



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-34572 - APPLICANT: IMAGINE SCHOOLS - OWNER:
4025 RANCHO, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Private School, Primary use.
2. Conformance to the conditions for Site Development Plan Review (SDR-2004) shall be required, if approved.
3. A maximum of 100 students are permitted within the Private School, Primary use.
4. 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.
5. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit to allow a 100-student Private School, Primary within an existing church building at 4025 North Rancho Road Suite #120. The church is located on a portion of an 11.08 acre shopping center. The existing building is 13,474 square feet in size, of which 11,000 square feet will be used for the Private School, Primary and the existing church/house of worship use. If the application is denied the subject site will remain as a church/house of worship without an associated private school.

Issues

- The pick-up/drop-off area depicted on the site plan is not adequate, as the children arriving and departing school would be required to cross a vehicular traffic lane within the shopping center.

Staff is recommending denial of this request due to the inadequate pick-up/drop-off area on the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/21/03	The City Council approved a General Plan Amendment (GPA 2003) to amend a portion of the Centennial Hills Sector of the General Plan from SC (Service Commercial) to GC (General Commercial) on 11.08 acres adjacent to the west side of Rancho Drive, approximately 900 feet north of Alexander Road. The Planning Commission and staff recommended approval of the request.
05/21/03	The City Council approved a Site Development Review (SDR-2004) including a Waiver of the Commercial Development Standards for a proposed 141,136 square-foot office and retail with warehouse development on 11.08 acres adjacent to the west side of Rancho Drive, approximately 900 feet north of Alexander Road. The Planning Commission and staff recommended approval of the request.
05/21/03	The City Council approved a Variance (VAR-2005) to allow a setback of 58-feet where the Residential Adjacency standards require a setback of 60 feet for a proposed office and retail with warehouse development adjacent to the west side of Rancho Drive, approximately 900 feet north of Alexander Road. The Planning Commission recommended approval of the request.
06/10/08	A deed was recorded for change of ownership.
07/09/09	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #35/gk).

<i>Related Building Permits/Business Licenses</i>	
03/14/08	A building permit (#110552) for a tenant improvement was issued for a dance studio at 4025 North Rancho Road Suite #160. The permit was finalized on 06/20/08.
04/21/08	A building permit (#109176) was issued for Living Grace foursquare church. The permit was a tenant improvement buildout at 4025 North Rancho Road Suite #120. The permit was finalized on 09/19/08.
<i>Pre-Application Meeting</i>	
05/15/09	A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
06/04/09	During a routine field check staff observed a well maintained shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	11.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	GC (General Commercial)	C-2 (General Commercial)
North	Shopping Center	GC (General Commercial)	C-2 (General Commercial)
South	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residences	DR (Desert Rural)	R-E (Residential Estate)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Private School, Primary	5 classrooms	3 spaces per classroom	15				
Church/ House of Worship	3,562	1 space / 100 SF of non-fixed seating in the gathering room	36				
General Personal Service (Instructional Arts Studio)	2,813	1 space / 250 SF	12				
Total			63	3	59	1	N

ANALYSIS

This is a request for a Special Use Permit for a proposed 11,000 square-foot Private School, Primary within an existing shopping center located at 4025 North Rancho Road Suite #120. The applicant indicates that the Private School, Primary will enroll 100 students and use five classrooms. The children will be arriving to the building between 7:30 a.m. and 8:00 a.m. and departing at 2:45 p.m. The staff will also arrive at the building at 7:30 a.m. and will depart at 3:15 p.m. The existing church has service times on Sundays from 9:00 a.m. to 10:30 a.m. and again from 11:00 a.m. to 12:30 p.m. The parking ratio for a Private School, Primary is three spaces per classroom, therefore, 15 regular parking spaces and 1 handicap space are required. The shopping center is already parking impaired as it provides 528 parking spaces where 563 parking spaces are required.

The site is within an area identified as a buffer for a Rural Preservation Neighborhood located to the west. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. The proposed use does not effect the development density limitation of three dwelling units per acre.

- **Use**

A Private School, Primary use is defined by Title 19 as an institution that provides kindergarten through 8th grade education and is supported by a public, religious or private organization.

The proposed use will have a minimal impact on the existing Shopping Center; however, the Private School, Primary does not meet all of the conditional use regulations as defined in Title 19.04.010, resulting in the need for a Special Use Permit. The proposed school does not provide an adequate pick-up and drop-off area because children will have to cross a traffic lane within the parking lot to get from the drop-off area to the school entrance. Also, the shopping center is parking impaired by 35 parking spaces. Therefore staff cannot support the proposed Special Use Permit and will be recommending denial of this application.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Private School, Primary can be conducted in a manner that is harmonious and compatible with existing surround land uses and with future surrounding land uses as projected by the General Plan. The Private School, Primary will have a negligible impact on the surrounding Shopping Center and neighborhood land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The shopping center is parking impaired as it provides 528 parking spaces where 563 parking spaces are required. The Private School, Primary will not have access to an adequate parking supply.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Rancho Road, a Primary Arterial with Limited Access, and Alexander Road, a 100-foot Primary Arterial, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed Private School, Primary will be consistent with the General Plan land use designation of SC (Service Commercial) and will not be inconsistent with nor compromise the public health, safety, welfare or overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use does not conform to the Minimum Special Use Requirements for a Private School, Primary use. The school does not provide adequate pick-up/drop-off areas for the children as outlined by Title 19.04.050.

PLANNING COMMISSION ACTION

The Planning Commission considered the following conditions:

- All necessary state licenses shall be obtained before a city business license is issued.
- Use shall be kindergarten only.
- All required building improvements for tenant improvements shall receive final inspection before occupancy occurs
- A one year review after issuance of business license at a public hearing of the Planning Commission shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 379 by City Clerk

APPROVALS 2

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