



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-30620 - APPLICANT/OWNER: INTERNATIONAL CHURCH OF LAS VEGAS, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-31394) and Site Development Plan Review (SDR-30614) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to Title 19.06.170 Hillside Development Standards and Guidelines to allow a building height of 85 feet where two stories or 35 feet is the maximum allowed and to allow a site disturbance of 3.78 acres where 3.56 acres is the maximum allowed for a proposed 89,550 square-foot, five-story Church/House of Worship located at the southwest corner of the intersection of Cliff Shadows Parkway and Novat Street. The subject Variance represents a 143% deviation to allow building height, and a 6.2% deviation from allowed site disturbance. Staff recommends denial of this request as it is a self-imposed hardship that could have been alleviated through alternative site design.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 2/05/03 | The City Council approved an Annexation (A-0038-02) for the subject property as part of a larger request. The Planning Commission recommended approval. The effective date was 2/14/03. |
| 12/17/03 | The City Council approved a Rezoning (ZON-3209) to PD (Planned Development), a Major Modification (MOD-3206) to add approximately five acres to the Lone Mountain West Master Plan area and to amend the Plan to allow churches within all residential land use designations with approval of a Special Use Permit (SUP-3304) for the Church/House of Worship. The Planning Commission and Staff recommended denial as no Site Development Plan Review accompanied the application for a Special Use Permit. A two year approval was granted for the Church and pre-school, set to expire 12/17/05. The Planning Commission and Staff recommended denial. |
| 3/01/06 | The City Council approved a request for an Extension of Time (EOT-11349) of an approved Special Use Permit (SUP-3304) that allowed a Church/House of Worship and a Preschool adjacent to the south side of Cliff Shadows Parkway, approximately 375 feet west of the 215 Beltway. Staff recommended approval. A one-year extension was granted, set to expire 12/17/07. |
| 02/06/08 | The City Council approved a request for a second Extension of Time (EOT-26060) for an approved Special Use Permit (SUP-3304) for a church/house of worship and a preschool adjacent to the south side of Cliff Shadows Parkway, approximately 375 feet west of the 215 Beltway. Staff recommended approval. The Special Use Permit is set to expire on 12/17/09.* |

**The applicant has requested a Major Modification (MOD-30617) to amend the Lone Mountain West land use designation from L (Low Density Residential) and P (Park/School/Recreation/ Open Space) to PF (Public Facilities). If approved, Special Use Permit (SUP-3304) would no longer be required to develop the site as a Church/House of Worship.*

November 20, 2008 - Planning Commission Meeting

| <i>Related Building Permits/Business Licenses</i> | |
|--|---|
| There are no related building permits or business licenses associated with the subject site. | |
| <i>Pre-Application Meeting</i> | |
| 07/10/08 | A pre-application meeting was held to discuss the requirements for submitting applications for a Major Modification, Site Development Plan Review and Variance. Also discussed were the requirements for meeting the Hillside Development standards and guidelines. |
| <i>Neighborhood Meeting</i> | |
| 11/13/08 | A neighborhood meeting will be held on Thursday, November 13, 2008 at 6:30 p.m. at the YMCA Building located at 3521 North Durango Drive, Las Vegas, Nevada. |

| <i>Field Check</i> | |
|---------------------------|---|
| 10/14/08 | A field check was conducted by staff. The site is vacant and undeveloped, with an unpermitted chain link fence around the perimeter. It has been partially graded to allow for construction staging activities for the Desert Hope Drive right-of-way and a nearby drainage project; there are concrete barriers and pipe stored on the site. |

| <i>Details of Application Request</i> | |
|--|------------|
| <i>Site Area</i> | |
| Gross Acres | 4.99 Acres |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--|-------------------------------------|---|
| Subject Property | Undeveloped, Vacant | PCD (Planned Community Development) | PD (Planned Development) [L (Low Density Residential) Lone Mountain West Land Use Designation], [Proposed: PD (Planned Development) [PF (Public Facilities) Lone Mountain West Land Use Designation] |
| North | Vacant (SDR-7404 approved for an Equestrian Trailhead, under construction) | PCD (Planned Community Development) | CV (Civic) [P (Parks, Schools, Recreation, Open Space) Lone Mountain West Land Use Designation] |

VAR-30620 - Staff Report Page Three
November 20, 2008 - Planning Commission Meeting

| | | | |
|-------|------------------------------------|-------------------------------------|---|
| South | Undeveloped (Village 26 Reverence) | SUM (Summerlin) | PC (Planned Community) |
| East | Undeveloped, Vacant | PCD (Planned Community Development) | CV (Civic) [P (Parks, Schools, Recreation, Open Space) Lone Mountain West Land Use Designation] |
| West | Undeveloped, Vacant | PCD (Planned Community Development) | U (Undeveloped) [L (Low Density Residential) Lone Mountain West Land Use Designation] |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Lone Mountain West | X | | N* |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Hillside Development Area | X | | N** |
| Trails | X | | N*** |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

**The applicant has requested Waivers of the Lone Mountain West wall and landscape standards as part of companion Site Development Plan Review (SDR-30614).*

*** The applicant has requested this Variance to Title 19.06.170 Hillside Development Standards and Guidelines to allow an 85-foot high building where two stories or 35 feet is the maximum height permitted, and to allow a site disturbance of 3.78 acres where 3.56 acres is the maximum permitted.*

