06/15/21 PC AGENDA SHEET

UPDATE

DAYCARE
(TITLE 30)

DESERT INN RD/HIGHLAND DR

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-21-0126-SAIA, GABRIEL GOMES JR. REV LIV TR & SAIA, GABRIEL GOMES JR. TRS:

HOLDOVER USE PERMIT for a proposed daycare (children) facility within an existing retail and office/warehouse on a portion of 9.1 acres in an M-1 (Light Manufacturing) Zone in the Adult Use Overlay District.

Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester. TS/sd/jo (For possible action)

RELATED INFORMATION:

APN:
162-08-805-009 ptn

LAND USE PLAN:
WINCHESTER/PARADISE - INDUSTRIAL

BACKGROUND:
Project Description
General Summary

- Site Address: 2548 W. Desert Inn Road
- Site Acreage: 9.1 (portion)
- Project Type: Daycare
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 3,400
- Parking Required/Provided: 306 (entire complex - 5 for daycare)/633 (complex)

Site Plans
The plans depict a proposed daycare facility in conjunction with an existing retail and office/warehouse complex on a portion of 9.1 acres. The daycare use will operate out of a detached commercial building located within the northeast corner of the parcel. An outdoor play area will be enclosed, per the site plan, with a 6 foot solid decorative masonry wall to the south and east of the building, next to the Union Pacific Railroad right-of-way. The existing commercial development consists of a banquet facility, supper club, cannabis establishment (production) facility, cannabis establishment (retail cannabis store and dispensary), and office/warehouse space in an existing office/warehouse building. All the uses are in the

office/warehouse building on the east side of the site. Access to the site is granted via existing commercial driveways located along Desert Inn Road and Highland Drive. The other building on the property is located near the southwest corner of the property that is not a part of this request. Parking is located throughout the site, including to the north within a Nevada Department of Transportation lot, underneath Wilbur Clark Road, which was approved by WS-20-0082.

Landscaping
All site and street landscaping exists, and no additional landscaping is proposed or required.

Elevations
The plans depict a single story commercial building that will be rehabilitated from its current condition and serve as a daycare facility. The maximum height is 23 feet with a flat roofline and parapet wall on top. The exterior will be made of concrete masonry units that will be painted with storefront windows and children's play areas surrounded by a 6 foot high solid concrete masonry security wall.

Floor Plans
The plans depict a 3,400 square foot commercial building with office, lobby, restrooms, breakroom, corridor and play areas and infant's room.

Signage
Signage is not a part of this request.

Applicant's Justification
The property can be accessed from Highland Drive. As shown on the site plan, patrons of the daycare facility would be encouraged to enter and exit the property off Highland Drive at the entrance closest to the proposed daycare facility. Patrons will be provided a map that directs them to use this route, as well as the location of the appropriate parking, during registration. Despite the fact that the cannabis dispensary is an adult related use, this location is still appropriate given the large size of the property and the fact the entrance to the dispensary is located on the farthest side of the building from the proposed daycare. The orientation of the front of the dispensary coupled with the fact the daycare can be accessed from Highland Drive, allowing on-site access without crossing the front of the dispensary, makes the proposed location appropriate. Parents must park and walk their children to the lobby of the daycare building. A total of 42 children are proposed for this daycare.

