



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: JUNE 2, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.**

### \*\* STAFF RECOMMENDATION(S) \*\*

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions:

| <i><b>CASE<br/>NUMBER</b></i> | <i><b>RECOMMENDATION</b></i> | <i><b>REQUIRED FOR<br/>APPROVAL</b></i> |
|-------------------------------|------------------------------|-----------------------------------------|
| <b>SDR-37579</b>              | Staff recommends DENIAL.     | N/A                                     |

### \*\* CONDITION(S) \*\*

## SDR-37579 CONDITIONS

### *Planning and Development*

1. Conformance to the conditions for Site Development Plan Review (SDR-18342).
2. This amendment to Site Development Plan Review (SDR-18342) shall be exercised upon final approval of the building permits, which have already been issued for the principal building on the site.
3. All development shall be in conformance with the site plan, date stamped 03/04/10, except as amended by conditions herein.
4. A revised technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted to update the existing building permit prior to issuance of a Certificate of Occupancy. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes: The previously approved 15 trees shall be located elsewhere on the site subject to the approval of the Planning Development staff.

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- 5.All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

- 6.Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-18342 and all other applicable, subsequent site-related actions.

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

**PROJECT DESCRIPTION**

This request is to amend the previously approved Site Development Plan Review (SDR-18342) to remove 15 trees from a landscape buffer required along a portion of the west perimeter at 1312 Vista Drive. There is a utility easement along the west perimeter that includes the landscape buffer area. The applicant wishes to remove the trees only from this buffer area to facilitate drainage and to prevent any conflict with overhead power lines; required shrubs would still be planted in conformance with the landscape plan that was previously approved. Staff is recommending denial as the trees will not negatively affect drainage of the site or adjacent sites, and there are trees that could be planted that would not interfere with the power lines. If denied, the site shall be developed in conformance with the approved Site Development Plan Review (SDR-18342).

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/22/78                                                           | The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.                                                                                                                                              |
| 10/24/85                                                           | The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.                                                                                                                                                                      |
| 10/24/91                                                           | The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.                                                                                                                                                         |
| 08/17/94                                                           | The City Council approved a Rezoning (Z-0057-94) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 1253 Arville Street. The Planning Commission recommended approved the request.                                                                                                                |
| 07/25/95                                                           | The Board of Zoning Adjustment approved a request for a Plot Plan and Elevation Review [U-0085-95(1)] for a proposed 7,700 square-foot two story off-site church related school at 1253 Arville Street.                                                                                                                 |
| 03/26/98                                                           | The Planning Commission struck a request from the agenda for a Site Development Plan Review [Z-57-94(1)] for a proposed 11,959 square foot synagogue at 1261 Arville Street. This item was replaced with a Variance (V-0013-98) at the Planning Commission's discretion.                                                |
| 04/14/98                                                           | The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) to allow a 10-foot rear yard setback where 15 feet is required; and an 11,959 square-foot building where 10,000 square feet is the maximum allowed on property located at 1261 Arville Street. NOTE: This application replaced Z-57-94(1). |

|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/15/01                                                 | The City Council denied a request for a Special Use Permit and a Site Development Plan Review (U-0065-01) which includes a reduction in the amount of required perimeter and parking lot landscaping for a proposed 4,893 square-foot church complex located at 1214 Vista Drive. The Planning Commission also recommended denial of the request.                                                                                                                                                                                                                                                                                                                                                   |
| 08/09/07                                                 | The Planning Commission tabled a request for a Variance (VAR-22086) to allow a 23-foot setback where residential adjacency standards require an 87-foot setback and to allow a 44-foot building height where a 35-foot building height is the maximum allowed for a proposed 84,276 square-foot private school adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard.                                                                                                                                                                                                                                                                                      |
| 01/09/08                                                 | The City Council approved a request for a Site Development Plan Review (SDR-18342) for a proposed 84,276 square-foot, 44-foot tall Private School and a Waiver of the Perimeter Landscape Buffer requirements to allow no landscaping along the north and east property lines and along portions of the south and west property lines where a minimum eight-foot wide buffer is required adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. Note: This application has been amended to be a 77,881 square-foot, 35-foot high Private School with no landscape Waiver requested. The Planning Commission and Staff recommended approval of the request. |
| 04/22/10                                                 | The Planning Commission (5-0 vote) recommended APPROVAL of companion items VAR-37276, VAR-37277, SDR-36050, VAR-37627 and SDR-37569 concurrently (PC Agenda Item 33-37/sg).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 06/30/09                                                 | A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 07/15/09                                                 | A Building Permit (#143557) was issued for a Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 07/24/09                                                 | A Building Permit (#143882) was issued for Sprinklers for a Temporary Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/21/09                                                 | A Building Permit (#146017) was issued for early grading at 1312 Vista Drive. The building permit has not received a final inspection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 09/18/09                                                 | A Building Permit (#128454) was issued for a Private School at 1312 Vista Drive. The building permit has not received a final inspection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                          | A Building Permit (#128456) was issued for On-Site Improvements and Hardscapes at 1312 Vista Drive. The building permit has not received a final inspection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                          | A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <b><i>Pre-Application Meeting</i></b>                                  |                                                                                                                                             |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 02/18/10                                                               | A pre-application meeting was held to discuss the submittal requirements for a major amendment to an existing Site Development Plan Review. |
| <b><i>Neighborhood Meeting</i></b>                                     |                                                                                                                                             |
| A neighborhood meeting was neither required nor held for this request. |                                                                                                                                             |

