

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0491-BUDDHAYA NANDHARAM, INC.:**

**USE PERMIT** for a place of worship.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce street landscaping; **2)** reduce parking lot landscaping; **3)** alternative buffering and screening; **4)** modify residential adjacency standards; **5)** driveway geometrics; and **6)** allow attached sidewalks.

**DESIGN REVIEW** for a place of worship on 2.17 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the north side of Kell Lane and the east side of Betty Lane within Sunrise Manor. MK/bb/kh (For possible action)

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RELATED INFORMATION:

**APN:**

140-21-306-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the width of street landscaping along Betty Lane to 7 feet where a 10 foot wide landscape strip is required adjacent to an attached sidewalk per Section 30.04.01D.
- b. Reduce the width of street landscaping along Kell Lane to 3.5 feet where a 10 foot wide landscape strip is required adjacent to an attached sidewalk per Section 30.04.01D.
2. Reduce parking lot landscaping where 1 landscape island is required every 6 spaces within the parking area per Section 30.04.01D.
3. a. Reduce the width of a landscaping buffer strip along the north property line to 5 feet and eliminate a portion of landscape buffer where a 15 foot wide landscaping buffer strip is required per Section 30.04.02C (a 66% reduction).
- b. Reduce the width of a landscaping buffer strip along the east property line to 8.5 feet and eliminate a portion of landscape buffer where a 15 foot wide landscaping buffer strip is required per Section 30.04.02C (a 43% reduction).
- c. Allow a 5 foot screen wall to remain as a buffer along the north and east property lines where an 8 foot decorative screen buffer wall is required per Section 30.04.02C.
4. Reduce the amount of required screening for interior driveways adjacent to a residential property as required per Section 30.04.06E (a 62.5% reduction).
5. a. Reduce the minimum approach distance for a driveway (along Kell Lane) to 125 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 17% reduction).

- b. Reduce the minimum departure distance for a driveway (along Betty Lane) to 188 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 1% reduction).
  - c. Reduce the throat depth for a driveway along Kell Lane to a minimum of 23 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (an 8% reduction).
  - d. Reduce the minimum driveway width to 30 feet along Kell Lane where a minimum of 32 feet is required per Uniform Standard Drawing 222.1 (a 6% decrease).
  - e. Reduce minimum driveway width to 30 feet along Betty Lane where a minimum of 32 feet is required per Uniform Standard Drawing 222.1 (a 6% decrease).
  - f. Allow a commercial pan driveway where a commercial curb return driveway is required per Uniform Standard Drawing 222.1.
6.
    - a. Allow attached sidewalks along Kell Lane where detached sidewalks are required per Section 30.04.08.
    - b. Allow attached sidewalks along Betty Lane where detached sidewalks are required per Section 30.04.08.

**LAND USE PLAN:**

SUNRISE MANOR - PUBLIC USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5320 Kell Lane
- Site Acreage: 2.17
- Project Type: Place of worship
- Number of Stories: 1 (with storage loft)
- Building Height (feet): 35 (temple)/24 (accessory residential)/13 (single-family home)
- Square Feet: 7,435 (total)/1,943 (accessory residential)/1,674 (single-family home)/3,818 (temple)
- Parking Required/Provided: 33/92
- Sustainability Required/Provided: 7/6.5

Site Plan & History

The plans depict an existing place of worship that was approved as part of the original application (UC-0377-13). This property was granted 2 extensions of time, with the last extension requiring completion by August 20, 2019. The project did not meet the required deadline, and therefore, UC-0377-13 expired thus requiring the current request to bring the site into compliance with Title 30 and renew the proposed temple which is currently under construction. The property is located at the northeast corner of Betty Lane and Kell Lane with 2 existing Buildings (A and B), 3 sheds, and a new temple building that is under construction. The previous approval required 85 parking spaces under previous Title 30 requirements. The new parking requirement is 33 parking spaces with 92 parking spaces provided. A parking analysis is included with this application and supports the additional parking. Building A includes a residential home and is located on the central portion of the property. The 3 sheds are located

north of Building A and common space Building B is located on the northeast corner of the property and used as accessory residential space. Gated access is proposed with an 18 foot setback where it was previously shown with a zero foot setback on the original plan at Kell Lane entry and Betty Lane entry to the property. A 21 foot wide drive aisle access is existing parking at the north side of the property next to Building B, with 24 feet behind the accessible parking spaces. The new temple building is being constructed on the south side of Building A. The existing carports and covered parking at the northwest corner of the property will be removed by the owner.

