



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: BRILLIANT INTERNATIONAL ACADEMY, LLC -
OWNER: WEST CHARLESTON BOULEVARD TRUST

** STAFF RECOMMENDATION(S) **

Table with 3 columns: CASE NUMBER, RECOMMENDATION, and REQUIRED FOR APPROVAL. It contains two rows of staff recommendations for cases 23-0540-SUP1 and 23-0540-SDR1.

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 248

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0540-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04 for a Public or Private School, Primary use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0540-SDR1) shall be required, if approved.
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 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. The total number of students shall not exceed 150 students, unless otherwise approved in the required Traffic Impact Analysis.
8. There shall be an administrative review by the Department of Public Works 60 days after opening to insure compliance with the approved Traffic Impact Analysis as it related to the school pick-up and drop-off plan and the overall school operations. If significant traffic issues arise prior to this date, the City Traffic Engineer may require a review sooner than this 60-day period. Corrections for any non-compliance must be completed by the applicant within 60 days of written notice from the City.

23-0540-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0540-SUP1) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 10/23/23, and building elevations, date stamped 11/20/23, except as amended by conditions herein.
4. An Exception from Archived Title 19.12 is hereby approved, to allow no additional parking area trees where five are required.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

8. 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.
9. Install a school zone and construct school zone flashers as required by the City Traffic Engineer.
10. Prior to the issuance of permits, contact sewer billing to determine the cost, if any, for the increased student capacity. If it is determined that this addition requires an increase in sewer fees, comply with the regulations governing sewer fees for connection and usage.

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11. 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.
12. 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, 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.
13. Queues for the overall pick up and drop off operations shall not extend into the public right-of-way.
14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage-ways recommended in the approved drainage study update.

Fire & Rescue

15. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Site Development Plan Review and Special Use Permit to establish a Public or Private School, Primary use with a 6,500 square-foot outdoor play area at 7401 West Charleston Boulevard.

ISSUES

- A Major Amendment to previously approved Site Development Plan Review (Z-0127-94) is requested for a proposed parking lot reconfiguration to establish an outdoor play area. Staff supports this request.
- A Public or Private School, Primary use is permitted in the P-R (Professional Office and Parking) zoning district with the approval of a Special Use Permit. Staff supports this request.
- Per Archived Title 19.08, chain link fencing may be approved as part of an overall development plan. The proposed chain-link fencing is deemed appropriate, as visibility into the site is desirable for safety and security reasons.

ANALYSIS

The subject site is zoned P-R (Professional Office and Parking) with an O (Office) land use designation. The P-R (Professional Office and Parking) zoning district is a legacy district and is subject to the Adopted March 1997/Pre-Unified Development Code. There is an existing building onsite that was constructed in 1997 and has been vacant since 2018. The applicant is now requesting to operate a charter school that would provide education to elementary and middle school students. Part of this proposal includes reconfiguring the existing parking lot, established in Site Development Plan Review (Z-0127-94), in order to develop a 6,500 square-foot outdoor play area. The submitted site plan indicates that the proposed outdoor play area would remove 11 parking spaces on site and has provided six additional spaces adjacent to Charleston Boulevard. Despite this, only 39 parking spaces are required for the proposed Public or Private School, Primary use where 120 spaces are provided.

Pursuant to the Archived Title 19.04 for permissible uses, the Public or Private School, Primary use is defined as, “An institution that provides kindergarten through 8th grade education and is supported by a public, religious or private organization.”

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The Minimum Special Use Permit Requirements for the proposed use include:

1. Adequate pick-up and drop-off areas must be provided on site.

The proposed use meets this requirement as indicated on the submitted site plan, which shows dedicated drop off/pickup areas to the west property line. On-site circulation patterns help ensure that pick-up and drop-off areas will be maintained on site. The Department of Public Works has added a Condition of Approval requiring a 60-day administrative review to ensure compliance with the approved Traffic Impact Analysis relating to school pick-up and drop-off plans.

Pursuant to Archived Title 19.04, unless otherwise approved as part of an overall development plan, the following materials are not acceptable for use as screening walls or fences: chain-link or open wire fencing, razor wire or barbed wire, corrugated metal, colored plastic, un-textured or unfinished concrete or block (CMU) walls, and pointed post fences. The applicant has requested the use of chain-link fencing as depicted on the submitted building elevations which show an eight-foot tall screen wall surrounding the perimeter of the outdoor play area. The proposed location of the chain-link fencing is towards the rear of the existing building where it would be directly visible to the adjacent office uses to the east. Staff finds the use of chain-link material for the proposed outdoor play area is consistent with other primary and secondary schools in the City that utilize chain-link as visibility into the site is desirable for safety and security reasons. Therefore, staff is supportive of this request.

