



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 9, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JAMES JR. AND ELIZABETH F. BRACY

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-69226	Staff recommends APPROVAL, subject to conditions:	N/A
SDR-69227	Staff recommends APPROVAL, subject to conditions:	SUP-69226

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 235

PROTESTS 3

APPROVALS 0

**** CONDITIONS ****

SUP-69226 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Church/House of Worship use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-69227) shall be required.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-69227 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-69226) shall be required.
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.

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3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/13/17, except as amended by conditions herein.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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.
7. All utility or mechanical equipment shall comply with the provisions of the Downtown Centennial Plan, unless approved by a separate waiver.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan: the specific species of the five-gallon shrubs and quantities of the proposed and existing trees.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Remove all substandard street improvement (including streetlights) and replace meeting Downtown Centennial Standards to the satisfaction of the City Engineer concurrent with development of this site, except as amended by conditions herein. The "pan style" driveways on 9th Street and Mesquite Avenue may remain as long as the sidewalk path along these streets complies with Americans with Disabilities Act (ADA) guidelines.
11. Prior to the issuance of any permits, grant a "Pedestrian Access Easements" where public sidewalk exists outside of the public rights-of-way along 9th Street and Mesquite Avenue.

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12. 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.
13. Submit a License Agreement for landscaping and private improvements in the 9th Street and Mesquite Avenue public rights-of-way, if any, prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License 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 within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to convert the existing 3,184 square-foot multi-family residential buildings to a Church/House of Worship use at 330 North 9th Street.

ISSUES

- A Church/House of Worship use is a permitted use in the R-4 (High Density Residential) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Site Development Plan Review is required to convert the existing multi-family residence to a Church/House of Worship. Staff supports this request.
- A Code Enforcement case (#170568) was processed for operating a Church/House of Worship.
- Special Use Permit (U-0072-00) expired 10/18/10, with no building permits for the conversion of the multi-family residential building to Church/House of Worship being issued.
- Department of Public Works notes that there are underlying lot lines on this site. Therefore, a condition has been added to address the underlying lot lines on site.

ANALYSIS

The subject site is located within the Downtown Gateway of the Downtown Centennial Plan Overlay District. The proposed Church/House of Worship conversion, pursuant to the Downtown Centennial Plan – Threshold Requirements, the development is a “partial block frontage (50% or less) – any streetscape not implemented due to existing conditions will require a Covenant Running with Land to obtain property owner’s consent for future improvements.”

The site contains a 3,184 square-foot apartment building with two residential units. The applicant proposes to convert this space into Church/House of Worship with ancillary services that will include food distribution. No additions are proposed and the interior renovations are the result of a change of the use of the existing building and will retain a design similar to other buildings in the neighborhood. A Special Use Permit (U-0072-00) was approved by the City Council on 10/18/00 and expired 10/18/10 with no building permit issued for the Church/House of Worship conversion.

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A Church/House of Worship use is permitted in the R-4 (Limited Commercial) zoning district with the approval of a Special Use Permit. Additionally, the following analysis is required:

The Church/House of Worship use is defined as “Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This use includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under LVMC Chapter 19.16. This use does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.” The applicant is proposing to offer a food pantry in addition to the standard Church/House of Worship.

The Minimum Special Use Permit Requirements for this use include:

1. The Special Use Permit approval may include such activities as religious services, religious instruction, church club activities and similar activities.

The applicant's justification letter states that the primary use is a Church/House of Worship.

2. The Special Use Permit approval may also include accessory functions, such as child care facilities, formal educational programs, preschool classes and similar related activities, if:
 - a. The uses are specifically proposed in the application; and
 - b. The Director finds that each such use is ancillary to the primary use.

The applicant is proposing to offer a food pantry in addition to the standard Church/House of Worship activity on the site.

3. Following approval of a Special Use Permit, if any additional uses not specifically covered by that Special Use Permit are proposed, an additional public hearing process shall be required to add the uses.

Additional uses beyond the Church/House of Worship and the ancillary food bank will require an amendment of this Special Use Permit.

