

06/21/23 BCC AGENDA SHEET

SCHOOL
(TITLE 30)

EASTERN AVE/FORD AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

AR-23-400050 (UC-22-0426)-DIAMOND CREEK HOLDINGS, LLC SERIES 8:

USE PERMIT FIRST APPLICATION FOR REVIEW for a school in conjunction with an existing office and retail shopping center on 0.8 acres in a C-2 (General Commercial) Zone and a C-P (Office and Professional) Zone.

Generally located on the west side of Eastern Avenue and the north side of Ford Avenue within Paradise. MN/rp/syp (For possible action)

RELATED INFORMATION:

APN:

177-14-710-003; 177-14-710-008; 177-14-710-012; 177-14-710-014; 177-14-710-018; 177-14-710-025; 177-14-710-027; 177-14-710-028; 177-14-710-030; 177-14-710-035; 177-14-710-036; 177-14-710-039; 177-14-710-040; 177-14-710-042 through 177-14-710-047; 177-14-710-049 through 177-14-710-053

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8645 S. Eastern Avenue
- Site Acreage: 0.8
- Project Type: School
- Number of Stories: 2
- Building Height (feet): 30
- Square Feet: 30,000
- Parking Required/Provided: 802/807

Site Plans & Request

The site was approved to operate as a school within an existing retail and office shopping center. Given the location of the subject site being 464 feet from the city limits of the City of Henderson, the original application was considered a project of regional significance.

The previous approved plans depict a 200,330 square foot existing office and retail shopping center consisting of 19 buildings spread across 17.5 acres. Access to the center is through 1 driveway along Ford Avenue, 3 driveways along Eastern Avenue, and 3 driveways along Wigwam Avenue. Parking is shown throughout the site with parking stalls surrounding most of the buildings, and is also provided in a central lot towards the middle of the center. The school is located in the southwestern portion of the center in the south half of the building labeled “2 story Office G.”

The previous approved plans also indicate the flow of traffic for the drop-off of students with traffic flowing in a south to north direction through the retail center. The plans show that drop-off traffic will enter the center from the driveway on Ford Avenue, then proceed west and then north along the existing drive aisles before then going west then north again to reach a drive aisle that runs behind the set of buildings along the western extent of the center. Children will be dropped off at the back of the building and traffic will continue north along this back drive aisle before exiting onto Wigwam Avenue using the western most drive aisle.

Landscaping

Per previous approved plans, existing landscaping remained unchanged with street landscaping located along Wigwam Avenue and Eastern Avenue. Landscaping has also been provided along the western property line that is adjacent to existing residential development and along the base of the buildings and through parking lot fingers and islands.

Elevations

The previous approved plans show the subject location of the school is a 2 story office building that includes painted stucco walls with portions of the wall projecting outwards creating archways. Foam cornice treatments are provided along the top of parapet walls along the roofline. Triple frame office windows are provided throughout and a typical retail double door system is also provided at the entrance. No changes to the exterior are proposed.

Floor Plans

The previous approved plans depict the suite that is utilized for the school is a total of 30,000 square feet split between 2 floors. The total space dedicated to classrooms, which are located on both floors, is approximately 14,000 square feet with the remaining 16,000 square feet being dedicated to offices, conference rooms, restrooms, nurse’s office, breakroom, and utility and building support rooms.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approval conditions for UC-22-0426:

Current Planning

- Until June 21,2023 to review as a public hearing;
- The Blended Program Policy document submitted to the Board shall be adhered to;
- No barricades on-site for queuing and employees shall be on-site to direct traffic;

- The Nevada Virtual Academy is operating under a provisional approval from Clark County and if the applicant does not abide by the traffic circulation plan on file, revocation proceedings per Title 30.40.160 can be initiated.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extension of time, will be reviewed for conformance with eh regulation in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extensions of time and application for review; the extension of time may be denial if the project had not commenced or there has been no substantial work toward completion within the time specified; and that this application must commence within 2 years of approval date or it will be expire.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Applicant's Justification

According to the applicant, they moved into the building in June of 2022. Students enrolled at Nevada Virtual Academy engage in off-site/virtual learning. Students have been on-site only when participating in orientation or State mandated testing. When students are on-site, staff members mitigate traffic concerns by directing vehicles. Since commencing operations at this location, there have been no reported traffic issues as result of the school's operations, nor have there been complaints from neighboring businesses. Additionally, the Building Department recently conducted an inspection of the site and requested that alternative postings of maximum building occupancies be provided throughout the building. The applicant is aware of the request and will comply.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0426	School in conjunction with an existing office and retail shopping center	Approved by BCC	September 2021
UC-0419-14	Medical cannabis establishment in conjunction with an existing shopping center	Denied by BCC	December 2014
ADR-0772-05	Minor expansion to an existing shopping center	Approved by ZA	July 2005
VS-1564-04	Vacated and abandoned the Jeffrey Street right-of-way between Ford Avenue and Wigwam Avenue	Approved by PC	October 2004
DR-1349-04	Revised plans for an approved shopping center	Approved by BCC	September 2004
DR-0196-04	Restaurant in conjunction with an approved shopping center	Approved by BCC	March 2004

Prior Land Use Requests

Application Number	Request	Action	Date
DR-1643-03	Financial services in conjunction with an approved shopping center	Approved by BCC	November 2003
ZC-1326-00 (ET-0164-03)	First extension of time for a zone change that reclassified the site from R-E to C-2 and C-P zoning for a shopping center	Approved by BCC	August 2003
ZC-1326-00 (WC-0341-02)	Waived the conditions of ZC-1326-00 requiring single story buildings only and no buildings permitted in the C-P zoned portion of the proposed shopping center	Approved by BCC	December 2002
VS-0467-01	Vacated and abandoned patent and other easements for a shopping center	Approved by PC	June 2001
ZC-1326-00	Reclassified the site from R-E to C-2 and C-P zoning for a shopping center	Approved by BCC	November 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	C-P & R-E	Retail & single family residential
South	Corridor Mixed-Use	C-2	Retail nursery
East	City of Henderson; Neighborhood Commercial; & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	CN, C-P, & R-1	Retail, office, & single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**

Title 30 standards of approval on an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The Board of County Commissioners previously was concerned that the proposed pick-up/drop-off plan may cause undue conflicts with the existing traffic patterns on the site. According to aerial photos, there is no evidence of parking shortage, barricades, or on-site queuing. Also, staff

is not aware of any complaints from the public about the school. However, staff was not able to find a business license for this business at this location and no summary report was provided to evidence compliance with the conditions of approval. Therefore, staff recommends approval of the request, with a condition of another year to review as a public hearing.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Until June 21, 2024 to review as a public hearing.
- Applicant is advised that obtaining a business license is required for this site; 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; and that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: NEVADA VIRTUAL ACADEMY

CONTACT: G. C. GARCIA, INC C/O MELISSA EURE, 1055 WHITNEY RANCH DRIVE, SUITE 210, LAS VEGAS, NV 89014