



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024**  
**DEPARTMENT: COMMUNITY DEVELOPMENT**  
**ITEM DESCRIPTION: APPLICANT: THE LAS VEGAS MONTESSORI - OWNER:**  
**SCHNEIDER FAMILY TRUST**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0590-SDR1	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**NOTICES MAILED** 396 (by City Clerk)

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**23-0590-SDR1 CONDITIONS**

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**Planning**

1. The site shall be subject to a required review before the approving body six months after the issuance of state and/or city business license or start of day care operations.
2. Prior to the issuance of building permit, the applicant shall submit a revised landscape plan depicting all 24-inch box trees being replaced with 36-inch box trees.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/12/23, except as amended by conditions herein.
5. All development shall be in compliance with the minimum Conditional Use Regulations listed for the Individual Care Center use found in Title 19.12, including an eight-foot tall screen wall along the common property line where residential adjacency exists.
6. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.
7. A Waiver from Title 19.08.040 is hereby approved, to allow a five-foot wide landscape buffer along a portion of the north property line where eight feet is required.
8. An Exception from Title 19.08.110 is hereby approved, to allow seven interior parking area trees where nine are required.
9. 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 Division.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of eight feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northeast corner of Fort Apache Road and Horse Drive prior to the issuance of any permits as required by the Department of Public Works. Alternatively, the applicant may grant a traffic signal chord easement on the northeast corner of Fort Apache Road and Horse Drive; coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site. Additionally, dedicate right-of-way and construct an exclusive northbound right turn lane into this site on Fort Apache Road, unless otherwise allowed by City Engineer and the Nevada Department of Transportation.
15. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
16. Driveways for this site shall be no more than 32 feet wide and have 25-foot radii for both ingress and egress.

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17. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections. Show Site Visibility Restriction Zones per the American Association of State Highway and Transportation (AASHTO) guide at each driveway on the construction drawings.
18. Coordinate with the Nevada Department of Transportation to discuss any impacts to this site plan from the Fort Apache and Horse Intersection. Provide documentation from NDOT to the City of Las Vegas Land Development Section that this condition has been satisfied prior to the approval of any construction drawings.
19. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
20. Queues for the overall site shall not extend into the public right-of-way as a result of the pickup and drop off operations on this site.
21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**Fire & Rescue**

22. 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.

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

**PROJECT DESCRIPTION**

This is a Site Development Plan Review request for a proposed Individual Care Center development on 1.54 acres located at the northeast corner of Sky Pointe Drive and Horse Drive.

**ISSUES**

- An Individual Care Center use is permitted in the O (Office) zoning district with the approval of a Conditional Use Verification.
- The applicant will be required to submit for an administrative Conditional Use Verification review following entitlement approval.
- A Waiver is requested to allow a five-foot wide landscape buffer width along a portion of the north property line where eight feet is required. Staff supports the request.
- An Exception is requested to allow seven interior parking area trees where nine are required. Staff supports the request.
- An unrelated Site Development Plan Review (22-0682-SDR1) for an Individual Care Center at the subject site was withdrawn without prejudice at the 07/11/23 Planning Commission.

**ANALYSIS**

The subject 1.54-acre site is zoned O (Office) and subject to Title 19 development standards. It is currently undeveloped and surrounded by an existing park on property adjacent to the south, and detached single-family dwellings on properties adjacent to the north and east. The applicant proposes to develop the subject site with a 12,900 square-foot Individual Care Center Facility.

Per Title 19, the Individual Care Center use is defined as, “A commercial facility which provides personal care and related services to more than 12 children or dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Such a use is subject to the care-related regulations and standards of the State of Nevada. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.” The applicant meets this definition as they propose to operate a childcare facility that provides personal care and service to children in a supervised, protective, congregate setting during some portion of a twenty-four-hour day. The Individual Care Center use is listed as a Conditional Use in the O (Office) zoning district and will be subject to an administrative Conditional Use Verification following entitlement approval.

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Conditional Use Regulations:

1. Vehicular access to the individual care center shall be by means of a collector street or larger.

*The site is accessed from Horse Drive and Fort Apache Road which are both Collector Streets.*

2. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.

*A Condition of Approval has been added to ensure this requirement is met.*

3. Where structures or play areas have residential adjacency:
  - a. An 8-foot high block wall shall be installed along the common property line.
  - b. The building entrance and both vehicular and pedestrian access shall be oriented away from residential uses on local streets.
  - c. Outdoor recreation shall be limited to daylight hours.
  - d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.

*The building entrance and both vehicular and pedestrian access is oriented away from the adjacent residential uses, and a Condition of Approval has been added to ensure compliance with the wall and lighting requirements.*

The submitted plans depict a single-story, 12,900 square-foot building with outdoor play areas located on the northern side of the building. Site access is provided by Horse Drive and Fort Apache Road, which are adequate in size to accommodate the needs of the proposed development. A pickup and drop off area is provided to ensure proper circulation through the site. The proposed building façade materials features stucco and metal panels in neutral tones. The floor plan depicts a lobby area, open space multi-purpose rooms, office space, a laundry room and a kitchen.

Pursuant to Title 19, "Buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible." The proposed development is properly oriented to the corner of Fort Apache Road and Horse Drive, away from the adjacent residential properties to the north. An eight-foot tall wall is proposed along the shared property lines with the adjacent residential properties to the north and east.

