

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 28, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-33773 - APPLICANT: YESHIVA DAY SCHOOL - OWNER: BOCA PARK MARKET PLACE LV, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [Z-0030-92(7)] shall be required, if approved.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-33770) shall be required, if approved.
3. The site/landscape plan shall be revised to indicate decomposed granite where dirt is indicated, prior to the issuance of building permits.
4. The site plan shall be revised to include the correct striping of all handicapped parking spaces pursuant to Title 19.10 requirements, prior to the issuance of building permits.
5. 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.
6. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/27/09, except as amended by conditions herein.
7. All modular buildings shall be removed five years from the date of final approval, unless a new Site Development Plan Review application is approved.
8. An Exception from Title 19.10 Parking, Loading and Traffic Standards to allow zero trees where three are required for parking fingers is hereby approved.
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.

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11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. All temporary improvements, if any, installed with this project shall be removed and replaced with permanent improvements meeting current City Standards upon the removal of the temporary use or conversion to a permanent use, whichever may occur first.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
15. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study. We note that the proposed site plan is in conflict with the existing storm drain pipe and storm drain manholes. The proposed structure shall be relocated per the requirements of the Flood Control Engineer.
17. Site development to comply with all applicable conditions of approval for the Peccole Ranch Town Center a.k.a. Boca Park (Commercial Subdivision) and all other subsequent site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review [Z-0030-92(7)] for a proposed 2,880 square-foot Private School, Primary and a 480 square-foot temporary modular office/classroom building 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.

The applicant indicates that the proposed 2,880 square-foot Private School, Primary and 480 square-foot temporary modular office/classroom building will be located within two temporary modular buildings. The applicant also indicates the addition of a basketball court and play area. The temporary modular buildings will be located on a portion of an existing parking lot within the Boca Park commercial subdivision. The applicant indicates that the temporary modular structures are needed until enough capital is raised to build a permanent facility. No additional Waivers or exceptions were requested as a part of the application. The overall site and associated landscaping plan were approved as a part of Site Development Plan Review [Z-0030-92(7)]. The proposed development is consistent with Title 19 requirements, as conditioned; therefore staff recommends approval of this request.

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.

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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 a Packaged Liquor Sales use 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 use 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.

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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 issue has not been resolved.
04/23/09	The Planning Commission will hear a related Special Use Permit (SUP-33770) for a proposed Private School, Primary located approximately 1,080 feet north of Charleston Boulevard and approximately 1,600 square feet east of Rampart Boulevard.

Related Building Permits/Business Licenses

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.
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Pre-Application Meeting

01/28/09	A pre-application meeting was held and the submittal requirements of a Site Development Plan Review were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

03/19/09	A field check was completed on the indicated date. The proposed location of the Private School, Primary 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) addressed this concern, but the issue has not been resolved. Otherwise, the overall site was well maintained and free of debris and graffiti.
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Details of Application Request

Site Area

Net Acres	4.15 acres
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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 19.08.050, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	4.15 acres	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front (South)	20 Feet	1,060 Feet	Y
• Side (East)	10 Feet	120 Feet	Y
• Corner (West)	15 Feet	1,760 Feet	Y
• Rear (North)	20 Feet	1,400 Feet	Y
Max. Lot Coverage	50%	35%	Y
Max. Building Height	N/A	11.5 and 14.5 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

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Pursuant to Title 19.12.040, the following landscape standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/6 Spaces	2 Trees	0 Trees	N*
TOTAL		2 Trees	0 Trees	N*

*The applicant has failed to comply with Title 19.12 Landscape and Buffer Standards for parking fingers, which requires one tree for every six parking spaces. An Exception of this requirement has been requested. The Master Developer has approved this request as a part of the Boca Park Development agreement. The overall site landscaping was approved as a part of Site Development Plan Review [Z-0030-92(7)].

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	3,360 SF	3 spaces per classroom	15	1	18	2	Y
TOTAL			16		20		Y

*The applicant is adding eight new parking spaces to the overall site. The additional parking spaces indicated in the table are existing spaces within the overall development. Two of the spaces are indicated as 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, which requires that 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.

