

09/22/21 BCC AGENDA SHEET

PUBLIC CHARTER SCHOOL
(TITLE 30)

UPDATE
TENAYA WY/AGATE AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ZC-20-0284-LH VENTURES, LLC:

ZONE CHANGE to reclassify a 14.6 acre portion of a 37.5 acre site from an R-E (Rural Estates Residential) Zone to a P-F (Public Facility) Zone.

WAIVER OF DEVELOPMENT STANDARDS for full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along public streets.

DESIGN REVIEWS for the following: **1)** a proposed charter school site; and **2)** finished grade.

Generally located on the east side of Tenaya Way and the north side of Agate Avenue within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:
176-22-501-025 ptn

WAIVER OF DEVELOPMENT STANDARDS:

Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Agate Avenue, Montessouri Street, and Raven Avenue where required per Section 30.52.050.

DESIGN REVIEWS:

1. A proposed charter school site (kindergarten through 12th grade).
2. Increase the finished grade for a school site to 60 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 233% increase).

LAND USE PLAN:
ENTERPRISE - PUBLIC FACILITIES

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 14.6 (portion) of 37.5 acres
- Project Type: Proposed public charter school site
- Number of Stories: 1 & 2
- Building Height (feet): Up to 35
- Square Feet: 116,753 (consisting of 3 building footprints)

- Parking Required/Provided: 416/431

Site Plans

The plans depict 3 school buildings located near the west half of a 14.6 acre site. The 3 buildings consist of an elementary school, a middle/high school, and a gymnasium/auditorium. All of the buildings are orientated toward the western portion of the property with ancillary uses such as a parking lot, sport fields, and play areas located toward the eastern portions of the site. Student drop-off and pick-up areas will be located along the western perimeter of the site and will be accessed from Agate Avenue to the south. The staff and student parking lot is located near the southern and eastern portion of the site, which also has access to Agate Avenue.

Landscaping

Street landscaping consists of a 10 foot wide or greater landscape area along all street frontages. The project also shows a proposed realigned equestrian trail alignment that will run along the unimproved right-of-way of Raven Avenue, then head south behind the street landscaping along Tenaya Way, and finally head west at the intersection of Tenaya Way and Agate Avenue. Landscaping on-site is located throughout the campus. Parking lot landscaping is shown in the teacher and student parking area. Additionally, the plans show a turf sports field near the eastern portion of the site.

Elevations

The elevations depict 3 school buildings at various heights and a substantial amount of roofline variation. The elementary school and middle/high school buildings are 2 stories, while the gymnasium/auditorium is 1 story in height. The structures will range from 18 feet to 35 feet in height. The proposed building materials include stucco concrete panel walls with multiple surface plane variations consisting of walls that are off-set with contrasting color schemes. Accents consist of recessed lines and metal canopy shade structures located at various entrances.

Floor Plans

The plans depict school buildings totaling 171,898 square feet which consist of multiple classrooms, administrative offices, multi-purpose rooms, restrooms, lobbies, corridors, and all other ancillary uses associated with a school site.

Signage

A proposed monument sign is shown along Agate Avenue that is approximately 6 feet by 9 feet for a total of 54 square feet. It will not have internal illumination and the sign will be located at the main entrance into the school site. The materials consist of cultured stone and plaster.

Applicant's Justification

The applicant indicates this is a prime site for a school facility as well as 1 of the few viable sites in the area. Most of the schools in this area are over capacity and a new school will help alleviate overcrowding. The project consists of 2,400 students (kindergarten through 12th grade) and will be a public charter school for the southwest area of unincorporated Clark County. The development will be completed in 4 phases, with Phase 1 (the elementary school and a portion of the middle school and high school) being completed and open for school as early as August 2022. The applicant proposes to construct the adjacent roads to non-urban “rural standards” to

ensure continuity of existing development in the area. Additionally, as part of the school development, the existing equestrian trial is proposed to be realigned as shown on plans. The adjusted alignment has been an ongoing process with the Trails Team, County Management, and the Commissioner's Office.

Prior Land Use Requests

Application Number	Request	Action	Date
AG-20-900314	Received direction to consider an amendment to the trail alignment along Belcastro Street between Pebble Road and Agate Avenue as part of the Clark County Trails Map	Approved by BCC	July 2020
PA-18-700021	Plan Amendment to the Enterprise Land Use Plan on 52 acres from RNP, PF and CG to RS	Approved by BCC	March 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac), & Public Facilities	R-E (RNP-I)	Mix of developed & undeveloped single family residential
South	Commercial General, Office Professional, & Rural Neighborhood Preservation (up to 2 du/ac)	C-1, H-2, & R-E (RNP-I)	Developed single family residential & undeveloped
East	Commercial General	C-2	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Mix of developed & undeveloped single family residential

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
AG-20-900314	An agenda item to consider an amendment to the trail alignment along Belcastro Street between Pebble Road and Agate Avenue as part of the Clark County Trails Map is a companion item on this agenda.
VS-20-0285	A vacation of patent easements and right-of-way is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

Staff can support the applicant's request for a conforming zone change to P-F zoning. This location is currently undeveloped and has been planned for future Public Facility uses. Title 30 states that the purpose of the P-F zoning district is to provide for the location and development of sites suitable for necessary public buildings, structures, and uses. The location of the subject site is surrounded by existing residences; therefore, this proposal will serve the student needs of this community as a whole.

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Design Review #1

Staff finds the design and heights of the proposed buildings are appropriate for the area. Specifically, the design of the building elevations, with varied architectural elements, complies with Urban Specific Policy 19 of the Comprehensive Master Plan, which encourages, in part, varying building height, breaking-up the mass of a building, and shifting building placement to provide appropriate transitions between differing building scales and intensities. Adequate setbacks have been provided for the buildings and landscaping is provided along the perimeter of the school. Furthermore, the pick-up and drop-off area is located at the west side of the buildings and will allow on-site queuing and circulation of vehicles and thus, will not impede traffic on the public streets. Therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Design Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Staff Recommendation

Approval of the zone change and design reviews; denial of waiver of development standards. This item has been forwarded to the Board of County Commissioners for final action.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: August 17, 2021 – APPROVED – Vote: Unanimous

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Applicant to pay for the installment of the new equestrian trails alignment;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements on Tenaya Way;
- Right-of-way dedication to include 35 feet to the back of curb for Tenaya Way, 30 feet for Agate Avenue, 30 feet for Montessouri Street, 30 feet for Raven Avenue with a portion of an elbow at the intersection of Raven Avenue and Belcastro Street and associated spandrels;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0263-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:**APPROVALS:** 5 cards**PROTESTS:** 18 cards, 24 letters

PLANNING COMMISSION ACTION: August 18, 2020 – HELD – To 09/15/20 – per the applicant.

PLANNING COMMISSION ACTION: September 15, 2020 – HELD – To 10/20/20 – per the applicant.

PLANNING COMMISSION ACTION: October 20, 2020 – HELD – To 11/17/20 – per the applicant.

PLANNING COMMISSION ACTION: November 17, 2020 – HELD – To 01/19/21 – per the applicant.

PLANNING COMMISSION ACTION: January 19, 2021 – HELD – To 04/20/21 – per the applicant.

PLANNING COMMISSION ACTION: April 20, 2021 – HELD – To 08/17/21 – per the applicant.

APPLICANT: LH VENTURE, LLC**CONTACT:** JOHN LOPEMAN, ETHOS THREE ARCHITECTURE, 8985 S. EASTERN AVENUE #220, LAS VEGAS, NV 89123