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A G E N D A

BOARD OF ZONING ADJUSTMENT

JULY 26, 1984

CALL TO ORDER: 7:30 P.M. in the Council Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading
of the Standard Conditions and requirements for
filing an Appeal.

All actions by the Board of Zoning Adjustment are
final, (except items requiring a decision by the
City Council), unless an appeal, in writing, is
filed with the City Clerk within eleven days or
a review is requested by the City Council within
fourteen days from the date notice is sent to the
applicant (usually the Tuesday following the
Board's meeting).

ABEYANCE ITEMS:

1. V-60-84 Request of BETTY POWELL for a review of conditions
 REVIEW OF to allow 36 children where a maximum of 21 children
 CONDITIONS are permitted on property located at 519 South
 Decatur Boulevard in Zoning District R-1 (Single
 (Abeyance from Family Residence).
 6/28/84)

2. V-80-84 Application of DENNIS M. SABBATH for a Variance to
 allow a second story access stairway on a proposed
 (Abeyance from addition that will be 3 feet - 4 inches from the
 side property line where 5 feet is required on
 property located at 600 South 9th Street in Zoning
 District R-1 (Single Family Residence).

3. U-33-84 Application of PROCESSED DATA, INC., ON BEHALF OF
 THE STATE OF NEVADA for a Use Permit to allow a
 (Abeyance from pre-release restitution center for convicted non-
 violent felons on property located at 1209 South
 Commerce Street in Zoning District C-M (Commercial
 Industrial).

NEW BUSINESS:

1. V-82-84 Application of GARRY & VICTORIA TOMASHOWSKI for a
 Variance to allow an existing 8 foot block wall on
 the rear property line where a maximum of 6 feet
 is permitted on property located at 1500 East
 McWilliams in Zoning District R-1 (Single Family
 Residence).

2. V-83-84 Application of PAULINE J. TAYLOR for a Variance to allow two (2) dwelling units where only one (1) is permitted on property located at 4206 Dover Place in Zoning District R-1 (Single Family Residence).
3. V-84-84 Application of FELIX OHANA for a Variance to allow a 6 foot fence in the front yard where 4 feet is the maximum permitted on property located at 1475 South 8th Street in Zoning District R-1 (Single Family Residence).
4. V-85-84 Application of DONALD E. BORSACK, TRUSTEE, for a Variance to allow law offices in an R-1 Zone which are not permitted on property located at 610 South 9th Street in Zoning District R-1 (Single Family Residence).
5. V-86-84 Application of KEVIN P. & PATRICIA J. COYNE for a Variance to allow a patio cover 9 inches from the rear property line where 15 feet is required on property located at 225 Bahama Road in Zoning District R-1 (Single Family Residence).
6. V-87-84 Application of J. BRUCE ALVERSON, LTD., A NEVADA CORPORATION, for a Variance to allow the following:
 1. A professional office in an R-1 Zone where not permitted.
 2. 8 parking spaces where 9 are required.
 The above request is on property located at 600 South 8th Street in Zoning District R-1 (Single Family Residence).
7. V-88-84 Application of Vincent Urga for a Variance to allow a carport 3' - 6" from the side property line where a 6' - 5" setback is required; and 2' - 6" from the rear property line where 5' is required; and 1' from the dwelling where a 6' setback is required on property located at 1812 South 11th Street in Zoning District R-1 (Single Family Residence).
8. U-44-84 Application of STEVE ALLEN, ET AL, for a Use Permit to allow a Class III Secondhand Dealer (guns - 25% used - 75% new) on property located at 914 South Valley View Boulevard in Zoning District C-1 (Limited Commercial).
9. U-56-81 Request of CONGREGATION SHAAREI TEFILLA for a Plot Plan Review to allow an addition to the existing structure on property located at 1331 S. Maryland Parkway in Zoning District R-1 (Single Family Residence).

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

JULY 26, 1984

1. U-45-84(HO) Application of PHILIP WANDERER ON BEHALF OF DAVID W. MARTIN for a Home Occupation Use Permit to conduct a mail order business to sell pamphlets from property located at 1200 N. Jones Boulevard, Apartment B, in Zoning District R-3 (Limited Multiple Residence).
2. U-46-84(HO) Application of MICHAEL W. & LINDA L. GLENN for a Home Occupation Use Permit to conduct a mail order business to sell computer software from property located at 570 Airshire Court in Zoning District R-1 (Single Family Residence).
3. U-47-84(HO) Application of JACKI STRONG for a Home Occupation Use Permit to assemble leaded and painted glass pictures on property located at 4632 Metpark Drive in Zoning District R-1 (Single Family Residence).
4. U-48-84(HO) Application of CAROL YOUNG for a Home Occupation Use Permit to perform bookkeeping services on property located at 7116 Pinelake Road in Zoning District R-1 (Single Family Residence).
5. V-122-83 Request of GARCIA & OCHOA for a review of conditions regarding alley paving on property located at 501 South 7th Street in Zoning District R-1 (Single Family Residence).

REVIEW OF
CONDITIONS

TO BE REVIEWED BY THE BOARD OF ZONING ADJUSTMENT
ON JULY 26, 1984
AT 10:00 AM
IN THE BOARD ROOM
OF THE CITY OF JACKSONVILLE
FLORIDA

ANNOTATED AGENDA

BOARD OF ZONING ADJUSTMENT

JULY 26, 1984

CALL TO ORDER: 7:30 P.M. in the Council Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL: PRESENT: Vice Chairman Bonnie Juniel, Robert Giles,
Helen Myers, Jessie Emmett

EXCUSED: Robert Bugbee

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading
of the Standard Conditions and requirements for
filing an Appeal.

All actions by the Board of Zoning Adjustment are
final, (except items requiring a decision by the
City Council), unless an appeal, in writing, is
filed with the City Clerk within eleven days or
a review is requested by the City Council within
fourteen days from the date notice is sent to the
applicant (usually the Tuesday following the
Board's meeting).

ABEYANCE ITEMS:

1. V-60-84 Request of BETTY POWELL for a review of conditions
to allow 36 children where a maximum of 21 children
are permitted on property located at 519 South
Decatur Boulevard in Zoning District R-1 (Single
Family Residence).

APPROVED
MYERS/UNANIMOUS

CONDITION:

1. Condition No. 6 of the original approval is amended to "The use shall
be limited to 36 children, and no more than 12 children shall be
outdoors at any one time."

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

2. V-80-84 Withdrawn by applicant. Letter of withdrawal
dated July 18, 1984, received July 19, 1984.

WITHDRAWN

3. U-33-84 Application of PROCESSED DATA, INC., ON BEHALF OF
THE STATE OF NEVADA for a Use Permit to allow a
pre-release restitution center for convicted non-
violent felons on property located at 1209 South
Commerce Street in Zoning District C-M (Commercial
Industrial).

APPROVED
GILES/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.

2. Landscaping and a permanent underground sprinkler system shall be
provided as required by the Department of Community Planning and
Development and shall be permanently maintained in a satisfactory
manner. Failure to properly maintain required landscaping and
underground sprinkler system shall be cause for revocation of a
business license.

U-33-84 (CONTINUED)

3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Satisfaction of City Code requirements and design standards of all City departments.
6. Approval of the parking and driveway plans by the Traffic Engineer.
7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.
9. Install street lighting on Commerce Street and paving in the alleys as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 93

SET DATE FOR PUBLIC HEARING: 8/1/84

PUBLIC HEARING BEFORE CITY COUNCIL: 8/15/84

NEW BUSINESS:

1. V-82-84

APPROVED
MYERS/UNANIMOUS

Application of GARRY & ANGELICA THOMASHOWSKI for a Variance to allow an existing 8 foot block wall on the rear property line where a maximum 6 feet is permitted on property located at 1500 East McWilliams in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

2. V-83-84

APPROVED
MYERS/3-1
(Juniel voted no)

Application of PAULINE J. TAYLOR for a Variance to allow two (2) dwelling units where only one (1) is permitted on property located at 4206 Dover Place in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. The additional unit shall be occupied by the applicant only, and if the property is sold, the kitchen in the additional unit shall be removed.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1

3. V-84-84

APPROVED
EMMETT/UNANIMOUS

Application of FELIX OHANA for a Variance to allow a 6 foot fence in the front yard where 4 feet is the maximum permitted on property located at 1475 South 8th Street in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. The fence at the street corner of the property shall be located as required by the traffic engineer to reduce any sight restriction.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

4. V-85-84

APPROVED
MYERS/UNANIMOUS

Application of DONALD E. BORSACK, TRUSTEE, for a Variance to allow law offices in an R-1 zone which are not permitted on property located at 610 South 9th Street in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Satisfaction of City Code requirements and design standards of all City departments.
6. Approval of the parking and driveway plans by the Traffic Engineer.
7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.
9. Install sidewalks on 9th Street as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.
10. Sign an Assessment District Agreement to pave the alley and provide street lighting on 9th Street as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

5. V-86-84

APPROVED
EMMETT/UNANIMOUS

Application of KEVIN P. & PATRICIA J. COYNE for a Variance to allow a patio cover 9 inches from the rear property line where 15 feet is required on property located at 225 Bahama Road in Zoning District R-1 (Single Family Residence).

V-86-84 (CONTINUED)

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Conformance to the requirements of the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

6. V-87-84

Application of J. BRUCE ALVERSON, LTD., A NEVADA CORPORATION for a Variance to allow the following:

APPROVED
MYERS/UNANIMOUS

1. A professional office in an R-1 zone where not permitted.
2. 8 parking spaces where 9 are required.

The above request is on property located at 600 South 8th Street in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Satisfaction of City Code requirements and design standards of all City departments.
6. Approval of the parking and driveway plans by the Traffic Engineer.
7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.
8. ~~Provision of fire hydrants and water flow as required by the~~
Department of Fire Services.
9. Dedicate a 15' property line radius at the intersection of 8th Street and Bonneville Avenue, as required by the Department of Design and Development.
10. Sign an Assessment District Agreement to pave the alley and to install street lighting as required by the Division of Land Development and Flood Control, Department of Community Planning and Development.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

7. V-88-84

APPROVED
GILES/UNANIMOUS

Application of VINCENT URGAS for a Variance to allow a carport 3' - 6" from the side property line where a 6' - 5" setback is required; and 2' - 6" from the rear property line where 5' is required, and 1' from the dwelling where a 6' setback is required on property located at 1812 South 11th Street in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevation.
2. Conformance to the requirements of the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1

8. U-44-84

APPROVED
GILES/UNANIMOUS

Application of STEVE ALLEN, ET AL, for a Use Permit to allow a Class III Secondhand Dealer (guns - 25% used - 75% new) on property located at 914 South Valley View Boulevard in Zoning District C-1 (Limited Commercial).

