

**AGENDA MEMO - PLANNING****PLANNING COMMISSION MEETING DATE: MAY 14, 2013****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: BHODHIYANA MEDITATION CENTER****** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ANX-48758	Staff recommends APPROVAL.	

**** CONDITIONS ****

ANX-48758 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Clark County Special Use Permit (UC-0612-10) and all subsequent amendments shall be required, if approved.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to annex one parcel of land located at 1566 Westwind Road containing approximately .96 acres (APN 163-01-204-015). The site is in conformance with NRS 268.580 requirements for annexation; therefore, staff recommends approval of the request. If denied, the property would remain in Clark County's jurisdiction.

ISSUES

- This property is an approved Church/House of Worship in Clark County with conditions to be completed by September 16, 2014.

BACKGROUND INFORMATION

<i>Related Relevant Actions by P&D, Fire, Bldg., etc</i>	
12/03/08	The Las Vegas City Council adopted an Inter-local Agreement with Clark County regarding the annexation process to be used.
03/16/11	The Clark County Commission approved a Special Use Permit (UC-0612-10) for a Church/House of Worship at 1566 Westwind Road.
05/16/12	The Clark County Commission approved an Extension of Time (ET-0036-12) of a previously approved Special Use Permit (UC-0612-10) for a Church/House of Worship at 1566 Westwind Road.
10/17/12	The Clark County Commission approved an Extension of Time (ET-0107-12) of a previously approved Special Use Permit (UC-0612-10) for a Church/House of Worship at 1566 Westwind Road. This was to extend the time for the wall to be installed to 09/16/14.

<i>Most Recent Change of Ownership</i>	
10/26/10	A deed was recorded for a change in ownership.

<i>Field Check</i>	
04/03/13	Staff visited the site and found a ranch-style home with a large accessory structure in the rear yard that exceeds the height of the home. There was lush landscaping along the north perimeter adjacent to a driveway to the rear of the property. The property appeared to be well maintained and was clean of trash, debris and weeds.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.96

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Church/House of Worship	RN (Residential Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County
North	Single Family, Detached	RN (Residential Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County
South	Single Family, Detached	RN (Residential Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County
	Undeveloped		
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD3 (Residential Planned Development, 3 Units per Acre)
West	Single Family, Detached	RN (Residential Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County

ANALYSIS

This property is in an area considered to be appropriate for annexation in that it meets the provisions of NRS 268.580 No. 2(b), which states, “Not less than one-eighth of the aggregate external boundaries must be contiguous to the boundaries of the annexing city.” The property currently has a Church/House of Worship use approved in Clark County and has a RN (Residential Neighborhood) land use designation with an R-E (Rural Estates Residential District) zoning designation from Clark County. If approved, the parcel will be assigned an equivalent City of Las Vegas land use designation of DR (Desert Rural Density Residential) and an R-E (Residential Estates) zoning category.

There are several conditions that shall be met by the applicant in order to exercise the Special Use Permit. All conditions shall be met by 09/16/14. If any of the conditions are not met by the deadline, then the property will remain a residential property. The conditions imposed by Clark County are as follows:

- Existing 1,229 square foot building in the rear of the property to either be demolished or not be used for any place of worship use;
- Install a solid six-foot tall wall around the property;

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- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date (December 19, 2012) or it will expire;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Driveway approach must be paved to match existing pavement on the road;
- Have until September 16, 2014 to complete all required conditions.

If the applicant wishes to remain a Church/House of Worship after the existing Special Use Permit issued by Clark County expires, then the applicant will have to apply for a new Special Use Permit and meet the conditions imposed by the City of Las Vegas. These conditions may be more extensive than the ones issued by Clark County. If the property is developed further; appropriate right-of-way dedications, street improvements, drainage plan/studies and traffic mitigation commitments will be required.

The property owner initiated the annexation process in order to connect to the sewer system. If annexed, the property will have to meet all Title 19 requirements for a Church/House of Worship property. Staff recommends approval, as the request meets minimum requirements for annexation into the city.

FINDINGS

In the event the annexation is approved, additional entitlements may be required for future development of the property upon development, appropriate right-of-way dedications, street improvements; connection to City sewer, drainage plan/studies and traffic mitigation commitments may be required. As the subject property meets NRS requirements pertaining to annexations and is consistent with the land use designations utilized in the city, staff recommends approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

N/A

APPROVALS

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PROTESTS

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