

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: SEPTEMBER 21, 2022****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: CHURCH OF GOD (SEVENTH DAY)
ENGLISH****** STAFF RECOMMENDATION(S) ****

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 22-0226-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | 22-0226-SDR1 |
| 22-0226-SDR1 | Staff recommends DENIAL, if approved subject to conditions: | 22-0226-VAR1 |

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17**NOTICES MAILED** 263 (by City Clerk)**PROTESTS** 2**APPROVALS** 0

**** CONDITIONS ****

22-0226-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow deviations from Title 19 C-V (Civic) development standards.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0226-SDR1) shall be required, if approved.
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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0226-SDR1 CONDITIONS

Planning

1. Approval of conformance to the Conditions of Approval for Variance (22-0226-VAR1), 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.

Conditions Page Two
September 21, 2022 - City Council Meeting

3. All development shall be in conformance with the site plan and landscape plan, date stamped 05/24/22 and building elevations, date stamped 04/27/22, 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. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
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, which 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.
8. 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.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Construct all incomplete half street improvements on Jones Boulevard adjacent to this site concurrent with the first phase of 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.

Conditions Page Three
September 21, 2022 - City Council Meeting

11. Extend Public Sewer for the full frontage of the parcel on Jones Boulevard. Coordinate the sewer point of connection at a size, depth, and location acceptable to the Sanitary Sewer Section of the Department of Public Works.
12. Landscape and maintain all unimproved right-of-way adjacent to this site. 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.
13. Coordinate the construction of this project with the Nevada Department of Transportation (NDOT) "Cheyenne/Jones" safety project. Prior to issuance of permits for this site, provide written verification the sufficient coordination between NDOT and this project has occurred.
14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works for the first phase of this development prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

Staff Report Page One
September 21, 2022 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance and Site Development Plan Review request for a proposed Church/House of Worship development on 2.00 acres at 3523 North Jones Boulevard.

ISSUES

- A Variance (22-0226-VAR1) is requested to deviate from C-V (Civic) development standards regarding parking location, landscaping buffer widths and plaza area placement. Staff does not support the request.

ANALYSIS

The subject site is zoned C-V (Civic) and subject to Title 19 development standards. It is currently developed with a vacant 1,985 square-foot single-family residence. The surrounding properties to the north, south and west are primarily undeveloped and within Clark County's jurisdiction. An existing R-1 (Single Family Residential) neighborhood is located adjacent to the east side of Jones Boulevard. The applicant proposes to develop the subject site with a 10,420 square-foot Church/House of Worship development in two phases. Phase One will include the church building, plaza area, trash enclosure, front parking and landscaping. Phase Two will include the rear parking and landscaping areas.

The purpose of the C-V (Civic) zoning district is to provide for the continuation of existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. In addition, the C-V District may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. A church is a permitted use within the C-V (Civic) zoning district.

Per Title 19, a Church/House of Worship 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."

Staff Report Page Two
September 21, 2022 - City Council Meeting

The minimum development standards for property in the C-V 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. In addition, property in the C-V District adjacent to residential uses in the R-1 zoning district shall be subject to the height standards of LVMC 19.06.060, the landscape buffer standards of LVMC 19.08.040(F) and Table 4 of LVMC 19.08.050, and the parking standards of LVMC 19.08.110.

Per LVMC Title 19.06.060, the maximum building height allowed is two stories/35 feet. This requirement is met as the applicant proposes a two-story building with a maximum building height of 30 feet. Per LVMC Title 19.08.040(F) and LVMC Title 19.08.050, eight-foot landscape buffers are required along interior lot lines and a 15-foot landscape buffer is required adjacent to the right-of-way. These requirements are not met as a Variance is requested to allow six-foot interior landscape buffer widths and a 10-foot wide landscape buffer adjacent to the right-of-way.

Per Title 19.10.020.G, the following C-V (Civic) district standards apply:

1. Buildings and plazas within the C-V District shall be located at the front of the site at the minimum setback line established by the approved site development plan and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible.

This requirement is not met as a Variance is requested to allow the plaza area to not be oriented to the minimum front setback line.

2. Pedestrian open spaces and plazas shall be integral to the overall design of the proposed development and shall be located in areas of high pedestrian traffic in such a manner to be convenient and readily accessible. Pedestrian open spaces and plaza shall include without limitation benches, pergolas, landscape arbors, artwork and landscape to sufficiently shade or soften the space.

This requirement is met as a plaza area is included in the design of the subject development. Per the submitted justification letter, it will be located behind the northern section of the building and will be a park-like area for the children to play and for others to enjoy the outside.

Staff Report Page Three
September 21, 2022 - City Council Meeting

3. Parking lots shall be located to the side or rear of buildings and away from the street front and shall not be permitted on street corners unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible.

This requirement is not met as a Variance is requested to allow parking in front of the proposed building.

