WS-19-0360-AHL-UL-BAYT CENTER NEVADA INC:

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase wall height; 2) full off-sites improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Mohawk Street; and 3) alternative driveway geometrics.

**DESIGN REVIEW** for a 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)

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**RELATED INFORMATION:**

**APN:**
163-36-501-015

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. Permit a 6 foot high wall within the setback along a street in conjunction with a special use (place of worship) where a maximum 3 foot high wall is permitted per Section 30.64.020 (a 100% increase).
2. Waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Mohawk Street where full off-site improvements are required per Section 30.52.050.
3. a. Allow an alternative driveway design where a curb return driveway per Uniform Standard Drawing 222.1 is required.
   b. Permit a 24 foot wide driveway where a minimum driveway width of 32 feet is required per Uniform Standard Drawing 222.1 (a 25% reduction).
   c. Reduce throat depth to 50 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 50% reduction).

**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

**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.

**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. There have been several neighborhood meetings to redesign the facility, which includes reducing the size of the building, relocating the entrance to the site, and providing a wall around the perimeter of the site. The proposed changes are substantial from the original plans submitted for this facility and 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>
</tr>
</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>
</tr>
</tbody>
</table>

**Related Applications**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
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<tbody>
<tr>
<td>WC-19-400067 (UC-18-0033)</td>
<td>A waiver of conditions for full off-site improvements in conjunction with 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**

**Current 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
This site is located in an R-E zoned district which requires a 40 foot front yard setback from a street. Section 30.64.020 requires that walls and fences for a place of worship (special use) within the required setback from a street be a maximum of 3 feet in height. The applicant has met with abutting property owners, who have requested a wall that is high enough to reduce impacts from this site on the abutting properties. The plans depict a 10 foot landscape area between the proposed wall and the street. If this site were in a commercial zoning district the required setback from the street would be a minimum of 10 feet. The existing single family residences abutting this site are allowed to have a 6 foot high decorative fence within 15 feet of the front property line. The wall with landscaping is similar to what would be allowed for a commercial development and provides a greater setback and buffer to the street then required for the existing single family homes in the area. Additionally, this proposed wall is being requested by abutting property owner to mitigate the impacts from this facility on the area. Staff finds that the proposed wall complies with the intent of the Code to buffer the place of worship from the abutting single family residences and supports this request.

Design Review
Staff finds that the proposed place of worship is designed to be sensitive to the residential properties in the area. The building is 1 story and is in scale with the surrounding existing residences in the neighborhood which are a combination of 1 and 2 story homes. The place of worship is also located on the central portion of the property and will exceed minimum setback requirements. An intense landscape buffer is provided along the west and south property lines to buffer and screen the adjacent residential planned properties; therefore, the project complies with Urban Specific Policy 32 of the Comprehensive Master Plan which encourages specific buffering between existing residential areas and more intense land use designations. Provided parking exceeds parking requirements by 85 spaces to help ensure that vehicle parking will not spillover into the neighborhood. The place of worship building contains architectural detail on all sides of the building; therefore, complies with Urban Specific Policy 78 which encourages architectural treatments on all building sides to eliminate blank building elevations along public rights-of-way and areas visible to the general public to improve visual quality. For these reasons, staff can support the design review.

Public Works - Development Review
Waiver of Development Standards #2
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. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #3
If the waiver for full off-site improvements are approved then staff has no objection to the request for the alternative driveway design.
Department of Aviation
The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 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 waivers of development standards #1 and #3, and the design review; and denial of waiver of development standards #2.

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:
• Certificate of Occupancy and/or business license shall not be issued without 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;
• Right-of-way dedication to include 30 feet for Mohawk Street;
• Execute a Restrictive Covenant Agreement (deed restrictions).

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
• No comment.

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 #0150-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: AHL-UL-BAY CENTER OF NEVADA, LLC
CONTACT: LIZ DELK, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV  89135