



City of Las Vegas

Agenda Item No.: **48.**

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MAY 9, 2017**

**DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO**

☐ Consent ☒ Discussion

SUBJECT: SUP-69226 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: JAMES JR. AND ELIZABETH FERRACY - Possible action on a request for a Special Use Permit FOR A PROPOSED CHURCH/HOUSE OF WORSHIP USE at 330 North 9th Street (APN 139-35-112-001), within Density Residential Zone, Ward 5 (Barlow) [PRJ-67965]. Staff recommends APPROVAL.

C.C.: 6/21/2017

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

Planning Commission Mtg.

0

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - SUP-69226 and SDR-69227 [PRJ-67965]
2. Conditions and Staff Report - SUP-69226 and SDR-69227 [PRJ-67965]
3. Supporting Documentation - SUP-69226 and SDR-69227 [PRJ-67965]
4. Photo(s) - SUP-69226 and SDR-69227 [PRJ-67965]
5. Justification Letter - SUP-69226 and SDR-69227 [PRJ-67965]
6. Protest Comment and Postcards for SUP-69226 and SDR-69227 [PRJ-67965]
7. Submitted after Final Agenda - Protest Postcard for SUP-69226 and SDR-69227 [PRJ-67965]

Motion made by CEDRIC CREAR to Approve subject to conditions and adding the following condition as read for the record:

A. There shall be an administrative Required Review one year from the date of certificate of occupancy.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

TODD L. MOODY, VICKI QUINN, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, GLENN TROWBRIDGE, CEDRIC CREAR, DONNA TOUSSAINT; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open for Items 48 and 49.

PLANNING COMMISSION MEETING OF: MAY 9, 2017

PAUL BENGTON, Sr. Planner, reported that the applicant was proposing to convert the existing 3,184 square-foot multi-family residential building to a Church/House of Worship use at 330 North 9th Street. A previous Special Use Permit for the same use expired before the building was converted. Staff recommended approval. He noted that additional letters of protest have been received since publication.

GARY CARLSON appeared on behalf of and with the owner, JAMES BRACY JR. MR. CARLSON indicated that the plans before the Commission were reviewed by the Department of Planning staff who has also advised of additional conditions to fulfill the Downtown Centennial Plan requirements. MR. CARLSON believed MR. BRACY JR. was in agreement with these conditions.

BRIAN and SUSAN KNAFF appeared on behalf of the neighbors and stated that they were not against the church expanding but requested additional conditions. MR. KNAFF explained that every Wednesday, the church feeds hundreds of people from the site. He asked that conditions be added requiring the church to help clean up the neighborhood.

MRS. KNAFF added that a line is formed around the food distribution. Many individuals stay and sleep in residents' yards and this has broken out at several properties in the neighborhood; there have also been several break-ins. She asked for some relief as she and MR. KNAFF have received multiple fines from Code Enforcement.

CHRISTIAN WOODWARD, on behalf of MR. and MRS. KNAFF'S comments and expressed concerns about parking.

MR. BRACY JR. confirmed that the church feeds biweekly, and he cannot regulate the individuals who receive the food. He cleans up after the individuals and believed the Las Vegas Metropolitan Police Department may need to provide assistance. He would try to speak to the individuals and ask them to be more respectful.

In response to questions from COMMISSIONER CREAR, MR. BRACY JR. confirmed that after the home was purchased, he began holding church services. A previous permit was obtained but expired. COMMISSIONER CREAR noted that this was an issue. MR. BRACY JR. pointed out that he did have a permit for the sign in the front yard.

COMMISSIONER CREAR asked staff if an applicant could have both a House of Worship and food bank. PETER LOWENSTEIN, Planning Section Manager, stated that ancillary uses can be conducted on site if included in the justification letter as part of the Special Use Permit approval for Houses of Worship in residential zoning districts. Meals would not be permitted pursuant to the zoning code. MR. BRACY JR. confirmed that he is distributing food from Three Square Food Bank and has been doing so since 2008.