The Department of Public Works - Transportation Engineering Division has commented, "This project is expected to add an additional 72 trips per day on Jones Boulevard and Gowan Road. Currently, Jones Boulevard is at about 26 percent of capacity and Gowan Road is at about 27 percent of capacity. With this project, Jones Boulevard is expected to be at about 27 percent of capacity and Gowan Road to be at about 28 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 104 additional peak hour trips on Sunday, or about seven every four minutes."

The subject site is located within the 2050 Las Vegas Master Plan - Rancho Area which currently consists of suburbs and neighborhoods along the Rancho Drive corridor transitioning from older inner-ring suburbs to new subdivisions and "ranchos" moving northwest toward Centennial Hills. The area currently lacks cohesion, largely because of the lack of major city and community services. A key implementation strategy is to balance rural preservation with increased services and access to transportation options. While the proposed church use of the subject site would provide an additional service to the surrounding community, the design fails to meet minimum Title 19 development standards.

Staff finds the proposed development to not be harmonious and compatible with the surrounding development in the area. This is evidenced by the associated Variance request regarding parking location, landscaping buffer widths and plaza area placement. Therefore, staff recommends denial of all entitlement requests. If approved, they will be subject to conditions.

FINDINGS (22-0226-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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."

Staff Report Page Four
September 21, 2022 - City Council Meeting

Additionally, Title 19.16.140(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 designing a development that fails to adhere to Title 19 C-V (Civic) zoning district standards. Redesigning the development 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 (22-0226-SDR1)

In order to approve a Site Development Plan Review 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 proposed development is not compatible with the adjacent development in the surrounding area as evidenced by the associated Variance request of Title 19 development standards.

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19 as a Variance (22-0226-VAR1) is requested to deviate from C-V (Civic) development standards regarding parking location, landscaping buffer widths and plaza area placement.

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

Staff Report Page Five
September 21, 2022 - City Council Meeting

Site access is provided by Jones Boulevard, an 80-foot Collector Street, which is adequate in size to meet the needs of the proposed use.

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

The proposed stucco building façade is compatible with other development throughout the City. The landscape materials are drought tolerant species that are commonly found throughout the City of Las Vegas.

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;

While the submitted building elevations are not unsightly or undesirable, the overall project design is not compatible with the existing development in the surrounding area. This is evidenced by the associated Variance request to deviate from C-V (Civic) development standards regarding parking location, landscaping buffer widths and plaza area placement.

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

If approved, the proposed development will be subject to building permit inspections in order to protect the public health, safety and general welfare.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i> | |
|--|---|
| 07/12/06 | The City Council approved a Petition to Annex (ANX-12359) property located at 3523 North Jones Boulevard, containing approximately 2 acres. Planning Commission recommended approval. The annexation became effective on 07/21/06. |
| 03/05/14 | The Council approved General Plan Amendment (GPA-52399) request from DR (Desert Rural Density Residential) to PF (Public Facilities) on 2.00 acres at 3523 North Jones Boulevard. The Planning Commission and Department of Planning Staff recommended approval. |
| | The Council approved Rezoning (ZON-52401) request from R-E (Residence Estates) to C-V (Civic) on 2.00 acres at 3523 North Jones Boulevard. The Planning Commission and Department of Planning Staff recommended approval. |
| | The Council approved Site Development Plan Review (SDR-52099) request for a proposed 4,945 square-foot church/house of worship on 2.00 acres at 3523 North Jones Boulevard. The Planning Commission and Department of Planning Staff recommended approval. |
| 05/04/16 | The City Council approved a first Extension of Time (EOT-63677) request for a proposed 4,945 square-foot church/house of worship. Department of Planning Staff recommended approval. |
| 02/16/21 | Department of Planning Code Enforcement Division opened Case #CE21-00553 regarding a homeless encampment. The Case was resolved on 03/22/21. |
| 04/14/21 | Department of Planning Code Enforcement Division opened Case #CE21-01482 regarding a homeless encampment. The Case was resolved on 05/12/21. |
| 06/21/22 | The Planning Commission voted (6-0) to HOLD IN ABEYANCE 22-0226 [VAR1 and SDR1] to the August 9, 2022 Planning Commission meeting. |
| 08/09/22 | <p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 2.00 acres at 3523 North Jones Boulevard (APN 138-11-704-009), C-V (Civic) Zone, Ward 5 (Crear)</p> <ul style="list-style-type: none"> • 22-0226-VAR1 - VARIANCE - TO ALLOW VARIATIONS FROM THE C-V (CIVIC) ZONING DISTRICT STANDARDS • 22-0226-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 10,420 SQUARE-FOOT CHURCH/HOUSE OF WORSHIP |

