

PLACE OF WORSHIP
(TITLE 30)

SPENCER ST/ROBINDALE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0184-MARIANO, MARILOU:

USE PERMIT for a place of worship.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking; **2)** eliminate trash enclosure setback; **3)** eliminate street landscaping; **4)** eliminate parking lot landscaping; **5)** alternative landscaping adjacent to a less intensive use (single family residences); **6)** eliminate the pedestrian walkway from the adjacent public sidewalk to the principal building entrance; **7)** reduce the setback for an accessory structure (carport); **8)** reduce drive aisle width; and **9)** 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/md/jd (For possible action)

RELATED INFORMATION:

APN:

177-11-603-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking to 19 spaces where 37 spaces are required per Table 30.60-1 (a 48.6% reduction).
2.
 - 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 (a 100% reduction).
3. Eliminate street landscaping (Spencer Street) where required per Section 30.64.030.
4. Eliminate parking lot landscaping where required per Figure 30.64-14.
5.
 - a. Provide alternative landscaping adjacent to a less intensive use (single family residence) where landscaping per Figure 30.64-11 is required (portions of the southwest and northwest property lines).
 - b. Eliminate landscaping adjacent to a less intensive use (single family residence) where landscaping per Figure 30.64-11 is required (portions of the northeast, east and southeast property lines).

6. Eliminate the pedestrian walkway from the adjacent public sidewalk to the principal building entrance where a 5 foot wide walkway is required to connect the adjacent public sidewalk to the principal building entrance per Section 30.60.050.
7. Reduce the setback for an existing accessory structure (carport) to zero feet where a minimum of 5 feet is required per Table 30.40-1 (a 100% reduction).
8. Reduce one-way drive aisle width to 10 feet where a minimum width of 12 feet is required per Table 30.60-4 (a 16.7% reduction).
9.
 - 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 - RURAL NEIGHBORHOOD PRESERVATION (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: 37/19

Site Plans

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, necessitating a waiver of development standards. 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, will be relocated to the eastern 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. Nineteen parking spaces are provided for the place of worship where 37 parking spaces are required. Eleven 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 14 feet in width. A 10 foot wide drive aisle is located along the south portion of the site while an

11 foot wide drive aisle is located along the north portion of the parcel. The substandard drive aisle width requires a waiver of development standards. 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. No pedestrian walkway is provided from the attached sidewalk to the principal entrance of the place of worship, necessitating a waiver of development standards.

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, 3 of which will be removed to accommodate the drive aisle width 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, and 3 existing palm trees are depicted 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 requested for alternative landscaping and 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, childrens' room, kitchen, mass hall, storage and equipment rooms, and pantry.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the place of worship's service hours will be every Sunday, 6:00 p.m. to 9:00 p.m., and Wednesday, 7:00 p.m. to 9:00 p.m. The anticipated amount of parishioners is 60 of which most will utilize carpooling. The current zoning for the parcel is R-E (Rural Estates Residential). The zoning surrounding the site is also R-E (Rural Estates Residential). This use is acceptable and the project will not have an adverse impact to the surrounding parcels. The applicant states additional parking can be provided on the adjacent street (Spencer Street). It is

anticipated that the maximum parking will be required on Sundays during worship service times. Parking needs will be significantly reduced at other times during the week. The frontage of the property currently exists and is limited; therefore, street landscaping will not be installed. The parking lot currently exists with mature and well-maintained landscaping. This project has mature landscaping throughout and appears to sufficiently match the surrounding landscaping within the neighborhood. A trash enclosure has been provided; however, the 50 foot setback from a residential use requirement cannot be met based on the width of the lot. The trash enclosure has been placed in a practical location with zero feet setback from the northern property line. The existing driveway provides a walkway adequate for pedestrian access to the principal entrance of the building. The owner intends to remove the carport structure in the near future as it conflicts with the proposed parking. The frontage of the property currently exists and the existing on-site driveway is limited to 20 feet.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residential & drainage channel
South & East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residential
West	Residential Suburban (up to 8 du/ac) & Public Facilities	R-E	Single family residential & drainage channel

