

11/07/23 PC AGENDA SHEET

DAYCARE
(TITLE 30)

DESERT INN RD/BURNHAM AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0659-NOVAL CONSTANTINO REVOCABLE LIVING TRUST & NOVAL
CONSTANTINO TRS:**

USE PERMITS for the following: **1)** daycare; and **2)** school.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** trash enclosure; and **2)** block wall.

DESIGN REVIEW for a daycare and school within an existing building on 1.0 acre in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the north side of Desert Inn Road, 610 feet west of Burnham Avenue within Winchester. TS/sd/syp (For possible action)

RELATED INFORMATION:

APN:

162-11-815-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Waive trash enclosure setback to a residential development to 18 feet where 50 feet is required per Section 30.56.120 (a 64% reduction).
- b. Reduce the setback for an existing trash enclosure to zero feet where 10 feet is required per Section 30.56-120 (a 100% reduction).
- c. Allow a trash enclosure door to open into an existing right-of-way where prohibited per Section 30.56.120.
2. a. Allow an 8 foot wall along Desert Inn Road where a maximum of 3 feet is allowed within 1 foot of a street per Section 30.64.020 (a 166% increase).
- b. Reduce the setback for a block wall to 0.5 inches where 10 feet is required per Section 30.64.020 (a 97% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 1950 E. Desert Inn Road
- Site Acreage: 1
- Project Type: Daycare

- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 8,857
- Parking Required/Provided: 28/30

Site Plans

The plans depict an existing 8,857 square foot office building that is being converted into a daycare and pre-school facility. Access is from Desert Inn Road via 2 separate driveways. The most eastern driveway is designated as a one-way drive for both parents dropping off students and for staff. The drive aisle heads north, then turns west and then south where the drop off zone is located on the eastern exterior. A total of 30 spaces exists on site where 28 spaces are required. On-site parking was calculated for both a school and daycare. The school is broken down with 1 space per classroom (6 classrooms) and 4 per 1,000 square feet of offices with the office per the floor plans being 140 square feet. The requisite on-site parking is 7 spaces. The daycare parking requirements when calculated per 1 space per 400 square feet of office and classrooms, which total 5,382 square feet and calculated at 21 spaces for the daycare use. A total of 28 spaces are required between the 2 uses and 30 spaces are provided.

A trash enclosure is shown in the northwest corner of the property and opens out into the right-of-way being an alleyway. Along the northern and western property lines there will be new playground equipment with shade structures, and installation of artificial turf for the school outdoor activities.

Landscaping

The plans depict landscaping within the interior of the property, including perimeter landscaping along the east, north, and west property lines. Internal landscaping is shown on the plans, including a landscape strip within the parking lot and the applicant is proposing to add 3 trees. Landscaping consists of medium size trees, Texas Mesquite trees, along with shrubs. Most of the landscaping is existing and will not be altered from its current format. The plans also depict expansion of an existing partial landscape area shown within the center interior of the parking lot and will include new landscaping per the plans submitted.

Elevations

The plans depict an existing commercial building that is up to 22 feet in height with a flat roofline and exterior fenestration of the walls that is visible from the street with glazed windows, columns, and a stucco finish. The color scheme is of a desert hue. The shade canopies are 16 feet to the top pinnacle and is open on all sides. A total of 3 separate shade structures cover the playground areas to protect both staff and children from the elements. The shade structures will have a blue canvas color on the top with beige columns.

Floor Plans

The plans depict a pre-school with classrooms, kitchen, breakroom, reception area, infant room, storage room, and restrooms. Classrooms square footage total 5,385 square feet with an office space at 140 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that pre-schools are a necessary component for communities as Nevada is considered a "childcare desert." The purpose of this application will be to provide for licensed childcare capacity. The daycare and pre-school use will offer needed facilities that offer childcare and pre-school for those aged between 6 weeks to 12 years old within the Paradise/Winchester area and beyond.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0348-10	Medical office	Approved by PC	August 2010
UC-0332-00	Medical office with waiver for alternative landscaping	Approved by PC	June 2000
UC-1846-96	33,750 square foot expansion (parking lot expansion) of an existing medical facility	Approved by BCC	March 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
South	Corridor Mixed-Use	C-2	Golf course
East & West	Neighborhood Commercial	H-1	Offices

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Use Permits & Design Review

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Staff finds the proposed daycare facility and pre-school are compatible with the adjacent uses and the abutting land uses. The proposed daycare facility will provide a vital service to the community and the site provides requisite parking, drop-off circulation pattern and requisite play areas. Landscaping will remain and the applicant will provide additional landscaping internally in the existing parking lot and perimeters. The application in part conforms with Policy WP-3.1: Adaptive reuse of an existing vacant or underutilized building through adaptive reuse where

practical and consistent with development and to promote reinvestment in the Winchester/Paradise area. The proposed daycare facility should not have an adverse or negative impact on the surrounding land uses or properties.

The proposed building elevations show decorative building materials and architectural enhancements on the exterior with flat roofline and with fenestration exterior walls on the eastern exterior visible from the street. No modification to the building is proposed and the amenities required for daycare to provide play areas; therefore, staff recommends approval of these requests.

Waiver of Development Standards #1a & #1b

The trash enclosure is located in the northwest corner of the property and has been in this location for some time. To relocate the trash enclosure would result in a loss of parking spaces or be in a location where commercial trucks will need to enter onto the property to collect trash. The current location, while less than 50 feet from residential development, is screened by a existing block wall of the subdivision. Currently, garbage is picked up for those businesses along Desert Inn through the alleyway for ease of collection and safety. Review of past violations from Public Response Office show no complaints or violations related to the existing trash enclosure; therefore, staff can support this request.

Waiver of Development Standards #2

The existing block wall located along the front exterior of Desert Inn Road is shown on the plans being less than 1 foot from the property line and 8 feet tall. Staff cannot support this request as it is a self-imposed hardship, and the applicant has not provided any mitigation measure to off-set the impact of the encroachment and height; therefore, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #1c

Staff cannot support the waiver to allow the trash enclosure opening into the right-of-way. When the gates are open they will block the right-of-way limiting vehicle access and creating potential conflicts with other vehicles as they try to avoid hitting the gates. Additional, when the trash is being picked up, the Republic Services vehicle will block the entire right-of-way while collecting the trash.

Staff Recommendation

Approval of the use permit, design review and waivers of development standards #1a and #1b; denial of waivers of development standards #1c and #2.

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

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 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

- Traffic study and compliance;
- Full off-site improvements;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

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.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: CHILDREN'S LEARN AND PLAY

CONTACT: CYNTHIA DUFFY, CHILDREN'S LEARN AND PLAY, 1934 S. WALNUT ROAD, LAS VEGAS, NV 89104