Exceptions		
Request	Requirement	Staff Recommendation
To allow zero trees in the parking fingers	Parking fingers require one tree for every six parking spaces	Approval

ANALYSIS

- **Land Use and Zoning**

The subject site is located within the Southwest Sector Plan of the General Plan with a land use designation of SC (Service Commercial). The SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics.

The subject site is zoned C-1 (Limited Commercial). 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 district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The proposed Private School, Primary use is permitted within a C-1 (Limited Commercial) zoning district.

- **Site Plan**

The subject site consists of a single parcel within a larger commercial subdivision. The subject parcel consists of an existing multi-tenant retail building with associated parking. The overall site was originally approved through Site Development Plan Review [Z0030-92(7)]. The applicant indicates that the overall square-footage of the existing Shopping Center consists of 1,823,760 square feet. The proposed Private School, Primary will add 3,360 square feet to the overall site square-footage.

The applicant is proposing a 2,880 square-foot Private School, Primary and an associated 480 square-foot temporary modular office/classroom building on a portion of a 4.51 acre site within the Boca Park Shopping Center. The site plan also includes a basketball court and play area. The basketball court and play area are surrounded by a proposed chain-link fence. Typically, chain-link fences are not an appropriate building if visible from adjacent rights-of-way. The proposed fencing at this location is appropriate. The proposed Private School, Primary, office and amenities are internal to the overall site and are not visible from any adjacent rights-of-way. The applicant indicates that the proposed buildings are temporary, until enough capital is raised to construct a permanent building. Therefore, a condition of approval has been added, which requires a Required Review in five years.

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The applicant is also proposing to modify the site plan by adding eight parking spaces to the overall site with two handicapped accessible spaces. One of the parking spaces is proposed to be a van accessible parking space. The applicant indicates a total of 18 parking spaces are provided where 15 are required for the proposed Private School, Primary use. Currently, there are a total of 2,620 parking spaces within the overall Boca Park Shopping Center.

Access to the site is from Charleston Boulevard and Rampart Boulevard, which are both indicated as 100-foot Primary Arterials, as defined by the Master Plan of Streets and Highways. The overall site consists of several parcels that include both Phase I and Phase II of the Boca Park commercial subdivision. The site is located on a 4.15 acre portion of a 51 acre site.

- **Landscape Plan**

The landscape plan indicates an existing 37-foot landscape buffer along the east property line. This serves as a buffer to the existing single-family homes to the east of the subject site. Also, the area around the building is indicated as dirt. A condition of approval has been added to replace the proposed dirt area with decomposed granite in order to mitigate any potential air quality issues. The applicant has failed to comply with Title 19.12 Landscape and Buffer Standards for parking fingers, which requires one tree for every six spaces. An Exception of this requirement has been requested. The Master Developer has approved this request as a part of the Boca Park Development agreement. The overall site landscaping was approved as a part of Site Development Plan Review [Z-0030-92(7)].

- **Elevations**

The Private School, Primary and office/classroom building are proposed to be located in two temporary modular buildings. Both temporary modular structures will be similar in their overall appearance with windows, brown trim and tan fiberboards. The Private School, Primary is proposed at 14.5 feet, while the office/classroom building is indicated at 11.5 feet. The temporary modular buildings are not permanently affixed to the ground.

- **Floor Plans**

The 2,880 square-foot Private School, Primary floor plan indicates the following uses; five classrooms, library, assembly and associated restroom facilities. The 480 square-foot office/classroom building indicates two offices and one classroom.

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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 2,880 square-foot temporary modular Private School, Primary and a 480 square-foot temporary modular office/classroom are compatible and less intense uses, than the existing retail and restaurant uses located 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 policies and goals of the General Plan, as well as Title 19 standards.

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

Adequate access to the site is provided from both Charleston Boulevard and Rampart Boulevard, which are designated as 100-foot wide Primary Arterials by the Master Plan of Streets and Highways.

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

The building and landscape materials are appropriate for the area and for the City. The materials and landscaping are appropriate for the intended Private School, Primary use.

- 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 proposed building elevations are typical for temporary modular buildings. The temporary modular buildings are internal to the overall site and are not visible from adjacent rights-of-way. The proposed buildings are compatible with the overall existing development.

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

The proposed development will be subject to regular inspections for licensing, and therefore the development will not compromise the public health, safety or welfare.

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SENATE DISTRICT 8

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