



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: APPLICANT: CHALLENGER SCHOOL - OWNER: BABB INVESTMENTS, LLC**

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| SUP-38806              | Staff recommends APPROVAL, subject to conditions: |                                  |

### \*\* CONDITIONS \*\*

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## SUP-38806 CONDITIONS

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### *Planning and Development*

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Private School, Primary use.
2. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Staff Report Page One**  
**August 26, 2010 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit to add a Private School, Primary use to an existing Child Care Center located at 5150 North Jones Boulevard. The applicant is proposing to add kindergarten and 1<sup>st</sup> grade classes to a Child Care Center that operates primarily as a preschool. As the use may be conducted in a manner that is compatible with the surrounding land uses, staff recommends approval with conditions.

**ISSUES**

- The Child Care Center is no longer licensed by the City of Las Vegas –it is overseen by the State of Nevada; the use remains listed in Title 19.04.
- The additional Special Use Permit is required as the applicant wishes to add Kindergarten and 1st Grade classes, which fall under the definition of a Public or Primary School, Primary use, to the existing Child Care Center.
- If denied, the applicant may continue operating the Child Care Center use but would not be allowed to add the proposed Kindergarten and First Grade classes.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b></i> |                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/06/05                                                                 | The City Council approved a request for a Site Development Plan Review (SDR-6018) and Special Use Permit (SUP-6020) for a proposed Child Care Center. The Planning Commission and staff had recommended approval of both items. The Special Use Permit (SUP-6020) was not exercised and the entitlement expired on 04/06/06. |
| 01/17/07                                                                 | The City Council approved a request for a Special Use Permit (SUP-18032) for a proposed Child Care Center at 5150 North Jones Boulevard. The Planning Commission and Staff recommended approval.                                                                                                                             |

| <i><b>Most Recent Change of Ownership</b></i> |                                                                       |
|-----------------------------------------------|-----------------------------------------------------------------------|
| 04/07/10                                      | A deed was recorded for a change in ownership for APN 125-36-301-001. |

**Staff Report Page Two**  
**August 26, 2010 - Planning Commission Meeting**

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                 |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/19/06                                                 | A Building Permit (#06-004735) was issued for a 19,722 square foot Day Care/ Pre School. A Certificate of Occupancy was issued against this permit on 06/12/07. |
| 06/15/07                                                 | A Business License (N16-00059) was issued for a Child Care Center. This license was marked inactive on 05/12/09.                                                |
| 05/27/10                                                 | A Building Permit (#163785) was issued over-the-counter for a non-work Certificate of Occupancy. The permit was finaled on 06/02/10.                            |
| 05/05/10                                                 | A Business License (#S02-01143) was issued for a School at 5150 North Jones Boulevard.                                                                          |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/01/10                              | A pre-application meeting was held with staff to review request to add Kindergarten and 1 <sup>st</sup> Grade classes to an existing Child Care Center. The applicant was briefed that the existing Child Care Center would continue under the entitlement previously established (SUP-18032) but the addition of Kindergarten and 1 <sup>st</sup> Grade classes would require an additional Special Use Permit for a Private School, Primary use. |

| <b><i>Neighborhood Meeting</i></b>                                                            |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A neighborhood meeting is not required for this type of application request nor was one held. |                                                                                                                                                                                                                                                                                                                                                                  |
| <b><i>Field Check</i></b>                                                                     |                                                                                                                                                                                                                                                                                                                                                                  |
| 07/22/10                                                                                      | A field check was conducted by staff. The site has been developed and has been operating as a Child Care Center. The site is in overall good condition with playground areas that are secured with fencing and gates. There is ample parking and a dedicated drop-off zone is located at the front entrance as is required for the requested Special Use Permit. |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 2.15 |

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.04</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b>     |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|--------------------------------------------|
| Subject Property                   | Undeveloped                                     | R (Rural Density Residential)                         | R-E (Residence Estates)                    |
| North                              | Single-family Residential                       | L (Low Density Residential)                           | R-D (Single Family Residential-Restricted) |

