WAIVER OF CONDITIONS for a use permit requiring full off-site improvements in conjunction with an approved place of worship on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the west side of Mohawk Street and the south side of Quail Avenue (alignment) within Spring Valley. MN/al/ja (For possible action)

RELATED INFORMATION:

APN:
163-36-501-015

LAND USE PLAN:
ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Place of worship
- Number of Stories: 1
- Building Height (feet): Up to 30
- Square Feet: 7,642
- Parking Required/Provided: 78/163

Background
This site was approved for use as a place of worship by UC-18-0033 by the Board of County Commissioners (BCC) in August 2018. However, the design review portion of this request was not approved by the BCC due to concerns about the impacts of the proposed project on the abutting single family residences. UC-18-0033 was approved with a condition for full off-site improvements in conjunction with the place of worship and the applicant was directed to work with the neighbors and return with a new plan for the project. The applicant indicates that there have been several meetings with the neighbors to redesign the project and that WS-19-0360 has been submitted to seek approval of the new design for the project. During the meetings with the
neighbors abutting property owners expressed a desire for the streets to be developed to rural standards, which requires this application to waive the condition for full off-site improvements.

**Site Plans**
The plans show a proposed place of worship located approximately 135 feet from the east (front) property line, 80 feet from the south (side) property line, and 60 feet from the west (rear) property line. An outdoor play area enclosed by a 5 foot high decorative metal fence is located to the north of the place of worship building. Access to the site is from Mohawk Street. Enhanced paving is provided at the driveway entrance. A total of 163 parking spaces are provided around the building where a minimum of 78 spaces are required.

**Landscaping**
Street landscaping along Mohawk Street consists of a 10.5 foot wide landscape area with an attached sidewalk. A 10.5 foot wide intense landscape buffer is provided along the west and south property lines per Figure 30.64-12. An 8.5 foot wide landscape area with trees every 20 feet is provided along the north property line. The landscape palette consists of Holly Oak, Mondel Pine, Cypress Pine, and Canary Island Date Palm trees with various shrubs and groundcover.

**Elevations**
The plans depict a 1 story, up to 30 foot high, place of worship constructed of painted stucco, porcelain tile accents, polished stone, decorative metal screens, aluminum frame windows, and wall mounted light fixtures. The roof is flat with parapet walls at varying heights. The architectural tower is 30 feet high and located at the northeast portion of the building; however, the majority of the building is between 14 feet and 20 feet.

**Floor Plans**
The plans show a 7,642 square foot place of worship consisting of a worship hall, multi-purpose room, library, classrooms, office area, restrooms, and a 1 bedroom clergy living quarter. An outdoor landscaped meditation courtyard is located at the center of the building.

**Previous Conditions of Approval**
Listed below are the approved conditions for UC-18-0033:

**Current Planning**
- Design review as a public hearing for any design of the place of worship;
- Site lighting may consist of a combination of pole mounted lights or bollard lighting;
- Pole mounted lights to be a maximum of 15 feet high with motion sensors;
- Exterior building lighting to consist of wall sconces, recessed up-lights, or accent lighting;
- All lighting to be shielded or directed as required by Title 30;
- Block walls to be composed of decorative split faced block;
- No leasing of the parking lot for sporting or special events shall be permitted;
- Certificate of Occupancy and/or business license shall not be issued without a final zoning inspection.
Applicant is advised that 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Mohawk Street.

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 30.48 Part B of the Clark County Unified Development Code;
- 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; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Building Department - Fire Prevention
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; show fire hydrant locations on-site and within 750 feet; fire protection may be required for this facility; and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)
- Applicant is advised that a Point of Connection (POC) request has been completed for this project; email sewerlocation@cleanwaterteam.com and reference POC Tracking #0036-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage
Signage is not a part of this request.
Applicant’s Justification
The applicant indicates that the Board of County Commissioners approved UC-18-0033 to develop this site as a place of worship; however, the design review portion of that request was denied. UC-18-0033 was approved with a condition to provide full off-site improvements. There have been several neighborhood meetings to redesign the facility, which includes reducing the size of the building, relocating the entrance to the site, providing a wall around the perimeter of the site, and developing the adjacent streets to rural standards. The proposed changes are substantial from the original plans submitted for this facility and do not comply with the condition for full off-site improvements. The proposed changes are the result of the applicant’s desire to be a good neighbor by working with the abutting property owners to provide adequate buffering.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-18-0033</td>
<td>Place of worship</td>
<td>Approved by BCC</td>
<td>August 2018</td>
</tr>
<tr>
<td>ZC-1111-08</td>
<td>Established the RNP-I Overlay District</td>
<td>Approved by BCC</td>
<td>February 2009</td>
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</tbody>
</table>

Surrounding Land Use

<table>
<thead>
<tr>
<th></th>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Office Professional</td>
<td>R-E</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E (RNP-I)</td>
<td>Undeveloped &amp; single family residence</td>
</tr>
<tr>
<td>East</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E (RNP-I)</td>
<td>Single family residences</td>
</tr>
<tr>
<td>West</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E (RNP-I)</td>
<td>Undeveloped</td>
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</tbody>
</table>

Related Applications

<table>
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<tr>
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<tbody>
<tr>
<td>WS-19-0360</td>
<td>A waiver of development standards with a design review for a place of worship is a companion item on this agenda.</td>
</tr>
</tbody>
</table>

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

Analysis
Public Works - Development Review
Historical events have demonstrated how important off-site improvements are for drainage control. 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.
**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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 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**

- Execute a Restrictive Covenant Agreement (deed restrictions).

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** AHL-UL-BAYT CENTER OF NEVADA

**CONTACT:** LIZ DELK, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135