

DAYCARE  
(TITLE 30)

SUNSET RD/BERMUDA RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0356-BERMUDA ROAD PROPERTIES, LLC:**

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

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce parking; and 2) eliminate parking lot landscaping.

**DESIGN REVIEW** for a daycare facility and restriped parking spaces within an existing office/warehouse facility on a portion of 6.0 acres in an M-1 (Light Manufacturing) (AE-65) Zone.

Generally located on the east side of Bermuda Road, 365 feet south of Sunset Road within Paradise. MN/jor/tk (For possible action)

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**RELATED INFORMATION:**

**APN:**

177-03-114-005 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce parking spaces to 316 parking spaces where 349 parking spaces are required per Table 30.60-1 (a 10% decrease).
2. Eliminate the landscape finger islands within the 76 restriped parking spaces where landscape finger islands are required per Figure 30.64-14.

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 6590 Bermuda Road
- Project Type: Proposed daycare facility
- Number of Stories: 3
- Square Feet: 172,926 (existing office/warehouse building with previously approved place of worship, café area, and office areas)/9,976 (proposed daycare facility with ancillary areas)
- Parking Required/Provided: 349/316

### History & Site Plan

The site plan depicts an existing office/warehouse complex located east of Bermuda Road, 365 feet south of Sunset Road. The applicant is proposing a new daycare facility within the northernmost office warehouse building only. Access to the site is via commercial driveways along Bermuda Road and Pilot Road. Cross-access is provided throughout the site and parking is also shared throughout the complex. Aside from the existing office/warehouse use on the eastern portion of the building, the current uses within the western portion building also include a convention and training facility with lodging approved via UC-0523-11, and a place of worship approved via UC-0613-17.

Today the applicant is requesting to convert a portion of the internal parking garage (centrally located in the building on the ground level) into a daycare facility with ancillary areas such as new employee offices, a new play yard, new kitchen area, and an employee breakroom for the daycare. In addition, the applicant is restriping to add 76 parking spaces on the southeast corner of the parcel adjacent to existing parking spaces in the complex.

This application includes a waiver to reduce parking to 316 parking spaces where 349 parking spaces are required per Title 30 for all existing and proposed uses within the building. A waiver for reduced parking was previously approved via UC-0613-17 to permit 273 parking spaces where 311 parking spaces are required when the place of worship and convention and training facility with lodging was proposed.

The second waiver is required to eliminate parking lot landscaping within the restriped 76 parking spaces. Lastly a design review is included for the entire proposed project.

### Landscaping

The site currently includes landscaping around the perimeter of the site, adjacent to the existing office/warehouse buildings, adjacent to the existing Union Pacific Railroad (UPRR) to the north, and there are some landscape finger islands within some of the parking areas. The applicant is proposing to restripe to add 76 parking spaces within the subject parcel, on the southeast corner of the office/warehouse building. The applicant is requesting to restripe the parking spaces only and not include the required landscape finger islands spaced every 6 parking spaces as required per Figure 30.64-14.

### Elevations

There are no exterior changes to the south, west, and east facing elevations of the existing building. The proposed daycare facility will include an outdoor play yard on the north facing elevation of the building. The applicant intends to install a 6 foot high CMU block wall to enclose the 3,000 square foot outdoor play yard. No additional exterior changes are proposed with this application.

### Floor Plans

The floor plans show that there is an existing indoor garage on the ground level and centrally located within the building. The applicant proposes to convert the northern portion of the indoor garage to accommodate the daycare. Patrons have the option of entering the centrally located parking garage and park inside the garage and utilize the designated walkway which leads to the

entrance of the daycare, or parents can park outside and walk through the parking garage to reach the entrance of the daycare. The floor plans show that the daycare is located on the first floor only, and consists of 5 classrooms with restrooms, breakroom, kitchen area, staff restrooms, storage areas, offices, open clerical area, and a reception area. The play yard has an overall area of 3,000 square feet, the daycare area is 4,810 square feet, and the office area for the daycare is 2,166 square feet.

Signage

Signage is not a part of this request.

Applicant’s Justification

Per the applicant’s justification letter, the anticipated hours of operation for the daycare are weekdays between 8:00 a.m. to 6:00 p.m. The daycare will not operate on weekends. The area proposed for the daycare currently consists of parking spaces and is on the north end of the parking garage. The play yard is proposed to be located where the existing single row of parking exists. The plans further depict the play yard will be enclosed with a 6 foot high split face concrete screen block wall that will match the existing wall on either side. With the enclosed play yard, there will still be the existing one-way drive aisle, fire lane, and landscape planter (depicted as Keynote 8 on the site plan). Finally, the new office area is less than 10% of the existing and/or approved office area (cumulative amount of office space); therefore, is considered ancillary without triggering a special use permit for office as a principal use.