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

SET DATE FOR PUBLIC HEARING ON AUGUST 1, 1984

PUBLIC HEARING ON AUGUST 15, 1984 CITY COUNCIL

9. U-56-81

APPROVED
MYERS/UNANIMOUS

Request of CONGREGATION SHAAREI TEFILLA for a Plot Plan Review to allow an addition to the existing structure on property located at 1331 S. Maryland Parkway in Zoning District R-1 (Single Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. City Council approval of the joint access driveway.

STAFF RECOMMENDATION: DENIAL

PUBLIC HEARING AUGUST 15, 1984 CITY COUNCIL

SUPPLEMENTAL AGENDA:

1. U-45-84 (HO)

APPROVED
MYERS/UNANIMOUS

Application of PHILLIP WANDERER ON BEHALF OF DAVID W. MARTIN for a Home Occupation Permit to conduct a mail-order business to sell pamphlets from property located at 1200 N. Jones Boulevard, Apartment B, in Zoning District R-3 (Limited Multiple Residence).

CONDITION:

1. Conformance to the criteria for home occupations.

STAFF RECOMMENDATION: APPROVAL

2. U-46-84 (H0)

APPROVED
MYERS/UNANIMOUS

Application of MICHAEL W. & LINDA L. GLENN for a Home Occupation Use Permit to conduct a mail order business to sell computer software from property located at 570 Airshire Court in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the criteria for home occupations.

STAFF RECOMMENDATION: APPROVAL

3. U-47-84 (H0)

APPROVED
MYERS/UNANIMOUS

Application of JACKI STRONG for a Home Occupation Use Permit to assemble leaded and painted glass pictures on property located at 4632 Metpark Drive in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the criteria for home occupations.

STAFF RECOMMENDATION: APPROVAL

4. U-48-84 (H0)

APPROVED
MYERS/UNANIMOUS

Application of Carol Young for a Home Occupation Use Permit to perform bookkeeping services on property located at 7116 Pinelake Road in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the criteria for home occupations.

STAFF RECOMMENDATION: APPROVAL

5. V-122-83

APPROVED
MYERS/UNANIMOUS

Request of GARCIA & OCHOA for a review of conditions regarding alley paving on property located at 501 South 7th Street in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Condition No. 4 of the original approval is hereby amended to: "Sign an Assessment District Agreement for alley paving as required by the Division of Land Development and Flood Control, Department of Community Planning and development".

STAFF RECOMMENDATION: APPROVAL

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

JULY 26, 1984

CALL TO ORDER:

A regular meeting of the Board of Zoning Adjustment meeting was called to order by Vice-Chairman Juniell in the City Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, at 7:30 P.M.

PRESENT:

Vice-Chairman Juniell, Jessie Emmett, Helen Myers, and Robert Giles

EXCUSED:

Chairman Bugbee

STAFF PRESENT:

Harold P. Foster, Dir. of Community Planning & Development
Robert Clemmer, Chief of Zoning
Val Steed, Deputy City Attorney
Sandra LeBoeuf, Deputy City Clerk

ANNOUNCEMENT RE
COMPLIANCE WITH OPEN
MEETING LAW

Mr. Clemmer announced that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted in accordance with NRS Chapter 241 and affidavits are on file in the Department of Community Planning & Development.

ANNOUNCEMENTS:

Vice-Chairman Juniell stated that all actions by the Board of Zoning Adjustment are final, (except items requiring a decision by the City Council), unless an appeal, in writing, is filed with the City Clerk within eleven days or a review is requested by the City Council within fourteen days from the date notice is sent to the applicant (usually the Tuesday following the Board's meeting).

Mr. Clemmer read the standard conditions into the record.

ABEYANCE ITEMS:

1. V-60-84

REVIEW OF
CONDITIONS

(Abeyance from
6/28/84)

APPROVED

Request of BETTY POWELL for a review of conditions to allow 36 children where a maximum of 21 children are permitted on property located at 519 South Decatur Boulevard in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that this item had been held in abeyance for notification of the surrounding property owners that the intention of the applicant was to have 36 children instead of 21. Staff recommended APPROVAL, subject to:

1. Condition #6 of the original approval is amended to "The use shall be limited to 36 children, and the outdoor activity level shall not exceed 12 children at any one time."

There are no protests on record.

Betty Powell appeared on behalf of the application.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.
(Bugbee excused)

2. V-80-84

(Abeyance from
6/28/84)

WITHDRAWN

Application of DENNIS M. SABBATH for a variance to allow a second story access stairway on a proposed addition that will be 3 feet 4 inches from the side property line where 5 feet is required on property located at 600 South 9th Street in Zoning District R-1 (Single-Family Residence).

Vice-Chairman Juniel announced that this item had been withdrawn by the applicant.

3. U-33-84

(Abeyance from
5/24/84)

APPROVED

Application of PROCESSED DATA, INC., ON BEHALF OF THE STATE OF NEVADA for a use perm to allow a pre-release restitution center for convicted non-violent felons on property located at 1209 South Commerce Street in Zoning District C-M (Commercial Industrial).

Mr. Clemmer stated that this would be completely surrounded by industrial and commercial zones and, therefore, would be an appropriate use. Staff recommended APPROVAL, subject to:

1. Standard conditions 1-8.
2. Install street lighting on Commerce Street and paving in the alleys as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.

There are 8 protests on record.

Bill Latten, Warden, at prison at Jean, Nevada appeared on behalf of the application. He stated that it was the intention of the State to use this facility as a restitution center for male and female offenders that were within six months of release eligibility. The inmates would be going to work in the community and paying restitution to the people for the crimes they had committed against them. In addition, they would pay the State \$10 a day for room and board. He stated that it costs the State from five to six thousand dollars a year to house an inmate in a restitution center versus fourteen to sixteen thousand net in a walled-in prison. These would be people that were non-violent offenders and that there could be nothing in their records to suggest violence. Typical crimes would be property offenses, credit card fraud, burglary. He stated that there would be 24 hour uniformed security and television cameras on the outside of the building. The inmates would be transported to and from their places of employment.

William Berry, 3772 Royal Crest, Apartment 16, appeared in support of the application. He stated that the inmates were carefully screened before entering the program. These are non-violent criminals and short-termers.

George Dickerson, Attorney, 630 South Third Street appeared in opposition. He stated that he was representing Southwest Data and had been asked to speak on behalf of other businesses in the area. He stated that the business people were afraid these people would break into their businesses. He submitted a petition with 324 signatures of people in opposition.

3. U-33-84

(Continued)

Bob Helmer, 3423 West Mardon, appeared in opposition. He stated he owned Uniforms Inc. at 1070 South Commerce Street. He stated that he had 400 guns and ammunition in his store and was very concerned that these thieves would be less than 100 yards from his business.

Mike Sarcas, 1208 South Main Street, appeared in opposition. He stated that he owned a lock and safe company which had many devices to open locks and safes.

Dick Attesani appeared in opposition. He stated that he owned A-1 Office Machines that contained over \$100,000 in IBM typewriters. He also objected to the parking problem this would cause when they had visiting hours.

Nancy Williams Baker, 1226 South Third Street, appeared in opposition. She stated that she had hired an employee from the Clark Center unknowingly and that he had stolen from her. She stated that no one checked on this person. She claimed that she and her family had been recently targeted by a gang of convicts and was now forced to carry a weapon.

Terry Ono, General Manager for Home Lumber Company, appeared in opposition. He stated that Mr. Latten and members of the community had met on May 24th and that Mr. Latten had promised them that if the center was not wanted in the neighborhood, he would not push to get it in.

Commissioner Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) The date will be set for a public hearing at the August 1, 1984 City Council meeting to be heard at the August 15, 1984 City Council meeting at 2:00 P.M.

NEW BUSINESS:

1. V-82-84

APPROVED

Application of GARRY & VICTORIA TOMASHOWSKI for a variance to allow an existing 8 foot block wall on the rear property line where a maximum of 6 feet is permitted on property located at 1500 East McWilliams in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

There are no protests on record.

Garry Tomashowski appeared on behalf of the application.

No one appeared in opposition.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused)

2. V-83-84

APPROVED

Application of PAULINE J. TAYLOR for a variance to allow two (2) dwelling units where only one (1) is permitted on property located at 4206 Dover Place in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer presented the plot plan. Staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.

Pauline Taylor appeared on behalf of the application. She stated she wanted to use the dwelling for her own use when she was in town to shop or go to the doctor. She said that it would be easier for her to have a small kitchen in the unit.

Rae Patton, 4300 Dover, appeared in opposition. She stated that she wouldn't object to the applicant having the kitchen for her own use, but what would happen if she sold the property.

Commissioner Myers made a motion to APPROVE the second unit on the condition that it be only used by the applicant for her personal use and should she sell the property that the kitchen facility be removed and staff's condition. Motion carried with Juniel voting "No." (Bugbee excused)

3. V-84-84

APPROVED

Application of FELIX OHANA for a variance to allow a 6 foot fence in the front yard where 4 feet is the maximum permitted on property located at 1475 South 8th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that the 6 foot fence partially existed now. The major portion of the fence will be wrought iron. This is a regular shaped lot and there is no hardship. Staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Approval of corner design by the traffic engineer to reduce sight restriction.

There are no protests on file.

Felix Ohana appeared on behalf of the application. He stated that this was a corner lot and that on one side he would be permitted to build a 6 foot fence so he would like to have 6 feet on both sides.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused)

4. V-85-84

APPROVED

Application of DONALD E. BORSACK, TRUSTEE, for a variance to allow law offices in an R-1 Zone which are not permitted on property located at 610 South 9th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated this areas was transitioning from residential to office use via the variance approach to preserve the historic aspects of the property involved. Staff recommended APPROVAL, subject to:

1. Standard conditions 1-8.
2. Install street lighting and sidewalks on 9th Street as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.
3. Sign an Assessment District Agreement to pave the alley as required by the Flood Control and Land Development Division of the Department of Community Planning & Development.

