



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 21, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHURCH MOUNT SINAI MISSIONARY

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-52964	Staff recommends APPROVAL.	
ZON-52961	Staff recommends APPROVAL.	GPA-52964
SDR-52956	Staff recommends DENIAL, if approved subject to conditions:	GPA-52964 ZON-52961

** CONDITIONS **

SDR-52956 CONDITIONS

Planning

- 1.Approval of General Plan Amendment (GPA-52964), and Rezoning (ZON-52961) 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 19.16. 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 02/13/14, except as amended by conditions herein.
- 4.An Exception from Title 19.08.110 is hereby approved, to allow a parking lot to not be screened from the public rights-of-way and to have no landscape islands where one is required for every six uncovered parking spaces.
- 5.All mechanical equipment shall be screened from view from all public rights-of-way.

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6. A trash enclosure shall be provided on site and developed per Title 19 requirements.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Remove all substandard public street improvements and unused driveways 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.
13. 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.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site.

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15. An encroachment for any landscaping in the Balzar Avenue and Concord Street public rights-of-way as shown on the approved Site Plan is hereby approved and staff is directed to process an encroachment application that is in conformance with this approved Site Plan after the applicant provides appropriate documentation and fees for such application. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
16. An Update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of construction drawings or the submittal of a Final map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to expand an existing legal Church/House of Worship at 1025 Balzar Avenue to include two adjacent parcels and two parcels across Balzar Avenue. All are currently have single family dwellings on them. A General Plan Amendment and Rezoning to PF (Public Facilities) and C (Civic) respectively, are requested to maximize flexibility of the site in terms of development standards. Staff recommends approval of these requests. However, the Site Development Plan Review application is lacking in adequate landscaping and screening to buffer the use from adjacent residential uses; therefore, staff recommends denial. If denied, the four additional parcels added to the Church/House of Worship Use could not be issued a Certificate of Occupancy for such use until a site plan was reviewed and approved by the City.

ISSUES

- Exceptions are required to allow the parking lots to not be screened from public rights-of-way and to not have required landscape islands as required by code. Staff does not support this request.
- The Site Development Plan Review does not show adequate landscape or screening walls to provide appropriate buffering between the proposed use and the adjacent residential uses. Staff does not support the request.
- Although a Special Use Permit (SUP) is not required for the use in a C-V (Civic) zoned district, a previously approved Special Use Permit (U-0052-00) had several conditions that were never implemented by the applicant.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/07/00	The City Council approved Special Use Permit (U-0052-00) for a 511 square-foot expansion of an existing church at 1025 Balzar Avenue. The Planning Commission and staff recommended approval.
06/21/00	The City Council approved Special Use Permit [U-0052-00(1)] for the removal of Conditions 3 and 8 of previously approved U-0052-00 for an existing church at 1025 Balzar Avenue. The Planning Commission and staff recommended approval.
01/08/13	The Planning Commission tabled a General Plan Amendment (GPA-47601), A Rezoning (ZON-47602) and Site Development Plan Review (SDR-47604) for an expanded House of Worship at the applicant's request at 1025 Balzar Avenue.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/08/14	The Planning Commission unanimously voted to recommend approval of General Plan Amendment (GPA-52964) FROM: MLA (MEDIUM LOW ATTACHED DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES), Rezoning (ZON-52961) FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) TO: C-V (CIVIC) and a Site Development Plan Review (SDR-52956) TO ADD RELIGIOUS CLASSROOMS AND OFFICES TO AN EXISTING RELIGIOUS FACILITY on 1.28 acres at the northeast and southeast corner of Concord Street and Balzar Avenue.

<i>Most Recent Change of Ownership</i>	
03/26/03 04/14/02 06/12/12	Deeds were recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C. 1962	A Building Permit was issued for a single family dwelling at 989 Balzar Avenue.
C. 1951	A Building Permit was issued for a single family dwelling at 1000 Balzar Avenue.
C. 1965	A Building Permit was issued for a single family dwelling at 1013 Balzar Avenue.
C. 1942	A Building Permit was issued for a single family dwelling at 1024 Balzar Avenue.
C. 1968	A Building Permit was issued for a single family dwelling at 1025 Balzar Avenue.
06/12/00	A Building Permit (L-2165) was issued for an addition to a church at 1025 Balzar Avenue. The permit was never finalized.