Staff Report Page Seven
September 21, 2022 - City Council Meeting

| Most Recent Change of Ownership | |
|--|--|
| 02/14/11 | A deed was recorded for a change in ownership. |

| Related Building Permits/Business Licenses | |
|---|---|
| c. 1961 | The primary structure, a 1,985 square-foot residence was constructed. |

| Pre-Application Meeting | |
|--------------------------------|--|
| 04/14/22 | Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Church development. |

| Neighborhood Meeting | |
|--|--|
| A neighborhood meeting was not required, nor was one held. | |

| Field Check | |
|--------------------|--|
| 05/12/22 | Staff conducted a routine field check and found an undeveloped lot with desert vegetation. No issues were noted. |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 2.00 |

| Surrounding Property | Existing Land Use Per Title 19.12 | Planned or Special Land Use Designation | Existing Zoning District |
|-----------------------------|--|--|---|
| Subject Property | Vacant | PF (Public Facilities) | C-V (Civic) |
| North | Undeveloped | RN (Rural Neighborhood) - Clark County | R-E (Rural Estates Residential – 2 Units per Acre) - Clark County |
| | Single Family, Detached | | |
| South | Undeveloped | RN (Rural Neighborhood) - Clark County | R-E (Rural Estates Residential – 2 Units per Acre) - Clark County |

Staff Report Page Eight
September 21, 2022 - City Council Meeting

| <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> |
|------------------------------------|---|---|---|
| East | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single Family, Detached | RN (Rural Neighborhood) - Clark County | R-E (Rural Estates Residential – 2 Units per Acre) - Clark County |

| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|--|--------------------------|
| 2050 Master Plan Area: Rancho | Y |
| <i>Special Area and Overlay Districts</i> | <i>Compliance</i> |
| A-O (Airport Overlay) District – 105 Feet | Y |

| <i>Other Plans or Special Requirements</i> | <i>Compliance</i> |
|--|--------------------------|
| Trails | N/A |
| Las Vegas Redevelopment Plan | N/A |
| Interlocal Agreement | N/A |
| Project of Significant Impact (Development Impact Notification Assessment) | N/A |
| Project of Regional Significance | N/A |

DEVELOPMENT STANDARDS

Pursuant to 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> |
|---|--|
| Min. Lot Size | 87,120 SF |
| Min. Lot Width | 335 Feet |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side (north) • Side (south) • Rear | 85 Feet 81 Feet 123 Feet 103 Feet |
| Max. Lot Coverage | 12% |
| Max. Building Height | 35 Feet |
| Trash Enclosure | Screened, Gated, w/ a Trellis |

Staff Report Page Nine
September 21, 2022 - City Council Meeting

Pursuant to Title 19.08, the following standards apply:

| Landscaping and Open Space Standards | | | | |
|---|---|-----------------|-----------------|-------------------|
| Standards | Required | | Provided | Compliance |
| | Ratio | Trees | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 20 Linear Feet | 12 Trees | 12 Trees | Y |
| • South | 1 Tree / 20 Linear Feet | 12 Trees | 12 Trees | Y |
| • East | 1 Tree / 20 Linear Feet | 14 Trees | 14 Trees | Y |
| • West | 1 Tree / 20 Linear Feet | 16 Trees | 16 Trees | Y |
| TOTAL PERIMETER TREES | | 54 Trees | 54 Trees | Y |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 19 Trees | 7 Trees | N* |
| LANDSCAPE BUFFER WIDTHS | | | | |
| Min. Zone Width | | | | |
| • North | 8 Feet | | 6 Feet | N** |
| • South | 8 Feet | | 6 Feet | N** |
| • East | 15 Feet | | 10 Feet | N** |
| • West | 8 Feet | | 6 Feet | N** |

*A Variance is requested to allow a reduction in interior parking area trees.

**A Variance is requested to allow reduced landscape buffer widths.

| Street Name | Functional Classification of Street(s) | Governing Document | Actual Street Width (Feet) | Compliance with Street Section |
|--------------------|---|-------------------------------------|-----------------------------------|---------------------------------------|
| Jones Boulevard | Major Collector | Master Plan of Streets and Highways | 80 Feet | Y |

Staff Report Page Ten
September 21, 2022 - City Council Meeting

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

| <i>Parking Requirement</i> | | | | | | | |
|---|---|----------------------------------|-----------------------|------------------------|-----------------------|--------------------------|---|
| <i>Use</i> | <i>Gross Floor Area or Number of Units</i> | <i>Required</i> | | <i>Provided</i> | | <i>Compliance</i> | |
| | | <i>Parking Ratio</i> | <i>Parking</i> | | <i>Parking</i> | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Church/House of Worship | 200 Fixed Seats | One space for each 4 fixed seats | 50 | | | | |
| TOTAL SPACES REQUIRED | | | 50 | | 68 | | Y |
| Regular and Handicap Spaces Required | | | 48 | 2 | 63 | 5 | Y |