



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-25253 - APPLICANT/OWNER: INTERNATIONAL
CHURCH OF LAS VEGAS

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (4-3/sd/rt/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0063-94) and Site Development Plan Review [Z-0063-94(1)].
2. Site Development Plan Reviews [Z-0063-94(4), Z-0063-94(7), Z-0063-94(8), and SDR-3085] are hereby expunged.
3. Modular Building A shall be void one year from the date of final approval. After one year, continuance of all Modular Building A at this location will require a new Site Development Plan Review application to be heard by the Planning Commission.
4. All development shall be in conformance with the site plan and building elevations, date stamped: 03/13/08, except as amended by conditions herein.
5. A revised landscape plan shall be submitted within ten (10) days.
6. The refrigeration trailer shall be removed within thirty (30) days.
7. Prior to the submittal of a building permit application for the non-permitted structures, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
12. Building Permits for all modular buildings shall be obtained by July 16, 2008. Failure to obtain permits by aforementioned timeframe will result in this Site Development Plan Review being reconsidered by the City Council, at which time all modular buildings may be required to be removed.

Public Works

13. The temporary modular trailer shall be located outside of the existing 30-foot wide public sewer and drainage easement. No structures shall be allowed to encroach upon existing public easements.
14. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for eight existing modular buildings and an outside storage area at an existing Church. This application seeks approval of a Site Development Plan Review to establish a coordinated plan for the permanency of temporary modular buildings, which were intended to be removed through previous approvals.

Note the applicants original request, which included outside storage and several containers, has been modified to remove the storage materials, shed, and containers off-site, except for the refrigerator trailer, which the applicant has requested to fence and place north of modular building labeled A and east of the central courtyard. In addition, the applicant requests that the modular building labeled A be conditioned to extend its usage for another year while modular buildings labeled B, C, D, E be granted permanent status with the condition that the buildings have been upgraded to meet staff requirements for building and safety and aesthetic requirements.

As such, the current layout of the existing temporary structures, some with expired approvals and some that have never received approval, has created a discordant site plan that is not compatible with the neighboring residential properties. The current site layout is not compatible with the previous approvals that have established this 12.8 acre site. The most recent comprehensive Site Development Plan Review, Z-0063-94(8) was approved for a 21,000 square-foot private school, while this Site Development Plan Review is operating counter to this approval by requesting permanency for temporary buildings where the intent was to remove them. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/07/93	The City Council approved a request for a Rezoning (Z-0012-93).
08/03/94	The City Council approved a Rezoning (Z-0063-94) application for the reclassification of property located on the northwest corner of Westcliff Drive and Cimarron Road, from N-U (Non-Urban) to C-V (Civic), for the proposed use of an 88,500 square-foot Church and School. The Planning Commission recommended approval on 07/14/94.
05/11/95	The Planning Commission approved a Site Development Plan Review [Z006394(1)] application for proposed modular classrooms, meeting hall and modular offices of temporary buildings to be removed in three years on property located at 8100 Westcliff Drive. Staff recommended approval.

