PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0509-17 – DARUL IMAN ETHIOPIAN MUSLIM COMMUNITY, INC.:

**HOLDOVER USE PERMIT** for a community center/place of worship.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce side setback; 2) waive trash enclosure; 3) waive CMA Design Overlay District standards; 4) reduce gate setback; 5) allow non-standard driveway improvements; and 6) waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Ponderosa Way.

**DESIGN REVIEW** for the conversion of an existing single family residence to a community center/place of worship on 1.0 acre in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone within in the CMA Design Overlay District.

Generally located on the north side of Ponderosa Way, 275 feet east of Jones Boulevard within Spring Valley. SS/rk/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**
163-36-201-007

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. Reduce interior side setback for an accessory structure (pump house) to 2 feet 8 inches where a minimum 5 foot setback is required per Table 30.40-1 (a 47% reduction).
2. Waive trash enclosure requirement per Section 30.56.120.
3. Waive all applicable CMA Design Overlay District standards per Section 30.48.600.
4. Waive setback for access gates to zero feet where 18 feet is allowed if the gates remain open during business hours per Section 30.64.020 (a 100% reduction).
5. Allow 25 foot wide driveways along Ponderosa Way to be built where a 32 foot wide commercial curb return driveway is the standard per Section 30.52.050 (a 22% reduction).
6. Waive full off-site improvements including streetlights, sidewalk, curb, gutter, and partial width paving along Ponderosa Way per Section 30.52.040.

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

**BACKGROUND:**
Project Description
General Summary
- Site Address: 6063 Ponderosa way
- Site Acreage: 1.0
• Project Type: Community center/place of worship
• Number of Stories: 1
• Building Height: Up to 16 feet
• Square Feet: 2,944
• Parking Required/Provided: 30/42

Site Plans
The plans show an existing house that will be converted to an Ethiopian Muslim Community Cultural Center and place of worship. The structure was built in 1975 and has always been used as a residence. The property is bordered on the west by an Office Professional C-P zoned parcel and on the north and east by existing R-E zoned residential parcels. The site will provide a new parking lot in the rear portion of the property, along with new paving and ramps to the building. Two existing bathrooms will be remodeled, and the site will also provide a new 25 foot wide driveway entrance on the west side of the property. The building setbacks are as follows: front setback (south) 71 feet; side setback (east) 15 feet; side setback (west) 42 feet; and rear setback (north) 184 feet. All parking will occur in the rear of the property. A total of 42 parking spaces are provided where 30 spaces are required. All parking areas and drive aisles will be paved. Access to the site is from Ponderosa Way to the south.

Landscaping
A proposed landscape buffer with trees planted approximately 20 feet on center is depicted along Ponderosa Way and portions of the east and north property lines. The plant material that will be provided along Ponderosa Way will consist of trees, shrubs, and groundcover. The landscaping provided along the residential property line to the east and north will consist of existing and newly planted trees approximately 20 feet on center. Parking lot landscaping will be provided per code and no landscaping is required or shown next to the C-P zoned parcel to the west.

Elevations
The plans depict an existing 1 story, 14 foot high, single family residence being converted into a community center/place of worship. The building material consist of stucco siding, stone accents, wood shake roof and a chimney that extends up to a height of 16 feet. The existing accessory building (pump house) is located near the east property line and consists of similar textures and color as the main structure. No changes are proposed to the existing elevations.

Floor Plans
The plans show an existing 2,944 square foot single family residence being converted to a community center/place of worship that consists of an assembly room, reading room, conference room, offices, kitchen, and restrooms. The pump house is 115 square feet in size.

Signage
Signage is not a part of this application.

Applicant’s Justification
According to the applicant the Ethiopian Muslim Community Cultural Center will be used by small groups for religious discussion, study and social support of the community members. The center will have 3 to 4 elected volunteer officers that will work less than 10 hours per week during regular business hours and have 1 or 2 meetings per week and no actual large services will take place at this location.
Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>ZC-1111-08</td>
<td>Reclassified approximately 207.0 acres to establish a Residential Neighborhood Preservation Overlay District in this area</td>
<td>Approved by BCC</td>
<td>February 2009</td>
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Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>North, South &amp; East</td>
<td>Rural Neighborhood</td>
<td>R-E (RNP-I)</td>
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<tr>
<td>West</td>
<td>Office Professional</td>
<td>C-P</td>
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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 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.