<i>Pre-Application Meeting</i>	
12/11/13	Staff held a fourth pre-application meeting with the applicant explaining the applications needed to bring an existing church into conformance with codes. The applications required are a GPA, ZON, VAR and SDR. There is an existing church on one parcel, but the applicant has expanded the church uses on four additional parcels. Two of the parcels are adjacent to the east of the church and the other two are across the street to the north of the church. Staff informed the applicant that the properties would be required to be remapped into two parcels.

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<i>Neighborhood Meeting</i>	
03/10/14	Meeting Start Time: 6:00 Meeting End Time: 7:00 Attendance: 15 members of the public 1 member of Planning A presentation was made with a follow up discussion by Planning on how zoning functions. There were no concerns by the Public and all present were in favor of the applications.

<i>Field Check</i>	
02/27/14	Staff visited the site and found that there was no trash enclosure on site. A Small trash bin on wheels was located on the street, in front of the church on Balzar Avenue. It appears as if the building at 989 Balzar Avenue is being used as a single family residence. There was no trash or debris on the remainder of the properties.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.28

<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	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
North	Single Family Dwelling	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
South	Single Family Dwelling	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
East	Single Family Dwelling	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
West	City Park	PR-OS (Parks/ Recreation/Open Space)	C-V (Civic)

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<i>Master Plan Areas</i>	<i>Compliance</i>
West Las Vegas Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Per Title 19.10.020(E), development standards for properties in the C-V (Civic) zoning district are determined upon approval of a Site Development Plan Review application.

<i>Standard</i>	<i>Provided</i>
South Lot Size	0.78 acres
North Lot Size	0.48 acres
South Lot Width	225 feet
North Lot Width	150 feet
South Lot Setbacks • Front • Corner • Side • Rear	20 feet 12 feet 27 feet 52 feet
North Lot Setbacks • Front • Corner • Side • Rear	38 feet 38 feet 27 feet 71 feet
South Lot Coverage	16%
North Lot Coverage	12%
Max. Building Height	35 feet
Trash Enclosure	Not depicted on the site plan *
Mech. Equipment	Not screened *

** Conditions requiring all trash containers and mechanical equipment to be properly screened per code have been added.*

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<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-2 (Medium-Low Density Residential)	12.49 units per acre	16
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-V (Civic)	N/A	N/A
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
MLA (Medium Low Attached Density Residential)	12.49 units per acre	N/A

Per Title 19.10.020(E), development standards for properties in the C-V (Civic) zoning district are determined upon approval of a Site Development Plan Review application.

<i>Landscaping and Open Space Standards</i>		
<i>Standards</i>	<i>Provided</i>	<i>Variety</i>
Parking Area Trees	0	N/A
South Lot Buffer Trees		
North	0	N/A
South	12	California Pepper
East	6	California Pepper
West	2	California Pepper
North Lot Buffer Trees		
North	8	California Pepper
South	3	California Pepper
East	6	California Pepper
West	5	California Pepper
TOTAL	42	
Min. Zone Width	5-feet	
Fence Height	6-feet	

** Per Title 19.10.020(E), development standards for properties in the C-V (Civic) zoning district are determined upon approval of a Site Development Plan Review application.*

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Concord Street	N/A	N/A	50	Y
Balzar Avenue	N/A	N/A	50	Y

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Pursuant to Title 19.08 and 19.12, 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	48 fixed seats	1:4 fixed seats	12				
TOTAL SPACES REQUIRED			12		12		Y
Regular and Handicap Spaces Required			11	1	11	1	Y

Exceptions		
Requirement	Request	Staff Recommendation
Parking lots shall be screened from adjacent roadways by a low wall or berm with a maximum height of thirty inches, a solid living hedge with an approximate maximum height of thirty-six inches, or some other screening method.	To allow no parking lot screening.	Denial
To install landscape islands at the end of each row of parking spaces and for every six parking spaces.	To allow no landscape islands in the parking lots.	Denial

ANALYSIS

This is a request to expand an existing Church/House of Worship in a residential area of West Las Vegas via the conversion of four adjacent residential dwellings. This use was legally established via Special Use Permit (U-0052-00). Conditions were added at that time to minimize the negative impact the use would have on the adjacent residential neighborhood. Many of those conditions were never met, such as providing a trash enclosure, screening the mechanical equipment, installing a six-foot tall fence and providing additional landscaping. If the proposed General Plan Amendment and Rezoning are approved, the Special Use Permit will no longer be required. These new designations would also allow maximum flexibility with the design standards required for the project. Staff supports these applications, as they will reflect the most appropriate designations for the Church/House of Worship use.

