

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 28, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-33770 - APPLICANT: YESHIVA DAY SCHOOL - OWNER: BOCA PARK MARKET PLACE LV, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**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 [Z-0030-92(7)] shall be required, if approved.
3. Approval of and conformance to the Conditions of Site Development Plan Review (SDR33773) shall be required, if approved.
4. A Required Review shall be completed within five years, after the issuance of a certificate of occupancy.
5. The hours of operation shall be from 8 am to 4 pm daily, for all school activities.
6. A maximum of 70 students are permitted within the Private School, Primary use.
7. 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.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-33770 - Staff Report Page One
May 28, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Private School, Primary within an existing commercial subdivision on a portion of a 4.15 acre site approximately 1,080 feet north of Charleston Boulevard and approximately 1,600 feet east of Rampart Boulevard. Two temporary modular buildings are proposed, which include a 2,880 square-foot temporary modular Private School, Primary and a 480 square-foot office/classroom building. Both temporary modular buildings total 3,360 square feet. The temporary modular buildings will be located within an existing parking area in the Boca Park Shopping Center. The proposed development will add six regular parking spaces, and two spaces are indicated as handicapped accessible. Six of the eight parking spaces are indicated as loading on the site plan. These spaces demonstrate conformance with the Minimum Conditional Use Regulations for a Private School, Primary use, which require adequate pick-up and drop-off areas to be provided on-site.

This request meets all minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing Boca Park Shopping Center; therefore staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/20/81	The City Council approved a Rezoning (Z-0034-81) of approximately 2,249.23 acres of land from N-U (Non-Urban) to R-1 (Single Family Residential), R-2 (Medium Low Density Residential), R-3 (Medium Density Residential), R-MHP (Residential Mobile/Manufactured Home Park), R-PD7 (Residential Planned Development 7 Dwelling Units per Acre), R-PD8 (Residential Planned Development 8 Dwelling Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) on property generally located north of Sahara Avenue, south of Westcliff Drive, west of Durango Drive, and east of Hualapai Way. The Planning Commission and staff recommended approval of the request.
04/27/98	The City Council approved a Rezoning (Z-0012-98) from U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1(Limited Commercial) to PD (Planned Development) on 47.4 acres adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.

SUP-33770 - Staff Report Page Two
May 28, 2009 - Planning Commission Meeting

04/27/98	The City Council approved a Site Development Plan Review [Z-0030-92(5)] for a proposed 433,240 square-foot retail shopping center including 21 retail pad sites, U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1 (Limited Commercial) on 48.7 acres. The Planning Commission and staff recommended approval of the request.
02/22/99	The City Council approved a Special Use Permit (U-0170-98) for Packaged Liquor sales in conjunction with a proposed 15,980 square-foot Drug Store use on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission and staff recommended approval of the request.
01/04/00	Staff administratively approved a Site Development Plan Review [Z-0030-92(11)] for a proposed Restaurant use, 2,000 square feet or more (with Drive-Through) on 1.26 acres located on the east side of Rampart Boulevard and the north side of Charleston Boulevard.
01/05/00	The City Council approved a Special Use Permit (U-0116-99) for a Beer/Wine/Cooler Off-Sale use in conjunction with a supermarket, PD (Planned Development) and U (Undeveloped) zone [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1 (Limited Commercial). The Planning Commission and staff recommended approval of the request.
01/12/00	Staff administratively approved a Site Development Plan Review [Z-0030-92(13)] for a proposed 8,500 square-foot retail center on a 1.04 acre site, U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1 (Limited Commercial).
02/16/00	Staff administratively approved a Site Development Plan Review [Z-0030-92(12)] for a proposed 720 square-foot Bank use on 0.69 acres, U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] under Resolution of Intent to C-1 (Limited Commercial).
04/18/01	The City Council approved a Master Sign Plan [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
07/05/01	The City Council approved a Special Use Permit (U-0054-01) for a 6,218 square-foot Supper Club on 1.15 acres on the east side of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
08/01/01	The City Council approved a Special Use Permit (U-0068-01) for a Supper Club use on the north side of Charleston Boulevard, approximately 1,300 feet east of Rampart Boulevard. The Planning Commission and staff recommended approval of the request.

