10/07/26 BCC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WC-26-400069 (UC-0257-17)-LEGACY TRADITIONAL SCHOOLS-NEVADA, INC.:

WAIVERS OF CONDITIONS of a use permit requiring the following: **1)** per revised plans dated October 1, 2017; **2)** cap student enrollment at 1,450 students; **3)** building shall not exceed 94,000 square feet; and **4)** landscaping per plans on file for a previously approved school on 7.98 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located south of Wigwam Avenue and east of Montessouri Street within Enterprise. JJ/md/kh (For possible action)

RELATED INFORMATION:

APN:
176-15-701-037

LAND USE PLAN:
ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Address: 7077 W. Wigwam Avenue
- Site Acreage: 7.98
- Project Type: Charter school (K through 8th grade)
- Number of Stories: 2
- Building Height (feet): 35 (existing and proposed)
- Square Feet: 93,098 (existing)/14,310 (requested)/107,408 (total)
- Parking Required/Provided: 77/192

History & Request
ADR-19-900194 was administratively approved in April 2019 for 2 shade structures in conjunction with the existing school (Legacy Traditional School). The site was previously approved via UC-0257-17 for a school (Kindergarten through 8th grade) by the Board of County Commissioners (BCC) in October 2017. The applicant previously applied for a design review, DR-19-0136, for a building addition and a waiver of conditions, WC-19-400025 (UC-0257-17) for the following: 1) per revised plans dated October 1, 2017, 2) cap student enrollment at 1,450 students, 3) building shall not exceed 94,000 square feet, and 4) landscaping per plans on file. These 2 applications were subsequently withdrawn at the BCC meeting in January 2020. The applicant is now proposing to waive the 4 conditions previously requested with the waiver of

conditions application in January 2020. DR-26-0413 is a companion item on this agenda for a 14,310 expansion to the existing school.

Site Plan

Per the previously approved site plan, the school is a 2-story, "L"-shaped building with an overall area of 93,098 square feet (without requested building addition). Parking stalls are located along the north and east property lines. Access to the site is from 1 driveway on Wigwam Avenue and 1 driveway on Cougar Avenue. There is 1 exit only driveway from Rosanna Street and another from Wigwam Avenue. The athletic field is located on the southern half of the site and playgrounds are located on the northwest and southeast corners of the subject property. Landscaping is located throughout the site and includes 15 foot wide landscape areas and 5 foot wide detached sidewalks along Wigwam Avenue, Montessouri Street, Cougar Avenue, and Rosanna Street. The proposed expansion to the school is located at the southeast corner of the building and will remove an existing play area consisting of turf. No additional modifications or improvements are proposed to the site.

Landscaping

The previously approved plans depict a 15 foot wide landscape area with a 5 foot wide detached sidewalk along Wigwam Avenue. A 5 foot wide attached sidewalk and 15 foot wide landscape areas are shown along Cougar Avenue and Montessouri Street. No additional landscaping is proposed or required with this application.

Elevations

The previously approved plans depict a 2 story, 35 foot high building with flat roof and various heights of parapet walls. The north and east elevations show a standing seam metal dome and all windows show architectural pop-ups. The front of the building will have pilaster columns and storefront windows and doors. The building is constructed of stucco finish, wood framing and brick veneer, and metal shade canopies on the south and west elevations. The building will be painted with desert contrasting colors.

The proposed expansion measures up to a maximum of 35 feet in height and continues the architectural theme of the existing building, consisting of a stucco exterior with brick veneer accents and matching colors.

Floor Plans

The previously approved plans depict a 2-story school measuring 93,098 square feet in area. The first floor consists of classrooms, a cafeteria, gym/multipurpose room, storage room, piano room, music stage room, offices, nurse's office, and restrooms. The second floor features classrooms, media room, computer lab, science lab, offices, an art room, and restrooms.

