



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ST. MARY COPTIC ORTHODOX CHURCH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-37850	Staff recommends DENIAL, if approved subject to conditions:	
SDR-37848	Staff recommends DENIAL, if approved subject to conditions:	VAR-37850

** CONDITIONS **

VAR-37850 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-37848) shall be required, if approved.
2. Conformance to the approved conditions for Special Use Permit (UC-1373-00) and all other site related actions.
3. 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.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-37848 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-37850) shall be required, if approved.
2. Conformance to the approved conditions for Special Use Permit (UC-1373-00) and all other site related actions.
3. 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.
4. All development shall be in conformance with the site plan date stamped 05/04/10, landscape plan date stamped 04/27/10, and building elevations date stamped 04/02/10, except as amended by conditions herein.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
6. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
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.
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.

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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. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
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.
15. All landscaping and private improvements 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.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor 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 applicant is proposing to construct a 3,338 square-foot multipurpose building on a site at the northeast corner of Cartier Avenue and Maverick Street. The site currently consists of a 3,000 square foot assembly hall currently used as a Church and a play area located in the northeast corner of a 1.96-acre parcel. The assembly building was constructed while the property was in the jurisdiction of Clark County. The site is paved, with the exception of two unimproved pads, one for an approved 6,000 square-foot church and the other for a proposed priest/guest quarters on the northwest corner of the site. The perimeter includes landscaping and six-foot wrought iron fencing and non-decorative block walls. Staff recommends denial of the associated variance for the front yard setback, and therefore also recommends denial of the Site Development Plan Review for the multipurpose guest building. If denied, the building cannot be constructed as proposed and a new Site Development Plan Review would be required.

ISSUES

- A Special Use Permit was approved by Clark County for a 6,000 square-foot church, 3,000 square-foot multi-use building, a play area and a 2,000 square-foot parsonage. The 3,000 square-foot multi-use building was constructed in 2003, thereby exercising the Special Use Permit.
- The proposed parsonage and guest quarters were approved by Clark County in the same location as proposed by this request.
- A Waiver of landscape design standards was included in the County's approval.
- A Variance to allow a 31-foot front yard setback where 50 feet is required must be approved prior to approval of the Site Development Plan Review.
- A Site Development Plan Review is required for the proposed parsonage and guest quarters, which is 67 percent larger than previously approved.
- The applicant has obtained a letter of support from the owner of the residential property directly to the north of the building site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/17/97	The Clark County Planning Commission approved a request for a Special Use Permit (UC-0972-97) for a proposed 6,000 square-foot church located at the northeast corner of Maverick Street and Cartier Avenue. Clark County Planning staff recommended denial.

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09/01/98	The Clark County Planning Commission approved an Extension of Time (ET-0279-98) of a previously approved Special Use Permit (UC-0972-97) for a proposed 6,000 square-foot church located at the northeast corner of Maverick Street and Cartier Avenue. Clark County Planning staff recommended approval for two additional years. The approved Special Use Permit (UC-0972-97) expired 09/01/00.
10/05/00	The Clark County Planning Commission approved a request for a Special Use Permit (UC-1373-00) for a proposed church with accessory uses and a Waiver of development standards to allow an alternative landscape design on property located at the northeast corner of Maverick Street and Cartier Avenue. Clark County Planning staff recommended approval of the Special Use Permit and denial of the waiver.
09/17/01	The Clark County Comprehensive Planning Department administratively approved an Extension of Time (ADET-0874-01) of a previously approved Special Use Permit (UC-1373-00) for a proposed church with accessory uses and a Waiver of development standards to allow an alternative landscape design on property located at the northeast corner of Maverick Street and Cartier Avenue.
04/09/03	The Clark County Comprehensive Planning Department administratively approved an Extension of Time (ADET-0358-03) of a previously approved Special Use Permit (UC-1373-00) for a proposed church with accessory uses and a Waiver of development standards to allow an alternative landscape design on property located at the northeast corner of Maverick Street and Cartier Avenue.
09/12/03	The Clark County Comprehensive Planning Department administratively approved an Extension of Time (ADET-0877-03) of a previously approved Special Use Permit (UC-1373-00) for a proposed church with accessory uses and a Waiver of development standards to allow an alternative landscape design on property located at the northeast corner of Maverick Street and Cartier Avenue. The 3,000 square-foot first phase was completed 10/13/03, thereby exercising the Special Use Permit.
05/05/04	The City Council approved a Petition to Annex (ANX-3835) property located at the northeast corner of Maverick Street and Cartier Avenue that includes the subject site, containing approximately 2.16 acres. The Planning Commission and staff recommended approval. The Annexation became effective 05/14/04.