SUP-33770 - Staff Report Page Three
May 28, 2009 - Planning Commission Meeting

02/20/02	The City Council approved a Special Use Permit (U-0151-01) for a Supper Club use in conjunction with a proposed Restaurant use on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission and staff recommended approval of the request.
02/06/04	A Code Enforcement complaint (#9622) was processed for overgrown landscaping adjacent the northeast corner of Charleston Boulevard and Rampart Boulevard. The issue was resolved on 03/31/04.
01/28/05	A Code Enforcement complaint (#25541) was processed for overgrown landscaping adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard. The issue was resolved on 03/25/05.
09/30/08	A Code Enforcement complaint (#70256) was processed for unsightly landscaping adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard. The issue was resolved on 10/07/08.
11/19/08	A Code Enforcement complaint (#72084) was processed for two shipping containers adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard. The complaint has not been resolved.
04/23/09	The Planning Commission will hear a related Site Development Plan Review (SDR-33773) for a proposed 3,360 square-foot Private School, Primary on 4.15 acres approximately 1,080 feet north of Charleston Boulevard and approximately 1,600 square feet east of Rampart Boulevard.
<i>Related Building Permits/Business Licenses</i>	
04/28/99	A Building Permit (#99008144) was issued for a certificate of completion at 8740 West Charleston Boulevard. The permit was finalized on 07/02/99.
<i>Pre-Application Meeting</i>	
01/28/09	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>	
03/19/09	A field check was completed on the indicated date. The proposed location of the Private School, Primary use is to be located within a parking area in the Boca Park commercial subdivision. A shipping container is located on the subject site. A Code Enforcement complaint (#72084) was created to address this concern. This issue has not been resolved. Otherwise, the overall site was well maintained and free of debris and graffiti.

SUP-33770 - Staff Report Page Four
May 28, 2009 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	PD (Planned Development)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Applicable to Title 1916, 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	3,360 SF	3 spaces per classroom	15	1	18	2	Y
TOTAL			16		20		Y

SUP-33770 - Staff Report Page Five
May 28, 2009 - Planning Commission Meeting

*The applicant is adding eight new parking spaces to the overall site. The additional parking spaces indicated in the table are existing parking spaces within the overall development. Two of the spaces are handicapped accessible with one being van accessible. One of the two handicapped parking spaces, fail to meet Title 19.10 requirements. A condition of approval has been added to the Site Development Plan Review (SDR-33773), which requires both handicapped parking spaces meet Title 19.10 Parking Loading and Traffic Standards. There are a total of 2,620 existing parking spaces within the Boca Park Shopping Center. An adequate number of parking spaces are provided for the proposed Private School, Primary and its associated office uses.

ANALYSIS

This is a request for a Special Use Permit for a proposed 3,360 square-foot Private School, Primary within an existing commercial subdivision (Boca Park) located at the northeast corner of Charleston Boulevard and Rampart Boulevard. The applicant recently received approval for the same use via Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite #201 by City Council on 10/15/08, however the applicant has indicated that the use at that location is unfeasible due to the upgrades required by the Fire Department. The applicant indicates the proposed 2,880 square-foot Private School, Primary and a 480 square-foot temporary modular office/classroom building will be located within two temporary modular buildings.

The proposed use will have a minimal impact on the existing Shopping Center, surrounding neighborhood and meets the requirements set forth in Title 19; therefore, staff recommends approval of this request.

- **Zoning**

The project is located within a C-1 (Limited Commercial) zoning district. The C-1 (Limited Commercial) District is intended to provide the most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **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.

SUP-33770 - Staff Report Page Six
May 28, 2009 - Planning Commission Meeting

- **Minimum Conditional Use Regulations**

1. Adequate pick-up and drop-off areas must be provided on-site.

The proposed use is in conformance with the minimum Special Use Permit Requirements for a Private School, Primary use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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 proposed Private School, Primary is physically suitable for the type and intensity of land use proposed. A proposed increase of 3,360 square feet to an existing 1,800,000 square-foot Shopping Center, will have a minimal impact to the overall site.

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.**

Adequate site access is provided from both Charleston Boulevard and Rampart Boulevard. Both are designated as 100-foot Primary Arterials as indicated on the Master Plan of Streets and Highways.

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.

SUP-33770 - Staff Report Page Seven
May 28, 2009 - Planning Commission Meeting

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

The proposed use conforms to the Minimum Special Use Requirements for a Private School, Primary use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 970

APPROVALS 6

PROTESTS 8