The proposed expansion measures a total of 14,310 square feet and consists of 2 floors. The first and second floor each measure 7,155 square feet in area and include classrooms, storage rooms, restrooms, and miscellaneous rooms.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-0257-17:

Current Planning

- Per revised plans dated October 1, 2017;
- Wall to be installed along Montessouri Street adjacent to ballfield and to wrap around Cougar Avenue to ballfield backstop;
- Cap student enrollment at 1,450 students;
- Building shall not exceed 94,000 square feet;
- No lighting on athletic fields and basketball courts;
- Design review as a public hearing for parking lot lighting and signage;
- Building fixture lighting should be shielded;
- Landscape per plans on file;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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 this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Provide paved legal access along the patent easements for Cougar Avenue, connecting east to the commercial property fronting Rainbow Boulevard;
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to back of curb for Wigwam Avenue, 25 feet to back of curb or 30 feet for Rosanna Street, 25 feet to back of curb or 30 feet for Cougar Avenue, 25 feet to back of curb or 30 feet for Montessouri Street, and associated spandrels;
- Applicant shall submit an application to vacate the southerly 5 feet of the existing 40 foot wide public access easement along the north property line.
- 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.

Building/Fire Prevention

- Applicant shall submit plans for review and approval prior to installing any gates, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to request the POC from the CCWRD by referencing POC Tracking #0166-2017.

Applicant's Justification

The proposed expansion will increase the school square footage from 93,098 square feet to 107,408 square feet. The increased square footage is needed to accommodate additional classrooms to allow for an additional 350 students, increasing the school enrollment to approximately 1,800 students. The applicant has been operating the school in compliance with all the conditions of approval and with no known code enforcement issues. Most importantly, the proposed expansion and increase in student enrollment will not interfere with or change ingress and egress to the site, the on-site queuing system, the parking lot or parking lot configuration, and athletic fields. Rather, the proposed expansion will be over an underutilized field area. Since the proposed expansion will not impact existing school operations nor have an impact on the surrounding area, the waiver of conditions is appropriate.

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-19-900194	Administrative design review for shade structures in conjunction with an existing school	Approved by ZA	April 2019
DR-19-0136	Design review for a building addition to an existing school	Withdrawn at BCC	January 2020
WC-19-400025 (UC-0257-17)	Waivers of conditions of a use permit for the following: 1) per revised plans dated October 1, 2017; 2) cap student enrollment at 1,450 students; 3) building shall not exceed 94,000 square feet; and 4) landscaping per plans on file	Withdrawn at BCC	January 2020
WS-18-0823	Waiver of development standards for an animated monument sign and increased wall height with a design review for lighting, signage, and wall height in conjunction with an approved school (Legacy Traditional)	Approved by BCC	December 2018
VS-18-0515	Vacation and abandonment of patent easements and a BLM right-of-way grant - recorded	Approved by PC	September 2018
UC-0257-17	Use permit for a school (Legacy Traditional)	Approved by BCC	October 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Low-Intensity Suburban Neighborhood (up to 5 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South	Ranch Estate Neighborhood (up to 2 du/ac); Mid-Intensity Suburban Neighborhood (up to 8 du/ac); and Corridor Mixed-Use	RS20 (NPO-RNP) & RS3.3	Undeveloped & single-family residential
East	Corridor Mixed-Use	RS20	Undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) & RS10	Single-family residential & undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
DR-26-0413	A design review for an expansion to an existing school is a companion item on this agenda.

STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis
Comprehensive Planning
Waiver of Conditions
Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

This item was approved by the Board of County Commissioners (BCC) after the decision by the Planning Commission (PC) to approve the original request was appealed. The applicant previously indicated that several neighborhood meetings were held and the requested conditions of approval limiting the number of students and the size of the building be added because they were agreed upon at those meetings to address the neighbors' concerns. Both the PC and the BCC approved this request with those conditions. Aerial photographs indicate that additional single-family residential development has occurred immediately to the north, south, and west of the project site since original approval of the school. Staff finds the previously imposed conditions are still necessary to fulfill the intended purpose of buffering the neighborhood from the potential impacts associated with this use and, therefore, cannot support this request.

Staff Recommendation
Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition(s) will no longer fulfill its intended purpose.

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:

Public Works - Development Review
If approved:

- No comment.

Fire Prevention Bureau

- No comment.

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 #0043-2027 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.
APPROVALS:
PROTEST:

APPLICANT: LEGACY TRADITIONAL SCHOOLS - NEVADA, INC.
CONTACT: KAEMPFER CROWELL, JENNIFER LAZOVICH, 1980 FESTIVAL PLAZA DRIVE #650, LAS VEGAS, NV 89135