



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: RIVER OF LIFE WORD MINISTRIES

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-41060	Staff recommends DENIAL, if approved subject to conditions:	
VAR-41216	Staff recommends DENIAL, if approved subject to conditions:	
SDR-41059	Staff recommends DENIAL, if approved subject to conditions:	VAR-41060 VAR-41216

** CONDITIONS **

VAR-41060 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-41216) and Site Development Plan Review (SDR-41059) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

YK

VAR-41216 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variances (VAR-41060 and VAR-41216) and Site Development Plan Review (SDR-41059) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-41059 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variances (VAR-41060 and VAR-41216) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 02/28/11, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow no landscape buffers along the north, south, east and west perimeters.

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5. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 02/28/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
6. 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 Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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. Installed landscaping shall not impede visibility of any traffic control device.
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. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

15. Prior to the issuance of any permits for this site, provide proof of a perpetual 24-foot wide legal access across parcel #138-24-803-033 and parcel #138-24-803-032 for the proposed fire access road. Additionally, to ensure the required fire access to this site, walls or barriers shall not be allowed between assessor parcel numbers #138-24-803-033 and #138-24-803-032 for the entire width of the approved fire access route. Alternatively, the proposed building shall be sprinkled and meet the requirements of the Fire Department.
16. Remove all substandard sidewalk improvements, if any, adjacent to this site and replace with new sidewalk meeting current City Standards concurrent with on-site development activities as shown on the approved Site Plan. The existing “pan” style driveways may remain until they are reconstructed to align with Laurelhurst Drive.
17. The owner shall sign a Covenant Running with Land agreement for the future construction of a single driveway per Uniform Standard Drawing #222a that will be aligned with Laurelhurst Drive and will accommodate the future signalization of this driveway prior to the approval of construction drawings for this site or the recordation of a map, whichever may occur first. Provide traffic signal easements as required per the Traffic Engineering Section of the Department of Public Works to accommodate the future signalization of this driveway.
18. 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.
19. Contact the City Engineer’s Office at 229-6272 to coordinate the development of this project with the Vegas Storm Drain project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
20. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has submitted a request to install a 2,880 square-foot modular structure at the rear of the parcel with a zero-foot rear yard setback. After conducting research of the site, staff determined that the existing use was never issued a Building & Safety Department Certificate of Occupancy for a Church and therefore is not legal. The result is that the project will be reviewed in its entirety as a proposed new use. This finding resulted in the need for two Variances and a Site Development Plan Review with two Waivers and three Exceptions.

The applicant has informed staff that they have agreements with the owners of adjacent parcels to the east and west of the site for additional parking. However, the parcel to the east is not developed for a commercial parking lot and thus cannot be utilized for parking. The parcel to the west only has four legal parking spaces and doesn't have any excess parking spaces to permit overflow parking for the church. Staff recommends denial of all three applications, as the facts clearly indicate that the site is not large enough to accommodate the proposed use. If denied, the church would not be permitted to operate at this location and the accessory structure would not be allowed to be installed.

ISSUES

- A Variance is required to allow a zero foot rear setback where 20 feet is required.
- A Variance is required to allow 11 parking spaces where 21 are required.
- Waivers are required to allow for zero perimeter landscape buffers along the north, west and east perimeters and to allow a five foot wide landscape buffer along the south perimeter where 15-feet are required.
- Exceptions are required to allow zero perimeter trees where three are required along the south perimeter landscape buffer, to allow no parking lot screening where parking lot screening from the right-of-way is required and to allow zero landscaped islands in the parking lot where four are required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/21/04	The City Council approved a Special Use Permit (SUP-4382) for a Social Service Provider at 4944 Vegas Drive. The Planning Commission and Staff recommended approval. The permit was not acted on and no Extension of Time application was made therefore the permit expired on 07/21/05.

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07/21/04	The City Council approved a Variance (VAR-4397) to allow 11 parking spaces where 16 are required for a Kinder Care Business at 4944 Vegas Drive. The Planning Commission and Staff recommended approval. The Variance expired on 07/21/04 when on action was taken.
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<i>Most Recent Change of Ownership</i>	
06/01/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
No relative permits are on file.	

<i>Pre-Application Meeting</i>	
02/09/11	Staff reviewed requirements for installing a modular structure on the rear of the parcel. A Variance is required to allow a zero rear setback and Waivers of the perimeter landscape buffers on the north, west and east sides. A floor plan of the primary structure is required to evaluate the parking requirements. The modular will be required to be sprinkled per Fire Department unless the rear was paved along with an access road to the modular structure. Upon further review it was determined a Variance would be needed for parking as no Building Department Certificate of Occupancy was ever issued for a Church use on the site.

