

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 22, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-35931 - APPLICANT/OWNER: FOUSTON JORDAN**

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

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-35932) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
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. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/18/09, and the floor plan, date stamped 09/09/09, except as amended by conditions herein.
5. Waivers from 19.12.040 are hereby approved to allow buffers of five, two, and seven feet along the east, west and north perimeters, respectively, where eight feet is required and a buffer of six feet along the south perimeter where 15 feet is required.
6. Exceptions from 19.12.040 are hereby approved to allow one tree within the west landscape buffer where seven trees are required, three trees within the north landscape buffer where five trees are required, six trees within the east landscape buffer where seven are required, and zero parking lot trees where six trees are required.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

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8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing driveway for ingress and the proposed driveway for egress for this site are acceptable as pan style driveways.
15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
16. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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17. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time building permits are issued.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of an existing 2,871 square-foot single-family residence that the applicant is requesting to convert to a church/house of worship at 1230 West Adams Avenue. The applicant is requesting Waivers and Exceptions of the Title 19.12.040 Perimeter Landscape Buffer Standards. The immediate area is oversaturated with church/house of worship uses, as there are two existing churches on each side of the subject property. Furthermore, the extensive requests for Waivers and Exceptions indicate that the site, in its current configuration, is not physically suitable for the increased intensity of the proposed use and will not be compatible with the adjacent residential property to the north; therefore, staff is recommending denial of this request. If this application is denied, the subject site shall remain a single-family residence.

ISSUES

- Approval of a related Special Use Permit (SUP-35932) is required to allow a Church/House of Worship as a use on the subject site.
- The applicant is requesting Waivers to allow landscape buffers of five, two, and seven feet along the east, west, and north perimeters, respectively, where eight feet is required.
- The applicant is requesting a Waiver to allow a landscape buffer of six feet along the south perimeter where 15 feet is required.
- The applicant is requesting Exceptions of the landscape buffer standards to allow one tree within the west landscape buffer where seven trees are required, three trees within the north landscape buffer where five trees are required, and six trees within the east landscape buffer where seven trees are required.
- The applicant is requesting an Exception of the parking lot landscaping standards to allow zero trees where six trees are required.
- 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. 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. Planning Commission and staff recommended denial.

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<i>Related Building Permits/Business Licenses</i>	
06/02/05	A building permit was issued (#5004177) for residential improvements and additions. 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)

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<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 19.08.050, the following development standards shall apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	26,822 SF	Y
Min. Lot Width	65 Feet	128 Feet	Y
Min. Setbacks			
• Front	20 Feet	43 Feet	Y
• Side	5 Feet	23 Feet	Y
• Rear	15 Feet	101 Feet	Y
Max. Lot Coverage	50%	11%	Y
Max. Building Height	2 Stories / 35 Feet	18 Feet	Y
Trash Enclosure	Screened, Gated with a Roof or Trellis	No Trash Enclosure Provided	N

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope setback	55 Feet	101 Feet	Y
Adjacent development matching setback	15 Feet	101 Feet	Y
Trash Area	50 Feet	116 Feet	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	6 Trees	Zero Trees	N
Buffer:				
Min. Trees				
• North	1 Tree / 20 Linear Feet	7 Trees	3 Trees	N
• South	1 Tree / 30 Linear Feet	3 Trees	5 Trees	Y
• East	1 Tree / 30 Linear Feet	7 Trees	6 Trees	N
• West	1 Tree / 30 Linear Feet	7 Trees	1 Tree	N
TOTAL		30	15	N

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Min. Zone Width			
• North	8 Feet	7 Feet	N
• South	15 Feet	6 Feet	N
• East	8 Feet	5 Feet	N
• West	8 Feet	2 Feet	N
Wall Height	6-8 Feet	6 Feet	Y

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	12	1	30	1	
Total			12		31		Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
A 6-foot landscape buffer along the south perimeter.	15 Feet	Denial
A five-foot landscape buffer along the east perimeter.	8 Feet	Denial
A two-foot landscape buffer along the west perimeter.	8 Feet	Denial
A seven-foot landscape buffer along the north perimeter, adjacent to interior lot lines.	8 Feet	Denial

<i>Exceptions</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
One tree within the west landscape buffer.	7 Trees	Denial
Three trees within the north landscape buffer.	7 Trees	Denial
Six trees within the east landscape buffer.	7 Trees	Denial
Zero trees within the parking lot landscaping	6 Trees	Denial

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ANALYSIS

The applicant originally applied for a building permit for residential improvements and additions. The permit was issued for these improvements on 06/02/05. A Planning & Development inspection conducted on 08/05/05 revealed that changes made actually consisted of a worship area, pews, pulpit, and offices for a church. As a result, the permit was voided by the Building & Safety Department on 12/01/05. A previous Site Development Plan Review (SDR-11103) and Special Use Permit (SUP-11104) were denied by City Council on 05/03/06 for the conversion of a 2,871 square foot residence to a church/house of worship. These previous cases were denied based on oversaturation of church/house of worship uses in the immediate area.

The site complies with all Title 19 requirements with the exception of the landscaping. Per Title 19.12, a perimeter landscape buffer of 15 feet must be provided adjacent to all street right-of-way and buffers of eight feet shall be provided on interior property lines. The site plan depicts a six-foot landscape buffer along the street right-of-way, which is a nine-foot deviation from standard, a five foot landscape buffer along the east property line, which is a three-foot deviation from standard, a two foot landscape buffer along the west property line, which is a six-foot deviation from standard, and a seven foot landscape buffer along the north property line, which is a one foot deviation from standard.

The applicant is also requesting, as part of the review, Exceptions to allow one, three, and six trees within the west, north, and east landscape buffers, respectively, where seven trees are required, and zero parking lot landscape trees where six are required. The landscape plan indicates the use of plant material that are appropriate in size and type for the surrounding area, including 24-inch box Glossy Privet and 48-inch box Fan Palm trees and 15-gallon Oleander.

The overall site is accessed from Adams Avenue, which is designated as a 60-foot Right-of-Way. The site provides adequate access and circulation for pedestrians and vehicles. The applicant is not proposing to construct a trash enclosure; instead the applicant a letter from Republic Services has been provided to confirm that curb side pick-up twice a week will continue for the proposed site. Elevations for the proposed Church show a single story structure with a maximum height of 18 feet. The building consists of white stucco, asphalt shingles, and mahogany colored fascia and trim. This building has varying rooflines and window heights to break up the silhouette of the structure. There are no changes proposed to the exterior of this existing structure.

The immediate area is oversaturated with church/house of worship uses, as there are already two existing churches in the area, one on either side of the subject property. This oversaturation will negatively impact the area by generating a large influx of traffic and noise during worship hours. Staff cannot support the Waiver and Exception requests as the deficient landscaping denotes that the site is being overbuilt. Furthermore, the elimination of the buffer areas, combined with the elimination of planting materials, is not consistent with Objective 2.2 of the General Plan, which is to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible. The buffer areas are designed to provide mitigation for adverse visual and rural impacts on the adjacent residential properties. Staff is recommending denial of these requests.

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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;**

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 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 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. The proposed church does not comply with Title 19 standards as is evidenced by the requested Waivers and Exceptions.

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

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

Building materials are appropriate for the area and the City of Las Vegas.

- 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;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and are harmonious and compatible with development in the area.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 182

APPROVALS 0

PROTESTS 0