There are no protests on record.

Bill Hammer, Atty., appeared on behalf of the application. He stated that he was purchasing the property from the Borsack Trust. He stated that he would prefer to sign an assessment district for street lighting as to having to put them in now.

Bruce Alverson, the applicant on V-87-84, appeared in favor. He stated that he would have the same problem with the street lighting in his application.

No one appeared in opposition.

Commissioner Myers made a motion for APPROVAL with the exception of the street lighting and suggested that the department should think about an assessment district in that area and staff's conditions. Motion carried unanimously. (Bugbee excused)

5. V-86-84

APPROVED

Application of KEVIN P. & PATRICIA J. COYNE for a variance to allow a patio cover 9 inches from the rear property line where 15 feet is required on property located at 225 Bahama Road in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer presented the plot plan. The patio cover is in existence. The lot is a regular corner lot and no hardship exists. Staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Conformance to the requirements of the Department of Fire Services.

There are no protests on record.

Kevin Coyne appeared on behalf of the application. He stated that he didn't know he needed a building permit to put this up.

5. V-86-84

(Continued)

Patricia Coyne stated that on the side of the house facing Stormson there was a large retaining wall and the house sits several feet above the ground level so the patio cover cannot be seen.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL, subject to conditions. Motion carried unanimously. (Bubgee excused)

6. V-87-84

APPROVED

Application of J. BRUCE ALVERSON, LTD., A NEVADA CORPORATION, for a variance to allow the following:

1. A professional office in an R-1 Zone where not permitted.
2. Eight parking spaces where nine are required.

The above request is on property located at 600 South 8th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that this was in the nine block area that was transitioning from residence to office use via variances. The building is two stories and contains 3516 square feet. Staff recommended APPROVAL, subject to:

1. Standard conditions 1-8.
2. Dedicate a 15' property line radius at the intersection of 8th Street and Bonneville Avenue as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.
3. Install street lights and sign an Assessment District Agreement to pave the alley as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.

There are no protests on file.

Bruce Alverson appeared on behalf of the application. He stated that he would be willing to sign an assessment district to install street lights.

No one appeared in opposition.

Commissioner Myers made a motion for APPROVAL, with staff's conditions with the exception of the street lights and the recommendation that there should be an assessment district for them. Motion carried unanimously. (Bugbee excused)

7. V-88-84

APPROVED

Application of VINCENT URGAS for a variance to allow a carport 3'6" from the side property line where a 6'5" setback is required; and 2'6" from the rear property line where 5' is required; and 1' from the dwelling where a 6' setback is required on property located at 1812 South 11th Street in Zoning District R-1 (Single-Family Residence).

7. V-88-84

(Continued)

Mr. Clemmer stated that the proposed freestanding carport is in the rear yard area of a regular corner lot. If fire protected, it could go to the rear property line and shifted in about three more feet to comply with the setback requirements except that it would be a foot from the house. Staff recommended DENIAL as proposed, but would support it if it were setback to the property line and shifted in the required setback on the Hascock Avenue side. If approved, subject to:

1. Conformance to the plot plans and elevations.
2. Conformance to the requirements of the Department of Fire Services.

There are no protests on file.

Vincent Urga stated that in order to move the carport to the rear, he would have to remove a concrete block wall.

Elliot King, 2014 Houston, appeared in opposition. He stated that the people next door would have to be looking at the carport. He stated that he didn't see any reason for the variance.

Commissioner Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused)

8. U-44-84

APPROVED

Application of STEVE ALLEN, ET AL, for a use permit to allow a Class III Secondhand Dealer (guns - 25% used - 75% new) on property located at 914 South Valley View Boulevard in Zoning District C-1 (Limited Commercial).

Mr. Clemmer stated that the code requires a use permit for a used gun operation in a C-1 District. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Department of Fire Services.

There are no protests on record.

Lynn Laudise, 4041 Great Plains, appeared on behalf of the application.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) Date will be set for public hearing at the August 1, 1984 City Council meeting to be heard at 2:00 P.M. at the August 15, 1984 City Council meeting.

9. U-56-81

PLOT PLAN
REVIEW

APPROVED

Request of CONGREGATION SHAAREI TEFILLA for a Plot Plan Review to allow an addition to the existing structure on property located at 1331 S. Maryland Parkway in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that when this was first approved in 1981, it went to the City Council for final decision on the parking. They had shared parking and the Council asked that this be upgraded. In the meantime, the applicant has paved rear parking area so that they now have a total of 12 spaces. Staff recommended DENIAL. There have been no protests on the parking from the neighborhood. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. City Council approval of joint access.

Jack Super, 1909 Cochran Street, appeared on behalf of the application. He stated that he was the president of the Congregation Shaarei Tefilla. He stated that the people that belong to the church walked because this was an Orthodox Jewish Congregation and driving is not allowed to services on Saturdays.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) This item will be heard at the August 15, 1984 City Council meeting.

SUPPLEMENTAL AGENDA

1. U-45-84(HO)

APPROVED

Application of PHILLIP WANDERER ON BEHALF OF DAVID W. MARTIN for a Home Occupation Use Permit to conduct a mail order business to sell pamphlets from property located at 1200 N. Jones Boulevard, Apartment B, in Zoning District R-3 (Limited Multiple Residence).

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) This item was included with Items 2 thru 4.

2. U-46-84(HO)

APPROVED

Application of MICHAEL W. & LINDA L. GLENN for a Home Occupation Use Permit to conduct a mail order business to sell computer software from property located at 570 Airshire Court in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) This item was included with Items 1, 3 and 4.

3. U-47-84(HO)

APPROVED

Application of JACKI STRONG for a home occupation use permit to assemble leaded and painted glass pictures on property located at 4632 Metpark Drive in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) This item was included with Items 1, 2, and 4.

4. U-48-84(HO)

APPROVED

Application of CAROL YOUNG for a home occupation use permit to perform bookkeeping services on property located at 7116 Pinelake Road in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Myers made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously. (Bugbee excused) This item was included with Items 1 thru 3.

5. V-122-83

REVIEW OF
CONDITIONS

APPROVED

Request of GARCIA & OCHOA for a Review of Conditions regarding alley paving on property located at 501 South 7th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that originally this was required to be paved along with the construction and the applicant has requested that this be allowed by means of an assessment district. Staff recommended APPROVAL, subject to:

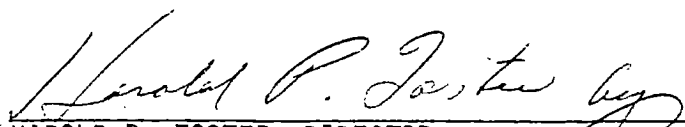
1. Condition #4 of the original approval is hereby amended to: Sign an Assessment District Agreement for alley paving as required by the Flood Control and Land Development Division of the Department of Community Planning & Development.

Vincent Ochoa, 3621 Briarcliff, appeared on behalf of the applicant.

Commissioner Myers made a motion for APPROVAL. Motion carried unanimously. (Bugbee excused)

MEETING ADJOURNED at 9:35 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR

/s/

NAME

ADDR

7/26/84

George Jackson V-3384 pps 630 S 3rd last legs clear

James J. Jack V-3384 pps 1208C MAN ST.

Kula / Astorian V-3384 pps 1215 SO. COMMERCIAL

Wm Boyer V-3384 pps 3772 Royal Crest #16

Jewell W V-3384 pps 1220 S. Courser

Douglas J. Taylor V-3384 pps Boy 324 Deedone. The.

Blis Oakes V-84-84 pps

Alvin Hammer V-85-84 pps 428 South Smith St.

Edie T. & R. V. V-88-84 pps 2014 14045 500 012

Jack Suber V-86-81 pps 1331 S MARYLAND BLVD.

NAME

ADDRESS

7/26/84

Dexter Pounce V-60-84 appl

519 So. DECATUR L.I.

Bill Latten V-33-84 appl

Teen New 89019

by wh. V-82-84 appl

1500 E. McWilliams

Alogie Tomashewski V-82-84 appl

"

"

Rae Patton V-83-84 pro

4300 Dover Pl.

Kevin G. Coyne V-86-84 appl

225 Panama Rd.

Dexter Glover V-87-84 appl

704 S. 9th Street

W. W. V-88-84 appl

1712 S 11th St.

Lynn Harding V-44-84 appl

Vincent Ochoa V-122-83 appl

3621 Briarcliff NLU

VICE-CHAIRMAN JUNIEL: Public Hearing Item U-33-84. Application of Processed Date, Inc. on behalf of the State of Nevada for a use permit to allow a pre-release institution center for convicted non-violent felons on property located at 1209 South Commerce Street in Zoning District C-M. Is the applicant present?

ROBERT CLEMMER: Yes. The property on the map on the far wall, you'll note that there's -- the dark blue to the west is Industrial Zoning. The light blue is the C-M District and the pink to the east is the C-1 District so there's industrial, commercial-industrial and commercial probably a thousand feet about this property. The restitution centers, I believe, are a program that the State feels are needed in urban areas where transportation systems and facilities for the people that are being helped to get back into the mainstream of society need to be close to their employment. We've had two or three applications for restitution centers and they usually hit resistance when they're in close proximity to residential areas. In this case, it's clearly surrounded by industrial and commercial zones. Staff feels that it is an appropriate use and would recommend APPROVAL, subject to: Standard conditions 1 thru 8; and install street lighting on Commerce Street and paving in the alleys as required by the Flood Control and Land Development Division of the Department of Community Planning and Development. We have 8 protests of record. I might explain about the site. This building is two-story -- contains 10,000 sq. ft. There are 28 parking spaces provided. We have 8 protests of record.

VICE-CHAIRMAN JUNIEL: Please state your name and address.

BILL LATTEN: Yes, ma'am. I'm Bill Latten, Warden at the prison at Jean, Nevada, P.O. Box 100, 89019 and I'm here to answer any questions that might be addressed to the State relative to the use of the property.

