



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: RODNIQUE STOKES - OWNER: HARMONY  
RESIDENTIAL, LLC, SERIES 1

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**\*\* STAFF RECOMMENDATION(S) \*\***

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0079-SUP1	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 304

PROTESTS 0

APPROVALS 0

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

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**24-0079-SUP1 CONDITIONS**

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**Planning**

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The applicant is proposing to operate a Community Residence (including Family Community Residence and Transitional Community Residence) use at 5909 Harmony Avenue.

**ISSUES**

- The Community Residence (including Family Community Residence and Transitional Community Residence) use is a Conditional Use in the R-1 (Single Family Residential) zoning district.
- When one or more of the itemized conditional use regulations cannot or will not be met, a Special Use Permit is required for the use.
- The proposed location does not meet Conditional Use Regulation number one (1) which requires a 660-foot distance separation between similar uses. There is an existing Residence (including Family Community Residence and Transitional Community Residence) use approximately 523 feet east of the proposed location at 5800 Harmony Avenue. The applicant is requesting a Special Use Permit, which staff does not support.

**ANALYSIS**

The applicant is proposing to operate a Community Residence within a single-family residence located at 5909 Harmony Avenue. As stated by the applicant in the justification letter, the business model is to “operate as a temporary living assistance for those who are diagnosed with brain injuries.” This includes “comprehensive day treatment, assistance, supportive living, supportive therapy, community re-integration services, habilitation and support with activities of daily living.” The facility would house four to six individuals with three shifts for staff. Staff would not be living on site and would work either one of three shifts; 7:00 a.m. to 4:00 p.m., 2:00 p.m. to 11:00 p.m., or 10:00 p.m. to 7:00 a.m. In addition to rehabilitative services, staff would also aide the individuals with groceries, cooking, cleaning and grooming (self-care). The proposed floor plan of the facility includes four bedrooms, two bathrooms, a kitchen and living room, and an office for staff.

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On Harmony Avenue, at 5800 Harmony Avenue is “Toni’s House, Holistic Recovery for Those In Need.” This existing Community Residence is approximately 523 feet east of the proposed site located at 5909 Harmony Avenue within the same residential subdivision where a minimum 660 feet distance separation is required by Title 19.12 for the Community Residence (including Family Community Residence and Transitional Community Residence) use. Due to the existence of this facility at 5800 Harmony Avenue, the applicant’s application for a Conditional Use Verification (100983-CUV) was denied on 02/01/23 by staff. In accordance with Title 19.12.040(B), the applicant is requesting a Special Use Permit.

The Community Residence (including Family Community Residence and Transitional Community Residence) use is described by Title 19.12 as “a residential family-like living arrangement for 5 to 10 unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City’s Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following:

1. Senior Citizen Apartment;
2. Individual Care Center;
3. Convalescent Care Facility/Nursing Home;
4. Facility for Transitional Living for Released Offenders;
5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
6. Hospice;
7. Sex Offender Counseling Facility;
8. Boarding House or Rooming House;
9. Any other group living arrangement for unrelated individuals who are not disabled; or
10. Any of the following, as defined by NRS Chapter 449:
  - a. Facilities for the Treatment of Drug and Alcohol Abuse;
  - b. Modified Medical Detoxification Facilities;
  - c. Transitional Living Facilities for Released Offenders;
  - d. Facility for the Treatment of Narcotics; or
  - e. Community Triage Center.”

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The Conditional Use Regulations for this use include:

1. Requirement 1: Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any other Community Residence.

*The proposed use does not meet this requirement as there is a second Community Residence located approximately 523 feet east of the proposed location on the same street (Harmony Avenue), and a Special Use Permit is being requested which staff does not support.*

2. Requirement 2: Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an existing Community Residence, the minimum distance separation requirement is reduced to 100 feet.

*This requirement is not applicable as the existing use is not separated from the proposed location by a 100-foot wide right-of-way or drainage channel.*

3. Requirement 3: When the population of proposed Community Residence is of such a nature that its location must be kept confidential for it to function successfully, such as a Community Residence for victims of domestic abuse, the minimum distance separation requirements set forth in Regulations 1 and 2 above shall not apply.

*This requirement is not applicable as the proposed use is not confidential in nature.*

4. Requirement 4: A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counter toward the 10-person limit.

*The proposed use meets requirement as the applicant is proposing to house 4-6 individuals and there is no live-in staff.*

5. Requirement 5: A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code requirements for the dwelling type in question.

