



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-30622 - APPLICANT/OWNER: INTERNATIONAL CHURCH OF LAS VEGAS, INC.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
2. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements generally located approximately 63 feet southwest of the intersection of Cliff Shadows Parkway and Novat Street. Exclusive of the 5-feet needed for South West of Cliffs Shadows Parkway, and the area needed for access to assessors parcel number 137-12-401-010.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
4. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City rightofway requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any rightofway being vacated must be retained.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request from the International Church of Las Vegas, Inc. to Vacate U.S. government patent easements generally located approximately 63 feet southwest of the intersection of Cliff Shadows Parkway and Novat Street. The Vacation of these easements will facilitate the development of a proposed 89,550 square-foot, five story Church/House of Worship (SDR-30614). As these U.S. Government Patent Easements are no longer needed in their current configuration, staff recommends approval of this request.

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.*

02/04/09	The City Council will consider a request for a Shared Parking Agreement between the International Church of Las Vegas, Inc. and the City of Las Vegas for real property located at Cliff Shadows Parkway and Novat Street.
02/12/09	The Planning Commission recommended approval of companion items MOD-30617, ZON-31062, VAR-30620, VAR-31394 and SDR-30614 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #19/sg).

**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.*

<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 was held on Thursday, November 13, 2008 at 6:30 p.m. at the YMCA Building located at 3521 North Durango Drive, Las Vegas, Nevada. The meeting was attended by seven representatives for the applicant, five members of the general public and one staff person from the Planning and Development Department. The applicant gave a brief presentation detailing the development of the proposed church and school. It was indicated that the facility will be approximately 90,000 SF in size, and the school will include kindergarten through fifth grade, as well as pre-school classes. Questions and concerns from the public were as follows: * Concern about the 85' height of the building and impact on views. * Questions about the number of church goers; the applicant responded that Phase I would accommodate approximately 500-600, and Phase II would accommodate somewhere between 1,000 and 1,500. * A resident questioned whether the perimeter trees shown in the rendering would actually be planted; the applicant responded that the trees were required by code. * A resident asked why the Waiver from the landscape standards was necessary; the applicant responded that landscaping was required along all property lines, and they wanted to leave the sloping portion of the hillside undisturbed. * Concern was expressed about traffic control at Desert Hope Drive and Cliff Shadows Parkway; the applicant responded that they would conform to the previously-approved traffic study (submitted by Pulte for the Reverence development to the south). * A question was raised about the construction timeframe; the applicant responded that they hoped to have Phase I completed in four years. * Residents expressed approval for the earth-tone color scheme of the building and materials, in the hope that it would blend in with the adjacent hillside. It was reiterated by a resident that the principal concern with the project was the height of the building, but that they were otherwise in favor of the project.

01/26/09	An additional neighborhood meeting was held on Monday, January 26, 2009 at 6:00 p.m. at the YMCA Building located at 3521 North Durango Drive, Las Vegas, Nevada. The meeting was attended by three representatives for the applicant, forty two members of the general public, with additional people standing in the hallway outside the room, one councilman, three commissioners, and two staff persons (one each from Field Operations and the Planning and Development Department). The applicant gave a brief presentation regarding the project, and displayed several photo renderings of the proposed structure. The applicant did not have any site plans available to show to the members of the public. It was noted that the applicant would be constructing an additional parking area off-site on BLM land leased by the City of Las Vegas. The following questions and issues were raised by the audience: • There were issues regarding the size of the congregation and the resulting impact to the neighborhood. • Several residents commented that the proposed tower was too tall and would impact views of the mountains. • Concerns were raised about traffic that would be generated by the proposed use. • Concerns were raised about the parking variance. • Questions were asked about the exterior materials and appearance of the building, and whether it would blend in to its location. • Several residents commented that they moved to the Lone Mountain West area because it was quiet and had great views, and expressed concern that the proposed church would impact their quality of life and property values. • Several attendees stated that the proposed church would be beneficial to the area. At the end of the meeting, attendees were asked to indicate whether or not they were members of the International Church of Las Vegas, and whether or not they lived within the notification area.
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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.
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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]
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]

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Lone Mountain West	X		N*
Special Districts/Zones	Yes	No	Compliance
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-30620) 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.*

LEGAL DESCRIPTION

A request has been received from the International Church of Las Vegas, Inc. to Vacate U.S. government patent easements generally located approximately 63 feet southwest of the intersection of Cliff Shadows Parkway and Novat Street.

The above property is legally described as follows:

The north, east, west and south 33.00 feet of the west half (W1/2) of the southeast quarter (SE1/4) of the southwest quarter (SW1/4) of the southwest quarter (SW1/4) of Section 12, Township 20 South, Range 59 East, M.D.M., City of Las Vegas, Clark County, Nevada, as reserved in the patent recorded in Book 702, Instrument Number 861767, Clark County official records.

The west and south 33.00 feet of lot Three (3) of Cheyenne/Beltway (A Commercial Subdivision) as shown by map thereof on file in Book 105 of Plats, Page 86, in the Office the County Recorder of Clark County, Nevada, being a portion of the east half (E1/2) of the northeast quarter (NE1/4) of the southwest quarter (SW1/4) of the southwest quarter (SW1/4) of Section 12, Township 20 South, Range 59 East, M.D.M., City of Las Vegas, Clark County, Nevada, as reserved in the patent recorded in Book 893, Instrument Number 852328, Clark County official records.

ANALYSIS

- **Planning Discussion**

This is a request from the International Church of Las Vegas, Inc. to Vacate U.S. government patent easements generally located approximately 63 feet southwest of the intersection of Cliff Shadows Parkway and Novat Street. The Vacation of these easements will facilitate the development of a proposed 89,550 square-foot, five story Church/House of Worship (SDR-30614). As these U.S. Government Patent Easements are no longer needed in their current configuration, staff recommends approval of this request.

- **Public Works Discussion**

The Public Works Department has no objection to the vacation application request to vacate U.S. Government Patent Reservations generally located approximately 63 feet southwest of the intersection of Cliff Shadows Parkway and Novat Street.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 7

NOTICES MAILED 9 by City Clerk

APPROVALS 664

PROTESTS 2