

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 12, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-26818 APPLICANT/OWNER: APOSTOLIC ASSEMBLY OF THE FAITH IN JESUS CHRIST, INC.**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the Conditions of Approval for Rezoning (Z-0013-71) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/19/08, except as amended by conditions herein.
4. The proposed addition shall be in conformance with the Commercial and Industrial District Development Standards found in Title 19.08.050.
5. A Waiver from Title 19.12.040(A) is hereby approved, to allow a five-foot wide landscape buffer on the east perimeter and a zero-foot landscape buffer on the south perimeter where eight feet is required.
6. An Exception from Title 19.10.010(J) is hereby approved, to allow three landscaped parking fingers where eight are required.
7. An Exception from Title 19.12 is hereby approved to allow zero trees on the south property line where seven trees are required.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

**SDR-26818 - Conditions Page Two**  
**June 12, 2008 - Planning Commission Meeting**

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. 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.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
17. Dedicate a 20-foot radius on the southeast corner of Stewart Avenue and 15<sup>th</sup> Street prior to the issuance of any permits.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

**SDR-26818 - Conditions Page Three**  
**June 12, 2008 - Planning Commission Meeting**

19. The proposed gates shall remain open during regular business hours.
20. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveways and associated gates on Stewart Avenue and 15<sup>th</sup> Street.
21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to this site prior to occupancy of this site.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
24. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**SDR-26818 - Staff Report Page One**  
**June 12, 2008 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

This request is for a Site Development Plan Review for a proposed 1,056 square-foot addition to an existing 4,161 square foot commercial building with a Waiver to allow a five-foot wide landscape buffer on the north perimeter and a zero-foot landscape buffer on the south perimeter where eight feet is required.

In conjunction with this Site Development Plan Review request, the applicant has submitted a Variance (VAR-27929) to allow 29 parking spaces where 32 parking spaces are the minimum required and to allow 13 compact parking spaces where eight spaces are the maximum allowed. As this proposal is an over development of the subject site, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
03/02/71	The Board of City Commissioners approved a Rezoning (Z-0013-71) from R-4 (Apartment Residence) to P-R (Professional Office and Parking) at the southeast corner of Stewart and 15 <sup>th</sup> Street.
02/24/77	The Board of Zoning Adjustment approved a Variance (V-0014-77) to allow a credit union in a P-R (Professional Offices and parking) where financial institutions are not permitted at 218 North 15 <sup>th</sup> Street.
05/26/77	The Board of Zoning Adjustment approved a Variance (V-0040-77) to allow a credit union in a P-R (Professional Offices and parking) where financial institutions are not permitted at 218 North 15 <sup>th</sup> Street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan (GPA-2497) from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
<b><i>Related Building Permits/Business Licenses</i></b>	
1956	The existing building was constructed.
04/10/92	A building permit (#092141145) was issued for an interior remodel of existing commercial building.
<b><i>Pre-Application Meeting</i></b>	
12/05/07	The applicant explained that the existing building is being expanded in size and remodeled for use as a church. The requirements for submitting a Site Development Plan Review were discussed.

**SDR-26818 - Staff Report Page Two  
June 12, 2008 - Planning Commission Meeting**

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
12/05/07	The entrance to this building is on 15 <sup>th</sup> Street. The area in front of building is asphalt with palm tree in planter box in the front. A drive through aisle and window is located on the Stewart Street side. The planter width on the east interior perimeter appears to be approximately three feet wide. The large pine tree shown on the site plan is located on the neighboring property to the east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.58

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	MXU (Mixed Use)	P-R (Professional Office and Parking)
North	Multi-Family	MXU (Mixed Use)	ROW / R-3 (Medium Density Residential)
South	Single Family Residential	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Single Family Residential	MXU (Mixed Use)	P-R (Professional Office and Parking)
West	Church	MXU (Mixed Use)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08.050, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	142 Feet	Y

**SDR-26818 - Staff Report Page Three**  
**June 12, 2008 - Planning Commission Meeting**

Min. Setbacks			
• Front	20 Feet	24 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	25 Feet	Y
• Rear	15 Feet	63 Feet	Y
Max. Lot Coverage	50%	22.60%	Y
Max. Building Height	Lesser of 2 Stories or 35 Feet	186 To Top of Roof (16)	Y
Trash Enclosure	50 Feet	50 Feet	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.12, the following development standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/ 6 Space	8 Trees	3 Trees	N*
Buffer:				
Min Trees North (Adjacent to Commercial)	1 Tree/ 30 Linear Feet	5 Trees	7 Trees	Y
East (Adjacent to Residential)	1 Tree/ 20 Linear Feet	8 Trees	8 Trees	Y
South (Adjacent to Residential)	1 Tree/ 20 Linear Feet	7 Trees	Zero Trees	N**
West (Adjacent to Commercial)	1 Tree/30 Linear Feet	5 Trees	6 Trees	Y
<b>TOTAL</b>		33 Trees	24 Trees	N
Min. Zone Width	5 Feet		Zero Feet	N***
Wall Height	8 Feet		4 Feet	Y

*\* An exception has been applied for to provide three landscaped parking fingers where eight landscaped parking lot fingers are required.*

*\*\* An exception has been applied for to provide zero trees on the south property line where seven trees are required.*

*\*\*\* A Waiver has been requested to allow a five-foot landscape buffer on the east property line and a zero-foot landscape buffer on the south property line.*

SDR-26818 - Staff Report Page Four  
 June 12, 2008 - Planning Commission Meeting

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Fixed Seating	501 bench linear feet	1 space per each 20 linear feet	6	1	6	1	Y
Non Fixed Seating	1 space / 4 seats	1 Space per 100 Square Feet non-fixed seating area	24	1	21	1	N*
<b>SubTotal</b>			30	2	27	2	N*
<b>TOTAL</b>			32 spaces		29 spaces		N*

\* A companion Variance (VAR-27929) has been submitted to allow 29 parking spaces where 32 are required and to allow 13 compact parking spaces where 8 spaces are the maximum allowed.

