

DAYCARE
(TITLE 30)

EASTERN AVE/GOLDEN ARROW DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-22-400115 (ZC-19-0766)-TOP EXPRESS INVESTMENTS, LLC:

HOLDOVER USE PERMIT FIRST EXTENSION OF TIME for a daycare.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce landscaping; **2)** trash enclosure; **3)** reduce drive aisle width; and **4)** allow non-standard driveway improvements.

DESIGN REVIEW for a daycare on 0.4 acres in a C-P (Office and Professional) Zone.

Generally located on the west side of Eastern Avenue, 260 feet south of Golden Arrow Drive within Winchester (description on file). TS/hw/ja (For possible action)

RELATED INFORMATION:

APN:

162-11-811-077; 162-11-811-078

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate landscaping to a less intense use where landscaping is required per Figure 30.64-11 (a 100% reduction).
 - b. Eliminate street landscaping along Eastern Avenue where 15 feet of landscaping is required per Section 30.64.030 (a 100% reduction).
 - c. Eliminate parking lot landscaping where landscaping is required per Figure 30.64-14 (100% reduction).
2. Eliminate trash enclosure where a trash enclosure is required per Section 30.56.120 (100% reduction).
3. Reduce drive aisle width to 18 feet where 24 feet is the minimum per Table 30.60-4 (a 25% reduction).
4.
 - a. Maintain existing pan driveways where commercial driveways are required per Uniform Standard Drawing 222.1.
 - b. Eliminate throat depth where a minimum depth of 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 3153 & 3163 S. Eastern Avenue
- Site Acreage: 0.4

- Project Type: Daycare
- Number of Stories: 1
- Square Feet: 3,978
- Parking Required/Provided: 10/11

History & Request

The approved application included 2 adjacent buildings that are residential conversions. The northern parcel was zoned R-1 and included an approved use permit for an existing daycare facility. The southern parcel was zoned C-P and was previously converted to an office use. The previous approved application was used to reclassify the northern parcel to C-P, re-approve the daycare use in the C-P zone on the northern parcel, expand the daycare use to the southern parcel, and redesign the driveways to connect both parcels. Several of the waivers of development standards, which were previously approved on the northern parcel in the R-1 zone, were necessary again with the previously approved application since the northern parcel was reclassified to a C-P zone. Several variances for landscaping, parking, and a trash enclosure were previously approved for the southern parcel and remain in effect.

Site Plan

The approved site plan depicted a daycare facility that occupied 2 adjacent residential conversions. The northern parcel includes an existing daycare facility in the center of the site. Playgrounds and patios are located on the north and west sides of the building, and 7 parking spaces are located in front of the building. A circular driveway provides access to the northern parcel; however, the driveway is to be extended to the south to connect with the southern parcel.

The southern parcel includes an existing office building (residential conversion) that is to be used for the daycare facility. Playgrounds and canopies are depicted on the southwest side of the building, and 4 parking spaces are located in front of the building. Similar to the northern parcel, the existing driveway is to be extended to connect to the northern parcel. A trash area, which was not consistent with Title 30 standards, was located on the north side of the southern building, between the 2 parcels.

Landscaping

No landscaping was proposed with the original application, and no landscaping existed on either parcel besides some minor shrubbery adjacent to the front of the southern building. Waivers of development standards were previously approved for the northern parcel with the daycare facility in the R-1 zone, and variances were previously approved for landscaping in conjunction with the southern parcel when it was converted to an office use. Although the driveways were to be modified, the applicant did not propose to add any parking lot landscaping or street landscaping.

Elevations

Photographs depicted 2 existing single story residential conversions with pitched roofs and painted stucco exteriors. A waiver of development standards was previously approved to allow roof mounted mechanical equipment to remain unscreened on the northern parcel; however, the applicant has since installed screening around the mechanical equipment, so a waiver of development standards was no longer necessary. The mechanical equipment on the southern parcel is shown mounted on the side of the property and screened from view.