### Landscaping

The site has existing landscaping along both streets and adjacent to the east and north property lines, as well as a small orchard area with small trees between Buildings A and B. The landscape strips along Kell Lane and Betty Lane do not meet the current Code for width and are the subject of waiver requests. The east and north property lines are subject to buffer landscaping and do not meet the required wall height, or buffer width, and are the subject of waiver requests. The parking lot is mostly located adjacent to street landscaping and some buffer landscape areas but is missing some landscape islands that are required and are the subject of a waiver request.

### Elevations

Buildings A and B, and the sheds are existing structures. Building A is a mid-century modern low residential home with external stone chimney and large attached carport structure. Building B is a barn shaped structure with a mansard style roof and horizontal siding. The new temple building elevations depict a stucco sided building with exterior walkways, decorative railing, multi-(faux) pane windows with muntin dividers and transom windows above. The building has round columns located at the doors and building corners with decorative bases and decorative capital tops. Terra cotta colored roof tiles are shown on the east-west oriented pitched roof. An accessible ramp is shown on the south side of the building leading to the main south entrance. An elevated walkway surrounds the temple and provides access to all 4 sides of the building. The temple is shown with a maximum height of 35 feet, while the single-family home is 13 feet high, and the accessory residential structure at the northeast corner of the property is 24 feet in height.

### Floor Plans

The plans depict a 3,818 square foot temple structure with a 2,630 square foot assembly and entry area on the main level, and a second floor storage area that is 530 square feet in area. The main entrance to the temple is on the south side of the building. There are doors located on the north, east, and west sides of the building. Existing Building A is a single-story building used as a residential unit with some common space areas. Building B is a 2 story accessory residential building used for chanting space on the main level and dormitory space on the second level.

### Applicant's Justification

The applicant states that while trying to obtain the necessary approvals from government agencies for utility and off-site installation, the previously approved land use for UC-0377-13 expired. Prior to approval of the off-sites and utilities, the applicant determined the land use approval had expired and would need to be renewed prior to completing the temple. UC-0377-13 required completion prior to August 20, 2019 and a third extension of time was not requested

due to an oversight. The temple is constructed but not yet fully finished. The parking lot is in place and there is a significant amount of landscaping existing on the property. Existing 5 foot decorative walls are located on the east and north property lines with a 5 foot high CMU screen wall. A 32 inch CMU wall with a 32 inch wrought iron decorative fence is on the south property line adjacent to Kell Lane. A 5 foot CMU wall is located on the west property line with existing landscaping on the property side of the wall.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WC-0105-17 (UC-0377-13)	Waived condition requiring drainage study	Denied by PC	September 2017
UC-0377-13 (ET-0104-17)	Second extension of time for a use permit for a place of worship with waivers of development standards for alternative street landscaping and screening, eliminated landscaping adjacent to a less intensive use, reduced the height setback ratio, reduced gate setback, and waiver for off-site improvements (curb, gutter, sidewalk, and streetlights) with a design review for a place of worship (expired)	Approved by PC	September 2017
ET-0058-15 (UC-0377-13)	First extension of time for a use permit for a place of worship with waivers of development standards for alternative street landscaping and screening, eliminated landscaping adjacent to a less intensive use, reduced the height setback ratio, reduced gate setback, and waiver for off-site improvements (curb, gutter, sidewalk, and streetlights) with a design review for a place of worship	Approved by PC	November 2015
UC-0377-13	Place of worship, height setback, landscaping, off-sites - expired	Approved by PC	November 2015
ET-0041-03 (UC-1102-01)	First extension of time for a place of worship subject until March 20, 2004 for commencement and March 20, 2006 for completion and review - expired	Approved by BCC	April 2003
UC-1102-01	Waiver of conditions of a use permit requiring full off-sites (excluding paving) subject to 5 years for review - expired	Approved by BCC	June 2002
UC-1102-01	Place of worship that included waivers of development standards for landscaping and not accessing a collector or arterial street subject to 3 years for review - expired	Approved by BCC	March 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential & undeveloped