| <b><i>Field Check</i></b> |                                                                                                                              |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 03/24/10                  | A field check was conducted by staff. The site is under construction for a private school previously approved via SDR-18342. |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 4.04 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                  | <b>Planned Land Use</b>       | <b>Existing Zoning</b>                |
|-----------------------------|-------------------------------------------|-------------------------------|---------------------------------------|
| Subject Property            | Proposed Private School – per (SDR-18342) | R (Rural Density Residential) | R-E (Residence Estates)               |
| North                       | Church                                    | R (Rural Density Residential) | R-E (Residence Estates)               |
| South                       | Single-Family Residence                   | R (Rural Density Residential) | R-E (Residence Estates)               |
| East                        | Undeveloped                               | R (Rural Density Residential) | R-E (Residence Estates)               |
|                             | Single-Family Residence                   | R (Rural Density Residential) | R-E (Residence Estates)               |
|                             | Single-Family Residence                   | R (Rural Density Residential) | R-E (Residence Estates)               |
| West                        | Synagogue                                 | SC (Service Commercial)       | P-R (Professional Office and Parking) |
|                             | Office                                    | SC (Service Commercial)       | P-R (Professional Office and Parking) |
|                             | Office                                    | SC (Service Commercial)       | P-R (Professional Office and Parking) |

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| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | NA                |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <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          |           | Y                 |
| <b>Development Impact Notification Assessment</b> |            | X         | NA                |
| <b>Project of Regional Significance</b>           |            | X         | NA                |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.12 and previously approved SDR-18342, the following standards apply:*

| <i>Landscaping and Open Space Standards</i> |                         |                                 |                 |                   |
|---------------------------------------------|-------------------------|---------------------------------|-----------------|-------------------|
| <i>Standards</i>                            | <i>Required</i>         |                                 | <i>Proposed</i> | <i>Compliance</i> |
|                                             | <i>Ratio</i>            | <i>As Approved By SDR-18342</i> |                 |                   |
| Buffer:<br>West                             | 1 Tree / 20 Linear Feet | 15 Trees                        | Zero            | N                 |
| Min. Zone Width                             | 8 Feet                  |                                 | 8 Feet          | Y                 |

## ANALYSIS

This request is to amend the previously approved Site Development Plan Review (SDR-18342) to remove 15 trees from a landscape buffer required along a portion of the west perimeter at 1312 Vista Drive. There is a utility easement along the west perimeter that includes the landscape buffer area. The applicant wishes to remove the trees only from this buffer area to facilitate drainage and to prevent any conflict with overhead power lines; required shrubs would still be planted in conformance with the landscape plan that was previously approved. Staff is recommending denial as the trees will not negatively affect drainage of the site or adjacent sites, and there are trees that could be planted that would not interfere with the power lines, as recommended in the “Right Tree, Right Place” brochure that is available on the website for Nevada Energy ([http://www.nvenergy.com/brochures\\_arch/RightTreeRightPlace.pdf](http://www.nvenergy.com/brochures_arch/RightTreeRightPlace.pdf)). Recommended varieties of trees include Dwarf Alberta Spruce, Moonlight Broom, Dogwood and Crabapple.

Civil Improvement drawings were approved on September 2, 2009 and permits were issued on September 3, 2009 for Vista Drive and all other public Improvements relating to this project. Building permits were issued for the principal building September 18, 2009, exercising the previous Site Development Plan Review (SDR-18342). As a result, this amended Site Development Plan Review will be considered to be exercised upon final approval.

## FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The proposed amendment to remove the required trees is not compatible with adjacent 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 amendment is not consistent with the planting requirements of Title 19.12.

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

Site access and circulation will not change from the previous approval.

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

Building materials will not change from the previous approval. The removal of required landscape planting materials is not appropriate for the area or 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;**

Building elevations and design characteristics will not change from the previous approval.

**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. Appropriate measures have been provided in the design of the drop-off areas and campus layout that will ensure that the students' and neighbors' general health, safety, and welfare are sustained.

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**PLANNING COMMISSION ACTION**

The Planning Commission amended condition #4 to require the requested trees to be relocated elsewhere on site to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**NOTICES MAILED** 234 (By City Clerk)

**APPROVALS** 10

**PROTESTS** 4