VICE-CHAIRMAN JUNIEL: If you will just give us a brief -- of what you intend to do.

BILL LATTEN: Yes, ma'am. It's our intention to use this, if the application is granted, as a restitution center for male and female offenders that are within six months of release eligibility. It is our intent to use it for those that are going to work in the community and pay restitution for the people that they have committed crimes against.

VICE-CHAIRMAN JUNIEL: They're going to be allowed to work in the community to --

BILL LATTEN: Yes, ma'am. They pay the State for board and room in addition to paying restitution to the people that they've committed crimes against. Generally speaking, the cost of the State of Nevada on people in a restitution center runs about five to six thousand dollars a year net cost against a figure of fourteen to sixteen thousand dollars a year net cost in our walled-in prisons.

VICE-CHAIRMAN JUNIEL: They'll be paying room and board at this facility?

BILL LATTEN: They pay \$10 a day out of what they earn for room and board, yes, ma'am.

COMMISSIONER MYERS: How does a person earn their way into this program or is it automatic when they only have a short period left to serve?

BILL LATTEN: No, ma'am. They have to make an application and our criteria is quite strict. They have to be free of any prison disciplinarys for one year prior to application. They have to meet the criteria of being a non-violent offender. There can be nothing in their record to suggest violence or they're automatically screened out.

COMMISSIONER MYERS: Is there a typical crime they would have committed?

BILL LATTEN: There are several typical crimes, but primarily they are property offenses; credit card use, burglary, that sort of thing.

COMMISSIONER MYERS: What kind of security will you have at the premises?

BILL LATTEN: We have 24 hour a day uniformed staff coverage. We keep one custody officer on duty 24 hours a day, seven days a week. Then during the daytime, we have a center manager, job counselor and a program person in addition to help with any of the problems. We count the inmates every hour regularly when they're working at their job sites. When they're not working, they're in the restitution center. They are not allowed to wander the streets.

VICE-CHAIRMAN JUNIEL: From prior programs, what is the success rate from this type of institution?

BILL LATTEN: This type of institution, figures vary from state to state and community to community, but our figures indicate that the success rate is usually anywhere from 6 to 8 successful releases out of 10 people against maybe 3 or 4 out of the conventional prison. The success rate is much higher on the person that comes through the center. What usually happens and the reason for that is by the time they have been in the center, they've established work habits. They usually have an employer that is perfectly willing to keep on employing them the same job after they're released and they're just in better shape mentally and financially to make it on the street without returning.

COMMISSIONER MYERS: How many -- do you call them inmates, patients, clients?

BILL LATTEN: We're looking for a maximum in that center of 60. Thirty men and thirty women is what we anticipate. The center that we've been using out on Las Vegas Boulevard North has housed 40 people, but we've been mandated by the Legislature to get another 20 people into the program.

COMMISSIONER MYERS: What kind of record of problems have you had at North Las Vegas?

BILL LATTEN: We haven't had any problems insofar as the community is concerned. We watch very closely. If a man or a woman comes to the program, we give them 10 days to find a job. If they haven't found a job in 10 days, we return them to the institution.

VICE-CHAIRMAN JUNIEL: Oh, they don't have to have a job prior to being released?

BILL LATTEN: No, because many of them -- they don't have to have a job prior to coming to the center. They have to have a job prior to release, yes, ma'am, but we give them 10 days to find a job when they get to the center. If they don't have a job in 10 days, why then we return them to the parent institution. What was the rest of the question?

VICE-CHAIRMAN JUNIEL: No, I just wanted to know if they had to have a job prior to coming to this release center from the prison.

BILL LATTEN: They don't have to. That's not a requirement because some of them don't have the community contacts to get a job. Now many of them do have jobs. Down here in this particular area, most of the people that we have at the Jean facility or the Indian Springs facility are originally from this area anyway and so quite frequently they will have contacts in the community where somebody's made a promise to them before they go to the center.

COMMISSIONER MYERS: How long have you been in the North Las Vegas area?

BILL LATTEN: We've been in there just -- almost an even 5 years now; and now I recall the second part of the question. Other than not being able to find a job or not being able to perform adequately on the job or maybe disciplinary problems within the center, we've had no problems in the community. Absolutely none and the other thing is that if we see someone that's getting shakey, we return them to the parent institution immediately.

COMMISSIONER GILES: What types jobs would these inmates be performing?

BILL LATTEN: What types of jobs?

COMMISSIONER GILES: Describe some of the jobs that the 40 present release inmates are doing?

BILL LATTEN: Well, we've got people working in practically everything in the community. I sent out a letter sometime ago relative to that indicating who had employed inmates, that sort of thing, but they're generally speaking -- most of them will be at entry level jobs, but occasionally we have an inmate that has had a good prior job history and will be a skilled craftsman of some sort and they go right back into their own crafts.

COMMISSIONER GILES: Would you describe for me the type modifications the building will undergo should you receive approval and also what the outward appearance might be -- what we might expect on the outside?

BILL LATTEN: Yes, sir. We will, of course, initially comply with everything relative to State, County and City ordinances and regulations, that sort of thing. We have to comply in all respects with all fire, health and safety codes.

COMMISSIONER GILES: What's required to do that presently? You've undoubtedly surveyed the building have you not?

BILL LATTEN: We've surveyed the building and our maintenance people have estimated that if we do the labor ourselves, that can be brought up to code for some -- between ten and fifteen thousand dollars. We will paint the outside of the building and we keep our facilities looking good so that they're a credit to the community.

VICE-CHAIRMAN JUNIEL: When is your -- if you were approved, what date do you plan to take occupancy? Are you ready now or --

BILL LATTEN: We have need for the building right now, but we would anticipate that it would take us 30 to 45 days to make the necessary repairs and bring the building up to code, that sort of thing. We have just simply outgrown our present facility and quite frankly, have searched the City over for a place that meets the criteria. Where there are no schools, no parks, no private residences, that sort of thing and following the advice of the people in the community, the responsible people in the community, we settled for this one because we think that it meets the criteria that we have been given to understand we must meet in order to ask for this sort of a facility.

COMMISSIONER GILES: I didn't get a clear image or picture in my mind of what might take place on the exterior of the building. I understand your inward control and your needs to meet the fire and safety and so forth, but say at 8 o'clock on the average workday morning, what might happen at the front door of this facility or at your present facility or a 7:30 as people are preparing to leave for work?

BILL LATTEN: Our people do just pretty much what everyone else in the community does. In other words, they do shift work so that there isn't at any given time, there isn't any tremendous influx. At 8 o'clock, we have two extra people come, that's the program director and the job counselor show up and if at that particular time we have people going to work, they either go to -- right now they go to either the nearest bus stop where they take a bus to work or they are transported with our own vehicle to work. Now our anticipation in this particular location is to do all our own transporting.

COMMISSIONER GILES: Your vehicles are -- describe one of those. What would a vehicle look like?

BILL LATTEN: Well are -- the vehicles that we use at the restitution center -- we have two station wagons and one sedan and the only thing that differentiates them from any other vehicle is the fact that they've got exempt license plates on them.

COMMISSIONER GILES: Thank you.

VICE-CHAIRMAN JUNIEL: Will you be maintaining a visitor's program? People will be able to come out and visit these people at designated hours?

BILL LATTEN: Yes, ma'am, on designated days and designated hours we encourage visiting, absolutely and part of the building will be modified so that there's a visiting center in it. Now this building is large enough so that we can conduct a recreation inside of the building and we can take care of our culinary needs, our visiting needs, that sort of thing. It's also large enough to house some extra office space and because the prison is growing so dramatically in the south, it's the Director's intention if we get this building, to put his offices in the front part of the building and move his offices down here so that --

COMMISSIONER GILES: Do I understand this correctly, you're the Director? You're going to move your offices in there?

BILL LATTEN: I'm the Warden at the Jean facility and as such, I have been in charge of the restitution center here and the honor camp up at Pioche, but Director Housewright who is currently in Carson City, intends to move an office into the front part of the building if we're granted usage of the building which will then in a sense just provide extra coverage.

COMMISSIONER MYERS: Is there an average length of stay that the inmate has served prior to being released?

BILL LATTEN: Generally speaking, the people that meet the criteria for this particular program are short-termers. Once in awhile, we'll have somebody that meets the criteria that served -- could have served five or ten years, but generally speaking, the people that meet the criteria for this particular program have been with us anywhere from a year to two years. When they're that close to release eligibility that we're able to program them.

VICE-CHAIRMAN JUNIEL: This is a public hearing. Is there anyone here for or against the applicant? How many here are in opposition to the applicant? (About 19 people in audience raised their hands) Thank you. Those in support of the application? (About 5 people in audience raised their hands) To save time, are you for or against?

GEORGE DICKERSON: I beg your pardon?

VICE-CHAIRMAN JUNIEL: Are you in opposition?

GEORGE DICKERSON: Madam Chairman, I am George Dickerson, Dickerson, Miles, Pico and Mitchell, 630 South Third Street. I'm here for and on behalf of Southwest Data which is the computer complex for First Western Savings and Loan located in that area. Additionally I've been asked to speak for some of the other businesses in that area.

VICE-CHAIRMAN JUNIEL: Opposition?

GEORGE DICKERSON: Yes, in opposition.

VICE-CHAIRMAN JUNIEL: I think, in order to save time and consideration of people who will follow you, we'll have three people speak in opposition and try and have your opposition different so that we'll hear different views of opposition.

GEORGE DICKERSON: Yes, Madam Chairperson and members of this Commission. I've already identified myself for the record. I don't think there's anyone in the audience that takes exception to the good purpose of rehabilitative programs as far as inmates are concerned. I think the concern of everybody is that there are and is a need for a half-way house such as in North Las Vegas where the impact of that has already been established. Why does not the State then expand that facility for the purpose of treating this very problem? Why must they intrude into an area which all of the businesses are located that I have present to present to you a total of 324 petitioners. Many of whom, of course, are the ones who are employees in the area that would be confronted with this being located in immediate proximity to the following establishments: Southwest Data, that I have identified which is directly across the street; Home Lumber, which is directly across the street; Carpet Barn --

COMMISSIONER GILES: Mr. Dickerson, I'm familiar with the type of people there. Would you just tell us why they don't like it there.

