Project of Regional Significance is required, since the application is for a Special Use Permit and within 500 feet of Clark County.
- The property contains two metal car ports and a 1,200 square-foot storage garage, for which no building permits, can be located. A condition has been added to require building permits for all existing structures.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/14/94	The Planning Commission approved an Annexation (A-0013-94(A)) on .90 acres at 6640 West Cheyenne Avenue.

<i>Most Recent Change of Ownership</i>	
04/14/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
c.1977	The subject residence was constructed in 1977, which was under Clark Counties jurisdiction.
02/04/97	A building permit (#97002442) was issued to reroof the Main Dwelling Unit, the permit was finalized on 02/11/97.

<i>Pre-Application Meeting</i>	
04/01/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • The proposed Group Residential Care Facility does not meet condition #7, which states a facility may not be closer than 1,500 feet (measured by the 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. A Waiver will be required as the nearest Group Residential Care Facility is located at 3329 Irv Markus Drive, which is approximately 1,481 feet to the northwest. • A Waiver will be required for the distance separation. • A Project of Regional Significance is required, since the application is for a Special Use Permit and within 500 feet of Clark County. • All structures must have building permits. • The handicapped parking space must be van accessible.

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

<i>Field Check</i>	
04/22/10	A single-family residence, with possible unpermitted structures.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.90

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family Residential	DR (Desert Rural)	R-E (Residence Estates)
North	Single Family Residential	RN (Rural Neighborhood)	R-E (Rural Estates) / Clark County
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family Residential	RN (Rural Neighborhood)	R-E (Rural Estates) / Clark County
West	Service Station and Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Per Title 19.08.040.Table1

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	38,498 SF	Y
Min. Lot Width	100 Feet	136 Feet	Y
Min. Setbacks			
• Front	50 Feet	53 Feet	Y
• Side (East)	10 Feet	25 Feet	Y
• Side (West)	10 Feet	21 Feet	Y
• Rear	35 Feet	172 Feet	Y
Min. Distance Between Buildings	6 Feet	55 Feet	Y

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Pursuant to Title 19.10, 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	
Group Residential Care Facility	10 Residents	1 space per each 5 residents, plus an additional space for the administrator	3		15		Y
TOTAL SPACES REQUIRED			3		15		Y
TOTAL (With Handicapped)			2	1	14	1	Y

Waivers		
Requirement	Request	Staff Recommendation
1,500-foot distance separation from another Group Residential Care Facility.	Allow a 1,481-foot distance separation from another Group Residential Care Facility.	Approval

ANALYSIS

The applicant is proposing a 3,508 square-foot Group Residential Care Facility for senior citizens on a developed single-family residential lot at 6640 West Cheyenne Avenue. The applicant states that they will accept any age group over 50. The applicant states that he has no experience running a Group Residential Care Facility, but has a Facility Administrator that has been his consultant and will manage the facility, including three staff members. A Group Residential Care Facility use is defined by Title 19.20.020 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 dependent, 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:”

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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.

The proposed use meets all minimum Conditional Use Requirements of Title 19 requirements, with the exception of the 1,500-foot distance separation from another Group Residential Care Facility. The applicant is requesting a Waiver to allow a 1,481-foot distance separation from another Group Residential Care Facility. The property also contains two metal car ports, for which no building permits can be located. A condition to require building permits for all structures has been added. The main dwelling was located in Clark County at the time of construction in 1977. The subject site also has two bus stops west of the property, one 470 feet on the north side of Cheyenne Avenue and the second 690 feet on the south side of Cheyenne Avenue, making public transportation for resident readily available. The Group Residential Care Facility will maintain the residential look of an R-E (Residence Estates) property, therefore, staff recommends approval.

FINDINGS (SUP-37892)

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.

The proposed use is compatible with the D-R (Desert-Rural) General Plan designation and is surrounded by existing Clark County R-E (Rural Estates) Residential District on the east, north and west sides, and SC (Service Commercial) also to the west. Therefore, the use can be conducted in a manner that is harmonious and compatible with the surrounding residential and commercial uses surrounding the subject property.

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

The subject site is physically suitable for the type and intensity of the proposed Group Residential Care Facility use.

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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The site is accessed by Cheyenne Avenue, a 100-foot Freeway-Expressway as designated by the Master Plan of Streets and Highways. The proposed use of the subject site will be sufficiently served by existing roadway facilities.

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.

A Group Residential Care Facility use will be subject to regular inspections for licensing; therefore, public health, safety, and welfare will not be compromised. The proposed Group Residential Care Facility will comply with the City of Las Vegas Master Plan 2020 Housing Element Policy 2.2.2 encourages senior citizens' and assisted-living housing to develop to meet the needs of community residents.

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

The proposed Group Residential Care Facility does not meet condition #7, which states a facility may not be closer than 1,500 feet (measured by the 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. A Waiver will be required as the nearest Group Residential Care Facility is located at 3329 Irv Markus Drive, which is approximately 1,481 feet to the northwest.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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