Staff finds given the land use context of this area and the low density residential development to the east, north, and south, new uses that are introduced into a predominantly residential area should carefully be reviewed. The intent is to buffer these types of uses either through transitional space or other means, from nearby residential uses. The site will provide a new parking lot in the rear portion of the property, along with new paving and ramps to the building. Two existing bathrooms will be remodeled, and the site will also utilize existing and newly planted landscaping in order meet code requirements. In addition, a new 25 foot wide driveway entrance on the west side of the property will be provided adjacent to the neighboring commercial property and does not affect the residential properties on the east side of the site. Most visitors to the center will access from Jones Boulevard which is located 275 feet to the west. Furthermore, Urban Land Use Policy 65 of the Comprehensive Master Plan encourages sites to be compatible with adjacent land use and off-site circulation patterns, especially when the adjacent land is a lower density or intensity. Therefore, based on the improvements mentioned above staff can support this portion of the request.

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 and value 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.

**Waivers of Development Standards #1 through #4 & Design Review**

Some of the waivers of development standards that are being requested are necessary due to the constraints created by existing conditions on the property. Staff can support the waiver of development standards for setback reduction for the pump house, the waiver for the trash enclosure, the waiver for the CMA Design Overlay District standards, and the gate setback for the following reasons: 1) staff finds that the pump house has existed at this location since the 1970’s and should have no impact on the adjacent property to the east; 2) the congregation will not have enough refuse to need a commercial trash enclosure. The area is predominately single family residential development and individual curbside pickup will serve the needs for this use; 3) given the context of the area staff finds that the requirements of the CMA are not necessary at this location since the applicant wishes to maintain a residential appearance of the project; and 4) even though the gate is directly adjacent to the south property line, Ponderosa Way is not fully improved and the edge of the road to the gate is 18 feet, staff finds there is adequate room for a vehicle to stop and not interfere with traffic along Ponderosa Way. Furthermore, according to the applicant the gate will remain open during business hours. Therefore, based on these circumstances staff can support this portion of the request.

**Public Works – Development Review**

**Waiver of Development Standards #4**

Staff can support the waiver to reduce the setback to the access gates due to Ponderosa Way being a 60 foot wide roadway and the applicant agreeing to keep the gates open during business hours.

**Waiver of Development Standards #5**

Staff cannot support a waiver to reduce the width of the main driveway (most westerly) because the site has enough space to accommodate a 32 foot wide commercial pan driveway at the western location. Staff can support the waiver to allow the existing 16 foot wide driveway (most easterly) to remain if it is used as a one-way driveway only.

**Waiver of Development Standards #6**

Historical events have demonstrated how important off-site improvements are for drainage control in the Valley. Additionally, sidewalks on public streets provide safer pathways for children to walk to school and full width paving with curb and gutter provides smoother traffic flows. Title 30 requires that all non-residential development within 600 feet of existing full off-site improvements must install full off-sites. There are existing full improvements across the street from this project. Staff cannot support waiver for full off-sites along Ponderosa Way.

**Staff Recommendation**

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

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:
- Gates to remain open during business hours;
- Landscaping as shown on plans;
- 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
- Execute a restrictive covenant agreement (deed restrictions);
- Gates to remain open during business hours.

Building/Fire Prevention
- No comment.

Southern Nevada Health District (SNHD) – Septic
- Applicant is advised that the existing residential septic system located on the property will need to be abandoned in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management for the proposed use.

Clark County Water Reclamation District (CCWRD)
- Applicant is advised that the property appears to have an existing septic system; and to please contact the Southern Nevada Health District with regards to modifying existing plumbing fixtures.

TAB/CAC: Spring Valley – denial.
APPROVALS:
PROTESTS: 26 cards

COUNTY COMMISSION ACTION: August 2, 2017 – HELD – To 08/16/17 – per the applicant.

COUNTY COMMISSION ACTION: August 16, 2017 – HELD – To 09/20/17 – per the applicant.

APPLICANT: Jemal Muzyen
CONTACT: Jeff Kadlowec, Architect, 3357 S. Eastern Avenue, Las Vegas, NV 89169