04/25/96	The Planning Commission approved a request for a Review of Condition [Z0063-94(2)] to delete Condition No. 3 of Site Development Plan [Z-0063-94(1)] to allow a chain link fence where a four to six-foot high wrought iron fence was required on property located at 8100 Westcliff Drive. Staff recommended approval.
12/19/96	The Planning Commission approved a Site Development Plan Review [Z006394(3)] for a proposed breezeway on property located at 8100 Westcliff Drive. Staff recommended approval.
04/23/98	The Planning Commission approved a Site Development Plan Review [Z006394(4)] application for a proposed 52,225 square-foot Church multi-use facility to include a sanctuary with seating capacity of 3,256, a gymnasium, classrooms, bookstore and nursery on property located at 8120 Westcliff Drive. Staff recommended approval.
04/23/98	The Planning Commission approved a request for a Review of Conditions [Z0063-94(5)] to delete Condition No. 2 of Site Development Plan [Z-0063-94(1)] which required all temporary buildings to be removed within three years on property located at 8120 Westcliff Drive. Staff recommended approval.
12/09/99	The Planning Commission approved a Site Development Plan Review [Z006394(6)] application for a proposed 45-foot high Wireless Communications Antenna in conjunction with a Church tower sign on property located at 8100 Westcliff Drive. Staff recommended approval.
09/07/00	An Administrative Site Development Plan Review [Z-0063-94(7)] was approved for four proposed 24-foot by 60-foot modular buildings on 15.00 acres on the northwest corner of Westcliff Drive and Cimarron Road.
11/02/00	The Planning Commission approved a Site Development Plan Review [Z006394(8)] application for a proposed 21,000 square-foot private school at 8100 Westcliff Drive. Staff recommended approval.
11/14/03	An Administrative Site Development Plan Review (SDR-3085) was approved by staff for a temporary modular trailer in conjunction with an existing church on 12.89 acres at 8100 Westcliff Drive.
07/06/05	The City Council approved the requests for a Variance (VAR-6426) to allow a 24-foot side yard setback where residential adjacency standards require 165 feet and the related Site Development Plan Review (SDR-6424) for a proposed 55-foot tall Wireless Communication Facility on 12.34 acres adjacent to the northwest corner of Westcliff Drive and Cimarron Road. The Planning Commission recommended approval.
04/11/07	An Administrative Site Development Plan Review (SDR-19824) to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive
05/10/07	An Administrative Site Development Plan Review (SDR-20791) was denied to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive as a Special Use Permit and Variance were required.

12/06/07	An Administrative Site Development Plan Review (SDR-25293) was approved to allow a proposed co-location of antennas to an existing 55-foot tall sign at 8100 Westcliff Drive.
03/13/08	The Planning Commission voted 4-3/sd/rt/bg to recommend APPROVAL (PC Agenda Item #30/jm).

Code Enforcement Cases	
04/27/05	Code Enforcement Case #29303: complaint regarding the installation of a "net" near barricade at the end of Cimarron filed. Complainant feels this net will hinder water flow and trash/debris will get clogged up in net. This case was resolved on 5/17/05.
10/12/05	Code Enforcement Case #35304: complaint regarding the installation of a "net" near barricade at the end of Cimarron filed. This case was resolved on 10/17/05.
10/21/05	Code Enforcement Case #35525: complaint regarding three piles of dirt dumped in the street at the entrance of the condo. This case was resolved on 11/28/05.
06/19/07	Code Enforcement Case #54539: complaint regarding noise and a related an illegal event. Other zoning violations regarding illegal structures and outside storage areas were determined during site inspection. This case has not been resolved.
Related Building Permits/Business Licenses	
09/18/95	A Plan Check (#C-0207-95) was issued for a pre-fabricated church at 8104 Westcliff Drive (Modular Building G).
10/04/95	A Plan Check (#C-02020-95) was issued for a 4,225 square-foot offices (modular) at 8100 (8102) Westcliff Drive (Modular Building F).
11/17/95	A Plan Check (#C-0303-95) was issued for a 7,100 square-foot pre-fabricated classroom at 8106 Westcliff Drive (Modular Building H).
08/15/96	Business License #N15-00026 issued for a Child Care Center and Preschool at 8106 Westcliff Drive (Modular Building H).
09/30/98	A Plan Check (#C-0267-98) was issued for a 55,664 square-foot church at 8100 Westcliff Drive.
02/24/05	L-0052-04: Temporary office trailer at 8100 Westcliff Drive (modular buildings labeled B, C, D, E). Permit expired in 180 days.
07/15/05	Over-the-counter Building Permit #46937 issued for interior demolition and tenant improvement work with permit or licensed contractor. This license expired 9/06/06 without final inspection.
10/03/06	Building permit #51785 issued for wall fence. This permit received final inspection on 8/14/06

