

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-26-0011-DIAB DIAB & CAMERON:**

**USE PERMIT** to allow a daycare facility.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modify residential adjacency standards; **2)** eliminate and reduce buffering and screening; **3)** reduce building separation; **4)** eliminate bicycle parking; **5)** reduce parking; and **6)** reduce throat depth in conjunction with a proposed daycare on 0.33 acres in an RS10 (Residential Single-Family 10) Zone.

Generally located south of Costa Brava Road and west of Redwood Street within Spring Valley.  
JJ/bb/cv (For possible action)

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RELATED INFORMATION:

**APN:**

163-14-114-009

**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.
  - c. Allow a 5 foot high wall along the west property line to remain where an 8 foot high decorative wall is required per Section 30.04.02C.
  - d. Allow a 5 foot high wall along the east property line to remain where an 8 foot high decorative wall is required per Section 30.04.02C
3. Reduce the building separation between Shed A and the shade structure to 3 feet where 6 feet is required per Section 30.02.04 (a 50% reduction).
4. Eliminate bicycle parking where 4 spaces are required per Table 30.04-8.
5. Reduce the number of parking spaces to 4 where 6 parking spaces are required per Section 30.04.04D (a 34% reduction).
6. Reduce throat depth for a driveway along Costa Brava Road to 13 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 48% reduction).

## **LAND USE PLAN:**

SPRING VALLEY - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 6737 Costa Brava Road
- Site Acreage: 0.33
- Project Type: Daycare (24 children)
- Number of Stories: 2
- Building Height (feet): 24
- Square Feet: 5,792 (existing community residence 4,312 - 1<sup>st</sup> floor/proposed daycare 1,480 - 2<sup>nd</sup> floor)
- Parking Required/Provided: 6/4

#### Site Plan & Request

The plan depicts an existing house that is used as a community residence within an existing residential subdivision. A circular driveway, which provides access from Costa Brava Road to the north, is proposed. The community residence operates on the first floor of the residence. The applicant is requesting to turn the second floor of the residence into a daycare. Since the proposed daycare will accommodate more than 6 and up to 24 children, it is considered a commercial use. The plan shows 4 proposed parking spaces in the front yard where 6 are required. The plan also depicts two sheds and one shade structure within the backyard. A waiver is being requested to reduce the separation between Shed A and the shade structure to 3 feet. The existing residential trash bins will be kept within the side yard on the west side of the home. No other changes are proposed to the existing site.

#### Landscaping

The plans show a 10 feet wide landscape strip along Costa Brava Road with 2 large trees and shrubs.

#### Elevations

The elevations and photographs depict an existing single-family home with a primary entrance facing north toward Costa Brava Road. There is a staircase within the rear yard which provides direct access to the second floor where the proposed daycare is located.

#### Floor Plans

The floor plans depict the first floor that is currently licensed as a 10 bed community residence and the second floor that is proposed to be used as a daycare for up to 24 children. The second floor plan shows distinct daycare spaces, with a 156 square foot daycare office and storage room, cubbies, utility room, storage room, bathroom, and partial kitchen area. The interior staircase connecting the first and second floors will not generally be available to the children or residents of the community residence, as the proposed daycare will be primarily accessed from the staircase within the backyard.

Applicant’s Justification

The applicant is proposing to operate a daycare on the second floor of an existing residential home where an existing community residence senior care facility operates on the first floor with up to 10 seniors and 3 employees. The proposed daycare will have up to 24 children and 3 employees with a separate existing entrance and exit by stairs in the backyard of the home. Combining the community residence and daycare facility in one building will provide intergenerational enrichment opportunities. A director will be on site for all operations during the business hours of 7:00 a.m. and 5:00 p.m. Monday to Friday. A new half circle one-way driveway is proposed. A staggered drop off schedule for children will be between 7:00 a.m. and 9:00 a.m. The pickup schedule will range between noon and 5:00 p.m.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
AC-900077-13	Community residence with 10 beds for senior living	Approved by ZA	February 2013

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, West, & East	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	RS10	Single-family residential
South	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.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the

proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

#### Use permit & Waivers of Development Standards #1, 2, 4, & 5

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 24 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 24 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 vehicle traffic and potential negative impacts related to increased traffic in a residential 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. The proposed daycare will increase traffic volumes greater than a family daycare, requires more parking spaces, and will introduce a business located in a residential area. Staff cannot support the use permit or the waivers of development standards.

#### Waiver of Development Standards #3

The requested separation reduction is a self-imposed hardship that would have been prevented if the applicant sought information regarding the structures prior to constructing them. Separations are essential to ensure safety and mitigate visual clutter. Therefore, staff cannot support the request.

#### **Public Works - Development Review**

##### Waiver of Development Standards #6

Staff cannot support the request to reduce the throat depth for the proposed commercial driveways on Costa Brava Road, as it will lead to queuing in the right-of-way with a one-way driveway and congested parking lot. Furthermore, the site will operate as a commercial business in a residential neighborhood that will generate an increase in traffic from Spring Mountain Road becoming a detriment to pedestrian safety and the neighborhood.

#### **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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or 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 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; 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**

- Traffic study and compliance;
- Off-site improvement permit will be required.

**Fire Prevention Bureau**

- Applicant is advised that permits may be required for this facility; that operational permits may be required for this facility; that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

**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:** MUBEEN NAIMUDDIN

**CONTACT:** DORA VALENTIN, CARING NOW, 6737 COSTA BRAVA ROAD, LAS VEGAS, NV 89146