



City of Las Vegas

Agenda Item No.: **24.**

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: DIR-65804 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: DYNAMIC PROPERTIES HOLDINGS, LLC - For possible action on a request to REVOKE A REVISED APPROVED SPECIAL USE PERMIT (SUP-53970) FOR A PUBLIC SCHOOL - PRIMARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zoning District (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Consent [PRU-65805]. Staff recommends APPROVAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

Planning Commission Mtg.

4

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Response Letter from Ronald J. Thompson, Esq.
4. Revocation Letters
5. Proof of Service
6. Submitted after Final Agenda - Confirmation Email Regarding SUP-53970 and Support Postcards

Motion made by VICKI QUINN to Approve subject to condition

Passed For: 5; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 1

CEDRIC CREAM, GLENN TROWBRIDGE, VICKI QUINN, TRINITY HAVEN

SCHLOTTMAN, SAM CHERRY; (Against-None); (Abstain-TODD L. MOODY); (Did Not Vote-None); (Excused-GUS FLANGAS)

NOTE: The video does not reflect the vote accurately, in that CHAIR MOODY abstained from voting because of a conflict of interest; he represents FRED WADE who has an ownership interest in this location.

Minutes:

VICE CHAIR SCHLOTTMAN declared the Public Hearing open.

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PETER LOWENSTEIN, Planning Section Manager, reported that based on the lack of compliance with the conditions of approval of the entitlement and its subsequent review, staff found that the use could not be conducted in a compatible and harmonious manner with surrounding land uses and was recommending that the entitlement application for the subject site be revoked in accordance with the procedures identified in Title 19.16. The property owners were in support of the revocation of the Special Use Permit (SUP) for the school, and the City assured them that the surrendering of the SUP did not prohibit them from applying for a different SUP in the future.

ATTORNEY RICHARD HOLLEY, Holley, Driggs, Walch, and representative of JOSHUA KERN, appointed receiver of the Quest Preparatory Academy wished to make it clear that the revocation of the SUP was not being contested, but he wanted to correct what the receiver perceived as inaccuracies in the record based upon the staff report, which MR. KERN believed to be important for purposes of the receivership, for which he had a responsibility.

ATTORNEY HOLLEY stated that the staff report recommended revoking the SUP on the grounds that five of the conditions set forth in the original SUP were not satisfied; he indicated this was inaccurate, as all of the conditions had been satisfied. One of the most difficult to satisfy was the requirement that the student population be reduced from 435 at the beginning of the 2015-2016 school year to 215 students by the second semester. The Receiver personally participated in and oversaw that process, and the condition was accomplished by moving the entire seventh grade to another campus. As the State provides funding on a per capita basis, the condition to reduce the student population resulted in less funding, and it became no longer economically feasible to operate the campus which was the primary reason the campus was closed.

ASSISTANT CITY ATTORNEY BRYAN SCOTT informed COMMISSIONER CREAR that even though the school closed, the SUP would remain valid for one year after the operation ceased.

COMMISSIONER SCHLOTTMAN referenced past issues with the applicant not following staffs conditions.

See Item 6 for related discussion.

VICE CHAIR SCHLOTTMAN declared the Public Hearing closed.