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The Individual Care Center use requires one parking space for each staff member, plus one space for each 10 individuals cared for. Per the submitted plans, the facility will have a maximum of 18 staff members and 126 students. A total of 31 parking spaces are provided where 31 are required. A Waiver is requested to allow a five-foot wide landscape buffer width along a portion of the north property line where eight feet is required. The reduction in landscape buffer width is requested in order to accommodate an ADA access aisle adjacent to the handicap parking spaces. Per Title 19.08.110, landscape islands are required at the end of each row of parking spaces and one tree shall be planted for every six uncovered parking spaces. A total of seven interior parking area trees are proposed where nine are required. While landscape Waivers and Exceptions are requested, the proposed development will be adequately screened from the neighboring residential properties by an eight-foot tall screen wall. Staff finds the requests to be minor in nature and recommends approval.

The subject site is located within the City of Las Vegas 2050 Master Plan Kyle Canyon Area. This is a rapidly developing area in the northwest portion of the valley. It is predominantly characterized by detached single-family residential dwellings and has several areas under development agreements. As the area continues to grow, facilities such as a daycare will be needed to serve the needs of the population. Staff finds the proposed development is designed in a harmonious and compatible manner with the surrounding area and will be an asset to the community. Therefore, staff recommends approval of the requested Site Development Plan Review, subject to conditions.

**FINDINGS (23-0590-SDR1)**

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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 development is designed in a compatible manner with the existing residential development adjacent to the north. The development complies with Title 19.12 minimum conditional use regulations for the Individual Care Center use.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

Except for a requested landscape Waiver and Exception which are minor in nature, the proposed development adheres to all applicable city code requirements.

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

Site access is proposed from Horse Drive, an 80-foot Collector Street, which is adequate in size to meet the needs of the proposed use.

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

The primary building façade materials of stucco and metal paneling are appropriate for the area and for the City. The proposed planting materials adhere to the recommendations of the Southern Nevada Regional Plant List.

- 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 not unsightly or obnoxious in appearance. The design is compatible with the existing development in the surrounding area.

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

If approved, the proposed development will be subject to building permit and licensing requirements, thereby protecting the public health, safety and general welfare.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
02/02/94	The City Council approved Rezoning (Z-132-93) for reclassification of property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), to: R-PD3 (Residential Planned Development), R-PD6 (Residential Planned Development), R-PD12 (Residential Planned Development) and C-1 (General Commercial) for single family dwellings, townhomes, apartment complexes and business park. The Planning Commission and staff recommended approval.

<b>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</b>	
11/16/11	The City Council approved General Plan Amendment (GPA-41934) request from PCD (Planned Community Development) to O (Office) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive. The Planning Commission made no recommendation and Staff did not support the request.
	The City Council approved Rezoning (ZON-41933) request from R-E (Residence Estates) to O (Office) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive. The Planning Commission made no recommendation and Staff did not support the request.
07/11/23	Variance (22-0682-VAR1) request to allow 38 parking spaces where 46 are required at the subject site was withdrawn without prejudice before the Planning Commission. Staff recommended denial.
	Site Development Plan Review (22-0682-SDR1) for a proposed single-story, 13,545 square-foot individual care center with a waiver of building orientation requirements at the subject site was withdrawn without prejudice before the Planning Commission. Staff recommended denial.
01/09/24	The Planning Commission voted (7-0) to recommend APPROVAL For possible action on a Land Use Entitlement project request FOR A PROPOSED SINGLE-STORY, 12,900 SQUARE-FOOT CHILD CARE FACILITY WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS on 1.54 acres at the northeast corner of Horse Drive and Fort Apache Road (APN 125-08-210-002), O (Office) Zone, Ward 6 (Brune)

<b>Most Recent Change of Ownership</b>	
09/22/22	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
There are no building permits/business licenses of note.	

<b>Pre-Application Meeting</b>	
11/06/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Site Development Plan Review.

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<b>Neighborhood Meeting</b>	
12/20/23	A Voluntary meeting was held at the Centennial Hills YMCA. Department of Community Development staff did not attend.

<b>Field Check</b>	
11/30/23	Staff conducted a routine field check and found an undeveloped lot. No issues were noted.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.54

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Undeveloped	O (Office)	O (Office)
North	Single Family, Detached	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
South	Spring Mountain Ranch Park	SC (Service Commercial)	R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Single Family, Detached	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
		SC (Service Commercial)	C-1 (Limited Commercial)

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<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Kyle Canyon	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	25 Feet	25 Feet	Y
• Side	10 Feet	93 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	15 Feet	74 Feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories/35 Feet	Single story/30 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.08, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	16 Trees	16 Trees	Y
• South	1 Tree / 20 Linear Feet	15 Trees	15 Trees	Y
• East	1 Tree / 20 Linear Feet	5 Trees	5 Trees	Y
• West	1 Tree / 20 Linear Feet	9 Trees	9 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>45 Trees</b>	<b>45 Trees</b>	<b>Y</b>

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<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	9 Trees	7 Trees	N*
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		5-8 Feet	N**
• South	15 Feet		15 Feet	Y
• East	8 Feet		8 Feet	Y
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		8-Foot Tall Wall	Y

\*An Exception is required to allow seven interior parking area trees where nine are required.

\*\*A Waiver is required to allow a reduced landscape buffer width along a portion of the north property line.

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Fort Apache Road	Secondary Collector	Master Plan of Streets and Highways	80	Y
Horse Drive	Secondary Collector	Master Plan of Streets and Highways	80	Y

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**Pursuant to Title 19.08 and 19.12, the following parking standards apply:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Individual Care Center	18 Staff Members	One space for each staff member, plus one space for each 10 individuals cared for	31				
	126 Students						
<b>TOTAL SPACES REQUIRED</b>			31		31		Y
<b>Regular and Handicap Spaces Required</b>			29	2	29	2	Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Provide an eight-foot landscape buffer width along interior property lines	To allow a five-foot landscape buffer width along a portion of the north property line	Approval

<b>Exceptions</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Provide one tree per six uncovered parking spaces, plus one tree at the end of each row (9)	To allow seven interior parking area trees	Approval