*This requirement is not able to be waived, and the proposed use meets this requirement.*

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6. Requirement 6: In Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant must obtain that required license or certification before commencing operation of the Community Residence.

*This requirement is not able to be waived, and the proposed use meets this requirement.*

7. Requirement 7: When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-use development.

*This requirement is not applicable as the subject site is not a mixed-use development.*

8. Requirement 8: The operator of the Transitional Community Residence:

- a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation Alcoholics Anonymous or an equivalent program;
- b. Must prohibit the use of alcohol and illegal drugs by residents; and
- c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement Manager that residents are in compliance with this Regulation.

*This requirement is not applicable as the proposed use is not a Transitional Community Residence.*

9. Requirement 9: Occupancy within a Community Residence shall not be made available to any individual whose tenancy would constitute a direct threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others.

*This requirement is not able to be waived, and the proposed use meets this requirement.*

10. Requirement 10: The Community Residence must be consistent with the scale and architectural character of the neighborhood.

*The proposed use meets requirement as no exterior alterations have been proposed and the existing single-family residence will remain compatible with the architectural character of the neighborhood if approved.*

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11. Requirement 11: The Special Use Permit provisions of LVMC 19.12.040(B) shall not apply to Regulations 5 through 10 above.

*The proposed use meets this requirement as they are not seeking relief from requirements 5 through 10.*

12. Requirement 12: In case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that one or more of the following conditions would occur:

- a. The building to be occupied as a Community Residence would be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
- b. The proposed Community Residence, together with existing Community Residences, would alter the residential character of the neighborhood by creating an institutional atmosphere due to the concentration of the Community Residences on a block or adjoining blocks; or
- c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.

*Staff is recommending denial of the request in accordance with “b,” as approving a second Community Residence on the same street would create an oversaturation of the use that would alter the residential character of Harmony Avenue.*

**FINDINGS (24-0079-SUP1)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed land use is not able to be conducted in a manner that is harmonious or compatible with the existing surrounding residential uses as there is an established Community Residence (including Family Community Residence and Transitional Community Residence) located approximately 523 feet east on Harmony Avenue where 660 feet is required by Title 19.12. The approval of a second, similar use on the same street would over saturate a residential street with similar land uses.

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

The subject site is not suitable for the proposed use as there is already an established Community Residence (including Family Community Residence and Transitional Community Residence) on the same street located at 5800 Harmony Avenue where a 660-foot distance separation between similar uses is required in order to avoid an over saturation of uses within a residential neighborhood.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Harmony Avenue is adequate in size to meet the needs of the proposed use.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit would be inconsistent with the General Plan as it would place a second Community Residence (including Family Community Residence and Transitional Community Residence) on the same street creating an over saturation of the same use. Title 19 requires a minimum distance separation of 660 feet between similar uses to prevent an over saturation of like uses.

- 5. The use meets all of the applicable conditions per Title 19.12.**

There are no Special Use Permit requirements for this use.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
02/01/23	The Department of Community Development denied a request for a Conditional Use Verification (100983-CUV) for a Community Residence at 5909 Harmony Avenue.

<b><i>Most Recent Change of Ownership</i></b>	
02/2021	A deed was recorded for a change in ownership.



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<b>Related Building Permits/Business Licenses</b>	
12/09/19	A Building Permit (R19-17730) was issued for a remodel including mechanical, plumbing, and electrical at 5909 Harmony Avenue. The permit received its final inspection on 06/01/20.
03/03/20	A Building Permit (R20-03196) was issued for a patio cover at 5909 Harmony Avenue. The permit received its final inspection on 04/06/20.

<b>Pre-Application Meeting</b>	
02/07/24	Staff conducted a pre-application meeting to discuss the submittal requirements for a Special Use Permit.

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

<b>Field Check</b>	
02/29/24	Staff performed a routine field check and observed a well-maintained single family residence. No issues were noted by staff.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.15

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District – 175 Feet	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Harmony Avenue	Local Street	Title 13	52	Y

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Community Residence (including Family Community Residence and Transitional Community Residence)	1 Unit	2 Spaces Per Dwelling Unit	2				
TOTAL SPACES REQUIRED			2		2		Y