

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 23, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-33785 - APPLICANT/OWNER: INTERNATIONAL CHURCH OF LAS VEGAS**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If approved, subject to:**Planning and Development**

1. Approval of and conformance to the conditions for Rezoning (Z-0063-94) and Site Development Plan Reviews [Z-0063-94(1)], (SDR-3085) and (SDR-25253).
2. Modular Building A shall be removed two years from the date of final approval, unless a new Site Development Plan Review application is approved.
3. Modular Building A shall be painted to match the surrounding buildings.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/12/09, except as amended by conditions herein.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
7. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

SDR-33785 - Conditions Page Two
April 23, 2009 - Planning Commission Meeting

Public Works

10. Per Condition #8 of Site Development Plan Review [Z006394(8)]; Submit an Encroachment Agreement for all landscaping and private improvements located in the Cimarron Road public right-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works.
11. Site development to comply with all applicable conditions of approval for Site Development Plan Review (SDR25253) and all other subsequent site-related actions.

SDR-33785 - Staff Report Page One
April 23, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-25253) for an existing temporary modular building for an existing church on 12.34 acres at 8100 Westcliff Drive. Condition number three of Site Development Plan Review (SDR-25253) stated that modular building A shall be void one year from the date of final approval. After one year, continuance of modular building A at this location will require a new Site Development Plan Review to be heard by the Planning Commission. As Site Development Plan Review (SDR-25253) received final approval on 04/16/08, the applicant has requested this Site Development Plan Review to permit the continued usage of modular building A for an additional two years.

The subject modular building has been on site since 2003, and has received two temporary approvals, one which expired in 2005 and the second of which was approved 04/16/08 and expires 04/16/09. Six years have passed since the original approval of this temporary structure was granted, and after this time the applicant has yet to construct a permanent building on site which will allow usage of the temporary structure to cease. The modular building has become a permanent fixture at the subject property, which is far from the original intended use of the building. Staff finds that allowing continued usage of this structure on site creates an aesthetically disjointed site that is not harmonious with the surrounding neighborhood; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/03/94	The City Council approved a Rezoning (Z-0063-94) for the reclassification of property located on the northwest corner of Westcliff Drive and Cimarron Road, from N-U (Non-Urban) to C-V (Civic), for the proposed use of an 88,500 square-foot Church and School at the northwest corner of Westcliff Drive and Cimarron Road. The Planning Commission recommended approval of this request.
05/11/95	The Planning Commission approved a Site Development Plan Review [Z006394(1)] for proposed modular classrooms, meeting hall and modular offices of temporary buildings to be removed in three years on property located at 8100 Westcliff Drive. Staff recommended approval of this request.

SDR-33785 - Staff Report Page Two
April 23, 2009 - Planning Commission Meeting

04/25/96	The Planning Commission approved a request for a Review of Condition [Z0063-94(2)] to delete Condition No. 3 of Site Development Plan [Z-0063-94(1)] to allow a chain link fence where a four to six-foot high wrought iron fence was required on property located at 8100 Westcliff Drive. Staff recommended approval of this request.
12/19/96	The Planning Commission approved a Site Development Plan Review [Z006394(3)] for a proposed breezeway on property located at 8100 Westcliff Drive. Staff recommended approval of this request.
04/23/98	The Planning Commission approved a Site Development Plan Review [Z006394(4)] for a proposed 52,225 square-foot Church/House of Worship to include a sanctuary with seating capacity of 3,256, a gymnasium, classrooms, bookstore and nursery on property located at 8120 Westcliff Drive. Staff recommended approval of this request.
04/23/98	The Planning Commission approved a request for a Review of Condition [Z0063-94(5)] to delete Condition No. 2 of Site Development Plan [Z-0063-94(1)], which required all temporary buildings to be removed within three years on property located at 8120 Westcliff Drive. Staff recommended approval of this request.
12/09/99	The Planning Commission approved a Site Development Plan Review [Z006394(6)] for a proposed 45-foot high Wireless Communication Antenna in conjunction with a Church tower sign on property located at 8100 Westcliff Drive. Staff recommended approval of this request.
09/07/00	The Planning and Development Department approved a Minor Site Development Plan Review [Z-0063-94(7)] for four proposed 24-foot by 60-foot modular buildings on 15.00 acres on the northwest corner of Westcliff Drive and Cimarron Road.
11/02/00	The Planning Commission approved a Site Development Plan Review [Z006394(8)] for a proposed 21,000 square-foot Private School at 8100 Westcliff Drive. Staff recommended approval of this request.
11/14/03	The Planning and Development Department approved a request for a Minor Site Development Plan Review (SDR-3085) for a temporary modular trailer in conjunction with an existing Church/House of Worship on 12.89 acres at 8100 Westcliff Drive.
04/27/05	A Code Enforcement complaint (#29303) was processed for a net barricade installed at the end of Cimarron Road. The case was resolved 05/17/05.
07/06/05	The City Council approved requests for a Variance (VAR-6426) to allow a 24-foot side yard setback where residential adjacency standards require 165 feet and a Site Development Plan Review (SDR-6424) for a proposed 55-foot tall Wireless Communication Facility on 12.34 acres adjacent to the northwest corner of Westcliff Drive and Cimarron Road. The Planning Commission recommended approval of this request whereas staff recommended denial.