GEORGE DICKERSON: Because they have a very definite fear. You heard that the type of people who are non-violent are burglars. Burglars are the most non-violent of all criminals because they do not want to have a confrontation. You heard the report that 8 of 10 is the success rate. You're throwing 60 people in so at least 12 of those, from his own statistics, could cause a problem.

VICE-CHAIRMAN JUNIEL: Excuse me. I thought I understood the applicant to say the success rate is measured on people after they're released that return eventually to prison, am I mistaken?

GEORGE DICKERSON: That's right.

VICE-CHAIRMAN JUNIEL: Not people who failed in the program while it's in effect.

GEORGE DICKERSON: But they returned because it failed.

VICE-CHAIRMAN JUNIEL: Well no matter where they were institutionalized, they returned, you know --

GEORGE DICKERSON: But those in a half-way house that have been released, his statistics indicate 8 of 10 is the recidivism rate. I mean, 8 of 10 are successful, 2 apparently of 10 have recidivism rate. Now the 6 --

COMMISSIONER GILES: I think we should go on the applicant's data. I'd still like to know why not? The data we're getting from this gentleman, I'd like to know why not? What do you think about it? We've had 5 years of statistics here of no local problem and you're trying to tell us that 40% of the people who come through this are going to be problems in the neighborhood, is that what I'm understanding?

GEORGE DICKERSON: I'm using his statistics.

COMMISSIONER GILES: Answer me, is that what I understand. Forty percent of those coming in are going to be a problem, is that what you're telling me?

GEORGE DICKERSON: No, I'm not telling you that at all. I'm telling you, using his statistics 12 people out of 60 are potential problems -- using his own statistics. He tells you that he's going to convert a building that had formerly been a bookkeeping enterprise for 10 to 12 thousand to convert it. We have to put in whatever is going to be required for the culinary as he indicated. There are other locations. There are other locations in this community that are available specifically for this purpose and there will be a gentleman here who has offered it. This is in immediate proximity to the County Jail that is already converted with all of the security features that are available and his offer has been made to the State for the purpose of having this half-way house which is immediately adjacent to the new County Jail and it is certainly a more appropriate location than throwing it right into the area where you have these business people with their large investments vitally concerned about what can happen as far as their business enterprises are concerned, as well as their employees.

VICE-CHAIRMAN JUNIEL: Do you have any history to prove their fears?

GEORGE DICKERSON: I only have their feelings. I don't have a history to rely on.

VICE-CHAIRMAN JUNIEL: Well, I mean from prior programs.

GEORGE DICKERSON: I know nothing about any prior programs. I'm just telling you what their fears are and is safe going to indemnify these people in that area if it does occur. It'd certainly be located in areas in which this is not a proposition that can occur with frequency as far as their business enterprises are concerned. There are other locations that are available. You have in the northern part of this State the half-way that I'm familiar with is located on the property in Sparks, Nevada which is immediately adjacent to the facility there as well as the Nevada State Hospital. You have immediately across from the State building here in Las Vegas, Nevada, the old YMCA building.

VICE-CHAIRMAN JUNIEL: I know. I think we're just interested in the specific opposition so that we'll be able to make a determination from that. So --

GEORGE DICKERSON: The specific opposition of the people whom I have been asked to represent is that they feel that this is not a location for the purpose of having a half-way house because it introduces into the area where they're conducting daily business the possibility for intrusion into their business affairs and as far as the customers are concerned to these establishments and that is their vital concern is about this being located in their area.

VICE-CHAIRMAN JUNIEL: Thank you. Please state your name and address.

BOB HELMER: My name is Bob Helmer. My home address is 3423 West Mardon. My business is at 1070 South Commerce which on the map is -- across the street is the purple zone just north of Charleston.

COMMISSIONER MYERS: Would you identify your business. I think we can all relate --

BOB HELMER: It's Uniforms Incorporated.

COMMISSIONER MYERS: Thank you.

BOB HELMER: We're in the law enforcement supply business. We sell police uniforms, police equipment. I have in my store, right now, approximately 400 guns for law enforcement use. I have tear gas. I have things for getting into buildings that the law enforcement community needs. I can stand in my property and throw a baseball and hit the subject property. I'm very concerned that I'm going to have convicted felons who are thieves less than a hundred yards from my building. I deal with police officers on a regular basis and they have told me that the things that a convict wants most is an IBM typewriter so that he can sell it and get money and a handgun so that he can go back to work. Now, these thieves are non-violent people, but a gun store this close to prison, so to speak, just scares me terribly.

VICE-CHAIRMAN JUNIEL: Does it also contain ammunition?

BOB HELMER: Yes, I have in the neighborhood of 50,000 rounds.

COMMISSIONER GILES: Do you take any steps for security of those weapons of violence?

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - JULY 26, 1984 PAGE 11
U-33-84 - APPLICATION OF PROCESSED DATE, INC., ON BEHALF OF THE STATE OF NEVADA
FOR A USE PERMIT TO ALLOW A PRE-RELEASE RESTITUTION CENTER FOR CONVICTED
NON-VIOLENT FELONS ON PROPERTY LOCATED AT 1209 SOUTH COMMERCE STREET.

BOB HELMER: I have what is one of the most sophisticated alarm systems in the City, but I'm still very very worried.

COMMISSIONER GILES: I'm worried too. I have a collection of guns but I don't have that sophistication that you talk about.

BOB HELMER: I've spent a lot of money on --

COMMISSIONER GILES: I see. I mean, if yours isn't better than mine we're in trouble.

BOB HELMER: Well mine is an approved system by the Alarmco does and it's their top system, but still you can get into a building and out of a building in three minutes with no trouble. I've called on many uniform stores in my life. I spent 21 years travelling and I know of situations where people have broken into uniform stores and gun shops and been in and out before the police could get there and that's a matter of maybe two or three minutes.

COMMISSIONER MYERS: In the last five years, how many times have you been broken into?

BOB HELMER: I've been in this location two years. I've been broken into twice.

COMMISSIONER MYERS: Successfully?

BOB HELMER: Yes.

COMMISSIONER GILES: Did you lose weapons at the time?

BOB HELMER: Yes, I -- on one location, yes, I did.

VICE-CHAIRMAN JUNIEL: I'll hear from one more person in opposition.

MIKE SARCAS: My name is Mike Sarcas, address is 1208 South Main Street.

VICE-CHAIRMAN JUNIEL: Would you please sign the sign-in.

MIKE SARCAS: I sure will. Okay. We're directly behind the subject property we're talking about. We have a lock and safe company. We have locks, safes, equipment to break into or to open cars, homes. This gentleman from Jean stated

MIKE SARCAS: earlier that two types of crimes mostly -- criminals that would be at this facility would be credit card type fraud and burglary. We've got three trucks fully stocked right behind this building with all types of materials. It is fenced in and we are continuously broken into by other people. The facility hasn't been broken into, but we carry a lot of lock and security type products and it's like telling a kid he can't have candy and then stick it out in front of his face and just letting it sit there, you know. It's not -- it's not proper. So that's our main objection. We're directly behind this building.

VICE-CHAIRMAN JUNIEL: Thank you. Yes, I'll hear one other.

DICK ATTESANI: I know you only said three, but I'm Dick Attesani.

VICE-CHAIRMAN JUNIEL: That's okay. I was going to allow one other.

DICK ATTESANI: Okay. My name is Dick Attesani. I own A-1 Office Machines on the adjoining building and I also adjoin this same wall as they do with over \$100,000 of IBM typewriters. I think the biggest problem we have here is that it's a dark area and everything else -- these folks mislead me. I was almost going along with them until I heard what I heard tonight. They told me that they bus these people to and from their jobs. Now they're telling me that they can take their own bus. Now I would like for your wife or your daughter to walk out at 5 or 6 o'clock at night knowing that these people are walking the same streets. It's wrong. The other thing is that they said -- there's one yard that's next to it, their parking lot. They told me that they were going to go ahead and block it off and make it an outside place where they can have recreation and it's approximately 75 by 150 feet. Now even if they took half of that and made it the recreation yard, they're saying they have 60 inmates. They still have 75 by 75 in the back. Now where do you put the cars. We can't park customers in front and our employees in front now, you know, we're trying to figure out how we're going to park all these cars. Home Lumber doesn't have enough parking. I have four parking spaces in front of my whole building, that's it. Now you're going to tell me that we're going to have people visiting 60 inmates. Where are they going to put these cars? That's all I have to say.

VICE-CHAIRMAN JUNIEL: Thank you. May I --

NANCY WILLIAMS BAKER: May I speak, please?

VICE-CHAIRMAN JUNIEL: I'd like to hear -- are you in favor?

NANCY WILLIAMS BAKER: No, but I have an object lesson. Please, I think I should be heard. Good afternoon or good evening, Mr. Latten. I don't like to break in like that, but --

VICE-CHAIRMAN JUNIEL: Do you have anything different that --

NANCY WILLIAMS BAKER: Yes, I certainly do. I do have something different.

VICE-CHAIRMAN JUNIEL: Will you state your name, please.

NANCY WILLIAMS BAKER: My name is Nancy Williams Baker and I've been in business here for over 30 years.

VICE-CHAIRMAN JUNIEL: And your address.

NANCY WILLIAMS BAKER: My address is 1226 South Third Street.

VICE-CHAIRMAN JUNIEL: Can this be very brief?

NANCY WILLIAMS BAKER: Yes it can. First of all, I'd like to say that I have employed a convict on one of these programs from Clark Center. There was no checking on this man. In fact, he didn't even have to tell me that he was from Clark Center when he was employed by me. His entire form that he filled out was a lie from beginning to end. His whole thing was to get into my building and steal, which he did soon after arriving there and the only checkup that anyone ever made as to where he was, was when he called in said, "I'm at work." Nobody ever came to my store to see if he was at work or what he was doing and he was on one of these restitution systems. My other thing I'd like to show you is that I was recently targeted in our neighborhood, my business and my person by a gang of convicts. As a result of which, the police thank God, and bless their hearts took care of me and my husband and my father and apprehended these convicts who were attempting to rob my business. As a result, Madam Chairman, as a woman I think you will appreciate the fact that I have had to go to the firing range because the police insist from now on that I carry a revolver opening my business, closing my business. My husband should have a revolver opening the business and closing the business which is something I never thought in my life I would have to do. Now I've learned to shoot. Now I brought my target --

NANCY WILLIAMS BAKER: for you to see so that all the ladies in the audience here know that if they have 60 convicts plunked down in our neighborhood, they're all going to have to do the same as I. They're going to have to get a gun and carry it because the police recommend it and the police told me that if there's any way in God's world to keep this out of our neighborhood that we should. That there was no control over Clark Center and there has been no control over these other systems with walkaways and I appreciate very much all of you listening and I'm sorry if I pushed in, but I feel that what I had to say was important.