Related Applications

Application Number	Request
VS-21-0185	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

Current Planning

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

With appropriate building siting, proper building massing and scale, and appropriate buffering; a place of worship can be consistent and compatible with residential neighborhoods in accordance with Title 30 and the Comprehensive Master Plan. Other places of worship have been approved and developed in residential areas with little or no adverse impact to the community. Staff does not have an issue with the proposed use; therefore, can support the request. However, staff is concerned with the numerous waiver requests and design of the site.

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

Staff finds there is an adequate amount of area within the project site to provide additional parking spaces. The central landscape area within the subject property has an overall area of 3,600 square feet. Eighteen additional parking spaces, each measuring 9 feet in width and 18 feet in length, would require an additional 2,916 square feet of area. Staff finds the existing landscape area can be reconfigured to accommodate additional parking spaces, thereby reducing or eliminating the parking deficiency altogether. The reduced on-site parking is a self-imposed burden; therefore, staff recommends denial.

Waiver of Development Standards #2a & #2b

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 #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 #5a & #5b

There is an existing 16 foot wide landscape area along the southwest property line of the project site where a row of Evergreen trees can be planted to serve as a buffer between the place of worship and the existing single family residence. Landscape planters with Evergreen trees can also potentially be located along the northeast, east, and southeast property lines. Staff finds the request to permit alternative landscaping along a portion of the south property line, consisting of existing palm trees, and to eliminate landscaping along the northeast, east, and southeast property lines is a self-imposed burden. Therefore, recommends denial.

Waiver of Development Standards #6

The subject property was designed for a single family residence and did not anticipate the requirement for a future pedestrian walkway connecting the attached sidewalk along Spencer Street to the building. The majority of parishioners will arrive by automobiles to the project site, and it would not be practical to construct a pedestrian walkway from the sidewalk to the building. However, staff is not supporting the other waivers of development standards and design review requests associated with this application; therefore, recommends denial.

Waiver of Development Standards #7

The setback reduction for the existing carport along the southeast property line is a self-imposed burden. The carport remains visible to the adjacent property owner south of the project site. Had the applicant inquired on the rules and regulations applicable to carports prior to the construction and placement of the carport, other design alternatives could have been considered. The request is a self-imposed hardship; therefore, staff recommends denial.

Waiver of Development Standards #8

The reduced one-way drive aisle width is a self-imposed burden. Staff finds the existing landscape area, centrally located within the project site, may potentially be modified to increase the width of the one-way drive aisle. Therefore, staff cannot support this request.

Waiver of Development Standards #9b

Staff is concerned the reduced width for the existing driveway along Spencer Street may impact ingress to the place of worship. The existing driveway was designed to accommodate vehicle traffic associated with a single family residence, and not a facility with multiple vehicles entering and exiting the site during the concentrated hours of operation for the place of worship. The lack of an appropriate turning radius for the existing driveway will force vehicles to make an abrupt stop on Spencer Street to successfully navigate a turn into the existing driveway. The potential for multiple vehicles to queue onto Spencer Street while entering the site further compounds the issue of the reduced driveway width.

Design Review

Urban Specific Policy 19 states scale relationships between building and adjacent developments should carefully be considered. 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 reduction to the on-site parking requirements, 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 #9a & #9b

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 the overall design, staff cannot support this request.

Staff Recommendation

Approval of the use permit; denial of waivers of development standards and 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Applicant is advised that the County is currently rewriting Title 30 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.

Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement; and that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: MARILOU MARIANO

CONTACT: PHILIP WAKEFIELD, BLUE DIAMOND CIVIL ENGINEERING, 9816 GILESPIE ST., BUILDING E. STE., 120, LAS VEGAS, NV 89183