SDR-33785 - Staff Report Page Three
April 23, 2009 - Planning Commission Meeting

10/12/05	A Code Enforcement complaint (#35304) was processed for a net barricade installed at the end of Cimarron Road with trash and debris caught in the openings. The case was resolved 10/18/05.
10/21/05	A Code Enforcement complaint (#35525) was processed for dirt being dumped in the street. The case was resolved 11/28/05.
04/11/07	The Planning and Development Department approved a request for a Minor Site Development Plan Review (SDR-19824) to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive.
05/10/07	The Planning and Development Department denied a request for a Minor Site Development Plan Review (SDR-20791) to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive as a Special Use Permit and Variance were required.
06/19/07	A Code Enforcement complaint (#54539) was processed for noise, non-permitted structures and outside storage. The case was resolved 06/07/08.
12/06/07	The Planning and Development Department approved a request for a Minor Site Development Plan Review (SDR-25293) to allow a proposed co-location of antennas to an existing 55-foot tall sign at 8100 Westcliff Drive.
04/16/08	The City Council approved a request for a Site Development Plan Review (SDR-25253) for eight existing modular buildings and an outside storage area for an existing Church/House of Worship on 12.89 acres at 8100 Westcliff Drive. The Planning Commission recommended approval of this request whereas staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
10/27/95	A building permit (#95880876) was issued for a pre-fabricated church building at 8104 Westcliff Drive (Modular building G). The permit received final approval on 05/02/96.
01/19/96	A building permit (#96001314) was issued for a 7,100 square-foot pre-fabricated classroom building at 8106 Westcliff Drive (modular building H). The permit received final approval 04/17/96.
03/19/96	A building permit (#96005365) was issued for a 17-foot by 20-foot storage shed at 8100 Westcliff Drive. The permit received final approval 04/05/96.
08/15/96	A business license (#N15-00026) was issued for a child care center and preschool at 8106 Westcliff Drive (modular building H). The license is currently active.
11/19/98	A building permit (#98022727) was issued for church/assembly building at 8100 Westcliff Drive. The permit received final approval 01/21/00.
07/28/00	A building permit (#00014138) was issued for a communication tower at 8100 Westcliff Drive. The permit received final approval 12/12/00.
07/28/00	A building permit (#00014139) was issued for a 96-foot long by 6-foot tall block wall at 8100 Westcliff Drive. The permit received final approval 09/26/00.