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

<i>Field Check</i>	
03/03/11	Staff visited the site and found the church is utilizing the parcel to the east as an illegal parking and storage lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.54

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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	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residential	R (Residential) Clark County	R-E (Residence Estates) Clark County
South	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Undeveloped	SC (Service Commercial)	U(Undeveloped)
West	Office/Storage	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	23,850 SF	N/A
Min. Lot Width	100 Feet	90 Feet	N/A
Min. Setbacks			
• Front	20 Feet	76 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	0 Feet	N
Min. Distance Between Buildings	6 Feet	44 Feet	Y
Max. Lot Coverage	50 %	28 %	Y
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	N	N
Mech. Equipment	Screened	N	N

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Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	5 Trees	0 Trees	N
• South	1 Tree / 30 Linear Feet	3 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	14 Trees	0 Trees	N
• West	1 Tree / 30 Linear Feet	9 Trees	0 Trees	N
TOTAL PERIMETER TREES		31 Trees	0 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	6 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North		8 Feet	0 Feet	N
• South		15 Feet	5 Feet	N
• East		8 Feet	19.5 Feet	Y
• West		8 Feet	12.5 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		N	N

Street Name	Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Vegas Drive	Secondary Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church	2,020 SF	1 per 100 SF non-fixed seating in gathering area	21				
TOTAL SPACES REQUIRED			21		10		N

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Regular and Handicap Spaces Required			20	1	10	1	N
Loading Spaces			N/A				N/A

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
An Eight Foot wide Landscape Buffer on all interior lot lines is required.	To allow a zero-foot landscape buffer along north, east and west interior lot perimeters.	Denial
A 15 foot wide Landscape Buffer is required adjacent to rights-of-way.	To allow a five-foot landscape buffer along the south perimeter.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Parking lots shall be screened from adjacent roadways by a low wall or berm with a maximum height of thirty inches.	To allow no parking lot screening.	Denial
To install a landscape island at the end of each row of parking spaces.	To allow no landscape islands at the end of each row of parking spaces.	Denial
To install one tree for every 30 linear feet along the south perimeter landscape buffer.	To allow no trees where three are required.	Denial

ANALYSIS

The applicant states they operate a Church on the proposed site. However, no Certificate of Occupancy for a Church Use at 4944 Vegas Drive has ever been applied for by the applicant or issued by the City of Las Vegas Building and Safety Department and therefore is an illegal use. With this fact, the application is therefore being reviewed for a Site Development Plan Review for a Church with the addition of an accessory structure consisting of four modular units. The proposed Church use requires 21 parking spaces per Title 19.04. Since only 11 parking spaces are provided, a 50% Variance for parking is required. The applicant is proposing to install the modular accessory structure on the rear property line. This will require an additional Variance to allow a zero-foot rear yard setback where a minimum of 20 feet is required.

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During discussions with the applicant and subsequent site visits, it was discovered that the Church has agreements with adjacent property owners on both the east and west sides for additional parking. Neither of these parcels is currently able to legally allow this parking to take place. The parcel on the west only has four parking spaces to handle the office and storage uses on that site. There are no excess spaces available for additional uses. The parcel on the east is an undeveloped vacant lot. In order for this parcel to legally be available for commercial use, a Site Development Plan Review would need to be approved for a commercial parking lot. No plans have been submitted as of this submittal and therefore the parking taking place on this site is illegal.

The existing parking lot does not meet Title 19 design standards. Specifically, there is no screening from the right-of-way and no landscaped islands for every six parking spaces. In addition to not meeting the minimum parking standards, the site does not meet the minimum perimeter landscape buffers or have the required trash enclosure. The mechanical equipment is not screened and is visible from the Vegas Drive right-of-way. If these Exceptions are not approved, the required perimeter landscape shall be installed, the trash enclosure shall be enclosed with a roof or trellis and the landscape islands shall be installed in the parking lot.

The applicant notes that they are in the process of acquiring the landlocked parcel to the north. Although this parcel is not included in this request, Public Works has the following comment:

We note that this Site Plan incorporates parcel # 138-24-803-032 (northerly parcel) which is a land locked parcel and is not owned by River of Life Word Ministries at this time. We also note that this Site Plan proposes fire access across parcel #138-24-803-033 (northeasterly parcel) which they also do not own at this time. If perpetual legal access across parcel #138-24-803-033 and parcel #138-24-803-032 cannot be obtained, the Fire Department will require the proposed building to be sprinkled. If parcel #138-24-803-032 can be obtained, we recommend that the Planning Department impose the conditions that states "The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits."

Condition fifteen has been added to address this concern.

The addition of the modular units would only compound the parking shortage. Instead of the modular units being added to the site, the proposed area could be used as additional parking thus alleviating the parking shortage for a Church.

The proposed Church Use is too intense for the size of the parcel. The requested Site Development Plan Review with Waivers, Exceptions and two Variances clearly illustrates that this is not an appropriate site for the use. Staff recommends denial of all three applications.

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FINDINGS (VAR-41060)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to install a modular structure that is too large for the parcel. A smaller modular structure that 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 (VAR-41216)

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.”

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a Church Use that does not have adequate parking for the use on the parcel. Alternative would be to propose a smaller assembly area that would allow conformance to the Title 19 requirements or to add additional parking in the rear of the building. 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-41059)

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 use is not compatible with adjacent development in that it would create a demand for more parking than the site can accommodate. This could create parking pressures on adjacent parcels.

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;

This project is not consistent with Title 19 which is illustrated by the multiple Variance, Waiver and Exceptions being requested.

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

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The lack of required parking could have a negative impact on adjacent roadways and neighborhood traffic during peak demand periods when Church services and events take place.

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

The lack of appropriate landscape plants and materials will have a negative effect on the area.

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 modular units are not aesthetically compatible with the primary structure on the site.

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

The proposed Church and accessory structure is subject to permit review and inspection. Appropriate measures must be met prior to the certification of building occupancy in order to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 127

APPROVALS 0

PROTESTS 0