04/14/06	Over-the-counter Building Permit #63538 for temporary generator cell site. 7/20/06.
07/27/06	L-3583-05: Installation of Cellular Tower
10/28/06	L-3793-06: Tenant Improvement for church stemming from non-permitted construction of a partition wall. The permit expired and has not received final inspection.
<i>Pre-Application Meeting</i>	
09/14/07	A pre-application meeting was held with staff to discuss matters concerning recent Code Enforcement citations and the remaining temporary structures located on site. Staff determined to address the multiple remaining temporary structures by expunging past actions and completing a new Site Development Plan Review.
<i>Neighborhood Meeting</i>	
A Neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
10/23/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • The outdoor storage area is inadequately screened and unpaved with large shipping containers visible from Cimmaron Road and Summerlin Parkway. • One of the modular buildings, addressed as 8110 Westcliff Drive, has been refinished with a stucco exterior and a landscape planter placed at the south of the building. • A refrigerated trailer has been placed behind three of the temporary modular buildings (classrooms) and is located within a drainage easement. • There is adequate parking for each cluster of throughout the site. • The three modular classrooms do not show addresses and two modular buildings are marked with unrecorded addresses.
02/14/08	<p>A site visit was conducted. The applicants representatives and staff met on-site to discuss the concerns outlined by staff and the Planning Commission.</p> <ul style="list-style-type: none"> • The applicant expressed that the outdoor storage will be removed. As of the site visit, half of the illegal storage and containers had been removed. • The refrigerated trailer will be removed as well as the container in the flood plain near modulars labeled C, D, and E. • Modular buildings labeled C, D, and E are classrooms, grades three through five. • Modular buildings labeled A and B are offices for church staff.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	12.34 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church and Primary School	PF (Public Facility)	C-V (Civic)
North	ROW (Summerlin Parkway)	ROW (Summerlin Parkway)	ROW (Summerlin Parkway)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential/ Town Homes	L (Low Density Residential)/ M (Medium Density Residential)	R-1 (Single Family Residential)/ R-PD6 (Residential Planned Development 6 Units per Acre)
West	Single Family Residential/ Town Homes	MLA (Medium-Low Attached)	R-PD8 (Residential Planned Development 8 Units per Acre)/ R-PD11 (Residential Planned Development 11 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V (Civic District)	X		N*
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

C-V Civic District

*Per Title 19.06.020, the minimum development standards for property in the C-V District shall be established by the City Council in connection with the associated application for Rezoning (Z-0063-94) or administratively in connection with the approval of a site development plan [Z-0063-94(1)]. This Site Development Review request does not comply with the previous approvals as the all required the eventual removal of the temporary structures.

DEVELOPMENT STANDARDS

The subject site is located with the C-V (Civic) Zoning District and, as such, the minimum development standards have been established with the approval of the original Site Development Plan Review Z-0063-94(1). This site has received eight subsequent approvals regarding the location of the existing temporary modular buildings and the location of a Wireless Communication Facility, Non-Stealth design. With the exception of the outside storage area and a temporary structure (refrigerated trailer), all the temporary structures located on site have received conditional approvals that have since expired. Staff finds that this current Site Development Plan Review is in not in general compliance with the most recent Administrative Site Development Plan Reviews [SDR-3085 and Z-0063-94(7)], which were all specifically related to the placement of the temporary structures.

On November 3, 2000, the Planning Commission approved Site Development Plan Review, Z-0063-94(8), for a 21,000 square-foot private school, which required that the applicant submit an aesthetic enhancement plan for one of the modular buildings for Planning Commission Review and every year thereafter the applicant submit an aesthetic enhancement plan for the remaining temporary modular buildings. Reviews of this aforementioned aesthetic enhancement plan have never been conducted while the 21,000 square-foot private school has never been built. The five temporary modular buildings labeled A-F have been utilized as offices and classrooms in place of the 21,000 square-foot private school.

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Recommended Parking Ratio</i>	<i>Recommended Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regular	Handi-capped	Regular	Handi-capped	
Sanctuary [Z-63-94(4)]	52,225 SF	1: 100 SF	523				
Modular Office - A (SDR-3805)	2,130 SF	1:300 SF	8				
Modular Private School B, C, D, E [Z-63-94(7)]	5,520 SF (1,380 SF)	3 spaces per classroom	12				

Modular Offices F, G, H [Z-63-94 (5)	18,625 SF	1:300 SF	63				
SubTotal			592	14	594	14	
TOTAL (including handicap)			606		608		Y*

**No alterations have been proposed with this Site Development Plan Review. This application is seeking approval of the expired temporary (modular). Staff has no objection with the current parking provisions.*

ANALYSIS

- **Land Use and Zoning**

The provided site plan indicates an existing church building with eight existing temporary modular buildings. Four of the modular buildings, which are labeled A, C, D, E serve as classrooms for grades three through five while the other four labeled B, F, G, H function as offices and administrative buildings.