COMMISSIONER QUINN has many friends who have wanted feed people who are homeless. However, there is a problem with breaking health codes. Even though she thought what MR.

PLANNING COMMISSION MEETING OF: MAY 9, 2017

BRACY JR. was doing was great, with this magnitude of people it is a problem. MR. BRACY JR. stated that he does have a health card.

COMMISSIONER CREAR mentioned MR. BRACY JR.'S responsibility to clean up to which MR. BRACY JR. said he does clean up.

COMMISSIONER CHERRY agreed with COMMISSIONER CREAR'S comments and asked for MR. BRACY JR. to meet with his neighbor to develop a plan. He would support the application if a one-year review is included.

MR. BRACY confirmed for COMMISSIONER TOUSSAINT that no food is being prepared. He added that he could make more stringent rules for those accepting the food.

COMMISSIONER CHERRY encouraged MR. BRACY JR. to do what he must.

COMMISSIONER TROWBRIDGE believed this was an excellent service, but no good deed goes unpunished. While doing good, other folks are suffering. He asked for the applicant's commitment and a one-year review.

CHAIR SCHLOTTMAN asked the Commissioners if the one-year review should be administrative or set as a public hearing. COMMISSIONER TROWBRIDGE believed an administrative review was fine.

In response to CHAIR SCHLOTTMAN'S question, MR. BRACY JR. indicated that church services are held every Sunday.

COMMISSIONER QUINN suggested MR. BRACY JR. have church members volunteer during the feedings.

Subsequent to COMMISSIONER CREAR'S motion, STEVE GEBEKE, Planning Supervisor, identified the condition to be added and he read it for the record. He stated that the one-year review is from the date of final approval as the City does not license churches. MR. BRACY JR. will also need to obtain building permits. MR. GEBEKE clarified that a building permit would need to be issued in addition to the building serving as a church prior to it exercising its ancillary uses.

TOM PERRIGO, Director of Planning, suggested the one-year review occur from the date of the issuance of the Certificate of Occupancy (COT) or be scheduled as a Planning Commission public hearing. COMMISSIONER CREAR did not have a preference.

MR. CARLSON indicated that drawings required for the building permits have been submitted as part of the application. MR. CARLSON believed the building permits would be obtained within 30 days. MR. BRACY JR. did not believe he could have the required improvements completed within 60 days of the obtaining of the building permit. He would need at least one

PLANNING COMMISSION MEETING OF: MAY 9, 2017

year. CHAIR SCHLOTTMAN informed MR. BRACY JR. that he would not be able to operate for at least one year then.

ASSISTANT CITY ATTORNEY BRYAN SCOTT asked for further clarification from staff in regards to the permits MR. BRACY JR. was required to get.

MR. GEBEKE explained that the subject property was a residence converted into church and did get entitlements around 2000. There were some Extensions of Time that were taken out to extend that time. Permits were not pulled and the entitlements were not exercised and have expired. The building permits that are required would convert the subject building from a residential to a non-residential type of use. He confirmed the Certificate of Occupancy was for residential use.

MR. BRACY JR. believed he already had the Certificate of Occupancy and Special Use Permit to operate as a church. CHAIR SCHLOTTMAN explained that he was not trying to make things difficult for MR. BRACY JR. but the Commission and staff wished to ensure there was a clear and concise plan moving forward.

ASSISTANT CITY ATTORNEY SCOTT suggested staff meet with MR. BRACY JR. to determine which permits he already had.

LUCIEN CAET, Engineering Project Manager, noted the Department of Public Works requirements for MR. BRACY JR. to replace the streetlights and to get a license agreement for the landscaping and the right-of-way.

CHAIR SCHLOTTMAN considered holding the item in abeyance. After some discussion, he suggested an administrative review after 12 months of occupancy. COMMISSIONER MOODY preferred this rather than an abeyance.

CHAIR SCHLOTTMAN declared the Public Hearing closed for Items 48 and 49.