



Board of Adjustment Staff Report

Meeting Date: August 6, 2015

Subject: Administrative Permit Case Number AP15-005
Applicant(s): Lord of Mercy Lutheran Church
Agenda Item Number: 8B
Summary: To allow a church for religious assembly, meetings, youth programs and fellowship in an existing building.
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Administrative Permit Case Number AP15-005 (Lord of Mercy Lutheran Church) – Hearing, discussion, and possible action to allow a church for religious assembly, meetings, youth programs and fellowship in an existing building.

- Applicant: Lord of Mercy Lutheran Church
- Property Owner: Beebe Holdings
- Location: 9650 Pyramid Way, Sparks, NV
- Assessor's Parcel No: 534-092-08
- Parcel Size: .773 acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 35, T21N, R20E, MDM, Washoe County, NV

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Exhibits Contents

Conditions of Approval..... Exhibit A

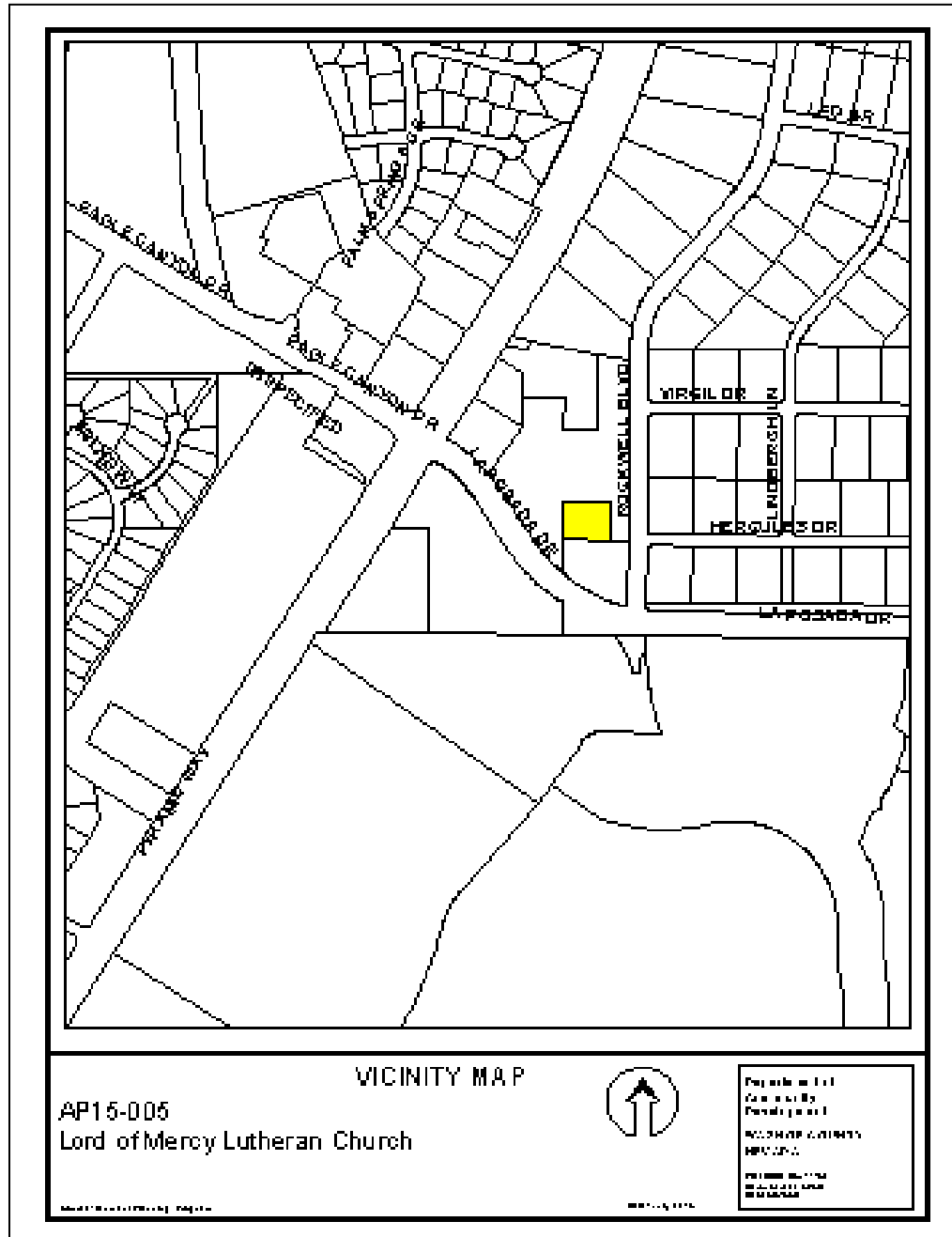
Truckee Meadows Fire Protection Letter..... Exhibit B

Public Notice..... Exhibit C

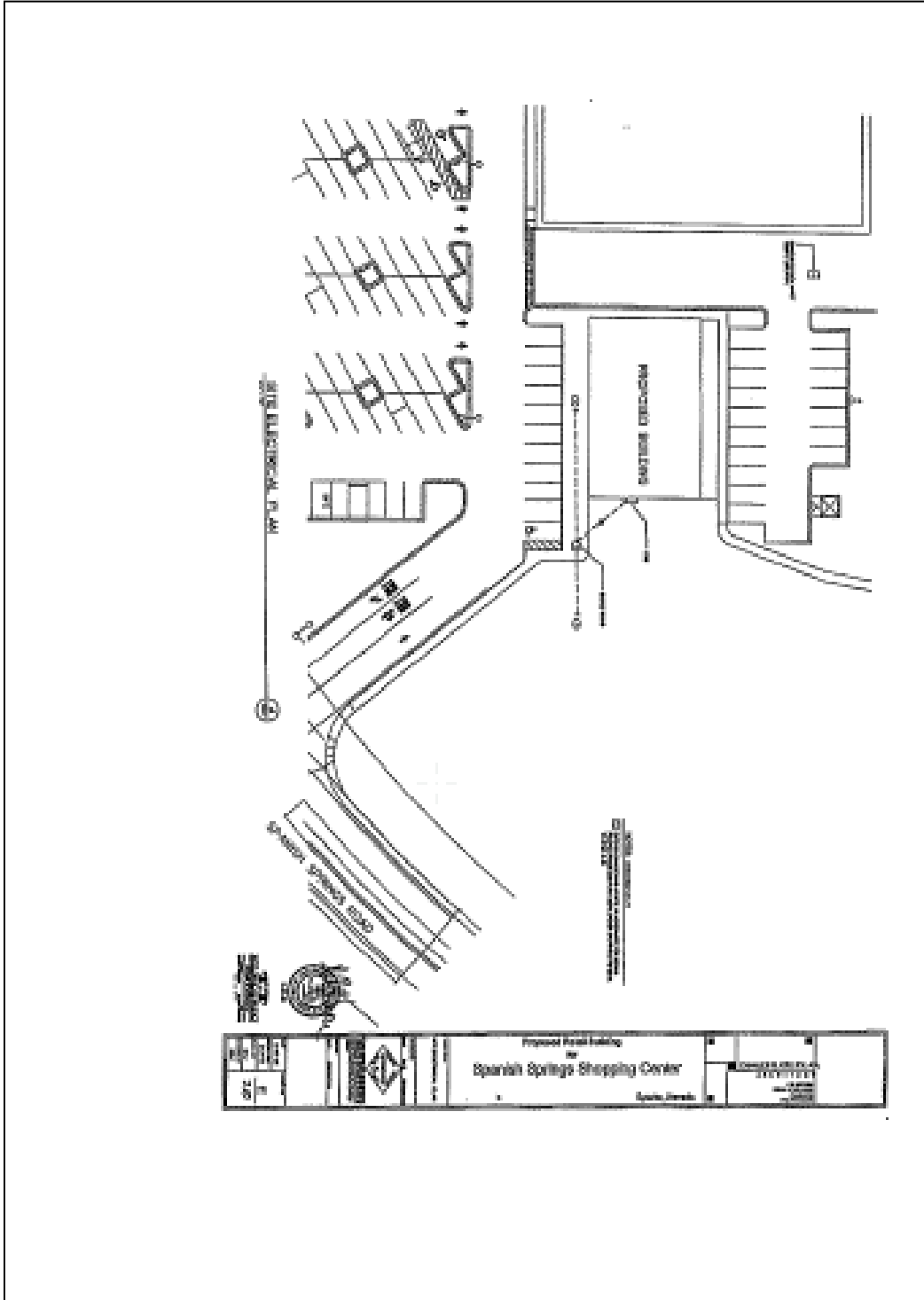
Administrative Permit Definition

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Board of Adjustment must find that all of the required findings, if applicable, are true.

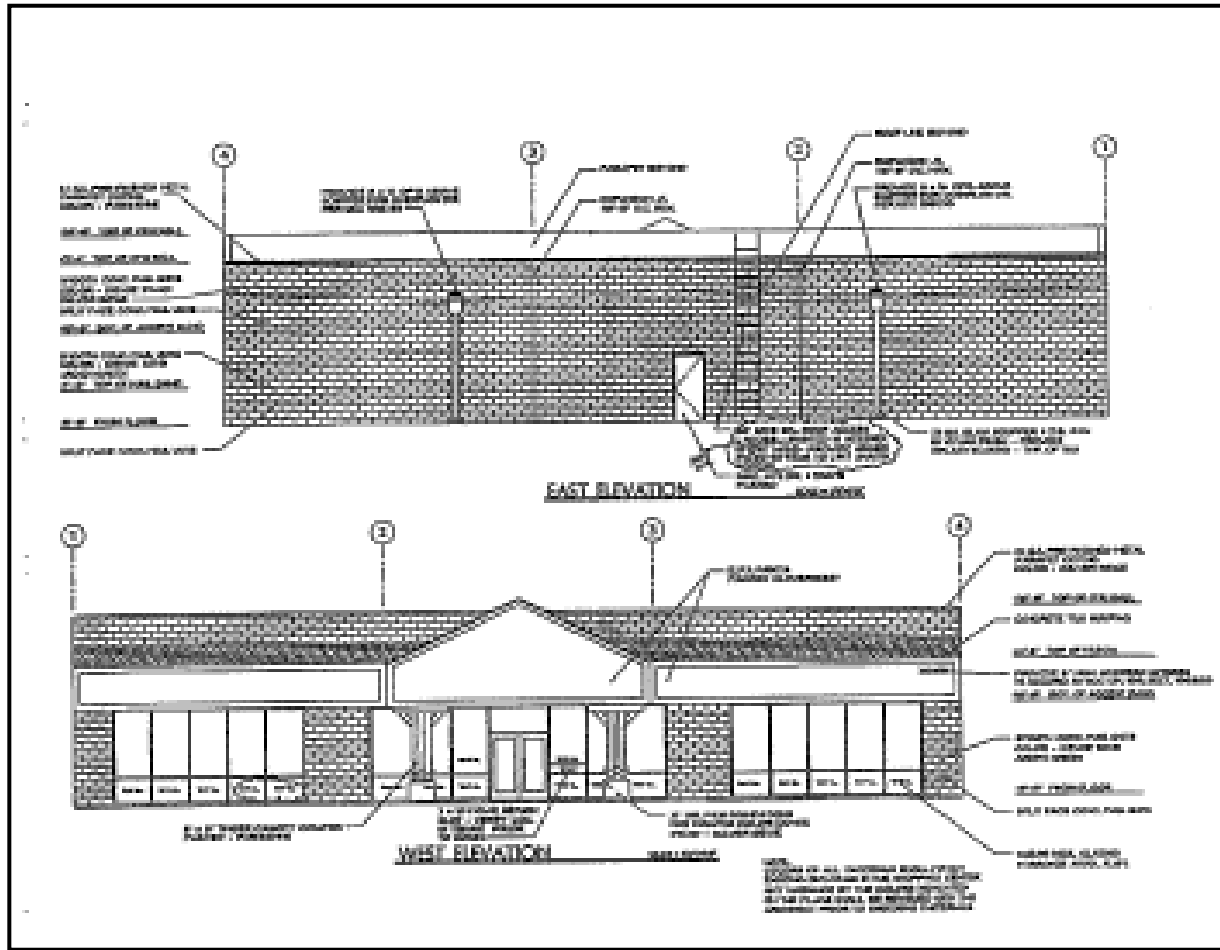
The Conditions of Approval for Administrative Permit Case Number AP15-005 is attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan



BUILDING ELEVATIONS

Project Evaluation

The Lord of Mercy Lutheran Church is looking to relocate their religious assembly temporarily for the next 12 to 18 months in the former Blockbusters building next to the Save Mart grocery store in Spanish Springs until their permanent Church is constructed in Sparks. The subject building has been vacant for the past three years and very minimal changes/improvements will be needed to accommodate the church services and activities in the building.

The total membership of the Lord of Mercy Lutheran Church is relatively small with a membership of approximately 115 people, however, a typical Sunday service will have approximately 60 people attending. The proposed building is just over 5,500-square feet in size and the applicants are proposing to partition off certain rooms/office space with the use of partition walls. Significant parking is available throughout the commercial center and surrounding the existing building. A total of 30 parking spaces are required for the proposed use. There are 26 spaces surrounding the building and several hundred spaces within the commercial center. Furthermore, most of the traffic and parking associated with this use will only occur on Sunday with significantly smaller activities such as bible study occurring during the week.

Staff does not anticipate any significant impacts associated with the proposed use. The applicants will improve the site by making use of an existing building that has been vacant for several years. All parking and landscaping were installed with the original development of the commercial center and with the exception of two temporary banner signs, there are no exterior improvements proposed at this time.

Spanish Springs Citizen Advisory Board (SSCAB)

Administrative permits are not required by Washoe County Code to be presented at a Citizen Advisory Board meeting. However, at the request of the applicant, the proposed administrative permit was reviewed by the Spanish Springs citizen advisory board at their July 8th meeting. In general, the CAB was supportive of the request. A summary of their meeting will be available for the Board of Adjustment prior to the August 6, 2015 meeting.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Building and Safety
 - Engineering and Capitol Projects
 - Parks and Open Spaces
 - Planning and Development
 - Utilities
- Washoe County Health District – Environmental Health Division
 - Vector-Borne Diseases Division
 - Environmental Health Division
 - Air Quality Division
- Truckee Meadows Fire Protection District
- Regional Transportation Commission

Six of the ten above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application, however only Planning and Development and Truckee Meadows Fire will impose any conditions of approval. A **summary** of these two agencies' comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Washoe County Planning and Development addressed the operational conditions that will be in effect for the life of the project.

Contact: Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- Truckee Meadows Fire Protection District requires compliance with Washoe County Code 60 due to a change in use and occupancy.

Contact: Amy Ray, 775.326.6005, aray@washoecounty.us

Staff Comment on Required Findings

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan.

Staff Comment: The proposed church is consistent with the Master Plan and the Spanish Springs Area Plan.

2. **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: The church is located within an existing building that has been in use for a long period of time. The proposed use will be less intensive than the previous use of the building. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided.

3. **Site Suitability.** That the site is physically suitable for a church, and for the intensity of such a development.

Staff Comment: The site is ideally situated within an existing commercial shopping center. The intensity of the use is minimal and suitable for the subject location.

4. **Issuance Not Detrimental.** That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The proposed church will have only minimal impacts based on the nature of the use and the number of visitors. There is no negative lighting or noise impacts and relatively minor traffic will be generated.

5. **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There are no military installations within close proximity of the subject site.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case Number AP15-005 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number AP15-005 for Lord of Mercy Lutheran Church, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a church, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

The Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc: Applicant: Lord of Mercy Lutheran Church
Attn: Rebecca Botsford
5245 Vista Blvd. #F3-205
Sparks, NV 89436

Property Owner: Beebe Holdings
Attn: Bob Beebe
4435 140th Ave. S.E.
Bellevue, WA 89006



Conditions of Approval

Administrative Permit Case Number AP15-005

The project approved under Administrative Permit Case Number AP15-005 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 6, 2015. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions”. These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**
- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own Board. Conditions recommended by the RTC may be required, at the discretion of Washoe County.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development

1. The following conditions are requirements of Planning and Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- b. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits), if necessary, applied for as part of this administrative permit.
- c. The following **Operational Conditions** shall be required for the life of the project:
 1. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with the Planning and Development Division to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Truckee Meadows Fire Protection District

2. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. The Reno-

Washoe County Conditions of Approval

Tahoe Airport Authority is directed and governed by its own board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.

Contact Name – Amy Ray, 775.326.6005

- a. This is a change of use and occupancy for this building. Plans shall be submitted for review to determine compliance with Washoe County Code 60 for a change of use and occupancy. The building shall meet the requirements of WCC 60 for compliance.

*** End of Conditions ***

Amy Ray
Fire Marshal



Tim Leighton
Deputy Fire Chief

Charles A. Moore
Fire Chief

July 7, 2015

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Administrative Permit Case Number AP 15-005 (Lord of Mercy Lutheran Church)

The Truckee Meadows Fire Protection District (TMFPD) will approve the above Administrative Permit Case with the following conditions:

- This is a change of use and occupancy for this building. Plans shall be submitted for review to determine compliance with Washoe County Code 60 for a change of use and occupancy. The building shall meet the requirements of WCC 60 for compliance.

Please contact me with any questions at (775) 326-6005.

Thank you,

Amy Ray
Fire Marshal

TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

1001 E. Ninth St. Bldg D 2nd Floor • Reno, Nevada 89512 • PO Box 11130 • Reno, Nevada 89520

Office 775.326.6000 Fax 775.326.6003

**AP15-005
EXHIBIT B**

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: July 27, 2015

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

1:30 p.m., Thursday, August 6, 2015

County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512

PUBLIC HEARING: Administrative Permit Case Number AP15-005 (Lord of Mercy Lutheran Church) – Hearing, discussion, and possible action to allow a church for religious assembly, meetings, youth programs and fellowship in an existing building.

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- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 35, T21N, R20E, MDM,
Washoe County, NV

- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3620
- E-mail: tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/csd/planning_and_development/, choose **Boards and Commissions**, then **Board of Adjustment, Meetings, +2015**. Then click on the desired agenda.