



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: JULY 26, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-18342 - APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.**

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### **\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Variance (VAR-22086) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Recordation of a reversionary parcel map or administrative joining consolidating the three adjoining parcels adjacent to Vista Drive (APNs 162-06-510-007, -008, and -009) on the site prior to issuance of any building or grading permits.
4. Recordation of a shared parking agreement between the property located at 1253 Arville Street and the resulting parcel created from the remapping of the three adjoining parcels adjacent to Vista Drive to be filed with the City Attorneys Office prior to issuance of any building or grading permits.
5. All development shall be in conformance with the site plan and building elevations date stamped 5/18/07, and the landscape plan date stamped 6/14/07, except as amended by conditions herein.
6. A Waiver from Title 19.12 Landscape Requirements is hereby approved, to allow:
  - a. A two-foot wide landscape buffer along a 40-foot portion of the west property line of APN 162-06-510-007 where an eight-foot landscape buffer is required.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.



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8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary; comply with the recommendations of the City Surveyor.
15. Construct all incomplete half-street improvements, including transition paving, on Vista Street adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
17. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for all of the driveways accessing this site from Vista Drive and Arville Street. Pan driveways are acceptable on Arville Street.

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18. The northern most driveway accessing this site from Vista Drive labeled as Secure Gate/Fire Gate shall remain open during business hours.
19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Coordinate with the Collection System Planning Section of the Department of Public Works to determine an appropriate location for public sewer connection and the location for sewer stubs prior to the submittal of any construction drawings. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This requested Site Development Plan Review is for a proposed 84,276 square foot, two-story, 44-foot tall private school on 4.01 acres adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. The applicant has requested a waiver of a portion of the perimeter landscape buffer requirements to allow a two-foot landscape buffer for a 40-foot portion of the west property line of APN 162-06-510-007 where a minimum eight-foot wide buffer is required. The P-R zoned property located at 1253 Arville Street has been included with this review as the applicant has proposed removing an existing building and redesigning the parking lot. This is to accommodate the extra parking requirements through a shared parking agreement for the proposed school building adjacent to Vista Drive.

An associated request for a Variance (VAR-22086) from the Title 19.08 requirements for building height and residential adjacency setbacks has been requested. Because the applicant has requested a Variance from the Residential Adjacency Setback and Building height requirements, staff is recommending denial as these requests stem from the over-development of the site.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
10/24/91	The Board of Zoning Adjustment approved a Special Use Permit (U-256-91) to allow a proposed synagogue with a child care use at 1254 Vista Drive.
08/17/94	The City Council approved a request for Rezoning (Z-57-94) from: R-E (Residence Estates) zone to: P-R (Professional Office & Parking) [CC amended the original request for C-1 (Limited Commercial) to P-R (Professional Office & Parking).
07/25/95	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0085-95) with a plot plan and elevation review for a proposed 7,700 square foot two story off-site church and related private school.
03/26/98	The Planning Commission struck a request for a Site Development Plan Review [Z-57-94(1)] on property located at 1261 [1253] Arville Street for a proposed 11,959 square foot synagogue from the agenda. This item was replaced with a Variance (V-0013-98) at the Planning Commissions discretion.

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04/14/98	The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) on property located at 1261 Arville Street to allow a 10 foot rear yard setback where 15 feet is required and an 11,959 square foot building where a 10,000 square foot building is allowed. NOTE: This application replaced Z-57-94(1).
06/14/07	The applicant requested that Site Development Plan Review (SDR-18342) and Variance (VAR-22086) be placed in Abeyance until the 6/26/07 Planning Commission in order to meet with the neighbors regarding the project design.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no business licenses or building permits related with this application. The business licenses affiliated with the 1253 Arville Street are not active and will cease operation.	
<b><i>Pre-Application Meeting</i></b>	
11/14/06	A pre-application conference was held with the applicant, his representatives, and staff to discuss the application procedures for constructing a private primary school in a residentially-zoned area.
05/18/07	A second pre-application conference was held with the applicant, his representatives, and staff to revisit the original application to discuss to options of rezoning the affected properties to C-V (Civic) zoning and the issues regarding the Residential Adjacency Setback requirements along the south property line.
<b><i>Neighborhood Meeting</i></b>	
Although no neighborhood meeting was required, the applicant has mentioned that a meeting was held with residents in the immediate area.	
<b><i>Field Check</i></b>	
04/24/07	A Field Check was completed with the following observations: 1.Existing daycare located at 1254 Vista Drive (no childcare license for this location) 2. No discernable change in grade. 3. Rural single family neighborhood with no sidewalks. 4. Single-family homes located on each property along Vista Drive and two office buildings on property located at 1253 Arville Street.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	4.01 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office, School & Single Family Residential	SC (Service Commercial) & R (Rural)	P-R (Professional Office & Parking) & R-E (Residence Estates)
North	Church	R (Rural)	R-E (Residence Estates)

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South	Single Family Residential	R (Rural)	R-E (Residence Estates)	
East	Single Family Residential	R (Rural)	R-E (Residence Estates)	
West	Office	SC (Service Commercial)	P-R (Professional Office & Parking)	
<b>Special Districts/Zones</b>		<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			X	NA
<b>Special Districts/Zones</b>		<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>				
A-O Airport Overlay District (175 & 200 Feet)		X		Y
<b>Trails</b>			X	NA
<b>Rural Preservation Overlay District</b>			X	NA
<b>Development Impact Notification Assessment</b>			X	NA
<b>Project of Regional Significance</b>			X	NA

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08 the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	20,000 Square Feet	131,287 Square Feet	Y
Min. Lot Width	100 feet	440 feet	Y*
Min. Setbacks			
• Front	50 feet	67 feet	Y*
• Side	10 feet	23 feet	Y*
• Rear	35 feet	52 feet	Y*
Min. Distance Between Buildings	6 feet	12 feet	Y
Max. Building Height	35 feet/ 2-stories	44 feet/ 2-stories	N**
Trash Enclosure	Screened & Enclosed	Screened & Enclosed	Y
Mech. Equipment	Screened from view	Not Shown	N***

*\*Compliance will only be met upon the recordation of a reversionary map covering the three parcels adjacent to Vista Drive prior to obtaining building permits.*

*\*\*A Variance (VAR-22086) has been requested as the proposal does not meet Title 19.12 standards..*

*\*\*\*Condition #10 requires that all mechanical equipment must be screened from public view in order to receive final approval.*

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*Pursuant to Title 19.08.060 the following standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	87 feet	23 feet	N*
Adjacent development matching setback	10 feet	23 feet	N*
Trash Enclosure	50 feet	290 feet	Y

*\*A Variance (VAR-22086) to the Residential Adjacency Setbacks has been requested.*

*Pursuant to Title 19.12, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ 6 Spaces	16 Trees	16 trees	Y
Buffer: Min. Trees	1 Trees/ 20 Linear Feet	74 Trees	109	Y
<b>TOTAL</b>		90 Trees	125	Y
Min. Zone Width	8 Feet		2 feet	N*
Wall Height	6 Feet		6 feet (existing)	Y

*\*A Waiver to the Title 19.12 Landscape Buffer Requirements has been requested.*

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Private School, Primary (1254 Vista Dr)	22 Classrooms	3 spaces/ Classroom	66	2	43	2	N*
Church/ Daycare (1253 Arville St)			25**		57	1	Y
<b>TOTAL</b>			91	4***	100	3	Y

*\*With the recordation of a shared parking agreement between the property located at 1253 Arville Street (APN 162-06-510-017) and the three properties located along Vista Drive (APNs 162-06-510-007, 008, & 009), the applicant will have demonstrated adequate parking for this proposal. Therefore, a Variance to the Title 19.10 Parking Standards is not required.*

*\*\*Per the approved Variance (V-13-98), the total required parking for 1253 Arville Street is 25 spaces.*

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Waivers		
Request	Requirement	Staff Recommendation
2 feet of landscaping along a 40-foot portion of the west property line.	8 feet	Denial

**ANALYSIS**

**•Land Use/Zoning**

The three parcels covering the site of the proposed school building are all located within the R (Rural) General Plan designation with a Zoning District category of R-E (Residences Estates). The western parcel located along Arville Street that is providing excess parking through a shared parking agreement is within the SC (Service Commercial) General Plan designation with a Zoning District category of P-R (Professional Office and Parking).

The R-E (Residence Estates) zoning District is consistent with the R (Rural) General Plan designation and the proposed Private Primary School is a permitted conditional use.

**•Conditional Use Requirements for Primary Public or Private Schools:**

The subject property is located within R-E (Residence Estates) Zoning district. This district allows primarily single family residences, and do not include more intense any multi-family or commercial characteristics. However, per Title 19.04, a Public or Private Primary School (an institution that provides Kindergarten through 8th grade education and is supported by a public, religious, or private organization) is allowed if adequate pick-up and drop-off areas are provided on-site.

The provided site plans show an adequate drop-off area that could feasibly accommodate 40-plus cars at one time. The drop-off area is safely located off of Vista Drive behind a heavily landscaped berm, but remains easily accessible at the front of the property.

**•Site Plan & Parking**

The site plan shows a two-story, 44-foot tall building with an approximate 84,276 square foot, building footprint (9,610 square-foot gross floor area) centered in the property. Vehicular site access is from Vista Street, a public right of way categorized as a 60-foot wide Local street. A campus of individual buildings that break up the massing of the proposed single-building design would be more in context with the surrounding neighborhood.

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A single drive-through drop-off aisle with parking for 24 cars along the east property line is located between the eastern edge of the property and the schools main entrance. The applicant has made good effort in maintaining adequate site access with a 24-foot aisle consistently provided through the proposed drop-off.

In addition to the 43 spaces provided on site, there are 57 parking spaces provided at the 1253 Arville Street location that will be accessible through a shared-parking agreement . The 1253 Arville Street location was approved for 25 parking spaces for an 11,000 square-foot synagogue with childcare in 1998 under Variance (V-13-98). The applicant is required to provide a combined total of 91 parking spaces for the private school located adjacent to Vista Drive and the building at 1253 Arville Street. As the applicant has provided 100 spaces, four of those spaces must meet the standards provided in *Title 19.10.010(K)*, Figure 4: Accessible Parking.

**•Landscape Plan**

Although the applicant has provided what appears to be an adequate amount of landscaping around the entire site. All plant species listed on the landscape schedule are compatible with the local desert environment. A total of 133 24-inch box trees of eight separate species are dispersed throughout the site. In addition to the tree coverage, five-gallon shrubs of seven different species are located throughout the site.

More intense tree planting occurs at the north and south ends of the property to provide some screening from the building. The applicant has selected Aleppo Pines, which upon maturity will provide adequate screening.

**•Elevations**

The school façade is generally a smooth-finished tilt-up concrete panel system painted bright earth tones complimented by a main entrance finished with a smooth stone veneer. The main entrance is distinguished with a prominent structure clad in Jerusalem Stone and located at the middle of the building. The overall elevations come in two tones of desert tan and olive green. The window mullions and door frames are anodized aluminum that completes the overall desert-modern building ensemble.

As mentioned in earlier, the overall building massing would be more in context with the existing neighborhood of single family dwellings if the proposed design was a campus of smaller buildings as opposed to one singular structure.

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**•Floor Plan**

The provided floor plans show a north-south axial-layout with two floors of classrooms flanking a central hallway that runs the length of the building. Vertical circulation is provided by two sets of stairs located at the north and south ends of the building. Additional circulation is provided by an elevator flanked by an additional two flights of stairs, all centrally located behind the main lobby and reception area.

The first floor provides the administrative offices and support with a gymnasium and cafeteria located towards the back of the building. Thirteen classrooms and a multipurpose room are located around the central hallway. The second floor primarily provides the remaining classrooms and media/computer lab support.

**FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development will exceed the scale and massing of the existing single family residential neighborhood along Vista Drive. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with the residential development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan and the permissible uses as outlined in Title 19.04. However, due to the scope of this project, a more suitable approach would be a General Plan Amendment to the PF (Public Facilities) General land use category accompanied by a Rezoning to the C-V (Civic) zoning district. This would allow the applicant more flexibility in design standards such as parking, building height, and setbacks to pursue this proposal. However, as the proposed design would still require a Variance for the Residential Adjacency Setback and that the use is conditionally permissible in the R-E (Residence Estates) zoning district, the applicant has chosen to proceed without the General Plan Amendment and Rezoning.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

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Site access is from Vista Drive, classified as a 60-foot wide Local Street, will have a notable impact in the mornings and afternoons, during the periods of dropping-off and picking-up the children.

**4. Building and landscape materials are appropriate for the area and for the City;**

The proposed building materials and landscape materials are appropriate for the immediate area and for the City.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposal is not in compliance with the Title 19 Standards for building height, residential adjacency setbacks, and landscape buffer requirements; therefore, staff must recommend denial. These hardships are all self-imposed due to a design proposal that is too intense for this site. An alternative campus design of smaller buildings would also relate more with the low-density rural context of the neighborhood than a singular, large edifice.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The site will be subject to inspections and licensing and will not endanger the public health or the general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13**

**ASSEMBLY DISTRICT 3**

**SENATE DISTRICT 11**

**NOTICES MAILED 236 (Mailed with VAR-22086)**

**APPROVALS 1**

**PROTESTS 27**