<b>Monument Signs: 19.14.060 (C)</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / Street frontage	1 / Street frontage
Maximum Area	60 square feet	20 square feet
Maximum Height	8 feet	4 feet
Minimum Setback	5 feet	6.25 feet
Illumination	Direct/Internal	Direct/Internal

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a five foot wide landscape buffer on the east perimeter and a zero foot landscape buffer on the south perimeter.	An eight foot wide landscape buffer is required on the east and south perimeters.	Denial

**SDR-26818 - Staff Report Page Five**  
**June 12, 2008 - Planning Commission Meeting**

<b>Exception</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow three trees in the landscape fingers	Eight trees are required	Denial
To allow zero trees along the south property line.	Seven trees are required	Denial

## ANALYSIS

- **Zoning**

The subject site is within the P-R (Professional Office and Parking) zoning district. This district is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. The P-R (Professional Office and Parking) zoning is within the MXU (Mixed Use) General Plan Land Use Designation. The proposed use as a Church/House of Worship is permitted in the P-R (Professional Office and Parking) zone.

- **Site**

The site plan illustrates an existing 4,161 square-foot building with a proposed 1,056 square-foot addition. This proposal also includes interior and exterior modifications to the existing building in order to accommodate a church function. Access to this location is provided by Stewart Avenue, an 80-foot secondary collector and 15<sup>th</sup> Street a 50-foot local street.

- **Landscaping**

The landscape plan shows a total of twenty-three 24-inch box trees with a combination of existing trees and southern live oak trees. These trees are planted in landscaped parking fingers and along the north, east and west property lines. The applicant has requested a Waiver to allow a five-foot landscape buffer on the east property line and a zero-foot landscape buffer on the south property line. As these Waivers are an indication of the over-development of the subject site, staff recommends denial of these requests. The applicant is also proposing a four-foot block wall, of which 30 inches is block and the remaining 12 inches is wrought-iron.

- **Parking**

The site plan displays a total of 29 parking spaces of which 13 are compact and two are handicap spaces. Title 19.10 requires a total of 32 parking spaces for a Church/House of Worship use and only allows a maximum of eight compact parking spaces. The proposed 1,056 square-foot addition to the existing 4,161 square-foot building reduces the amount

**SDR-26818 - Staff Report Page Six**  
**June 12, 2008 - Planning Commission Meeting**

of parking provided by seven spaces. This over-building is causing the subject site not to be in conformance with Title 19 parking standards. A companion Variance (VAR-27929) has been submitted to allow this deviation from minimum parking standards found in Title 19.

- **Elevations**

The provided elevations depict a one-story building 18.5 feet in height with a shingle roof. The proposed 1,056 square-foot addition will match the existing building in by matching the exiting shingle roof, parapet and walls. A condition has been added to conform to 19.08.050 standards for exterior material, which allow for the use of concrete or clay tile and architectural metal for the slope roof.

- **Floor Plan**

The floor plan depicts a church auditorium which has a combination of 501 linear feet of bench and 100 chairs of non-fixed seating. Adjacent to the auditorium are several rooms including a pastors office, lobby, a hallway and a kids room. The hallway allows for access to the two handicap accessible bathrooms and an addition entrance and exit out of this venue.

- **Monument Sign**

The proposed monument sign satisfies all of the minimum requirements found in Title 19.14 for a P-R (Professional Office and Parking) zoning district. This proposed sign is made of similar materials found on the subject site and is suitable for the surrounding area. The applicant will be required to acquire a separate permit to construct the monument sign.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The proposed church expansion is not compatible with existing surrounding residential and civic uses off-site and within the immediate vicinity due to this projects inability to meet the minimum requirements found in Title 19.

- 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 proposed development is inconsistent with the minimum standards found in Title 19 for parking and landscaping.

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

Vehicular access is available and adequate from Fifteenth Street, a 50-foot local street and Stewart Avenue, an 80-foot secondary collector and is not anticipated to have negative impacts on adjacent roadways and neighborhood traffic.

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

The building materials will provide a contemporary design and will provide increased landscaping than provided currently. This project is unable to satisfy the minimum landscape materials required by Title 19.

- 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;**

The proposed 1,056 square-foot addition will match the existing building and will not be unsightly, undesirable or obnoxious in appearance.

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

This project will be subject to building and licensing requirements and will not adversely affect the public health, safety or general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**SDR-26818 - Staff Report Page Eight**  
**June 12, 2008 - Planning Commission Meeting**

**NOTICES MAILED**            287

**APPROVALS**                    0

**PROTESTS**                     2