Further, many operating daycare facilities in Clark County are currently located on the same parcel, or adjacent parcels with common drives, as other adult related uses. Specifically, the daycare center located at 5447 S. Rainbow Boulevard, Las Vegas, NV 89118, is located not only on the same parcel as retail and restaurant uses but is located across the parking lot and facing the National Bartender's School. The daycare center located at 7625 S. Rainbow Boulevard, #105, Las Vegas, NV 89139, is in the same shopping center as numerous retail and restaurant uses, as well as a licensed title lending business. The daycare center located at 8060 Blue Diamond Road, #140, Las Vegas, NV 89113 is located on the same parcel as a licensed tavern with gaming, and adult use. There is a daycare center located in Town Square on the same parcel as numerous retail and restaurant uses, with approved bars.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0082	Eliminated parking lot landscaping; alternative parking design standards, and reduced throat depth for a parking lot expansion located on leased Nevada Department of Transportation parcel to the north, under Wilbur Clark Road	Approved by BCC	May 2020
UC-19-0381	Retail sales, restaurants, service bar, and banquet facility with waivers to reduce parking and allowed alternative landscaping and parking lot design for an existing office/warehouse complex	Approved by BCC	July 2019
UC-19-0380	Cannabis establishment (production) in conjunction with an existing office/warehouse complex consisting of 2 buildings with dispensary and retail cannabis store	Approved by BCC	July 2019
WS-18-0850	Signage for cannabis establishment (dispensary) roof signs and electronic graffiti wall	Approved by BCC	December 2018
ADR-18-900699	Operation of a water feature in conjunction with an approved dispensary and retail cannabis facility	Approved by ZA	October 2018
UC-18-0703	Increased wall sign area, allowed a cannabis dispensary as the only business advertising on a freestanding sign, roof signs where not permitted, electronic or animated sign where not permitted, and retail cannabis facility (roof sign and electronic graffiti wall were withdrawn)	Approved by BCC	October 2018
VS-18-0570	Vacated and abandoned right-of-way (portion of Desert Inn Road)	Approved by BCC	September 2018
UC-18-0122	Cannabis establishment (dispensary) in conjunction with an approved retail cannabis store, and design review for modifications to an existing office/warehouse complex consisting of 2 buildings	Approved by BCC	April 2018
UC-1076-17	Cannabis establishment (retail cannabis store) with a waiver to reduce parking and modified an existing office/warehouse complex	Approved by BCC	February 2018
UC-0722-06	Sales center in conjunction with an approved mixed-use development, and waivers for reduced parking and sign requirements - expired	Approved by BCC	July 2006

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1697-04	Reclassified the property from M-1 to H-1 zoning for a mixed-use highrise development - expired	Approved by BCC	February 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Business and Design/Research Park	M-1	Office/warehouse development
South & East	Business and Design/Research Park & Commercial General	M-1	Office/warehouse development

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

Analysis
Current Planning
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 Comprehensive 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 location of the daycare facility within this commercial/industrial complex is not an appropriate location for this use. This area is located within the Adult Use Overlay District, which includes regulation and standards for adult uses, to establish safe and appropriate locations for adult uses, to minimize the possible adverse effects of adult uses on nearby public and private property, and to protect existing communities from incompatible uses. There is also an existing cannabis establishment (Planet 13) located on the property, which is another business catering to adults. It has been determined that cannabis establishments are not compatible uses with facilities for children; therefore, the proposed use does not comply with Urban Policy 7, which, in part, encourages compatible land uses.

Currently, there are other uses that involve high pedestrian and vehicular traffic within the complex, including Planet 13, an approved supper club, retail sales and sporting goods and firearm sales. The addition of a daycare, while often provides a viable use for the community, will also have considerable vehicular and pedestrian traffic for this parcel. While the applicants have stated that they will direct their customers to use a different access point from Highland Drive there is the possibility customers from the other established uses may also utilize this access point. Likewise, there is a possibility that customers of the daycare could use a different access from Desert Inn Road, which takes them directly by the cannabis establishment and supper club. Staff is concerned about vehicular and pedestrian traffic safety conflicts on the same parcel and parking lot, especially when it involves parents having to park and drop-off their children at the daycare. 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 Comprehensive 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

- Traffic study and compliance.

Building Department - Fire Prevention

- Applicant is advised to contact the Building Department at (702) 455-3000 regarding a potential change in occupancy classification; and that any changes in occupancy classification may have impacts on both the site plan and construction.

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: Winchester - denial.
APPROVALS: 4 cards
PROTESTS:

PLANNING COMMISSION ACTION: May 4, 2021 – HELD – To 06/01/21 – per the applicant.

PLANNING COMMISSION ACTION: June 1, 2021 – HELD – To 06/15/21 – per the applicant.

APPLICANT: BLC MANAGEMENT COMPANY, LLC
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