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
South	Ranch Estate Neighborhood (up to 2 du/ac) & Public Use	RS20	Charter school

### STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

### Analysis

#### Comprehensive Planning

##### Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Since the original use permit approval in 2013, the applicant has submitted numerous building permits in 2014, 2015, and 2019, along with remodel and repair permits. No significant enforcement action has been taken on the property. The site has largely been constructed for the proposed use, with improvements made to the access driveway gates, and by having more parking than is needed, it is less likely to create a parking problem in the neighborhood. The applicant is unable to rezone the property under its current designation of PU (Public Use) in the Master Plan. Only OS and PF zone districts are anticipated for that land use designation, neither of which allow for a place of worship. The current zone district is RS20 and allows for a place of worship with the approval of a special use permit. Staff can support the use permit for a place of worship.

##### Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

##### Waiver of Development Standards #1

The existing landscaping, decorative fence along Kell Lane, and CMU wall along Betty Lane, were all part of the original development plan in 2013 and installed with the anticipated completion of the place of worship. However, since staff is not supporting the request for attached sidewalks, staff cannot support this request.

#### Waivers of Development Standards #2 through #4

The existing landscaping was approved with the prior approvals and the project is nearly complete. Therefore, staff can support these requests.

#### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The property was originally approved for the intended use as a place of worship under the previous Title 30 standards. The current Title 30 standards require additional consideration for surrounding uses and buffering. The structure meets the intent of the current Codes and is complementary to the proposed place of worship use. The lack of 0.5 sustainability points is not significant enough to reject the design of the temple and general intent of the site design. There are approximately 50 additional small trees on this property, most of which are in an existing orchard area. Since staff cannot recommend approval of the waivers of development standards relating to driveway geometrics and attached sidewalks, staff cannot support the design review.

#### **Public Works - Development Review**

##### Waiver of Development Standards #5a & #5b

Staff cannot support the reduction in departure or approach distances for both the Betty Lane and Kell Lane commercial driveways. Staff has concerns with the increased traffic in the area with the existing schools and the residential traffic creating conflicts with movements from both driveways. In addition, the site can provide the minimum requirements since they are going to install the off-site improvements.

##### Waiver of Development Standards #5c

Staff cannot support the reduced throat depth for the driveway on Kell Lane. The reduction, combined with the request for a narrower driveway, will result in vehicles stacking in the right-of-way. It is important that traffic can flow without the impediment of vehicles attempting to access the parking lot.

##### Waiver of Development Standards #5d & #5e

The reduction in driveway width, combined with the request in waiver #5c, further reduces the safety of vehicles entering and exiting the site. Narrower driveways will result in more vehicles stopping in the right-of-way while drivers attempt to negotiate the tight turns that will be required. Further complicating off-site to on-site movements, the narrow driveways create a dangerous situation for the public. Therefore, staff cannot support this request.

##### Waiver of Development Standards #5f

Commercial curb return driveways help mitigate traffic by allowing a smooth transition from the road into the commercial site, whereas pan driveways require vehicles to nearly come to a stop to negotiate a turn into a site. As such, pan driveways are not an acceptable standard for any driveways other than emergency access driveways only. With the redevelopment of the on-site

portions of the site, staff finds that it is imperative to improve the driveways as public safety is more important than the on-site redevelopment.

#### Waiver of Development Standards #6a & #6b

Staff cannot support the request to not install detached sidewalks along Kell Lane and Betty Lane. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic. Therefore, staff cannot support this request.

#### **Staff Recommendation.**

Approval of the use permit and waivers of development standards #2 through #4; denial of waivers of development standards #1, #5, #6, and the design review.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

##### **Public Works - Development Review**

- Compliance with approved drainage study PW19-19387;
- Full off-site improvements.

##### **Fire Prevention Bureau**

- No comment.

##### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JASON D. BUSH

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