<i>Most Recent Change of Ownership</i>	
09/17/97	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
05/08/03	A building permit (#03-20468) was issued by the Clark County Building Department for a 3,000 square-foot assembly hall at 6170 West Cartier Avenue. Permits were also issued for mechanical, plumbing and electrical work for this project. The project was completed on 10/13/03.
05/21/03	A building permit (#03-23536) was issued by the Clark County Building Department for a six-foot tall wall along the east perimeter of the site at 6170 West Cartier Avenue.
06/05/03	A building permit (#03-25390) was issued by the Clark County Building Department for onsite water and sewer at 6170 West Cartier Avenue.
08/25/03	A building permit (#03-37289) was issued by the Clark County Building Department for a trash enclosure at 6170 West Cartier Avenue.
06/06/06	A building permit (#06003924) was issued for a freestanding shade structure at 6170 West Cartier Avenue. A final building inspection was completed on 07/20/06.
06/19/06	A building permit (#06004212) was issued for electrical work on a freestanding shade structure at 6170 West Cartier Avenue. A final building inspection was completed on 07/19/06.
08/19/08	A building permit (B-TI-119277) was issued for a tenant improvement to add an interior wall at 6170 West Cartier Avenue. A final building inspection was completed 07/13/09.

<i>Pre-Application Meeting</i>	
03/19/10	A pre-application conference was held with the applicant, where elements of applications for Special Use Permit, Variance and Site Development Plan Review were discussed. The following topics were discussed: • The applicant must provide documentation proving that UC-1373-00, approved by Clark County, is still active. If the entitlements are inactive, expired, or the applicant wants to change anything, then new entitlements will be required. • A Special Use Permit to expand the Church/House of Worship use will be required. It was later determined that expansion of the parsonage and guest quarters was not an expansion of the Church/House of Worship use. • A Site Development Plan Review for the expanded guest quarters will be required. The site will need to comply with current codes. • The two-story building will consist of an office, kitchen and dining area on the ground floor that can be used for other activities and residential guest quarters on the second floor. • Only the 6,000 square-foot sanctuary is required to be sprinklered. • Finished floor elevations need to be determined for flood control purposes.

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03/19/10	• A parking analysis will need to be provided on the plans to demonstrate compliance with Code. • Provide scaled landscape plans and elevations showing the 3:1 proximity slope into protected residential properties to the north of the site.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

04/22/10	A site visit was conducted, where the following was observed: • The site contains an existing church building and a patio cover at the rear of the property. • The site is paved, striped and landscaped, except for the pad areas reserved for the church building and priest living quarters. • A six-foot white wrought iron fence is constructed along Maverick Street and Cartier Avenue, and a six-foot plain CMU wall is constructed on the north and west perimeters. • A trash enclosure is located in the parking lot away from the existing building and pads.
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Details of Application Request

Site Area

Net Acres	1.96
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Church/House of Worship	R (Rural Density Residential)	R-E (Residence Estates)
North	Single Family Dwellings, Detached	R (Rural Density Residential)	R-E (Rural Estates Residential - Clark County)
South	Single Family Dwellings, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
West	Single Family Dwellings, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	85,378 SF	Y
Min. Lot Width	100 Feet	291 Feet	Y
Min. Setbacks			
• Front (Maverick Street)	50 Feet	31 Feet	N
• Side	10 Feet	15 Feet	Y
• Corner	15 Feet	166 Feet (47 Feet to approved church building)	Y
• Rear	35 Feet	50 Feet	Y
Min. Distance Between Buildings	10 Feet	112 Feet (43 Feet to approved church building)	Y
Max. Lot Coverage	N/A	7.6%	N/A
Max. Building Height	2 stories/35 Feet	23 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated	By condition
Mech. Equipment	Screened	Screened	By condition

The following landscaping standards apply to the subject proposal:

Landscaping for the existing site was approved by the Clark County Planning Commission through a Special Use Permit (UC-1373-00) and Waiver. The following indicates the existing landscaping approved and provided on the site:

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<i>Landscaping and Open Space – Previously Approved</i>	
<i>Standard</i>	<i>Provided</i>
Buffer Trees:	
• North	14 Trees (24" box)
• South	10 Trees (15 gallon)
• East	14 Trees (24" box)
• West	11 Trees (15 gallon)
TOTAL PERIMETER TREES	49 Trees
Parking Area Trees	3 Trees
LANDSCAPE BUFFER WIDTHS	
Min. Zone Width:	
• North	8 Feet
• South	10 Feet
• East	10 Feet
• West	10 Feet
Wall Height	6 Feet

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 (proposed)	6,000 SF	1:100 SF GFA	57				
TOTAL SPACES REQUIRED			60		93		Y
TOTAL (With Handicapped)			57	3	87	6	Y

ANALYSIS

After construction of the existing 3,000 square foot building in 2003, two additional approved building sites remain on the property: a pad for a 6,000 square-foot church building to the south of the existing building and a pad for a 2,000 square foot parsonage in the northwest corner of the site. This request proposes to expand the parsonage from a one-story, 2,000 square-foot building to a two-story, 3,338 square-foot parsonage and guest quarters. The remainder of the site is developed with landscaping around the perimeter, a 1,764 square-foot patio cover and asphalt and striping for 93 parking spaces. The landscaping and parking were approved through a previous action in the County; only the proposed building site for the parsonage and guest quarters is affected by the proposed action.

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A lot width analysis shows that the side with the lesser width dimension fronting on a street is the side that faces Maverick Street. Title 18.04.230, by virtue of this lesser dimension, designates this side as the front. The proposed expansion of the parsonage and guest quarters will be set back 31 feet from the front lot line where Title 19.08 requires a 50-foot setback in an R-E (Residence Estates) zone. A variance is therefore required. Because additional room to place the building is available east of the proposed pad site and removal of existing parking spaces to allow for eastward movement of the building would not reduce the amount of parking provided below what is required for the site, denial of the variance is recommended. Since approval of the variance is required for subsequent approval of the site review, staff also recommends denial of the Site Development Plan Review request.

Although the site is adjacent to existing R-E (Rural Estates Residential – Clark County) zoned property, residential adjacency standards do not apply, as the Church/House of Worship use (non-residential) is not expanding nor is the parsonage and guest quarters considered a non-residential use.

The ground floor will contain storage areas, an office, restrooms, a kitchen and large dining area. The upper floor will contain a priest's quarters with balcony, two guest rooms, two bathrooms and a private office. The balcony faces east, away from existing residential properties. The building itself will consist of stucco and Spanish style roof tiles to match the exterior materials of the existing church.

FINDINGS (VAR-37850)

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 19.18.070(L) 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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by locating the proposed building closer to the front property line than allowed by the Zoning Code. Shifting the building location further to the east would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-37848)

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 development was designed to be compatible with existing and proposed adjacent residential development, with screening provided on the north property line and no windows facing into existing residential properties.

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 parsonage and guest quarters meets all applicable Title 19 requirements with the exception of the front setback, which is proposed to be 31 feet where 50 feet is required on R-E (Residence Estates) zoned lots. Landscaping and walls were approved under the jurisdiction of Clark County.

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

Construction of the proposed building will not create additional traffic in the neighborhood, as it will primarily be used by the church's priest and guests. Parking is available onsite for special events that warrant use of the dining facilities. Circulation is not affected, as the pad site was figured in to the overall design of the site and does not impede drive aisles.

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

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Building materials for the proposed parsonage and guest quarters will be compatible with those of the existing church/multi-purpose building and are appropriate for this area, which is primarily residential. Landscaping materials are existing and appropriately screen the property from adjacent residential properties.

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 proposed building elevations are similar to a typical residential structure and will be compatible with the existing building on the site. The proposed two-story structure with sloping roof will not contain windows on the north side adjacent to existing residential properties. The balcony and covered patio will face east, toward the existing building. Articulation is provided for visual interest.

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

Proposed development on the site will be subject to permit review and inspection, thereby protecting the public's health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 253

APPROVALS 3

PROTESTS 0