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- *4. In residential districts, related uses such as thrift shops, homeless shelters and other similar activities may not be conducted and are not eligible for approval as part of a Special Use Permit. Such uses may be conducted only in the zoning districts in which such uses are permitted as primary uses, and must receive specific approval to operate.

The applicant specifically states that it is not intended to be thrift shops, homeless shelters, and other similar activities, but instead is to be used for worship with ancillary programs to edify the congregants.

- *5. Churches on sites larger than 5 acres shall not be permitted in the U District or a district with an "R" prefix.

This requirement does not apply to the proposed use, as it would occur on a site of less than five acres (0.25), which is allowed in residential districts.

The proposed Church/House of Worship use is located on the edge of an existing R-4 (High Density Residential) District, between single-family residential zoned R-2 (Medium-Low Density Residential); single-family residential, multi-family residential building and undeveloped property zoned R-4 (High Density Residential); multi-family residential building zoned R-3 (Medium Density Residential). The site is suited for a house of worship and no rezoning is necessary to establish this use at the subject location. The site is easily accessed from Mesquite Avenue and 9th Street from the neighborhood it is intended to serve. Parking is available on site on the front, side and the rear of the property via Mesquite Avenue, 9th Street and the existing alley located at the rear of the property.

A Code Enforcement case (#170568) was processed for a building operating as a Church/House of Worship on 09/13/16. The subject property has been operating as a de facto Church/House of Worship for years; approval of the Special Use Permit would legitimize the primary use as a house of worship and authorize the ancillary food bank as stated in the applicant's justification letter.

The Las Vegas Valley Water District has provided the following comments regarding the subject property, "This parcel is currently served by LVVWD but does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing, fire flow availability and backflow retrofit." A condition of approval has been added to state the backflow preventer must be installed in conformance with the Downtown Centennial Plan.

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Department of Public Works has provided the Average Daily Traffic (ADT), that this project will add approximately 10 trips per day on Mesquite Avenue, 9th Street, 10th Street and Stewart Avenue. Currently, Mesquite is about two percent of capacity and Stewart Avenue is about 28 percent of capacity. With this project, these capacities are expected to remain unchanged. Counts are not available for 9th or 10th Streets, but they are under capacity. On Sundays, this project is expected to about 14 trips in the peak hour, or about every four minutes. Based on Peak Hour use, this project will not add any trips in the peak hour on weekdays.

As the proposed use meets the minimum requirements for a Special Use Permit, the site is suitable for a house of worship and this use is compatible with the surrounding land uses and zoning districts; staff recommends approval with conditions.

FINDINGS (SUP-69226)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

The proposed Church/House of Worship use would be located on property surrounded by residential uses on all three sides and will retain the architectural character of the multi-family buildings. Most traffic will be by foot; therefore vehicular traffic is not expected to significantly increase in the neighborhood and the provided parking will be adequate. Therefore, this use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The existing 3,184 square-foot buildings will not be expanding on the subject site. Provided onsite parking will be adequate to accommodate religious services and proposed ancillary use of the site.

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

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Mesquite Avenue is a 60-foot right-of-way providing access to the side of the property and 9th Street is an 80-foot right-of-way providing a one way access at the front of the property from the street to the alley way to the east. Both accesses are adequate to meet the needs of the proposed Church/House of Worship use.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

Renovations in conjunction with this Special Use Permit request will be subject to building permit review and inspection from Fire Services and Building and Safety, thus protecting the public's health safety and welfare.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use is consistent with all of the minimum requirements for a Church/House of Worship.

FINDINGS (SDR-69227)

In order to approve a Site Development Plan Review application, per Title 19.16.100€ 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 conversion of the existing multi-family residential building to a Church/House of Worship will be consistent with other buildings in the area and will have no negative effect on surrounding uses.

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 conversion of the existing multi-family residential building to a Church/House of Worship is consistent with Title 19 and the Downtown Centennial Plan Development Standards.

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

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Site access from the rear alley and from neighborhood streets will have minimal impact on traffic in the area, as most visitors will arrive by foot from the surrounding neighborhood.

