

PLACE OF WORSHIP
(TITLE 30)

SPENCER ST/ROBINDALE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0544-MARIANO, MARILOU:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate trash enclosure setbacks; **2)** screening mechanical equipment; **3)** eliminate street landscaping; **4)** eliminate parking lot landscaping; **5)** eliminate landscaping adjacent to a less intensive use (single family residences); **6)** reduce drive aisle width; and **7)** allow modified driveway design standards.

DESIGN REVIEW for a place of worship on 0.8 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the east side of Spencer Street, 440 feet north of Robindale Road within Paradise. MN/al/syp (For possible action)

RELATED INFORMATION:

APN:

177-11-603-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the setback for a proposed trash enclosure to zero feet where a minimum of 50 feet is required from any residential development (single family residence) on a separate parcel per Section 30.56.120 (a 100% reduction).
- b. Reduce the interior side yard setback for a proposed trash enclosure to zero feet where a minimum of 5 feet is required per Table 30.40-1 and Section 30.56.120 (a 100% reduction).
2. Waive screening for mechanical equipment where required per Table 30.56-2.
3. Eliminate street landscaping (Spencer Street) where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030.
4. Eliminate parking lot landscaping where required per Figure 30.64-14.
5. Eliminate landscaping adjacent to a less intensive use (single family residences) where landscaping per Figure 30.64-11 (1 tree every 20 feet) is required.
6. a. Reduce one-way drive aisle width to a minimum of 10 feet where a minimum width of 12 feet is required per Table 30.60-4 (a 16.7% reduction).
- b. Reduce two-way drive aisle width to a minimum of 10 feet where a minimum width of 24 feet is required per Table 30.60-4 (a 58.3% reduction).
- c. Reduce one-way drive aisle width to 14 feet where 24 feet is required per Table 30.60-4 (a 42% reduction).

7. a. Permit an existing pan driveway where a commercial driveway is required per Uniform Standard Drawing 222.1.
- b. Reduce the width of an existing driveway along Spencer Street to 20 feet where a minimum of 36 feet is required per Uniform Standard Drawing 222.1 (a 44.4% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 7630 Spencer Street
- Site Acreage: 0.8
- Project Type: Place of worship
- Number of Stories: 1
- Building Height (feet): 20 (top of building)/23 (top of cross)
- Square Feet: 3,653
- Parking Required/Provided: 37/37

History

In June 2021, the Board approved UC-21-0184 to allow the site to be used as a place of worship. UC-21-0184 included similar requests for a design review and waivers of development standards as are being included with this application in addition to a waiver request to reduce parking. The Board denied the waivers and design review to convert the existing single family residence into a place of worship that were included with the use permit application. The applicant has submitted this application for the redesign of the site to convert the residence into a place of worship. The applicant filed an extension of time application ET-23-400094 (UC-21-0184) for the use permit, which was approved by the Board in August 2023 to extend the time to commence the use to June 16, 2025.

Site Plan

The plans depict an existing 1 story single family residence that is being utilized as a place of worship. The place of worship is set back 215 feet from the west property line along Spencer Street, 12 feet from the north property line, 15 feet from the south property line, and 48 feet from the east property line. The place of worship is located within the eastern portion of the project site. An existing carport is located 9 feet to the west of the building, with a setback of zero feet along the south property line, which is being removed to allow for a drive aisle to the rear of the property for additional parking. A proposed trash enclosure is located to the northwest of the place of worship, with a setback of zero feet from the north property line requiring a waiver of development standards. Two existing storage buildings, each measuring 48 square feet, are located on the northeastern portion of the site with a 5 foot setback from the rear and side yards, and a minimum separation of 6 feet between structures. An existing pool is located within the rear yard of the project site; however, the pool appears to be empty based on recent aerial photographs. The place of worship is required to have 37 parking spaces and 37 parking spaces

are depicted on the plans, with 34 parking spaces located to the west of the building and 3 parking spaces located on the southeastern corner of the site. Six parking spaces are designed as parallel with a minimum length of 21 feet and width of 9 feet, meeting Code standards. The on-site circulation of vehicles is serviced by a one-way circular drive aisle, ranging between 10 feet to 18 feet in width. Bicycle spaces are located at the northwest corner of the building. Access to the site is granted via a single, existing 20 foot driveway along Spencer Street, requiring a waiver to reduce the required width of the driveway. An existing 5 foot wide attached sidewalk is located along Spencer Street.

Landscaping

The existing attached sidewalk along Spencer Street will remain and no street landscaping is proposed along the right-of-way, requiring a waiver of development standards. The interior of the parking lot features a central landscape area with 11 existing palm trees, 8 of which will be removed to accommodate the drive aisle width and parking adjacent to the place of worship. Per the Development Code, palm trees are not allowed in the interior of parking lots as they provide minimal shade; therefore, a waiver is necessary to eliminate parking lot landscaping. Five existing palm trees are provided along a portion of the southwest property line, adjacent to a single family residence, which will be removed to allow for parking along the south property line. The plan depicts 4 existing palm trees along a portion of the northwest property line, adjacent to the drainage channel. No other perimeter landscaping is provided along the northeast, east, and southeast property lines of the project site, which are adjacent to single family residences. Waivers are being requested to eliminate landscaping adjacent to the existing residential uses. An existing 6 foot high CMU block wall surrounds the perimeter of the project site.

