

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-30620 - APPLICANT/OWNER: INTERNATIONAL CHURCH OF LAS VEGAS, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 18, 2009 CITY COUNCIL MEETING AT THE REQUEST OF STAFF.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/rt vote) recommends APPROVAL, 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.*

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-31394, VAC-30622 and SDR-30614 concurrently with this application. The Planning Commission voted 6-1/rt to recommend APPROVAL (PC Agenda Item #17/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*

<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 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 • 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.*

Landscaping and Open Space Standards	
Standards	Provided
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.*

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

Slope	Site Area	Maximum Disturbance Allowed		Proposed Disturbance	Compliance
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.

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

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ASSEMBLY DISTRICT 4

SENATE DISTRICT 9

NOTICES MAILED 245 by City Clerk

APPROVALS 667

PROTESTS 16