Floor Plans

The northern building was shown as 1,724 square feet, and a garage is to be enclosed to add an additional 260 square feet. Rooms within this building include areas for children, an office, kitchen, lunchroom, and restrooms.

The southern building was shown as 1,994 square feet and includes rooms for children, a kitchen, laundry/storage room, and restrooms.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-19-0766:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Applicant is advised that business can commence (with appropriate permits) while coordinating entrance improvements with Public Works; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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 use permit, waivers of development standards and design review must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- 6 months to submit off-site improvement plans;
- 1 year review of off-sites;
- Traffic study and compliance;
- Any remaining driveways shall be reconstructed as commercial pan driveways per Uniform Standard Drawing 224.
- Applicant is advised that off-site permits are required for any work within the right-of-way or County easements.

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 #0584-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that they are requesting this extension of time as they were given approval shortly before the COVID-19 pandemic occurred. As a result of the associated shutdowns, the ability to complete the project and the associated conditions became financially difficult as the business was not open. They are now requesting this extension of time to be able to continue running their business and start the expansion.

Prior Land Use Requests

The following applications are for the northern parcel (162-11-811-077):

Application Number	Request	Action	Date
ZC-19-0766	Reclassified the site from R-1 to C-P zoning for a daycare facility with waivers for reduced landscaping, trash enclosure, reduce drive aisle width, and non-standard driveway improvements	Approved by BCC	February 2020
AR-18-400006 (UC-0258-13)	Third application for review of a daycare facility with waivers for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements	Approved by BCC	March 2018
UC-0258-13 (AR-0097-17)	Second application for review of daycare facility with waivers for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements	Approved by BCC	September 2017
UC-0258-13 (ET-0024-15)	First extension of time to review waivers of conditions of a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. (monument sign only and waiver of conditions #1 was deleted)	Approved by BCC	May 2015
UC-0258-13 (WC-0071-14)	Waived conditions of a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. and monument sign only	Approved by BCC	August 2014
UC-0258-13 (ET-0070-14)	First extension of time to review a use permit for a daycare facility with waivers for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements	Approved by BCC	August 2014
UC-0258-13	Daycare facility with waivers for increased wall height, reduced landscaping, trash enclosure, design standards, and allow non-standard driveway improvements	Approved by BCC	August 2014

Prior Land Use Requests

The following applications are for the southern parcel (162-11-811-078):

Application Number	Request	Action	Date
ZC-19-0766	Daycare facility with waivers for landscaping, trash enclosure, reduced drive aisle width, and non-standard improvements	Approved by BCC	February 2020
UC-325-91 & VC-748-91	Secretarial services business with applications to reduce parking, waived street landscaping, and waived trash enclosure	Approved by PC	November 1991
ZC-168-80	Reclassified the site from R-1 to C-P zoning to convert the residence to an office	Approved by BCC	October 1980

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Neighborhood Commercial	C-P	Office uses
East	Corridor Mixed-Use	R-4	Multiple family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1 (Historic Neighborhood)	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application 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. Given that this will be the applicant's first extension of time on this application, staff can support this extension with the condition that the applicant make significant progress in the completion of the project going forward. However, due to Public Works not being able to support this extension of time, staff is also unable to support the request.

Public Works - Development Review

Staff cannot support this extension of time; the applicant has not complied with the previous conditions of approval related to the review and installation of off-site improvements. Although off-site improvement plans were submitted in May 2020, the engineer of record did not respond to the last list of corrections from September 2020.

Staff Recommendation

Denial.

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:

Current Planning

If approved:

- Until February 5, 2024 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- 6 months to complete off-site improvements;
- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

COUNTY COMMISSION ACTION: December 7, 2022 – HELD – To 01/18/23 – per the applicant.

APPLICANT: TOP EXPRESS INVESTMENTS LLC

CONTACT: JAZMIN GAMONAL, LUCKY KIDS DAYCARE, 3153 S. EASTERN AVE, LAS VEGAS, NV 89169