



AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-35932 - APPLICANT/OWNER: FOUSTON JORDAN

**** CONDITIONS ****

The Planning Commission (4-3/ke, se, gf vote) and staff recommend DENIAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Church/House of Worship use.
2. Conformance to the conditions for Site Development Plan Review (SDR-35931), if approved.
3. All required building permits must be obtained, fees paid, and a final inspection approved prior to occupancy of the building for a church/house of worship use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing 2,871 square-foot single-family residence on 0.62 acres at 1230 West Adams Avenue. This is a request for a Special Use Permit (SUP-35932) to convert the existing 2,871 square foot-single family residence to a Church/House of Worship use. The existing R-1 (Single Family Residential) zoning district allows a Church/House of Worship with the approval of a Special Use Permit. However, there are already three similar uses located within the 1,000-foot notification area, with two large churches on either side of the proposed development, oversaturation of the area with a particular use that would negatively impact the area by adding more traffic to this residential area during worship hours. Denial of this application is recommended. If the request is denied, the use on the subject property will remain as a single family residence.

ISSUES

- A condition has been added to require that all necessary permits to convert the residence to a church/house of worship be obtained, fees paid, and a final inspection approved prior to occupancy of the building for a church/house of worship use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
05/03/06	The City Council denied a Site Development Plan Review (SDR-11103) to convert a single family residence to a church/house of worship on the subject site. Planning Commission and staff recommended denial.
05/03/06	The City Council denied a Special Use Permit (SUP-11104) for a proposed church/house of worship on the subject site. Planning Commission and staff recommended denial.
11/05/09	The Planning Commission recommended denial of companion item SDR-35931 concurrently with this application. The Planning Commission voted 4-3/ge, se, gf to recommend DENIAL (PC Agenda Item #25/gk).
<i>Related Building Permits/Business Licenses</i>	
06/02/05	A building permit was issued (#5004177) for residential improvements and additions to the single family dwelling at 1230 W. Adams Avenue. The changes that were made actually consisted of a worship area, pews, pulpit, and offices for a church. This contradiction was found on 08/05/05 when the site was inspected for construction and setbacks. The permit was voided by the Building & Safety Department on 12/01/05.
06/17/09	A building permit (#141704) was issued for a six-foot CLV design block wall at 1230 W. Adams Avenue. The wall received a final inspection approval on 07/06/09.
08/28/09	A building permit (#146533) was issued for an electrical underground conduit at 1230 W. Adams Avenue. The permit has not received a final inspection.

<i>Pre-Application Meeting</i>	
08/26/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and a Special Use Permit. • Waivers and exceptions for landscaping were discussed. • On-site parking requirements were discussed. • The continuance of curb-side trash pick-up was discussed.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
09/17/09	A field check was completed on the indicated date. The following items were observed by the Planning and Development staff. • Staff observed an existing and well maintained single family residence.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
East	Church	L (Low Density Residential)	R-1 (Single Family Residential)
West	Church	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
West Las Vegas Plan	X		Y
A-O (Airport Overlay) District – 140 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	1,110 SF	1:100	11	1	31	1	
Total			12		31		Y

ANALYSIS

The existing R-1 (Single Family Residential) zoning district allows a Church/House of Worship with the approval of a Special Use Permit. However, there are already three similar uses located within the 1,000-foot notification area, with two large churches on either side of the proposed development, oversaturation of the area with a particular use that would negatively impact the area by adding more traffic to this residential area during worship hours. Denial of this application is recommended.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Church/House of Worship would be located between two properties that have already been converted from residences to Churches. Due to the two adjacent Church facilities this project would saturate this residential area with a specific use. During worship hours the area would be very congested and would negatively impact the residential neighborhood.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed use as a Church would create a concentration of non residential uses in this Low Density Residential area and therefore is not in compliance with the General Plan.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Site access is provided from Adams Avenue, designated as a 60-foot Right-of-Way. The site and adjacent facilities will generate a large amount of traffic during worship hours and will have a negative impact on adjacent roadways and the neighborhood.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The subject site is located within the R-1 (Single Family Residential) Zone and has a General Plan designation of L (Low Density Residential). Church/House of Worship use requires approval of a Special Use Permit within the R-1 (Single Family Residential) Zone. It will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use meets all of the applicable standards pursuant to Title 19, with the exception of the Title 19.12.040 Landscape Standards.

PLANNING COMMISSION ACTION

There were three speakers in favor of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

23

NOTICES MAILED

179 by City Clerk

APPROVALS

0

PROTESTS

1