VICE-CHAIRMAN JUNIEL: Thank you.

NANCY WILLIAMS BAKER: Thank you. (applause)

VICE-CHAIRMAN JUNIEL: At this time, I would like to hear some of the people who are here in support of the program. Please state your name and address and sign the sign-in sheet.

WILLIAM BERRY: My name is William Berry. I live at 3772 Royal Crest, Apartment 16, Las Vegas, 89109. My statement will be quite brief. I probably will reiterate some of the things that Mr. Latten touched on. I hope I don't over-emphasize. I would like to point out, first of all, the inmates that would be housed at the restitution center are carefully screened. As Mr. Latten stated, they're non-violent criminals. As a matter of fact, before they can be housed in a restitution center they must have a clear record of non-violence for the previous ten years. Also, as he stated, the sentences they're now serving are short sentences. We're not talking 20 and 30 years or life sentences. We're talking 5 years, 2 years, 3 years. They also must be within 6 months of parole eligibility before they're allowed to enter the restitution centers. I'd also like to point out due to a lack of funds and overcrowdedness that Nevada prisons have no rehabilitation programs. The restitution centers will provide inmates with a sense of dignity and increase their self-esteem. In other words, it will give them respect for themselves. Now how can you ask an individual to respect someone else's life and property when he does not respect himself? That's really the bottom line. The restitution centers will also introduce the ex-offender, as Mr. Latten has pointed out, to a regular work routine and it would teach them to react

WILLIAM BERRY:

inter-personally within the limits of the law things that most inmates do not and cannot learn as they are housed, or should I say, warehoused in Nevada's prisons. The restitution centers are used as half-way houses between prison and free society. Non-violent criminals can be salvaged and I feel and at a lot of professional people feel, that study this stuff every day, that society as a whole can reap great benefits from a heretofore untapped human resource. Let's give these kids a chance. Let's give these guys a chance. Give these young ladies a chance. We all make mistakes. I agree some are more severe than others. You ought to hear about victims' rights and rightfully so. Victims should be restituted for crimes. In other words, everyone wants the victims of crimes to receive full justice and full justice includes financial compensation for their losses. How, how can the people of this State insist that inmates repay their victims, yet in the same breath and in the same attitude and the same motion deny them the avenue that they're insisting they must do? That's my ultimate question. Inmates in our prison are paying their debts to society. They are marked and they are easily recognized if need be. Opponents to the restitution center should be more concerned with those criminals who have not yet been captured and branded. For those are the ones who can and will continue to add to their long list of victims. One gentleman says he's afraid because there would be convicted felons less than 100 yards from his place of business. My contention is that I'll guarantee if he opens his business tomorrow, there'll probably be five within his business that he doesn't even know. One gentleman said that he would be appalled because the inmates would be on the bus and walking the streets with his wife and his kids. How many do you think are walking the streets and riding the bus with your wife and kids that you don't know about. One lady mentioned the Clark Center and the way they aren't supervised and they're not counted, etc., etc. The Clark Center is not an entity of the State of Nevada. It is not a part of our prison system which Mr. Latten is representing here tonight. That's a different entity altogether. I suggest she express those opinions and oppositions in a different area. In closing I can only reiterate and say that I am fully in support of the restitution center. I am fully in support of any human being given a second chance and that society utilize the human resources that they are now attempting to just throw down the gutter. Thank you.

VICE-CHAIRMAN JUNIEL: Thank you. Is there anyone else in support of
of this program.

GEORGE DICKERSON: May I submit these petitions?

VICE-CHAIRMAN JUNIEL: Yes, she'll pass them up.

COMMISSIONER MYERS: I'd like to go back and ask some questions now
from -- based on what some of the people have
said. To follow up on Mr. Dickerson's question,
of the people when they are in the program, what
is the failure rate?

BILL LATTEN: Oh, it's probably less than 10%. I would have to
send you that statistic because I haven't been --
oh, I haven't been asked that particular question,
but it's one that would be relatively easy to come
up with.

COMMISSIONER MYERS: Possibly less than 10% of the people that are assigned
there?

BILL LATTEN: That would have to be returned to the parent institution.
It would be well under 10%.

VICE-CHAIRMAN JUNIEL: Are we talking about failure rate while they're in
the center?

COMMISSIONER MYERS: While they're in the restitution center.

BILL LATTEN: Because they can't successfully maintain a job or
whatever the case may be.

VICE-CHAIRMAN JUNIEL: You include that in your failure rate, whether or not
they can secure jobs, not whether they've actually done
something to cause them --

BILL LATTEN: We haven't had any commit any crimes against society.
They get into trouble occasionally in the center in
inter-personal relationships or whatever the case may
be. Occasionally there's personality conflicts in which
case we have to separate some people and bring them
back. Once in awhile we get a person that is an alcoholic
that will take a drink and when we take the urinalysis
and find out that he's had alcohol, we return him to the
institution. That's what we call a failure rate in the
program.

VICE-CHAIRMAN JUNIEL: Do you have the support of the Police Department? Are they aware of what you're doing and are they in support of this program? I heard someone say something differently, I believe.

BILL LATTEN: They're very much in favor of it. We -- before we ever make application in a given area, we contact the law enforcement people, the District Attorney, anyone that might have an interest in it, we contact them.

VICE-CHAIRMAN JUNIEL: Is all your security inside, there's none surrounding the buildings or do the security frequently walk around the buildings or outside of the building?

BILL LATTEN: For the most part, it's inside the building, but I made a note to comment on that and it's been traditional all over the United States that generally speaking, there is less crime in the community where these centers are. It's just human nature not to go around where there's 24 hour uniformed surveillance and I would suggest that the businesses around this community will have less trouble after we move in than they're having right now because generally speaking, offenders do not like to operate right next to a facility that's opened 24 hours a day, 7 days a week and got uniformed personnel in it and that's been the history of the thing throughout the United States. I would also submit that this building that we're asking for -- I sent our business manager through it yesterday to tour the Public Works Board and he reported to me that it had been broken into and had been slept in and used recently by vandals. In other words, it's been vandalized on a continuing basis just since we started negotiating and so I would submit to you that we will help the community rather than hurt it and that's been the history of it. You asked and I would like to submit for the record, who employed our people and I would just leave this with you. There's quite a list of people there and they have been very very loyal supporters and have many times come back, time after time when people leave and hired more people.

VICE-CHAIRMAN JUNIEL: Just one other question. You might have answered it earlier. Will these people be working 24 hours a day shifts? If they had a job going to work at midnight, they'd be allowed to do that?

BILL LATTEN: Yes, ma'am, they will be, but what we're going to do in this new location and I would respond to Mr. Dickerson on that. Out at Las Vegas Boulevard North, up until very recently, we relied on public transportation; in other words, the bus. Then the buses changed their schedules a little bit and we had to start transporting some of our own people. What we have promised the community is when we move into this new area, we will not use public transportation and we will transport all of the people ourselves. In other words, when they leave the center, we will transport them.

VICE-CHAIRMAN JUNIEL: That's a little different from what you said earlier. Now, you're saying that you will be transporting these people to and from jobs at all times?

BILL LATTEN: That's correct.

VICE-CHAIRMAN JUNIEL: With no exceptions?

BILL LATTEN: Yes and I'm sorry if I misled you because in the old center we did not always do that. In the new center, we will do that.

COMMISSIONER MYERS: I had understood you to say that you would be transporting only. I'd like to go back and ask another question. You indicated that your recreation would be only inside and there was a suggestion that you might be putting in an outside recreation. Would you clarify that?

BILL LATTEN: Yes, ma'am. What I meant to suggest was that there was plenty of room inside for recreation. We would like to also put some outside recreation back there in the shade on the backside of the building and we would do whatever fencing is necessary that sort of thing so that we have our people under control and under surveillance. I might add relative to this for some of the concerned people that we anticipate using television cameras on the outside of the building so that our security people inside will have some idea as to what is going on around the adjacent neighborhood.

VICE-CHAIRMAN JUNIEL: Mr. Clemmer, you said in the conditions that street lighting would be required by the --

ROBERT CLEMMER: That's correct. Install street lighting on Commerce and paving in the alleys.

COMMISSIONER MYERS: I'd like to catch up on a couple of other questions that were asked. One was concerning the parking. Do you have a regularly scheduled visiting time such as Sunday afternoon when those businesses are closed or is it --

BILL LATTEN: Well, what we do with the people on the restitution center, we schedule the visiting for them according to when they work and where they work and what their days off are and quite frankly, we never have a heavy concentration of vehicles around at any one time ever. Our current restitution center, it's almost never that there's over three or four vehicles parked there and a very busy day would be five or six vehicles parked there. That would -- with the increased population, that might go up another vehicle or two but we feel that quite frankly, that this is going to be so much better and so much more room than anything we've had before that we are really enthused about it.

COMMISSIONER MYERS: I have two more questions I wanted to ask. One is if there were no restitution centers, where would these people go to? Would they be kept at Jean or is there a possibility that they would go out on early parole with no supervision?

BILL LATTEN: There are no provisions in the State of Nevada for anything except court ordered releases, expiration of sentence or parole. We do not have the authority to turn people loose just because we're overcrowded.

COMMISSIONER MYERS: Okay and my final question and I would like to get back to the one that Mr. Dickerson raised. If you were offered another facility by Clark County Jail, why did you not accept it or what were the conditions?

BILL LATTEN: It was a matter of economics just purely and simply. We have -- we have a set amount of money that we have that we can utilize and we have to look down the road, this year, next year, next biennium and plan accordingly. So many of our decisions are based on economics.