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However, the Site Development Plan Review submitted is not compatible. Many of the conditions of the original approval for the Church/House of Worship use have not been completed as documented earlier. These are standard conditions with such projects to reduce the negative impact on adjacent residential properties. The submitted Site Development Plan Review, if approved, would greatly expand this use and likewise, expand the negative impact on the area. Several conditions have been added that would minimize many of the negative impacts, especially the aesthetic ones, if the application were approved.

On similar projects around the city, a six-foot tall screening wall is required to separate the Church/House of Worship use from adjacent residential uses. Likewise, a minimum eight-foot wide landscape buffer is also required. Other requirements that this project lacks include not providing a trash enclosure and not screening the parking lots from public rights-of-way with a fence or landscaping. The latter requires two Exceptions, one for the lack of screening and one for the lack of landscaping in the parking lots.

As proposed, this project will have a negative impact on the community. It removes much needed residential dwellings from the area, is not designed to minimize negative effects on the adjacent properties and does not align with the goals and objectives of the West Las Vegas Land Use Plan. For these reasons, staff recommends denial of the Site Development Plan Review. If approved, conditions have been added to reduce the negative impact the project will have on the community.

FINDINGS (GPA-52964)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The PF (Public Facilities) General Plan designation allows for government building sites and complexes, police and fire facilities, hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries, religious facilities and public utility uses. The proposed amendment is compatible with the existing adjacent residential designation.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The C-V (Civic) zoning district allowed by the proposed General Plan designation is compatible with the adjacent land uses and zoning districts. Pursuant to Title 19.06.020, the minimum development standards for property in the C-V (Civic) 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 review. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

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3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The site is accessed by Balzar Avenue and Concord Street, two Local Streets, as designated by the Planned Streets and Highways Map, which are adequate to serve the requirements of the Church/House of Worship use. The church will be served by existing utilities, transportation and other facilities, which are adequate.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no other plans or policies that would affect the site.

FINDINGS (ZON-52961)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

A General Plan Amendment application was submitted in conjunction with this request and if approved, will allow the proposed C-V (Civic) zoning designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The C-V (Civic) zoning designation will be compatible with the adjacent R-2 (Medium-Low Density Residential) designation.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The requested rezoning will allow the adjacent Church to expand to meet its growing congregation's needs.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The site is accessible via Balzar Avenue and Concord Street and is adequate to meet the proposed requirements of the C-V (Civic) zoning.

FINDINGS (SDR-52956)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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 Church/House of Worship is an appropriate use for the area. However, the site contains inadequate screening and landscaping to buffer activities on the site from neighboring residential uses. Therefore, the project is not harmonious and compatible for the area.

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 site is not consistent with Title 19 Design Standards as reflected by the requested Exceptions. A General Plan Amendment application has been submitted with this request. This proposal is not consistent with the West Las Vegas Land Use Plan, specifically, “The Master Plan seeks to stabilize and improve these areas that form the heart of the community, protect them from intrusion of non-residential land uses, etc...”

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

The project has access from both Concord Street and Balzar Avenue, which will provide a circulation pattern that will not have a negative impact on the neighborhood.

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

There are no new building materials associated with this application. The proposed landscape materials are appropriate for the desert environment and the neighborhood.

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 buildings will maintain a residential aesthetic and will be harmonious with the neighborhood. However, the lack of adequate landscape buffers and screening walls will create an obnoxious appearance and be unsightly making an aesthetically unpleasant environment.

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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.

NOTICES MAILED 392 (By City Clerk)

APPROVALS 1

PROTESTS 0