SDR-33785 - Staff Report Page Four
April 23, 2009 - Planning Commission Meeting

06/28/04	A building permit (#04016369) was issued for temporary office trailers at 8100 Westcliff Drive (modular buildings labeled B, C, D, E). The permit received final approval on 02/24/04.
08/30/05	Building permits were issued for a modular building cell site (#05006125) and an antenna co-location and extension of an existing cell tower (#05006124) at 8100 Westcliff Drive. The permit received final approval 07/27/06.
10/06/06	A building permit (#06000098) was issued for a tenant improvement at 8100 Westcliff Drive. The inspections associated with the permit were canceled by the applicant and the permit was expired on 10/28/06.
01/11/08	A building permit (#102621) was issued for the co-location of antennas at an existing cell site at 8100 Westcliff Drive. The permit received final approval 04/29/08.
07/14/08	Building permits (#119768, #119769, #119770 and #119771) were issued for modular buildings B, C, D and E, respectively. The permits received final approval on 10/03/08.
07/14/08	A building permit (#119815) was issued for modular building skirt walls at 8100 Westcliff Drive. The permit received final approval on 10/14/08.
12/17/08	A building permit (#125902) was issued for a tenant improvement at 8100 Westcliff Drive. The permit is still active pending final inspections.
<i>Pre-Application Meeting</i>	
02/26/09	A pre-application meeting was held with the applicant where the submittal requirements of a Site Development Plan Review were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
03/19/09	A field check was conducted by staff at the subject property. Modular building A was noted near the northeast corner of the subject property. The structure appeared to be currently in use and occupied.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	12.34

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church/House of Worship	PF (Public Facilities)	C-V (Civic)
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)

SDR-33785 - Staff Report Page Five
April 23, 2009 - Planning Commission Meeting

South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
	Condominiums	M (Medium Density Residential)	R-PD6 (Residential Planned Development 6 Units per Acre)
West	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development 8 Units per Acre)
	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development 11 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
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

C-V Civic District

Minimum development standards for property in the C-V (Civic) zoning district shall be established by the City Council in connection with the approval of a Rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area. Any future development shall require the approval of a Site Development Plan Review.

DEVELOPMENT STANDARDS

The subject site is located within the C-V (Civic) zoning district and, as such, the minimum development standards have been established with the approval of the original Site Development Plan Review [Z-0063-94(1)]. Site Development Plan Review (SDR-3085) originally permitted modular building A on the subject property for two years. After the Site Development Plan Review expired in 2005, a second Site Development Plan Review (SDR-25253) was granted for one year on 04/16/08. All other temporary structures located on site have received conditional approval as permanent modular buildings and received final building permit approval, with the exception of the subject modular building A. Condition number three of Site Development

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SDR-33785 - Staff Report Page Six
April 23, 2009 - Planning Commission Meeting

Plan Review (SDR-25253) stated that modular building A shall be void one year from the date of final approval. After one year, continuance of all modular building A at this location will require a new Site Development Plan Review to be heard by the Planning Commission. As Site Development Plan Review (SDR-25253) received final approval on 04/16/08, the applicant has requested this Site Development Plan Review to permit the continued usage of modular building A for an additional two years.

On November 3, 2000, the Planning Commission approved Site Development Plan Review, [Z-0063-94(8)], for a 21,000 square-foot private school, which required that the applicant submit an aesthetic enhancement plan for one of the modular buildings for Planning Commission Review and every year thereafter the applicant submit an aesthetic enhancement plan for the remaining temporary modular buildings. Enhancements have been made to each of the permitted modular buildings on site, with the exception of modular building A, which retains the general appearance of a typical temporary modular building.

The following standards apply to modular building A only:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	561,500 SF
Min. Lot Width	230 Feet
Min. Setbacks • Front • Side • Corner • Rear	800 Feet 185 Feet 50 Feet 415 Feet
Min. Distance Between Buildings	40 Feet
Max. Lot Coverage	9%
Max. Building Height	Approximately 12 Feet
Trash Enclosure	Not Indicated
Mech. Equipment	Wall mounted on the south side of the building

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Recommended</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Sanctuary	52,225 SF	1/100 SF	523				
Modular Office - A	2,130 SF	1/300 SF	8				

SDR-33785 - Staff Report Page Seven
April 23, 2009 - Planning Commission Meeting

Modular Private School B, C, D, E	5,520 SF	3 spaces / classroom	12				
Modular Offices F, G, H	18,625 SF	1/300 SF	63				
SubTotal			592	14	594	14	
TOTAL (including handicap)			606		608		Y*

*No alterations have been proposed with this Site Development Plan Review. This application is seeking additional time to allow modular building A to remain in place.

