



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-31394 - 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 allow 175 on-site parking spaces where 375 are required 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. This represents a 53% deviation from the standard. 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>	
02/05/03	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.
03/01/06	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.*

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Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	
Pre-Application Meeting	
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.
Neighborhood Meeting	
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.

Field Check	
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.

Details of Application Request	
Site Area	
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]

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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 a Variance (VAR-30622) 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 following criteria: The development standards shall be established by the PF (Public Facilities)

SG

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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.

Pursuant to Title 19.10, the following parking standards are proposed:

<i>Parking Requirement</i>							
<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>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Church or House of Worship	1500-seat gathering room	1 space per 4 seats in the gathering room	367 Spaces	8 Spaces	387 Spaces	8 Spaces	N*
TOTAL			375 Spaces		395 Spaces**		

**The applicant has requested this Variance to allow 175 on-site parking spaces where 375 are required. This represents a 53% deviation.*

***The applicant is proposing to construct shared-parking facilities, including landscaping, on the adjacent parcel to the east (APN 137-12-401-040) and a portion of the adjacent parcel to the north (APN 137-12-401-001); both parcels are owned by the Bureau of Land Management, and leased to the City of Las Vegas. Of the 395 proposed parking spaces, 175 spaces, including all eight handicap accessible spaces, are located on property currently owned by the applicant. The applicant entered into a Disposition and Development Agreement with the City of Las Vegas on 01/09/08, and is in the approval process for a shared parking agreement with the city for the aforementioned parcels.*

ANALYSIS

The applicant is proposing an 89,550 square-foot, five-story Church/House of Worship on the subject site. The minimum number of required parking spaces for this development is 375 spaces, of which eight spaces must be handicapped accessible. The site plan indicates that 175 spaces, including the eight handicapped accessible spaces, will be provided on-site, with an additional 220 spaces provided on portions of adjacent parcels to the north and east that are owned by the Bureau of Land Management and leased to the City of Las Vegas. The applicant entered into a Disposition and Development Agreement with the City of Las Vegas on 01/09/08

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to develop the areas for parking, and is in the approval process for a shared parking agreement with the city for the aforementioned parcels. However, the lease that the city has with the Bureau of Land Management is set to expire in the year 2032, and any shared parking agreement between the city and the applicant would also expire at that time. This would result in a severely parking impaired site. Since the shared parking agreement cannot be guaranteed for the anticipated duration of the Church/House of Worship use of the subject site, this Variance is required.

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.

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