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

The existing stucco and brick facades are compatible with other buildings in the area. The property has an existing Italian Cypress in the front yard of the site. Along the northeast corner of the property contains a proposed Ponderosa Pine.

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 existing elevations will remain. They are of a similar height and size as other buildings in the area and are not unsightly.

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

Development of the site is subject to review for permits and inspection, thereby safeguarding the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/18/00	The City Council approved a Special Use Permit (U-0072-00) for a proposed 1,744 square-foot Church at 330 North 9 th Street. The Planning Commission and staff recommended approval. Expired on 10/18/10.
01/22/03	The City Council approved an Extension of Time (EOT-1227) of an approved Special Use Permit (U-0072-00) which permitted a Church/House of Worship at 330 North 9 th Street. The Planning Commission and staff recommended approval. Expired on 10/18/04.
11/17/04	The City Council approved an Extension of Time (EOT-5421) of an approved Special Use Permit (U-0072-00) which allowed a Church/House of Worship at 330 North 9 th Street. Staff recommended approval. Expired on 10/18/06.
05/18/06	A Code Enforcement case (#42274) was processed for broken windows on a vacant house at 330 North 9 th Street. The case was resolved on 07/15/06.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/01/06	The City Council approved an Extension of Time (EOT-17091) of an approved Special Use Permit (U-0072-00) which permitted a Church/House of Worship at 330 North 9 th Street. Staff recommended approval. Expired on 10/18/08.
12/17/08	The City Council approved an Extension of Time (EOT-31618) of an approved Special Use Permit (U-0072-00) which allowed a Church/House of Worship at 330 North 9 th Street. Staff recommended approval. Expired on 10/18/10.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/13/16	A Code Enforcement case (#170568) was processed for a building operating as a Church/House of Worship at 30 North 9 th Street. The case is currently active.

<i>Most Recent Change of Ownership</i>	
08/05/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/02/07	A building permit (#07002808) was issued for a sign at 330 North 9 th Street. The permit was finalized on 10/24/07.

<i>Pre-Application Meeting</i>	
02/13/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were discussed.

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

<i>Field Check</i>	
03/30/17	A field check was conducted by staff and observed a well maintained multi-family residential property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.25

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<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	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
North	Single Family, Detached	MXU (Mixed Use)	R-2 (Medium-Low Density Residential)
South	Single Family, Detached	MXU (Mixed Use)	R-4 (High Density Residential)
East	Single Family, Detached	MXU (Mixed Use)	R-4 (High Density Residential)
	Multi-Family Residential		
West	Multi-Family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan (Downtown Gateway)	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Live/Work Overlay District	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

Pursuant to Title 19 standards, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 SF	10,890 SF	Y
Min. Lot Width	N/A Feet	82 Feet	Y
Min. Setbacks			
• Front	10 Feet	30 Feet	Y
• Side	5 Feet	12 Feet	Y
• Corner	5 Feet	6 Feet	Y
• Rear	20 Feet	8 Feet	Y*
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screen, Gated w/ a Roof or Trellis	Y

*The structure's rear setback adjacent to the alley is legal, non-conforming.

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
9 th Street	Local street	Title 13	80	Y
Mesquite Avenue	Local street	Title 13	60	Y

Pursuant to the Downtown Centennial Plan standards:

Streetscape Standards/Parking Design Standards	Required	Provided	Compliance
Sidewalk width	N/A*	Existing 5-foot sidewalk	N/A
Amenity Zone width	N/A*	No amenity zone	N/A
Trees	N/A*	Proposing 24-inch box Shoestring Acacia at a maximum of 20-foot intervals	N/A
Parking Design	One (1) federally compliant handicap-accessible space	One (1) CLV-compliant handicap accessible space	Y

*Not required because of the Downtown Centennial Plan Threshold Requirements, the development is a "partial block frontage (50% or less) – any streetscape not implemented due to existing conditions will require a Covenant Running with Land to obtain property owner's consent for future improvements.

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/Ho use of Worship (Gathering Area)	754 SF	1/100 SF	8				
TOTAL SPACES REQUIRED			8		9		Y
Regular and Handicap Spaces Required			7	1	8	1	Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.