**Staff Report Page Three**  
**August 26, 2010 - Planning Commission Meeting**

|       |                           |                               |                                                            |
|-------|---------------------------|-------------------------------|------------------------------------------------------------|
| South | Single-family Residential | R (Rural Density Residential) | R-E (Residence Estates)                                    |
| East  | Single-family Residential | R (Rural Density Residential) | R-E (Residence Estates)                                    |
| West  | Single-family Residential | R (Rural Density Residential) | R-PD3 (Residential Planned Development – 3 Units Per Acre) |

| <b>Master Plan Areas</b>                          | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Master Plan Area</b>                           |            | X         |                   |
| <b>Special Purpose and Overlay Districts</b>      | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O (Airport Overlay) District – 175 feet         | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | NA                |
| <b>Rural Preservation Overlay District</b>        |            | X         | NA                |
| <b>Las Vegas Redevelopment Plan Area</b>          |            | X         | NA                |
| <b>Development Impact Notification Assessment</b> |            | X         | NA                |
| <b>Project of Regional Significance</b>           |            | X         | NA                |

***Pursuant to Title 19.10, the following parking standards apply:***

| Parking Requirement               |                 |                         |         |              |          |              |            |
|-----------------------------------|-----------------|-------------------------|---------|--------------|----------|--------------|------------|
| Use                               | Number of Units | Required                |         |              | Provided |              | Compliance |
|                                   |                 | Parking Ratio           | Parking |              | Parking  |              |            |
|                                   |                 |                         | Regular | Handi-capped | Regular  | Handi-capped |            |
| Public or Private School, Primary | 2 classrooms    | 3 spaces per classroom  | 6       |              |          |              | Y          |
| Child Care Center                 | 8 staff         | 1 space per staff +     | 8       |              |          |              |            |
|                                   | 96 children     | 1 space per 10 children | 10      |              |          |              |            |
| TOTAL SPACES REQUIRED             |                 |                         | 24      |              |          | 68           |            |
| TOTAL (With Handicapped)          |                 |                         | 23      | 1            | 65       | 3            | Y          |

**Staff Report Page Four**  
**August 26, 2010 - Planning Commission Meeting**

## **ANALYSIS**

The subject site maintains the R (Rural Residential) land use designation and is zoned R-E (Residence Estates). The current land use and zoning district allow for a Private School, Primary use with the approval of a Special Use Permit. The applicant currently is continuing the entitlement for a Child Care Center that was approved on 01/17/07 by Special Use Permit SUP-18032 and established on 06/15/07. The previous Child Care Center ceased operations on 05/12/09; however, the applicant was able to continue the use within one year, as required by Title 19.18.060, by securing licensure on 05/05/10.

Staffing levels for the Day Care Center and Primary School will begin with five full-time employees and a student enrollment of 50-60 children. The applicant anticipates maximum full-time enrollment would be 280-300 students with 22 staff members.

The site provides ample parking for current use and maximum future expansion. The parking requirement for a Private School, Primary use is one space for each staff member plus one space for each 10 students at peak capacity. The Day Care Facility use requires one space per student with one space per 10 children. The maximum parking requirement for the site operating at a full capacity of 22 staff members and 300 students would be 30 spaces where 68 spaces have been provided. Whether operating solely as a Child Care Center with 120 children and 12 staff members or as a Private School with 10 classrooms, there is more parking provided than would be required.

The Private School, Primary use has one Minimum Special Use Permit Requirement for approval of a Special Use Permit:

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

The submitted site plan shows a suitable pick-up and drop-off area that is located at the front entrance of the facility. This was confirmed during staff's site visit. As the proposed use meets all required conditions and may be accomplished in a manner that is conducive to the surrounding land uses, staff recommends approval with conditions.

## **FINDINGS (SUP-38806)**

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.**

**Staff Report Page Five**  
**August 26, 2010 - Planning Commission Meeting**

The subject property is surrounded by single family residential use. With approval of a Special Use Permit the proposed Private School use will not have an adverse affect on those surrounding properties and can be harmonious with the surrounding land uses and any future land uses.

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

The subject site has operated as a Child Care Center for the past four years and has sufficient play areas, parking and building facilities to accommodate the students and staff.

**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.**

Jones Boulevard provides the primary access to the site, with Washburn Road providing secondary ingress and egress. Per City of Las Vegas Master Plan of Streets and Highways Jones Boulevard is a 100-foot wide Primary Thoroughfare, while Washburn Road is classified as 60-foot wide Collector Street. Both streets are adequate in size to accommodate traffic entering and leaving the site.

**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 use will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

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

The proposed Private School, Primary use meets all applicable requirements for a Special Use Permit for this type of activity within the R-E (Residence Estates) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

15

**NOTICES MAILED**

195

**APPROVALS**

0

**PROTESTS**

2