Elevations

The plans depict an existing place of worship consisting of a stucco exterior and an asphalt shingled roof. The height of the existing building is 20 feet to the top of the pitched roof and 23 feet to the top of the cross. The exterior of the building is painted with neutral, earth tone colors. The height of the existing metal carport is 8 feet. The existing storage buildings are 7.5 feet in height. The storage buildings consist of an asphalt shingled roof with exterior wood siding. The storage buildings are painted with neutral earth tone colors.

Floor Plans

The plans depict a 3,653 square foot place of worship consisting of a front and main sanctuary area, prayer room, media room, restroom facilities, children's room, kitchen, mass hall, storage and equipment rooms, and pantry.

Signage

Signage is not a part of this request.

Applicant's Justification

UC-21-0184 was approved by the Board to allow the site to be used as a place of worship; however, the design review and waivers of development standards submitted with that request were denied. The site has been redesigned to gain the most functionally as possible to allow for

the place of worship given the existing site constraints that limit design possibilities. The proposed design will provide the minimum number of parking spaces required by Code.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-23-400094 (UC-21-0184)	First extension of time for a place of worship	Approved by BCC	August 2023
UC-21-0184	Use permit for a place of worship with waivers for parking, setbacks, landscaping, pedestrian walkways, drive aisle width and driveway design standards - waivers and design review for a facility - denied	Approved by BCC	June 2021
VS-21-0185	Vacated and abandoned a portion of a public drainage easement	Denied by BCC	June 2021

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential & drainage channel
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential

Related Applications

Application Number	Request
VS-23-0545	A request to vacate and abandon a portion of a public drainage easement is a companion item on this agenda.

Clark County Public Response Office (CCPRO)

CE-19-17787 is a violation for building without a permit (alterations to the front entry, garage conversion, and room addition) and CE19-17788 (operation of a place of worship without approved land use).

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Although the reduction to the required trash enclosure setback is significant, there is 150 feet of separation between the proposed enclosure and the single family residence to the northeast of the project site. However, since staff is not supporting the remaining waivers of development standards and design review associated with this request, staff recommends denial of this waiver.

Waiver of Development Standards #2

There is existing mechanical equipment located on the roof of the building which will be visible from the adjacent developments. The plans do not show the mechanical equipment being screened and staff does not support this request.

Waiver of Development Standards #3

The west property line of the subject property, adjacent to Spencer Street, is approximately 100 feet wide. However, 65 feet of the lot width along Spencer Street is encumbered by an existing public drainage easement, and 20 feet of the lot width is occupied by an existing driveway. The remaining 15 feet of potential landscape area is located within the sight visibility zone, where no trees can be planted. Staff does not have an objection to this waiver request as the lack of street landscaping within this area will have minimal impact on the surrounding land uses. However, since staff is not supporting the additional waiver requests or the design review, staff recommends denial of this request.

Waiver of Development Standards #4

The intent of parking lot landscaping is to provide climate adaptable plant materials that improve the visual appearance of the project site, enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. The request to waive the required landscaping is a self-imposed burden. Staff finds the applicant has not provided compelling justification to waive the required parking lot landscaping; therefore, cannot support this request.

Waiver of Development Standards #5

The applicant has designed the parking lot of the site with spaces close to the property lines to provide the minimum number or required parking spaces for the facility. This is not leaving space along the southern property line and portions of the northern property line to allow for landscaping to buffer the use from the adjacent single family residences. Staff could support modifications to the standard, for example there are areas along the east property line and the northeastern corner of the site where trees could be provided. Since there are alternatives to provide some landscaping along portions for the property, staff finds the request to eliminate landscaping adjacent to the existing single family residences is a self-imposed burden. Therefore, recommends denial.

Waiver of Development Standards #6

With the location of the existing building and the impacts of the drainage channel, this site has constraints that limit its redevelopment as a place of worship. However, staff does not support the requests to reduce the widths of the drive aisles and believes the plans could be modified to improve the design and provide for additional driveway width. The reduced drive aisle widths are self-imposed burdens and staff cannot support this request.

Design Review

Staff finds the architecture and height of the proposed place of worship is consistent and compatible with the single family residences within the surrounding area. To the north of the project site is an existing 2 story single family residence and to the south is an existing 1 story single family residence. However, staff is concerned with the cumulative impact the requested waivers may have on the surrounding residential neighborhood. Specifically, the sub-standard driveway width, and the lack of substantial landscaping adjacent to existing residential uses may potentially impact the surrounding single family residences. Therefore, since staff is not supporting the waiver requests, staff recommends denial of the design review.

Public Works - Development Review

Waiver of Development Standards #7

Since the site has very limited frontage, a commercial curb return driveway cannot be installed. Staff has no objection to allowing the existing driveway width of 20 feet to remain, as long as it is upgraded to comply with Americans with Disabilities Act (ADA). However, since Planning cannot support this application, staff cannot support this request.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Existing carport to be removed prior to building permits;
- 1 tree to be provided on the southwest corner of the site within the existing landscape area along the street;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Right-of-way dedication to include a portion of the Duck Creek Channel;

- Grant necessary easements and/or right-of-way;
- Reconstruct driveway as a commercial pan driveway per Uniform Standard Drawing 224;
- Applicant shall perform a topo survey to determine the limits of the Duck Creek Channel in relationship to the on-site and off-site improvements.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property appears to have an existing septic system; and to contact the Southern Nevada Health District when modifying existing plumbing fixtures.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: PHILIP WAKEFIELD

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