ANALYSIS

• Land Use and Zoning

The subject site has a current General Plan designation of PF (Public Facilities), which is appropriate for large governmental building sites and complexes, police and fire facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

The site is currently zoned C-V (Civic). The C-V (Civic) zoning district is intended to provide for existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District, Nevada Power and other public utility facilities. In addition, the C-V (Civic) district may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. The C-V (Civic) district is consistent with the Public Facilities category of the General Plan.

•Site Plan

The site plan submitted indicates modular building A located near the northeast corner of the site. The site plan remains identical to the plan which was submitted and approved through Site Development Plan Review (SDR-25253), with the exception of the removal of a storage container originally located northwest of modular building A. All parking, driveways, access aisles and site orientation remains identical to that which was previously approved on the subject property.

April 23, 2009 - Planning Commission Meeting

All buildings on the subject property have now obtained proper permitting and approvals, with the exception of modular building A. The building was originally approved through Site Development Plan Review (SDR-3085) on 11/14/03 for a period of two years. The building remained in place for an additional two years, until the applicant submitted Site Development Plan Review (SDR-25253), which permitted the building to remain for one year before an additional Site Development Plan Review would be required. The applicant is proposing through this Site Development Plan Review to allow this building to remain in place for an additional two years.

•Landscape Plan

This Site Development Plan Review proposes to allow the remaining non-permitted temporary structure on site to remain for an additional two years. Staff has no concerns with the current landscaping or the previous approvals addressing the landscaping requirements.

•Elevations and Floor Plan

The applicant has submitted photographs of the existing temporary modular building in lieu of architectural drawings. The photographs depict an approximately 12-foot high modular building painted grey in color, with a green accent stripe. A handicapped access ramp is provided around the southwest perimeter of the building, leading to two doorways on the west façade of the building. A secondary entry/exit doorway is located on the east face of the building, accessed by stairs. Windows are provided on the east and west facades of the temporary modular building, and all mechanical equipment is wall-mounted on the south façade of the structure.

The floor plans submitted depict a 60-foot long by 36-foot wide temporary modular building. A large open meeting room is located within the center of the building, providing access to three offices along the south end of the building. The northern end of the building contains an additional office and a supply room. No restrooms, kitchens, or other uses are denoted within the space.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

April 23, 2009 - Planning Commission Meeting

The existing temporary modular building is not compatible with adjacent development and development in the area. The temporary modular building has been in place on the subject property for six years, and does not blend in with the surrounding development. The intent of the building was as a temporary structure to facilitate the need for office space at the subject property; however, the structure has become more of a permanent fixture, and does not facilitate future placement of a permanent structure on the subject property.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The existing temporary modular building complies with the previous Site Development Plan Review (SDR-25253), which required an additional Site Development Plan Review for modular building A after one year. Staff notes that previous approvals granted for other modular buildings on the site required either removal of the structures or aesthetic enhancements made to the structures to allow them to blend in better with the surrounding development.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Access to the site is from Cimarron Road, an 80-foot Secondary Collector according to the Master Plan of Streets and Highways, with secondary access provided from Westcliff Drive, a 100-foot Primary Arterial according to the Master Plan of Streets and Highways. The continuance of modular building A will not have a significant impact on the adjacent roadways or neighborhood traffic.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The existing temporary modular building is distinct in appearance in relation to the surrounding site, and contributes to a negative, discordant site appearance. The previous site approvals sought to phase-out temporary structures and replace them with permanent buildings finished in materials similar to the appearance of the existing church and administrative buildings on the site. The existing site landscaping on the site is not affected by the temporary structure and will continue to help to buffer the surrounding properties from the temporary modular building.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The elevations and design characteristics of the temporary modular building are not compatible with the surrounding area. All surrounding buildings, including others located on the subject property, are painted in neutral desert earth tones, tans and beiges and finished in stucco. The temporary modular building is wooden, painted grey in color, and is visible from an adjacent Condominium development to the east.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

If approved, the existing temporary modular building will be subject to an additional review and therefore will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 584

APPROVALS 0

PROTESTS 2