All of the existing modular buildings labeled A-F have received conditioned approvals requiring eventual removal from the site. The current site layout is not compatible with the previous approvals that have established this 12.8 acre C-V (Civic) Zoning District. The most recent comprehensive Site Development Plan Review, Z-0063-94(8) was approved for a 21,000 square-foot private school, while this Site Development Plan Review is operating counter to this approval by requesting permanency for temporary buildings where the intent was to remove them. Therefore, staff recommends denial.

- **Site Plan**

Labeled	Case	Condition	Date	Plan Check	Date
Modular A	An Administrative Site Development Plan Review (SDR-3085) was approved by staff for a temporary modular trailer in conjunction with an existing church.	This Site Development Plan Review shall expire two years from the date of approval. After two years, continuance of the modular building at this location will require a new Site Development Plan Review application to be heard by the Planning Commission.	11/14/03	None	None

Labeled	Case	Condition	Date	Plan Check	Date
Modular B, C, D E	An Administrative Site Development Plan Review [Z-0063-94(7)] was approved for four proposed 24-foot by 60-foot modular buildings	The modular buildings shall be removed in two years, unless an extension is granted by the City Council.	09/07/00	L-0052-04	02/24/05 Permit expired in 180 days
Modular F	The Planning Commission approved a Site Development Plan Review [Z006394(1)] application for proposed modular classrooms, meeting hall and modular offices of temporary buildings to be removed in three years.	The Planning Commission approved a request for a Review of Conditions [Z0063-94(5)] to delete Condition No. 2 of Site Development Plan [Z-0063-94(1)] which required all temporary buildings to be removed within three years on	05/11/95	C-0202-95	10/14/95
Modular G			05/11/95	C-0207-95	09/18/95
Modular H			05/11/95	C-0303-95	11/17/95
Church (main sanctuary)	The Planning Commission approved a Site Development Plan Review [Z006394(4)] application for a proposed 52,225 square-foot Church multi-use facility to include a sanctuary with seating capacity of 3,256, a gymnasium, classrooms, bookstore and nursery on property located at 8120 Westcliff Drive. Staff recommended approval.	N/A	04/23/98	C-0267-98	09/30/98

○ **Temporary Modular Buildings**

Four of the eight existing temporary modular buildings were approved for this site on September 7, 2000 under Site Development Plan Review Z-0063-97(7). Of those four, three of the modular buildings labeled C, D, E are located approximately 105 feet from the north side of 8100 Westcliff Drive (the sanctuary building) and are located 40 feet from the property line. The fourth modular building labeled B is located 20 feet east of labeled F (the existing administrative building) toward the north end of the site. Modular Buildings C, D, F, E received a Temporary Building Permit (L-0052-04) on 02/24/05, which expired in 180 days.

A fifth temporary structure labeled A was approved under Administrative Site Development Plan Review (SDR-3085) for a 2,130 square-foot modular office building. This structure is located just north of the modular building labeled B and east of the modular building labeled H. No building permit could be found for modular building labeled A.

Three modular units labeled F, G, H, which are spaced ten feet apart have received final approval under a Review of Conditions [Z-0063-94(5)]. Although these buildings are considered as part of this review, they are no longer considered temporary structures.

- **Modular Building Elevations**

The applicant requests that the modular building labeled A be conditioned to extend its usage for another year while modular buildings labeled B, C, D, E be granted permanent status. These buildings have been upgraded to meet staff requirements for building and safety and aesthetic requirements. The applicant has upgraded the modular buildings labeled B, C, D, E to be plastered with stucco and an accented cornice adorned in desert colors comparable to the church and the buildings labeled F, G, H.