****A condition has been added to the companion Site Development Plan Review (SDR-30614) to require a Multi-Use Transportation Trail along Cliff Shadows Parkway, west of the intersection with Novat Street/Desert Hope Drive, to comply with all requirements of the City of Las Vegas Master Plan, Transportation Trails Element.*

DEVELOPMENT STANDARDS

All development within the Lone Mountain West Master Plan area is subject to the Lone Mountain West Master Plan. The Lone Mountain West Master Plan does not establish design standards for buildings located within a PF (Public Facilities) Lone Mountain West Land Use designation zone. As no design standards exist for the PF (Public Facilities) Lone Mountain West Land Use designation, the development standards for this development shall use the

VAR-30620 - Staff Report Page Four
November 20, 2008 - Planning Commission Meeting

following criteria: The development standards shall be established by the PF (Public Facilities) Lone Mountain West Land Use designation and any corresponding Site Development Plan Review approval under Subchapter 19.18.050. The site also falls within the Hillside Development Area, and will be subject to the regulations contained in Title 19.06.170 Hillside Development Standards and Guidelines. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area. The proposed landscaping, parking, setbacks, and maximum building heights for this project are defined below. Any future development will require review for determination of appropriate development standards.

| <i>Standard</i> | <i>Provided</i> |
|--|--|
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner (east) • Rear | 144 Feet 40 Feet 60 Feet 175 Feet |
| Max. Lot Coverage | 15.3% |
| Max. Building Height | 85 Feet* |
| Trash Enclosure | Not Indicated** |
| Mech. Equipment | Screened |

**The applicant has requested this Variance to allow a building height of 85 feet where two stories or 35 feet is the maximum permitted by Title 19.06.170 Hillside Development Standards and Guidelines. This represents a 143% deviation from the maximum allowed.*

***A condition has been added to companion Site Development Review (SDR-30614) to require that any trash enclosure provided shall be roofed and screened to comply with the requirements of Title 19.08.*

| <i>Landscaping and Open Space Standards</i> | |
|---|--|
| <i>Standards</i> | <i>Provided</i> |
| Parking Area | 68 Trees* |
| Buffer: Min. Trees | 34 Trees** |
| TOTAL | 102 trees |
| Min. Zone Width | 25 Feet |
| Wall Height | No perimeter screen walls are proposed |

**The parking area trees provided are in excess of one tree per five parking spaces.*

***The perimeter tree spacing is equivalent to approximately one tree per 25 feet.*

VAR-30620 - Staff Report Page Five
November 20, 2008 - Planning Commission Meeting

Pursuant to Title 19.06.170 Hillside Development Standards and Guidelines, the following site disturbance standards apply:

| <i>Slope</i> | <i>Site Area</i> | <i>Maximum Disturbance Allowed</i> | | <i>Proposed Disturbance</i> | <i>Compliance</i> |
|-------------------|------------------|------------------------------------|------------|-----------------------------|-------------------|
| 0% to 15% | 2.70 Acres | 100% | 2.70 Acres | | |
| 15% to 25% | 0.43 Acres | 50% | 0.21 Acres | | |
| 25% and Greater | 1.86 Acres | 35% | 0.65 Acres | | |
| Total Parcel Area | 4.99 Acres | | 3.56 Acres | 3.78 Acres | N* |

**The applicant has requested this Variance to allow 3.78 acres of site disturbance where 3.56 acres is the maximum allowed. This represents a 6.2% deviation from the maximum allowed.*

ANALYSIS

- **Hillside Development Standards and Guidelines**

This is the first project to be considered under Title 19.06.170 Hillside Development Standards and Guidelines, adopted by City Council on August 15, 2007. As required, a preliminary review of the project was completed prior to submittal of entitlement applications to identify existing geographic, topographic and environmental features of the site, determine the impact of the proposed project on these features, and to determine compliance with the standards and guidelines in general. Grading plans and sections, a slope analysis, a ridgeline/elevation study and a drainage study were all submitted by the applicant and reviewed by city staff in the following departments: Planning and Development, the Development Coordination, Flood Control, Land Development Services and Transportation Planning sections of Public Works, and Fire and Rescue. It was determined that the proposed project met the minimum requirements for the preliminary review, but that two Variances (VAR-30620) to the standards would be required: the applicant is proposing a building height of 85 feet where two stories or 35 feet is the maximum allowed, and a site disturbance of 3.78 acres where 3.56 acres is the maximum allowed.

The Hillside Development Standards and Guidelines were adopted because it was determined that hillside areas within the City of Las Vegas would require special consideration and a development style that would protect and conserve the natural and visual resources, prime wildlife habitat and the unique vegetation species within these areas, and to encourage innovative planning, design and construction techniques to minimize grading and site disturbance in order to maximize compatibility with the natural terrain. Therefore, staff is recommending denial of these Variances as the applicant has created a self-imposed hardship, and alternative site design could have been used to meet the minimum requirements of the Hillside Development Standards and Guidelines.

VAR-30620 - Staff Report Page Six
November 20, 2008 - Planning Commission Meeting

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 4

SENATE DISTRICT 9

NOTICES MAILED 504

APPROVALS 1

PROTESTS 7