COMMISSIONER GILES: Are you saying for six months, you can rehabilitate prisoners cheaper than you can house them in the new Clark County Jail, is that what I just heard you say?

BILL LATTEN: We can't house people at the new Clark County Jail.

COMMISSIONER GILES: Well I thought that was an alternative that you had to look at or have you looked at?

BILL LATTEN: No, no, the alternative is to keep them in the institution. I don't have an alternative to house people in the Clark County Jail, no, sir.

COMMISSIONER GILES: That's not been offered you?

BILL LATTEN: Well, we have been offered a chance to talk about the Clark County, not the jail, the -- what do they call it, but they're currently using it -- Clark Center.

COMMISSIONER GILES: Okay.

BILL LATTEN: No, we don't access to the jail, no, sir.

COMMISSIONER GILES: Thank you. I misunderstood.

COMMISSIONER EMMETT: Just some general information -- general information. Something that Helen said. Is it true that Nevada has the highest incarceration of every country or any other state in the Union?

BILL LATTEN: That's what -- the figures have been told to us by the various groups that have studied. That we have the highest incarceration rate of any State in the Union. We're also very close to the top at the amount of time that the inmate served that sort of thing.

COMMISSIONER EMMETT: And we also then at the other extreme, we have the fewest facilities such as this or mental health centers or half-way houses or whatever in the nation?

BILL LATTEN: Well let me put to you this way. The Jean facility, of which I'm the Warden currently, was built for 350 inmates. I have been up as far as 591. Currently today I'm at 520 and the statistics that we're looking at on the number of people that are in the Clark County Jail awaiting sentence, that sort of thing, have just got us terrified. We are going to have to find some place to put some of our lightweight offenders so that we have room to keep the violent offenders inside the institution. The State of Nevada, frankly, has got some very very serious decisions to make this next session of the legislature because the situation just cannot go on the way it is and that's why the legislature this last time around mandated that we get going on restitution centers and honor camps. We're doing the same thing with honor

BILL LATTEN: camps. We're expanding. We're currently building an honor camp in Ely, one in Wells. We're expanding the camp in Pioche from 40 to 120 people and even with that expansion, we're going to be crowded to the point that it's dangerous to run these institutions.

COMMISSIONER MYERS: I'd like to get just one more thing. The terminology we're using is non-violent.

BILL LATTEN: Yes, ma'am.

COMMISSIONER MYERS: Does that mean that if some guy goes in with a gun and holds up a liquor store, but doesn't shoot anyone it's non-violent?

BILL LATTEN: No, no, no, absolutely not. If he's got a weapon he isn't going to a restitution center.

COMMISSIONER MYERS: It's not considered non-violent. I consider that pretty violent.

BILL LATTEN: I consider that violent too because the very fact that you have one indicates that you would be prone to use it if something goes wrong.

COMMISSIONER MYERS: That means that he has not beaten up on anyone or --

BILL LATTEN: Absolutely he will not line up for the restitution center. I would read to you what I said in the letter that we sent out. DUI is something that we're seeing more and more of now and we're going to see more of that. Fraud, bad checks, arson, car thefts and other property offenses is what we're talking about.

COMMISSIONER MYERS: Arson to me seems a rather violent act.

BILL LATTEN: But I would tend to agree and I would also add that when we do our psychological screening, even though we listed that as a possibility, I don't recall a single arsonist being in a camp because usually when we do our psychological screening, we screen out arsonists, but that's just a little technical thing.

VICE-CHAIRMAN JUNIEL: Thank you. Any more questions?

COMMISSIONER GILES: I have another question or a couple of questions. Mrs. Williams made a comment I found rather disturbing. Would you address yourself to this no checking that she feels happened to the release participant at her business. She didn't feel like there was any checking at all with him and as I recall that even after he come to work

COMMISSIONER GILES: he called. He could call from anyplace in town.
How do you prevent that?

BILL LATTEN: We prevent that by checking. We've got one person
on the staff that that's his job and he's out all day
long checking.

COMMISSIONER GILES: How does he check?

BILL LATTEN: He goes to the place of business. Now, she was not
dealing with one of our restitution center inmates
or she would have been checked and moreover, she would
have known right out in front that she was dealing
with an inmate from the center. We don't ever hide
that. We don't ever try to fool an employer. When we
go to an employer, we're absolutely honest right down
the line.

COMMISSIONER GILES: How often would you say one would be checked, one
of your released recipients?

BILL LATTEN: On the job?

COMMISSIONER GILES: Yes.

BILL LATTEN: Well, right now we're down to just 20 people in the
center, so they're checked almost every day. If we
had 60 people in the center, they'd probably be checked
at least -- there would be a contact with the employer
at least once a week and there might be a drive-by
contact to make sure he was there more often than that.

COMMISSIONER GILES: If he's not there, then what?

BILL LATTEN: One of the agreements that the employer signs when
they hire one of our release inmates, is that if he
late for work, they will call us immediately because
to us that means if he doesn't show up to work, that
he may be thinking about running off.

COMMISSIONER GILES: Didn't you just say you're going to take them to work,
did I misunderstand that? So if he's late for work,
you've made him late for work, is that right? You'll
take him to the place of work.

BILL LATTEN: We'll take him to work.

COMMISSIONER GILES: But if he works in the front door of the hotel and walks out the back, you want to know. I understand then.

BILL LATTEN: If he goes out on a break at 10 o'clock in the morning, we want to know if he doesn't come back. Our employers have been good about that, but on the other hand, we have a service to the employers. Our people generally speaking and this is 99 - 199 times out of 1,000 show up on time. They show up sober, that sort of thing. We have under the institutional environment -- we generally speaking get people to work in pretty good shape to do a day's work.

VICE-CHAIRMAN JUNIEL: In the event that one of the inmates would commit a theft in one of the businesses nearby, does your facility or the Nevada Prison System provide any type of compensation in that these are your property -- these people, I guess, your property or people in your care or concern at the time? Any type of restitution be made from the State?

BILL LATTEN: The State is insured for certain things, but generally speaking that would have to take place. What would happen if they would commit another crime is that we would take them back to court. We would prefer charges. We would get another sentence and the judge then would make a determination as to what was going to happen.

VICE-CHAIRMAN JUNIEL: In other words, he'd just be treated -- this situation would be treated as any other theft or burglary? There's no specific --

BILL LATTEN: It would be treated as any other felony, yes, ma'am.

VICE-CHAIRMAN JUNIEL: Do you deal with any incentive to the surrounding business people for cooperating with you and being in support of your program being in their immediate area?

BILL LATTEN: Well, we do community services. We're perfectly willing to use --

VICE-CHAIRMAN JUNIEL: No, I mean in a sense that they can say, well if we allow this here, I know these people are going to do this in the event that something bad occurs.

BILL LATTEN: I'm not sure --

VICE-CHAIRMAN JUNIEL: Well it would be an incentive to, I think, a business person if he knew that one of your inmates committed some type of crime on his property that you'd be directly responsible in compensation or repairing the building or the window or whatever happens.

BILL LATTEN: Well, certainly -- certainly we would do everything we could within our resources. There's no question about that. We just haven't had that happen. We just haven't had it happen. It's been our experience that the guys on this program what to make it and like the other gentleman said, it's the other people that aren't on this program that you really have to watch out for.

COMMISSIONER GILES: Mr. Berry used the word parole. Would you describe the inmate at this proposed facility? Is he six months from parole or six months from release or both?

BILL LATTEN: He's six months from parole eligibility. That means that he can go to the Parole Board and if his record is good, why then they can parole him immediately. We've had a very high rate proportionately of the people at the restitution center in getting paroles. The Parole Board is quite comfortable with looking favorably at a man if he's been at the restitution center for six months, he's gone to work, he's got a steady job, he's made restitution. He's got a couple thousand dollars in his pocket to go out on the streets with. The Parole Department looks at those people as being better risks than the people that we've kept at the institution.

COMMISSIONER GILES: Has he met with the Parole Board prior to his work release?

BILL LATTEN: He may have. That's not necessarily a criteria. He may have. If we get somebody in that's sentenced for one year, you see, he can't meet with the Parole Board until he's been there 10 months. We might put him out after he's been there 6 months, you see. Then he would go to the Parole Board 10 months -- they could kick him out immediately or he'd shortly expire his sentence, but generally speaking, the Parole Board has really, with very few exceptions, looked kindly upon our people that have done well for 6 months in the community. That tells us something.

COMMISSIONER MYERS: It also seems to me to say that there is a very great incentive for them to behave while they're there.

BILL LATTEN: Oh, there's a great incentive for them to behave while they're there and you wouldn't believe the incentive there is in the institution to behave so that they can get there. It's one of the best management tools we've got as far as running the institution. We've got any number of people that really and truly make sure they don't have any disciplinaries. They do everything right so that they can get out on these programs. Tremendous management tool.

VICE-CHAIRMAN JUNIEL: Any more questions from the Commissioners?

COMMISSIONER MYERS: I just have one more. If you had your druthers and optimum and could get a facility which would house the maximum number you would like in a restitution center, how many people would you be able to let out in Jean into a restitution center?

BILL LATTEN: I can let -- if I get this facility, under the current guidelines from the legislature, I can put 60 people out.

COMMISSIONER MYERS: No, I understand that, but how many are there that there won't be room for at Jean today?

BILL LATTEN: There might be another 40 or 50. We screen -- we screen so carefully that really and truly, there are times when we look hard for people that we feel secure in sending to a restitution center or sending to a camp and quite frankly, the judges, contrary to what a lot of people say, the judges are doing a pretty doggone job in this State of using probation where they can. So a lot of people that we have at Jean and at Indian Springs and up in Carson City would never meet the criteria for going to an honor camp or a restitution center. That's unfortunate, but it's true.

VICE-CHAIRMAN JUNIEL: Any more questions?

GEORGE DICKERSON: May I submit this? What this is is a response -- you asked about this Clark Center Detention facility. This is a brochure that indicates all the security features already in place with the cameras that are available. This is a holding -- was the holding tank for the Clark

GEORGE DICKERSON: County until the new jail was created. This is the facility that's available of which I was speaking and which he says, they don't have the funding for purpose of acquiring at this time. That can be negotiated with the owner of those properties.