The first waiver request is to reduce parking to 316 parking spaces where 349 spaces are required. The reduction represents a 9.5% reduction. Through action of UC-0613-17, the site with all existing uses currently operates with a 12.2% reduction with no complaints or impacts to the immediate area. The Department of Comprehensive Planning has verified that no complaints have been logged with the Clark County Public Response Office (CCPRO).

The second waiver request is for parking lot landscaping. The current site, based on when it was developed, has 4 parking lot trees. The existing warehouse/distribution function requires larger, commercial vehicles, that may conflict with parking lot curbing and trees. The applicant proposes to restripe portions of the parking lot in the southeast part of the site. These spaces are completely internal to the site and represent a minor amount of the overall parking provided. Having to provide parking lot landscaping for existing paved areas that are being restriped would not further any goals or policies of the Master Plan or Title 30 since the site is not being redeveloped. Due to the asymmetry of the site, there is no practical reason or function of providing parking lot landscaping for a restriping of existing paved areas.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
AR-19-400120 (UC-0613-17)	First application for review for a place of worship in conjunction with a major training facility	Approved by BCC	November 2019

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0613-17	Place of worship in conjunction with a major training and convention facility and dormitory with a waiver to reduce parking, and waived conditions of a use permit (UC-0523-11) requiring the property not be used as a place of worship	Approved by BCC	September 2017
UC-0625-15	On-premises consumption of alcohol in conjunction with an existing major training facility, convention facility, and dormitory	Approved by BCC	November 2015
UC-0523-11 (ET-0003-15)	Second extension of time to complete a major training facility, convention facility, and dormitory with a design review	Approved by BCC	March 2015
UC-0523-11 (ET-0001-14)	First extension of time to complete a major training facility, convention facility, and dormitory with a design review	Approved by BCC	February 2014
UC-0523-11	Major training facility, convention facility, and dormitory with a design review	Approved by BCC	March 2012

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	M-D & M-1	UPRR & Konami Gaming Center
South & West	Business Employment	M-D & M-1	Office/Warehouse complexes
East	Business Employment	M-1	Office/Warehouse complexes

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

Use Permit

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 that the proposed daycare is a convenient location for parents who require a daycare facility and are employed within the nearby offices, warehouse/distribution complexes, and other commercial establishments within the immediate area. The existing uses on-site (place of worship, convention and training facility with lodging), have not negatively impacted the site and have no reported problems to Clark County; therefore, the addition of a daycare should also

not create any negative ramifications. Access to the daycare is also ideal for employees and parents since the daycare is adjacent to an arterial street (Bermuda Road). Lastly, the daycare will only operate on the weekdays with normal business hours 8:00 a.m. to 6:00 p.m. Staff does not object to this request.

#### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

The applicant is requesting to reduce the parking spaces to 316 parking spaces where 349 parking spaces are required per Table 30.60-1 (a 10% decrease). UC-0613-17 was previously approved for a parking reduction to 273 parking spaces where 311 spaces were required when the place of worship and convention and training facility with lodging was proposed. With the addition of the daycare, the applicant states that a total of 349 parking spaces are now required. Staff finds that since the submitted plans show 270 exterior parking spaces, 20 parking spaces within the interior parking garage, 2 shuttle bus parking areas, and 24 additional exterior surface parking spaces, the site provides 316 parking spaces. The complex has ample parking for the daycare and the existing uses throughout the site; therefore, staff supports this request.

#### Waiver of Development Standards #2

The applicant is requesting to not install landscape finger islands within the 76 restriped parking spaces where landscape finger islands are required per Figure 30.64-14. Although staff typically does not support waivers to landscaping, staff does not object to eliminating the landscape finger islands since the parking spaces are internal to the site and will match the existing parking spaces immediately to the south. The site includes existing landscaping around the perimeter of the site, adjacent to the existing office/warehouse buildings, adjacent to the existing Union Pacific Railroad to the north, and there are some landscape finger islands within some of the parking areas. Staff supports this request.

#### Design Review

The proposed daycare brings added economic viability, and the 76 restriped parking spaces add additional usability to the overall site. Since staff supports the use permit and waivers of development standards, staff can also support this request.

#### **Department of Aviation**

The property lies within the AE-65 (65 - 70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

## **Staff Recommendation**

Approval.

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**

- 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; 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**

- No comment.

### **Department of Aviation**

- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

### **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:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BERMUDA ROAD PROPERTIES

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