

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0325-CALERO JOSE RAFAEL YANES & REINOSO LANYS FLEITES:

USE PERMIT to allow a daycare.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modify residential adjacency standards; **2)** eliminate and reduce buffering and screening; **3)** eliminate setback; **4)** parking area design access; and **5)** alternative driveway geometrics in conjunction with a proposed daycare on 0.2 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located southwest of Consul Avenue and east of Caravelle Street within Sunrise Manor. TS/rp/cv (For possible action)

RELATED INFORMATION:

APN:

161-04-412-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Allow parking areas within 30 feet of a residential district where not permitted per Section 30.04.06L.
- b. Allow high activity areas of development adjacent to areas subject to residential adjacency without additional landscaping and/or screening where required per Section 30.04.06G.
2. a. Eliminate the required landscape buffer along the west property line where a 15 foot wide landscape buffer consisting of a double row of offset evergreen trees is required per Section 30.04.02C.
- b. Eliminate the required landscape buffer along the east property line where a 15 foot wide landscape buffer consisting of a double row of offset evergreen trees is required per Section 30.04.02C.
3. a. Eliminate rear setback for an existing shade structure where 5 feet is required per Section 30.02.06.
- b. Eliminate side setback for an existing shade structure where 5 feet is required per Section 30.02.06.
- c. Eliminate side setback for an existing patio cover where 3 feet is required per Section 30.02.06.
4. Allow exiting vehicles to back out across a sidewalk onto a street per Section 30.04.04H.
5. Allow a commercial pan driveway where a commercial curb return driveway is required per Uniform Standard Drawing 222.1.

LAND USE PLAN:

SUNRISE MANOR - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 5269 Consul Avenue
- Site Acreage: 0.2
- Project Type: Daycare (12 children)
- Square Feet: 612 (daycare)/2,114 (single-family residence)
- Parking Required/Provided: 4/6

Site Plan & Request

The plan depicts an existing house that is used as a daycare within an existing residential subdivision. Access to the property is from Consul Avenue to the north. The daycare operates on the rear side of the residence. Since the proposed daycare will accommodate more than 6 and up to 12 children, it is considered a commercial use. The plan shows 4 proposed parking spaces are located on the driveway, and 2 are located within the garage where 6 total parking spaces are provided. The plan also depicts one shade structure on the southwest corner of the rear yard and one patio cover attached to the southeast corner of the residence. A waiver is being requested to eliminate the setbacks for these structures. Since this is a commercial use, residential adjacency standards apply and are requested to be waived. Waivers for general parking area design and driveway geometrics are also a part of this request. No other changes are proposed to the existing site.

Landscaping

Landscaping exists throughout the parcel. However, since a non-residential use for daycare exists the applicant is not providing the required buffering and screening along a portion of the west and east side of the site. Per Title 30, buffering and screening is required. Buffering and screening includes a 15 foot wide landscape area with a double row of evergreen trees with each row planted off set from one another. In each row, trees shall be planted 20 feet apart on center. Since this is not provided, waivers of development standards are required.

Elevations & Floor Plan

The plans depict the following:

Daycare:

The plans show an interior area used for daycare activities. The daycare space is 612 square feet and includes a baby room, classroom, restroom, and an outdoor area designated for play.

Patio Cover:

The photo shows an attached patio cover along the southeast side of the residence. It features a solid roof supported by posts, has an overall height of approximately 9 feet, and provides about 144 square feet of covered space used in connection with the pool.

Shade Cover:

The photo shows an attached shade structure located along the side and rear portions of the property. This structure also has a solid roof supported by posts and is connected to adjacent

block walls measuring approximately 6 feet in height. The covered area is roughly 54 square feet and is used for pool-related equipment storage

Applicant's Justification

The applicant request an approval to care for up to 12 children (4 infants and 8 toddlers) with 1 to 3 staff members, following all Nevada childcare licensing ratios and standards. Hours of operation are Monday - Friday, 6:00 a.m. to 6:00 p.m. The applicant indicated that the home includes a designated childcare room, and a children's only bathroom. The program provides safe, affordable early education with designated indoor and outdoor childcare areas and meals through the USDA Food for Kids program. Outdoor play occurs daily in the mornings, weather permitting. The applicant indicated that the existing exterior lighting is minimal and does not impact neighboring homes.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential

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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Use Permit & Waivers of Development Standards #1, #2, & #4

Staff finds that a daycare is an appropriate use when in conjunction with a residence, to accommodate up to 6 children, which Title 30 allows under "Family Daycare." A daycare with 12 children is a commercial operation and requires compliance with commercial standards, including residential adjacency, buffering and screening, and parking standards. The proposed daycare use for up to 12 children is not compatible with the surrounding residential area. Daycare uses are required to be accessed from a collector or arterial street due to the increased vehicular traffic and potential negative impacts to the neighborhood. Staff finds that the requested waivers are proposed due to the commercial nature of the use, which could be prevented if the use was proposed as a family daycare for up to 6 children. Staff cannot support these requests.

Waiver of Development Standards #3

Eliminating the setback is a self-imposed hardship which may be prevented if the applicant sought information regarding the structures prior to constructing them. Setbacks are essential to ensure safety and maintain complementary streetscapes and rear yards adjacent to existing residences. Therefore, staff cannot support the request.

Public Works - Development Review

Waiver of Development Standards #5

Given the nature of the business, customers visiting the site will increase traffic through the neighborhood. Commercial curb-return driveways help mitigate these impacts by providing a smooth transition from the roadway into the site, and an on-site parking lot would prevent vehicles from parking along adjacent streets. Without these improvements, vehicles are likely to queue and then back into the right-of-way, increasing the likelihood of accidents. Therefore, staff cannot support this request.

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:

Comprehensive Planning

If approved:

- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised that the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

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: Sunrise Manor - approval.

APPROVALS:

PROTESTS:

APPLICANT: KAYLIE FAMILY HOME DAYCARE

CONTACT: KAYLIE FAMILY HOME DAYCARE, 5269 CONSUL AVENUE, LAS VEGAS, NV 89142