VICE-CHAIRMAN JUNIEL: Was that your main opposition to that place was the cost factor?

BILL LATTEN: My understanding is that the Director and the Assistant Director up in Carson City have explored that possibility at length and they feel that we just simply cannot afford it.

VICE-CHAIRMAN JUNIEL: Otherwise the building is suitable?

BILL LATTEN: Well, I'm not sure. I would think so. I would certainly think so, but see we are -- we are given guidelines by the legislature as to what we can spend and quite frankly, we have looked at many facilities that we could talk to you about, but we can't afford them.

VICE-CHAIRMAN JUNIEL: Thank you.

BILL LATTEN: Thank you.

TERRY ONO: May I?

VICE-CHAIRMAN JUNIEL: Only if it's something -- absolutely has not been said before. We've heard this at length.

TERRY ONO: Could I just make one comment?

VICE-CHAIRMAN JUNIEL: Absolutely one because this hearing has gone on for over an hour.

TERRY ONO: Fine. My name is Terry Ono. I'm the General Manager at Home Lumber Company and I would like to make one comment to Mr. Latten. That on May 24th, we had a meeting with he and one of his other people and at that point in time, Mr. Latten made a comment to us and promised us that if they were not wanted in our area, that they were not going to push this through. Now is that true, Mr. Latten, or not? Did you make that promise and did you make that comment?

BILL LATTEN: We made the comment that we didn't want to.

TERRY ONO: Thank you very much and you also told us that if you were not wanted there, that you were not going to push this through the Planning Commission. You told us that to our face and we took you at your word and I'm just going to explain something to the folks here that you made that comment to us and you led us astray.

BILL LATTEN: We made the comment that we did not want to move into any area that we were not wanted.

TERRY ONO: No, no. We have witnesses that you said that if you were not wanted in our area that you would not push this issue and we were led astray.

VICE-CHAIRMAN JUNIEL: Thank you, sir.

TERRY ONO: Thank you.

VICE-CHAIRMAN JUNIEL: The public hearing is closed. May I have a motion?

COMMISSIONER GILES: We've heard this issue many times, pro and con, and we have denied on other occasions. There's the opportunity for others to be heard farther on so I personally find this is what I consider good land use.
I'M GOING TO MOVE FOR APPROVAL WITH STAFF'S RECOMMENDATIONS.

VICE-CHAIRMAN JUNIEL: This will go to the City Commission on August 15th.
(Motion carried unanimously with Bugbee excused)

ROBERT CLEMMER: August 1st to set for public hearing and it'll be heard August the 15th.

END OF EXCERPT

INTER-OFFICE MEMORANDUM

Date

JULY 24, 1984

TO:

FOSTER

FROM:

CLEMMER

SUBJECT:

BOARD OF ZONING ADJUSTMENT MEETING

JULY 26, 1984

AGENDA ITEM CONDITIONS

COPIES TO:

VAL STEED
RICK WILLIAMS
JOANNA DANIELLO
~~SANDY LE BOEUF~~

ABEYANCE ITEMS:

1. V-60-84

This was held in abeyance for notification that there will be 36 children rather than the 21 originally approved and noticed.

The request originally read "To allow 21 children - 12 infants", and that was interpreted as 9 children other than the 12 infants, for a maximum of 21 children. Infants are also children, but a subset. What the applicant intended was 33; i.e., 21 + 12.

Now she found from Child Welfare that the facility will allow 36 and is clarifying and modifying to the maximum. There were no protests to the original request.

Staff recommends approval, subject to: ✓

1. Condition #6 of the original approval is amended to "The use shall be limited to 36 children, and the outdoor activity level shall not exceed 12 children at any one time". ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

FOSTER
July 24, 1984
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BZA Conditions (7/26/84)

2. V-80-84

Withdrawn by applicant. Letter of withdrawal dated July 18, 1984 received July 19, 1984.

3. U-33-84

This was held in abeyance at the request of the applicant from the 5/24/84 meeting.

This proposed custodial institution is for up to 60 persons. The building contains 25,000 square feet and there are 28 spaces. The surrounding land use is industrial or commercial for over 1000 feet. This requires City Council action. Possibly compatibility could be achieved by limiting the number of inmates.

We have re-notified regarding non-violent nature of persons housed there.

Staff recommends approval, subject to: ✓

1. Standard conditions 1-8. ✓

2. Install street lighting on Commerce Street and paving in the alleys as required by the Flood Control and Land Development Division of the Department of Community Planning and Development. ✓

✓
PROTESTS: 8
PUBLIC HEARING ITEM

✓
CC: 8/1/84 SET DATE
FOR PUBLIC HEARING
CC: 8/15/84 ✓

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NEW BUSINESS:

1. V-82-84

This backs up to the 1/2 Street alleyway of old Harris Avenue with the Housing Authority apartments north of that and the Cashman Field & Lighting further north.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

2. V-83-84

This proposal to add a unit to the R-1 site is in a stable Single Family Residential area. There is no hardship.

A room and bath addition without kitchen is permitted, provided there is interior access, and for the short time she's mentioned; i.e., shop and see a doctor, that might suffice. ✓

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plan and elevations. ✓
2. Only one kitchen shall be allowed in the entire building.

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

3. V-84-84

This request for a 6' fence in the front yard is on a regular lot. There is no hardship. It partially exists and varies on the solid portion from 18" to 6' at the columns. The major portion will be wrought iron.

Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Approval of corner design by the traffic engineer to reduce sight restriction.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

4. V-85-84

This is in the 9 block area transitioning from residential to office use with the variance approach. An office has been approved immediately north and also north-east.

This is a very attractive English Tudor style building with good landscaping in front. The roof mechanics and air conditioning are screened. The required 6 parking spaces are provided off the alley.

Staff recommends approval, subject to:

1. Standard conditions 1-8.
2. Install street lighting and sidewalks on 9th Street as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.
3. Sign an Assessment District Agreement to pave the alley as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

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5. V-86-84

This patio cover exists 9" from the north side property line. The lot is a regular corner lot and there is no hardship.

Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Conformance to the requirements of the Department of Fire Services.

PROTESTS: 0
PUBLIC HEARING ITEM BZA FINAL ACTION

6. V-87-84

This is in the 9 block area transitioning from residence to office via the variance approach. The building is 2 story and attractive, containing 3,516 square feet which requires 9 spaces. They can only provide 8, unless an encroachment is approved for the 9th space.

The parking is in the rear.

Staff recommends approval, subject to:

1. Standard conditions 1 - 8.
2. Dedicate a 15' property line radius at the intersection of 8th Street and Bonneville Avenue, as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.
3. Install street lights and sign an Assessment District Agreement to pave the alley as required by the Flood Control and Land Development Division of the Department of Community Planning and Development.

PROTESTS: 0
PUBLIC HEARING ITEM BZA FINAL ACTION

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7. V-88-84

This proposed freestanding carport is in the rear yard area of a regular corner lot. If fire protected, it could go to the rear property line and it appears that it could be set back from the side property line an additional 3' to comply. The proximity to the house would still need a variance. ✓

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plans and elevations. ✓
2. Conformance to the requirements of the Department of Fire Services. ✓

PROTESTS: 0 ✓
PUBLIC HEARING

BZA FINAL ACTION

8. U-44-84

This request for 75% new and 25% used guns requires City Council approval. Byers with the School District called and did not submit a protest, but mentioned that the Hyde Park School would be used as a Sunset School which involves hard-case children, which might produce some undesirable traffic, just for our information.

Staff feels that this is fairly isolated from the school.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan. ✓
2. Conformance to the requirements of the Department of Fire Services. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

CC: 8/1/84 SET DATE ✓
FOR PUBLIC HEARING ✓
CC: 8/15/84 ✓

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9. U-56-81

11/81 City Council allowed joint parking on a 1-year basis, subject to resolving the parking problem. They had paved the rear parking area in the past and still have 6 spaces of joint parking for a total of 12. At the previous hearing, it was stated that "their religion advocated persons walking to church, so parking shouldn't be a problem". But they stipulated that if the congregation exceeded 20 that they would seek a larger facility, which is not working out that way. Usually small sites of this type are not good for church use, as there will be continuing growth and need for expansion. The existing building is 1155 square feet, and the addition is 434 square feet, for a total of 1589 square feet. The amount of assembly area will be 736 square feet, which requires 7 parking spaces.

Staff is still reluctant to support churches on small sites, but this has not drawn any complaints of parking problems in this area.

Staff recommends denial, if approved, ✓
subject to:

1. Conformance to the plot plan and ✓
elevations.
2. City Council approval of joint access ✓

PROTESTS: N/A
NOT A PUBLIC HEARING CC: 8/15/84

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SUPPLEMENTAL AGENDA:

1. U-45-84(HO) This is a mail order business selling "How-To" pamphlets. The questionnaire has been answered favorably.

Staff recommends approval, subject to:
 1. Conformance to the criteria for Home Occupations.
PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION

2. U-46-84(HO) This proposal is for mail order computer software. The questionnaire has been answered favorably.

Staff recommends approval, subject to:
 1. Conformance to the criteria for Home Occupations.
PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION

3. U-47-84(HO) This proposal is for making stained glass pictures to be placed on consignment. The questionnaire has been answered favorably.

Staff recommends approval, subject to:
 1. Conformance to the criteria for Home Occupations.
PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION

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4. U-48-84(HO) This is to allow bookkeeping in the home.
The questionnaire has been answered favorably.

Staff recommends approval, subject to

1. Conformance to the criteria for Home Occupations.

PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION

5. V-122-83 This request is to modify a condition of the Flood Control and Land Development Division of the Department of Community Planning and Development; i.e., to allow the installation of the entire alley paving through an assessment district at a later date.

Our position will be predicated on the position of that department, but we didn't receive the request until 4:30 p.m. Friday and Monday Joanna will request a rush response. I mentioned that with the fast evolving office development in the area the owners may agree to an assessment district for the alley paving in this whole 9 block area.

Staff recommends approval, subject to: ✓

1. Condition #4 of the original approval is hereby amended to: Sign an Assessment District Agreement for alley paving as required by the Flood Control and Land Development Division of the Department of Community Planning and Development. ✓

PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION