



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-35032 REVIEW OF CONDITION SPECIAL USE PERMIT

**APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE
SQUARE SHOPPING CENTER**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all conditions of approval for Special Use Permit (SUP-29448) and all other site related actions as required by the Planning and Development Department and Department of Public Works except as noted herein.
2. Condition A of Special Use Permit (SUP-29448) shall be changed to read, The maximum number of students allowed is 48 and staff members is four (4). If these numbers increase, a review of condition will be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition to change Condition A of a previously approved Special Use Permit (SUP-29448) from a maximum of 25 students to 48 students with the number of staff members to remain the same for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their original application (S02-01132) to operate a school was denied on 12/09/08 for failure to meet fire department requirements. City records show no history of building permits for tenant improvements or a certificate of occupancy issued for a school. Previous building permits for the subject site were issued for a title company.

Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/89	The City Council approved a request for Rezoning (Z-0139-88) from N-U (Non-Urban) under Resolution of Intent to R-PD4 (Residential Planned Development- 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic) to R-PD7 (Residential Planned Development- 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) of property located on the west side of Fort Apache Road between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval on 01/12/89.
11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a Supper Club in conjunction with a proposed 8,802 square-foot Restaurant on property located north of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval on 10/08/98.
10/01/03	The City Council approved a Special Use Permit (SUP-2768) for a Restaurant with Service Bar at 9410 West Sahara Avenue. The Planning Commission recommended approval on 08/28/03.

08/18/04	The City Council approved a request for a Site Development Plan Review (SDR-4639) for a 57,092 square-foot retail/commercial building (Pad P) with a waiver of commercial standards for three feet of foundation landscaping where six feet is required. The Planning Commission recommended approval on 07/22/04.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10406) for a Restaurant with Service Bar at 9440 West Sahara Avenue. The Planning Commission recommended approval on 01/12/06.
04/19/06	The City Council approved a request for a Review of Condition (ROC-12097) Number 2 and 4 of a previously approved Site Development Plan Review (SDR-4639) to allow a zero-foot foundation landscape buffer where three feet was allowed and shown on approved plans for a 57,092 square-foot retail/commercial building.
07/12/06	The City Council approved a request for a Variance (VAR-12102) to allow 2,404 parking spaces, where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot Restaurant within an existing shopping center. The Planning Commission recommended approval on 06/08/06.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. The Planning Commission recommended approval on 09/25/08.
01/26/09	A Code Enforcement case (73991) was processed for Yeshiva Day School of Las Vegas operating from a single-family residence. Code Enforcement closed the case on 02/04/09.
<i>Related Building Permits/Business Licenses</i>	
12/16/08	A business license (B20-01560) was issued for Administrative Offices for a Private School at 9420 West Sahara Avenue, Suite 201.
All city records for building permits at 9420 West Sahara Avenue, Suite 201 are for a previous title company. City records show no history of tenant improvements/certificate of occupancy for a school.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices with a Proposed School, Primary	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Peccole Ranch	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a request for a Review of Condition to change Condition A of a previously approved Special Use Permit (SUP-29448) to allow a maximum of 48 students with 4 staff members for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their application for a license for the school (S02-01132) was denied on 12/09/08 for failure to meet fire department requirements. Staff from the Business Licensing Department conducted a site inspection on July 16, 2009, and found that the facility appeared to be operating as a school, but confirmation could not be established as the facility was closed. City records show no history of building permits being issued for tenant improvements or a certificate of occupancy for a school. Previous building permits for the subject site were issued for a title company.

FINDINGS

There have not been any significant land use changes or new development within the surrounding area since the approval of the Special Use Permit (SUP-29448). The current use and license at the subject site is for offices only. Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	885
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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