

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0364-CHURCH ETHIOPIAN ORTHODOX:

USE PERMIT for a place of worship.

WAIVERS OF DEVELOPMENT STANDARDS for the following **1)** eliminate street landscaping; **2)** reduce buffering and screening; **3)** modify residential adjacency standards; **4)** increase maximum parking; **5)** waive full off-site improvements; **6)** reduce driveway throat depth; and **7)** eliminate right-of-way dedication.

DESIGN REVIEW for a proposed expansion of a place of worship on a portion of 10.17 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) and Neighborhood Protection (RNP) Overlays.

Generally located south of Oquendo Road and west of Lindell Road within Spring Valley.
MN/rg/cv (For possible action)

RELATED INFORMATION:

APN:

163-36-204-004; 163-36-204-006 through 163-36-204-008 163-36-204-018 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping along Lindell Road where a minimum 6 foot wide landscape strip is required per Section 30.04.01D.
2.
 - a. Allow a non-evergreen tree where evergreen trees are required per Section 30.04.02C.
 - b. Reduce the number of trees within the required landscape buffer to 9 trees where 17 trees are required per Section 30.04.02C.
3.
 - a. Increase fill height to 6 feet where a maximum of 3 feet is allowed to be placed within 5 feet of a shared residential property line per Section 30.04.06F (a 100% increase).
 - b. Increase fill height to 7 feet where a maximum of 6 feet is allowed to be placed within 20 feet of a shared residential property line per Section 30.04.06F (a 17% increase).
 - c. Allow higher activity areas (parking and circulation) of development adjacent to an area subject to Residential Adjacency standards where not permissible per Section 30.04.06G.
 - d. Allow parking along lot lines adjacent to residential uses where not permissible per Section 30.04.06L.
4. Allow 514 parking spaces where 139 are required and a maximum of 160 parking spaces are permissible per Section 30.04.04D (a 270% increase).
5.
 - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Lindell Road where required per Section 30.04.08C.

- b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Ponderosa Way where required per Section 30.04.08C.
6. Reduce driveway throat depth to 5 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 97% reduction).
7. Eliminate the dedication of Ponderosa Way where required per Section 30.04.08D.

LAND USE PLAN:

SPRING VALLEY - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 5985 Lindell Road
- Site Acreage: 10.17 (portion)
- Project Type: Proposed multi-purpose building, baptistery building, and parking lot expansion for an existing place of worship
- Number of Stories: 2
- Building Height (feet): 35 (multi-purpose building)/21 (baptistery building)
- Square Feet: 22,377 (multi-purpose building)/2,290 (baptistery building)/10,129 (existing place of worship)
- Parking Required/Provided: 139/514
- Sustainability Required/Provided: 7/7.5

Site Plan

Portions of the subject site north of Ponderosa Way were approved with a use permit (UC-0043-12) and a design review (DR-0122-13) for a place of worship in 2012 and 2013, respectively. In January 2018, a use permit (UC-1014-17) was approved to expand the parking lot on APN 163-36-204-018, which is on the north side of the current 10,129 square foot place of worship building.

The plans depict an expansion of the place of worship consisting of a proposed multi-purpose building south of Ponderosa Way, a proposed baptistery building north of Ponderosa Way, additional parking, and the existing 10,129 square foot place of worship building. Access to the site is from 3 driveways on Lindell Road and 1 driveway at the intersection of Ponderosa Way and Westwind Road. The site provides 514 parking spaces, where 139 parking spaces are required, which is the subject of a waiver request. The area for increased fill is on the north side of APN 163-36-204-007, adjacent to APN 163-36-204-003 to the north.

Landscaping

The plan depicts a 10 foot wide street landscaping strip along Lindell Road with medium trees 20 on center. Although the trees comply with code, a 3 foot high retaining wall is proposed in front of the landscaping, necessitating the waiver to eliminate street landscaping. The required number of parking lot landscape finger islands have not been provided, but 59 parking lot trees are provided where 53 are required. A 15 foot wide landscape buffer with a decorative wall is shown on the south property line and along the western portion of the new parking lot on APN 163-36-204-006. The northern 30 feet of APN 163-36-204-007 will have a 30 foot wide easement where

Ponderosa Way would have been constructed. Just south of that easement, a minimum 20 foot wide landscape area with 9 non-evergreen trees is shown.

Elevations

The elevations depict a new 2 story multi-purpose building measuring 35 feet in height and a single-story baptistery building measuring 21 feet in height. The buildings feature decorative columns, a flat roof, and variations in roof height of 2 feet as part of the parapet return. The proposed materials are mostly stucco with foam trim. The buildings feature changes in the wall plane, decorative metal railings on one side of the building, decorative balustrades on the parapet, a covered patio, and aluminum windows.

Floor Plans

The multi-purpose building contains 16,364 square feet on the first floor and 6,013 square feet on the second floor. The first floor includes an office, lobby, kitchen, restrooms, meeting rooms, mechanical room, and storage rooms. The second floor includes a balcony, a roof deck, offices, restrooms, and a multi-purpose hall.

The baptistery building contains 2,290 square feet, which includes baptistery rooms, changing and waiting rooms, a restroom, and a janitorial room.

Applicant's Justification

The request for waivers of residential adjacency requirements is due to the project design having the parking and drive aisles near residential-zoned properties surrounding the subject site. The elimination of the street landscaping has been requested to mitigate the grade difference where a 3 foot high retaining wall is proposed. A waiver request to modify the buffering and screening requirements to allow a non-evergreen tree and reduce the number of trees along the north side of the parking lot is necessitated by the presence of an easement. A waiver request to allow the grade fill increase of the northern shared property line is necessary due to the existing wash. The waiver for off-site improvements is to preserve the rural character of the neighborhood. A waiver request to allow 514 parking spaces is necessary to accommodate increased attendance for religious events and holidays and to prevent parking on the surrounding streets.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400271 (UC-1014-17)	First extension of time to expand a place of worship (parking lot)	Approved by BCC	February 2019
UC-1014-17	Expanded place of worship with waivers of development standard for off-site improvements and a design review for a parking lot	Approved by BCC	January 2018
DR-0122-13	Redesigned a place of worship on southern portion of the site	Approved by BCC	May 2013
UC-0043-12	Place of worship and increased building height to 45 feet, and included a waiver of development standards to waive full off-sites on Lindell Road and Ponderosa Way, and a design review for a place of worship	Approved by BCC	March 2012

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1111-08	Established the RNP-I Overlay for the Spring Valley area	Approved by BCC	February 2009
UC-0044-08	Place of worship and increased building height to 45 feet, and included waivers of development standards for off-site improvements, street landscaping, single-family residential height/setback ratio, and access to a local street, and a design review for a place of worship - expired	Approved by BCC	April 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) (AE-60)	Single-family residential & undeveloped

Related Applications

Application Number	Request
VS-25-0365	A vacation and abandonment for easements and right-of-way is a companion item on this agenda.

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. Staff finds that an expansion of the place of worship is appropriate.

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

Street landscaping is necessary to reduce the urban heat island effect and to buffer uses from streets. Redesigning the site to include a wider street landscaping strip along Lindell Road would create a gradual slope, thereby eliminating the need for a retaining wall along the street. The request is a self-imposed hardship; therefore, staff cannot support this request.

Waiver of Development Standards #2

The intent of the buffering and screening is to reduce the impacts of uses and activities on neighboring properties by creating a visual and physical buffer. The requested waiver does not align with Policy 1.4.5 of the Master Plan, which aims to set clear rules for buffers and changes in development to lessen the effects of more intense uses next to existing or planned residential neighborhoods. This policy emphasizes the importance of maintaining the character and livability of residential areas while allowing for appropriate development. There is sufficient space within the landscape buffer to accommodate the required number of trees and there is no reason that the trees cannot be evergreen. Therefore, staff recommends denial.

Waiver of Development Standards #3

The intent residential adjacency standards is to reduce potential negative impacts from development located near residential zoning districts. The requests to increase fill and allow parking areas adjacent to residential properties will have minimal impacts. The fill is necessary for the drainage issues in the area. The parking areas should not impact the surrounding area either since users of the facility generally stay for long periods of time, so there is not an excessive amount on continue traffic on-site.

Waiver of Development Standards #4

Staff finds the request to increase parking is appropriate as the facility operator knows how many guests visit the site at one time. Sufficient parking lot landscaping is provided, which will help mitigate the heat island effect. Additionally, more on-site parking will result in guests not parking on the neighboring streets, which can be detrimental to the area. Therefore, staff supports this request.

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.

Staff finds the plans depict building elevations with corresponding height and bulk, design characteristics, and other architectural and aesthetic features that are not harmonious and compatible with development in the area. The 22,377 square foot multipurpose building has a maximum vertical height of 35 feet. The sheer size and massing of the building far exceed and do not closely resemble the scale and massing of the nearby residential buildings and do not

maintain a consistent residential character and pattern. The immediate area is within the Neighborhood Protection (NPO-RNP) Overlay. The purpose of the Overlay is to ensure that the character of rural areas and other residential developments is preserved. Staff finds the bulk and mass of the proposed multi-purpose building is incompatible with the surrounding single-family residential development; therefore, staff recommends denial.

Public Works - Development Review

Waiver of Development Standards #5

Historical events have demonstrated how important off-site improvements are for drainage and flood control. Installation of full off-site improvements will alleviate and decrease on-street parking. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Furthermore, this area is changing and with the increase in pedestrians and vehicular traffic, it is important to have off-sites installed for their safety. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #6

Staff has no objection to the reduced throat depth for the driveways on Ponderosa Way and Lindell Road. The applicant worked closely with staff to ensure that vehicular access to the site was redesigned to be safer by removing parking spaces. Staff finds the reduced throat depth should have no negative impacts.

Waiver of Development Standards #7

Staff has no objection to the non-dedication of the Ponderosa Way alignment. Oquendo Road and Russell Road are within close proximity and will serve as alternatives for the Ponderosa Avenue alignment.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Approval of the use permit, and waivers of development standards #3, #4, #6, and 7; denial of waivers of development standards #1, #2, #5, 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, and payment of the tree fee-in-lieu is required for any required trees waived.
- 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

- Drainage study and compliance;
- Right-of-way dedication to include the knuckle/elbow on Ponderosa Way and Westwind Drive and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Install no parking signs on Lindell Road;
- Applicant to construct a 5 foot asphalt path along Lindell Road and Ponderosa Way;
- Applicant to construct minimum pavement for Lindell Road, South to Patrick Lane.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's

airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0224-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval of use permit, waivers of development standards #2 through #7, and the design review; denial of waiver of development standards #1 (non-urban road standards along Oquendo Road and Lindell Road; provide an asphalt pathway along Oquendo Road and Lindell Road; restrictive covenant to protect the (NPO-RNP)).

APPROVALS:

PROTESTS:

APPLICANT: CHURCH ETHIOPIAN ORTHODOX

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