- **Temporary Structures and Outdoor Storage**

The last three remaining temporary structures are a 320 square-foot refrigerated trailer used for storing food, a 140 square-foot structure for kitchen storage, and a 36 square-foot shed. None of these structures have received previous approval and have been placed on site without permits. One structure of concern, the refrigerated trailer approximately 125-feet north of 8100 Westcliff Drive (Existing Church), has been relocated as it is currently situated in a drainage easement. The applicant requests to fence and place the relocated refrigerated trailer north of modular building labeled A and east of the central courtyard. The proposed fence is a 10-foot high chain link fence with privacy slats for screening and gate that opens to the east. Except for the refrigerated trailer, the applicant intends to remove all of the temporary structures.

Within close proximity is a screened area between the north temporary modular building located at 8106 Westcliff and the turf field located at the north end of the site. This dedicated open area storage has three 320 square-foot shipping containers, one 320 square-foot shipping container, and various smaller items enclosed by a six-foot high screened-fence. These containers are not anchored nor are they placed on any type of pad. All four of the containers are visible above the six-foot screen fence. Access to the outside storage area is from a cul-de-sac, adjacent to the western property line, which abuts the neighboring residential property. The applicant intends to remove the fence, the shed, and the storage containers. As of 02/14/08 site visit by staff, the fence and shed had been removed.

Since the expectation was for the development of a permanent school building, staff does not find reason to extend the approval of the modular buildings labeled A-F on the site. Therefore staff recommends that the modular buildings labeled A-F be removed from the site.

- **Landscaping and Parking**

This Site Development Review concerns the remaining temporary structures on site that have all been conditioned for removal. Staff has no concerns with the current landscaping or the previous approvals addressing the landscaping requirements. Additionally, all parking concerns have been adequately addressed meeting Title 19.10 Parking Standards for Offices and Private School, Primary.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

Although this site has received previous approval for proposed school buildings that were determined to be compatible with the surrounding multiple family residential developments to the north, west and east sides of the site, staff finds that the eight existing temporary structures are not conducive with the adjacent development. All previous approvals regarding the temporary modular buildings labeled A-F were conditioned with the expectation that they would be removed upon completion of the permanent buildings.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The existing temporary modular buildings do not comply with the previous Planning approvals for the C-V (Civic) Zoning District standards established under Site Development Plan Reviews [Z-0063-94(1), Z-0063-94(4), Z-0063-94(7), Z-0063-94(8), or SDR-3085]. Each of these prior approvals required removal dates for the temporary structures, all of which have since expired by at least two years. The last Administrative Site Development Plan Review (SDR-3085) required that a new Site Development Plan Review be completed if the modular buildings remain past November 14th, 2005.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Main access to the site is from Cimmaron Road, a Secondary Collector, with secondary access provided from Westcliff Drive, a Primary Arterial. The eight existing temporary modular buildings have not had a significant impact on the internal circulation of the site.

4. Building and landscape materials are appropriate for the area and for the City;

Staff finds that the existing temporary modular buildings are all distinct in appearance and contribute to a negative, discordant site appearance. The previous site approvals sought to phase-out the temporary structures and replace them with permanent buildings finished in materials similar to the appearance of the existing church and administrative buildings on the site. The existing site landscaping on the site is not been affected by the temporary structures and should continue to help to buffer the surrounding properties from the school buildings.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Per the previous approvals, the temporary and modular buildings affiliated with the church, school, and related administrative buildings have created an environment that is not harmonious with the adjacent development. The temporary modular buildings have all exceeded the restricted amount of time given of each previous request. Although staff has found the locations of the buildings on the site to be adequate before, this analysis was based upon the assumption that each of the structures would be removed at set dates. Staff recommends denial of this review based upon the expiration of the previous approvals and that the temporary structures were all required to be phased out with the completion of the remaining classrooms and administrative buildings.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

From the provided information, staff has determined that the proposed development will be subject to inspections for Occupancy Permits, and therefore will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 5 and 6. There were three speakers in opposition to the project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 586 by Planning Department

APPROVALS 3

PROTESTS 17