The subject site is located in the Charleston neighborhood planning area as defined in the City of Las Vegas 2050 Master Plan. This area has high potential for transit-oriented development that may exacerbate school overcrowding. The education subsection of the City of Las Vegas 2050 Master Plan discusses the need for new schools to both alleviate overcrowding of facilities and anticipate future student population growth. If approved, the proposed school would help alleviate the pressure on Charleston area primary schools which are mostly nearing or exceeding capacity.

Staff finds that the proposed parking lot reconfiguration to establish an outdoor play area in conjunction with the proposed Public or Private School, Primary use would fulfill key objectives of the City of Las Vegas 2050 Master Plan relating to education and would be harmonious and compatible with the surrounding office, commercial, and residential development in the area. Therefore, staff recommends approval of all requested entitlements, subject to conditions.

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FINDINGS (23-0540-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Public or Private School, Primary use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed Public or Private School, Primary use will be located in an existing two-story office building and is physically suitable for the type and intensity of land use proposed.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Charleston Boulevard, an 100-foot Primary Arterial, and Tenaya Way, an 80-foot Collector Street as designated by the Master Plan of Streets and Highways and is adequate in size to meet the requirements of the proposed use.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed educational facility will be subject to permit reviews and inspections, and state licensing regulations; therefore, the public health, safety, and welfare will be protected.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed Public or Private School, Primary use meets all of the applicable conditions per Archived Title 19.04 for Permissible Uses.

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FINDINGS (23-0540-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 parking lot reconfiguration to establish an outdoor play area is compatible with adjacent office, commercial, and residential development in the area.

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

The proposed development meets all relevant Title 19 development standards as no Variances of standards are necessary. Additionally, the proposed development fulfills key objectives of the City of Las Vegas 2050 Master Plan relating to addressing school overcrowding.

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

Site access is provided by Charleston Boulevard, a 100-foot Primary Arterial and Tenaya Way, an 80-foot Collector Street as identified by the Master Plan of Streets and Highways. Onsite circulation provides sufficient pick-up and drop-off zones.

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

As part of the parking lot reconfiguration, the applicant has proposed using chain-link fencing to surround the outdoor play area. Staff finds the use of chain-link fencing is appropriate as visibility into the site is desirable for safety and security reasons. Building and landscape materials remain unchanged from what was previously approved and remains appropriate for the area and for the City.

- 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;**

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Building elevations and design characteristics of the existing, vacant office building are unchanged and are not unsightly, undesirable, or obnoxious in appearance; therefore remaining harmonious and compatible with development in the area.

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

The interior remodel of the suite and parking lot reconfiguration will be subject to permit review and inspection, thereby protecting the health, safety, and welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/10/94	The Planning Commission approved a Rezoning (Z-0127-94) from N-U (Non-Urban) to P-R (Professional Office and Parking) for a proposed 71,240 square-foot two-story office complex at the southwest corner of Charleston Boulevard and Tenaya Way.
12/07/94	The City Council approved a Rezoning (Z-0127-94) from N-U (Non-Urban) to P-R (Professional Office and Parking) for a proposed 71,240 square-foot two-story office complex at the southwest corner of Charleston Boulevard and Tenaya Way. The Planning Commission recommended approval.
05/17/06	The City Council approved a General Plan Amendment (12156-GPA) from: SC (Service Commercial), L (Low Density Residential) and M (Medium Density Residential) to O (Office), Multiple APNs

<i>Most Recent Change of Ownership</i>	
01/30/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1999	The subject building was constructed.

<i>Pre-Application Meeting</i>	
10/10/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit and Site Development Plan Review.

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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

11/01/23	A routine field check was conducted by staff and observed a vacant office building. Nothing of concern was noted.
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Details of Application Request

Site Area

Net Acres	2.22
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	O (Office)	P-R (Professional Office and Parking)
North	Residential, Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential, Single Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Office, Other than Listed	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
West	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	Y
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 19.12 (Adopted March 1997/Pre-Unified Development Code) the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Screen Wall Maximum Height	8 Feet	8 Feet	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y
Tenaya Way	Collector Street	Master Plan of Streets and Highways	80 Feet	Y

Pursuant to Title 19.04 (Adopted March 1997/Pre-Unified Development Code), the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Public or Private School, Primary	13 Classrooms	3 spaces per classroom	39				
TOTAL SPACES REQUIRED			39		120		Y
Regular and Handicap Spaces Required			37	2	117	3	Y