



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 5, 2009**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-35004 EXTENSION OF TIME SITE DEVELOPMENT**  
**PLAN REVIEW - APPLICANT/OWNER: HOLY CROSS MISSIONARY BAPTIST**  
**CHURCH**

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### **\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If approved, subject to:

#### **Planning and Development**

1. This Site Development Plan Review (SUP-6596) shall expire on July 6, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Site Development Plan Review (SDR-6596) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
3. The operation of a Church/House of Worship within the existing single-family residence on the subject site shall terminate immediately. The use may commence after all necessary building permits to convert the structure from residential to a place of assembly have been issued and finalized.

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

**PROJECT DESCRIPTION**

The applicant received previous approval for a Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church/House of Worship with waivers to allow a 10-foot setback where 20 feet is required and the perimeter and parking lot landscaping requirements at 1328 West Lake Mead Boulevard. Since the original approval, the applicant has received a two-year Extension of Time in August 2007, but has failed to show any progress towards exercising the entitlement in the form of permits and/or the start of construction.

The subject site currently has an existing 740 square-foot single-family, one-story residence that is being used as a church. The site does not comply with Title 19.04, as a Special Use Permit was approved for a new 5,700 square-foot Church, not the conversion of an existing single-family residence. A research of the building permit activity shows no history of any permits being issued for the conversion of the structure, nor is there a record of a Certificate of Occupancy or an approved final inspection. Additionally, the site fails to meet the requirements outlined in Title 19.10 and 19.12 pertaining to required parking, landscaping, and buffer standards.

Staff is recommending denial of the Extension of Time request as the applicant is utilizing a structure for a use not permitted and has made no progress in the last four years towards exercising the entitlement.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/06/05                                                                  | The City Council approved a request for a Special Use Permit (SUP-6595) for a proposed Church at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05.                                                                                                                                                                             |
| 07/06/05                                                                  | The City Council approved a request for a Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church and waivers to allow a 10-foot front setback where 20 feet is required and the perimeter and parking lot landscaping requirements on 0.40 acres at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05. |

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| 07/06/05                                                                                  | The City Council approved a request for a Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet for a proposed Church on 0.40 acres at 1328 West Lake Mead Boulevard. The Planning Commission recommended approval on 06/09/05.                                                                                    |
| 08/01/07                                                                                  | The City Council approved a request for an Extension of Time (EOT-22718) of a previously approved Special Use Permit (SUP-6595) for a proposed Church at 1328 West Lake Mead Boulevard.                                                                                                                                                                             |
| 08/01/07                                                                                  | The City Council approved a request for an Extension of Time (EOT-22719) of a previously approved Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church and waivers to allow a 10-foot front setback where 20 feet is required and the perimeter and parking lot landscaping requirements on 0.40 acres at 1328 West Lake Mead Boulevard. |
| 08/01/07                                                                                  | The City Council approved a request for an Extension of Time (EOT-22720) of a previously approved Variance (VAR-6597) to allow a five-foot setback where residential adjacency standards require 78 feet for a proposed Church on 0.40 acres at 1328 West Lake Mead Boulevard.                                                                                      |
| <b><i>Related Building Permits/Business Licenses</i></b>                                  |                                                                                                                                                                                                                                                                                                                                                                     |
| There are no business licenses or building permits issued for the subject site.           |                                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>Pre-Application Meeting</i></b>                                                     |                                                                                                                                                                                                                                                                                                                                                                     |
| A pre-application meeting is not required for this type of application, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>Neighborhood Meeting</i></b>                                                        |                                                                                                                                                                                                                                                                                                                                                                     |
| A neighborhood meeting is not required for this type of application, nor was one held.    |                                                                                                                                                                                                                                                                                                                                                                     |

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| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 0.38 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                            | <b>Planned Land Use</b>              | <b>Existing Zoning</b>               |
|-----------------------------|-----------------------------------------------------|--------------------------------------|--------------------------------------|
| Subject Property            | Single-Family Residence being utilized for a Church | C (Commercial)                       | R-2 (Medium-Low Density Residential) |
| North                       | Undeveloped Land                                    | SC (Service Commercial)              | C-1 (Limited Commercial)             |
|                             |                                                     | MLA (Medium-Low Density Residential) | R-2 (Medium-Low Density Residential) |
| South                       | School                                              | C (Commercial)                       | C-V (Civic)                          |
| East                        | Single-Family Residences                            | MXU (Mixed-Use)                      | R-2 (Medium-Low Density Residential) |
| West                        | Undeveloped Land                                    | C (Commercial)                       | C-1 (Limited Commercial)             |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   |                  |                          |
| Las Vegas Redevelopment Plan                      | X                 |                  | Y                        |
| West Las Vegas Plan                               | X                 |                  | Y                        |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District (105 feet)         | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## ANALYSIS

This is the second request for an extension of time of a previously approved Site Development Plan Review (SDR-6596) for a proposed 5,700 square-foot Church/House of Worship with waivers to allow a 10-foot setback where 20 feet is required and the perimeter and parking lot landscaping requirements at 1328 West Lake Mead Boulevard. Since the original approval of the Site Development Plan Review (SDR-6596), the applicant has not shown any progress on the proposed development.

The subject site currently has a 740 square-foot, one-story single-family residence that is being used as a church. There is no landscaping or designated parking spaces located on the lot. Staff conducted a site inspection and found that the residence has signage posted advertising the name of the church and hours of service. A research of building permit activity shows no history of any permits being issued for the conversion of the single-family residence to a church, nor is there a record of a Certificate of Occupancy or an approved final inspection for the use.

## FINDINGS

The current structure is not permitted to be utilized as a church. The previously approved Site Development Plan Review (SDR-6596) and all plans submitted were for a new 5,700 square-foot building, not the conversion of an existing single-family residence. Additionally, the subject site does not comply with Title 19.10 and 19.12 pertaining to required parking, landscaping, and buffer standards. City records show no history of permit activity to convert the current single-family home to a church, nor is there a record of a Certificate of Occupancy being issued.

Title 19.18.050 deems a Site Development Plan Review exercised upon issuance of a building permit for the principal structure on site, unless otherwise specified in connection with its approval. The applicant has not met Title 19.18.050 requirements as a permit has not been issued for the new structure nor has construction commenced.

The applicant is requesting a two-year extension of time due to poor economic conditions and time to secure financing. In the four years since the original approval of the Site Development Plan Review (SDR-6596), the applicant has not made any progress towards exercising the entitlement for the proposed development. Staff is recommending denial of this request since the applicant is utilizing an existing structure for a use not permitted and fails to meet Title 19 requirements for the designed use.

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| <b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b> | N/A |
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| <b><u>ASSEMBLY DISTRICT</u></b> | N/A |
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| <b><u>SENATE DISTRICT</u></b> | N/A |
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| <b><u>NOTICES MAILED</u></b> | N/A |
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| <b><u>APPROVALS</u></b> | 0 |
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| <b><u>PROTESTS</u></b> | 0 |
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