

DAYCARE
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-22-0668-MEJIAS DAISY OLAZABAL:

HOLDOVER USE PERMIT for a daycare.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate landscaping; **2)** reduce drive aisle width; and **3)** reduce trash enclosure setback.

DESIGN REVIEW for a daycare on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of Flamingo Road, 140 feet west of Sheppard Drive within Paradise. TS/sd/ja (For possible action)

RELATED INFORMATION:

APN:

161-20-510-063

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate landscaping adjacent to a less intensive use where landscaping is required per Figure 30.64-11 (a 100% reduction).
- b. Eliminate street landscaping along Flamingo Road 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. Reduce drive aisle width to 20 feet where 24 feet is the minimum per Table 30.60-4 (a 17% reduction).
3. Reduce the setback for a trash enclosure to 6 feet where 50 feet is required from any residential development per Section 30.56.120 (88% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 4787 E. Flamingo Road
- Site Acreage: 0.2
- Project Type: Daycare
- Number of Stories: 1
- Building Height (feet): 13

- Square Feet: 1,273
- Parking Required/Provided: 5/5

Site Plans

The plans depict a single story single family residential building that will be rehabilitated from its current condition and serve as a daycare facility. Parking spaces are in front of the residence, which is in the center of the parcel. A trash enclosure is located on the east exterior and is adjacent to an existing single family residence. A total of 5 parking spaces are required and provided.

Landscaping

The plans depict little to no landscaping on this parcel. No landscaping is provided along Flamingo Road, within the parking lot or adjacent to a less intensive use. The lack of landscaping is the subject of the waiver of development standards above. In addition, no landscaping is proposed for the front area which is completely hardscaped.

Elevations

The plans depict an existing building originally built as a single family residence. The maximum height is 13 feet. The exterior is constructed with a stucco finish and is painted white in color.

Floor Plans

The plans depict a floor plan with 4 classrooms and an office (the classrooms and the office are 795 square feet and 75 square feet, respectively). The applicant has stated that they will provide the requisite playground equipment (mandated by the state for all daycare facilities that provide daycare to children) in the rear yard.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states as owners of the daycare, they will comply with the State of Nevada’s requirements as permitted by the size of the property with the appropriate child to student ratio and toys and equipment. The proposed daycare will have 15 to 17 children and 4 to 5 adults. The hours of operation are 6:00 a.m. to 6:00 p.m. Drop-off hours are from 6:00 a.m. to 8:00 a.m. Pick-up hours are 5:00 p.m. to 6:00 p.m. Monday through Friday. Front parking spaces closest to the residence will be used for pick-up and drop-off. In addition, existing exterior downlighting exists and the site complies with parking requirements per Chapter 30.60. However, there is no room for landscaping per Table 30.64-2.

Surrounding Land Use

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

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 facility within this existing single family residence is not an appropriate location for this use. A daycare facility located on this parcel can have a significant impact to the immediate area. Staff has concerns about on-site traffic flow with drop-off/pick-up. While the existing facility has access to Flamingo Road, which is an arterial street, staff feels this location has the potential for traffic hazards to both customers, staff, and the public. The existing drive aisle is less than the required 24 feet in width, thus vehicular traffic has little room to maneuver safely for ingress/egress traffic flow. A commercial business at this site can impact the existing single family residences in the area. Staff believes this proposed daycare facility will have significant impacts to the immediate area, as it relates to screening and buffering and on-site traffic circulation and does not anticipate the parcel being able to accommodate the number of students in an efficient manner; therefore, staff recommends denial of the use permit.

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

Residential conversions to commercial use typically require several waivers of development standards to accommodate a different use on a former residential property. With this request several waivers for landscaping and screening are being proposed by the applicant to mitigate impacts of a commercial business adjacent to existing residential uses. No landscaping is being proposed along Flamingo Road, within the parking areas, and along the side and rear property lines as required by Code. Staff finds the lack of screening and buffering of the parking lot area will adversely impact the surrounding residential area and these waivers are excessive, especially adjacent to the existing residential uses. The request does not comply with Urban Specific Policy 32 of the Master Plan which encourages specific buffering between existing residential areas and more intense land use designations.

Waiver of Development Standards #2

The request to reduce the drive aisle width from 24 feet to 20 feet will limit the mobility of the vehicles within the parking and drop-off/pick-up locations. While the reduced width will allow the applicants to provide requisite on-site parking, staff has concerns with reduced mobility and circulation along Flamingo Road and the impact to both pedestrian safety and traffic flow. Per the submitted plans, the applicant can redesign the interior of the parking lot to accommodate the standard width of a drive aisle per Title 30. Staff cannot support this request due to potential safety concerns.

Waiver of Development Standards #3

Title 30 requires all developments, except for single family residential developments, to provide interior or exterior enclosures for all refuse containers, compactors, and refuse collection areas per the standard of the local trash service provider. A commercial business usually produces larger amounts of trash; thus, setbacks are a necessity to prevent nuisances with odor and infestation. The existing trash enclosure sits up against the eastern property line, where per Code, must be set back a minimum of 50 feet. Staff cannot support this request.

Design Review

Staff finds the number and types of waivers of development standards requested are excessive and the applicant has not provided sufficient justification or mitigation for these waivers. Therefore, staff cannot support the requested waivers of development standards. In addition, staff finds that the proposed site plan does not present an effective layout, sufficient landscaping, and adequate on-site circulation. Since staff cannot support the waivers of development standards requests, staff cannot support the design review as submitted.

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:

- Applicant is advised that 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

- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

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:

APPROVALS:

PROTESTS: 2 cards

PLANNING COMMISSION ACTION: February 7, 2023 – HELD – To 02/21/23 – per the applicant.

PLANNING COMMISSION ACTION: February 21, 2023 – HELD – To 03/07/23 – per the applicant.

APPLICANT: ADRIAN PLATA

CONTACT: ADRIAN PLATA, 7180 TOPEKA DRIVE, LAS VEGAS, NV 89147