



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: KIDDIE ACADEMY - OWNER: PRE RANCHO CRAIG, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0427-VAR1	Staff recommends DENIAL, if approved subject to conditions:	23-0427-SDR1
23-0427-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0427-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

23 (BY CITY CLERK)

NOTICES MAILED 879

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0427-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a residential adjacency setback of 48 feet where 63 feet is the minimum required.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0364-SDR1) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0427-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0427-VAR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

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3. All development shall be in conformance with the site plan, building elevations, date stamped 08/15/23, and landscape plan, date stamped 10/05/23 except as amended by conditions herein.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
8. A Comprehensive Construction Staging Plan shall be submitted to the Department of Community Development for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

10. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
11. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
13. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

Fire & Rescue

14. Verify that all portions of the building's exterior are within (150 feet non-sprinklered and 250 feet for a sprinklered) of the fire lane(s), or provide an acceptable mitigation to Fire Safety prior to final approval of civil plans.
15. The proposed Fire Riser room shall be a dedicated room with 1-Hr minimum separation from the rest of the building (Walls and Ceiling), or meet one of the acceptable exceptions. Per IFC 2021-901.4.8 (As Amended).

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16. Minimum fire flow requirements shall be in accordance with IFC Appendix B based on type of construction, required fire protection systems and similar.
17. Access to all Fire Department Connections, hydrants, ingress to buildings shall be in accordance with IFC 504.
18. Dead-end fire lanes over 150 feet long shall have an approved turnaround.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop an 11,385 square-foot child care facility with 9,421 square feet of outdoor play area generally located at the southwest corner of Craig Road and Jones Boulevard.

ISSUES

- A Variance (23-0427-VAR1) is requested to allow a residential adjacency setback of 48 feet where 63 feet is required. Staff does not support this request.

ANALYSIS

The subject site is zoned C-2 (General Commercial) with a GC (General Commercial) land use designation and is subject to Title 19 development standards. The GC (General Commercial) land use designation allows for higher intensity, retail, wholesale, office, and other general business uses.

The subject site is located in Rancho & Jones, a one-lot commercial subdivision and is surrounded by undeveloped land to the west and east, and a convenience store to the north. The Department of Community Development administratively approved a quick-service restaurant, also known as McDonalds, to the north of the subject property. Building permits were issued on 7/03/23. As indicated on the submitted site plan date stamped, 08/15/23, the applicant proposes to develop the subject site with an 11,385 square-foot child care facility with 9,421 square feet of outdoor play area. A total of 44 parking spaces are provided on-site where 43 are required for the Individual Care Center use.

There is an R-CL (Single Family Compact-Lot) zoned property adjacent to the south of the subject site. Pursuant to Title 19.08.040(B)6a, "All property to be developed for nonresidential or multifamily use that is located adjacent to property is developed with a nonresidential use, shall conform to the residential adjacency standards set forth in this Subsection": The proposed development is 21 feet tall when measured to the building parapet. As such, a 63-foot setback is required from the property line of the protected R-CL (Single Family Compact lot) zoned properties. As a result, the applicant has requested a Variance (23-0427-VAR1) to allow a residential adjacency setback of 48 feet. The applicant has provided no justification for this request. Additionally, the subject site is undeveloped and may be reconfigured to satisfy the residential adjacency requirement. Therefore, staff finds this Variance request to be preferential in nature and does not support this request.

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The proposed building has a maximum height of approximately 29 feet when measured from finished floor to the stepped-back roofline projection. Proposed building façade materials include stucco in neutral tones and are consistent with architectural design standards detailed in Title 19.08.040.

Pursuant to Title 19.08.080, landscape buffers shall be provided for interior lot lines at eight feet. The applicant has provided a 10-foot landscape buffer adjacent to the south property line abutting the single family residential properties and therefore meets this requirement. Parking lot landscaping is provided throughout the development as 25 parking lot trees are provided where 19 parking lot trees would be required.

The subject site is located in the Rancho neighborhood area as defined in the City of Las Vegas 2050 Master Plan. The suburbs and neighborhoods along the Rancho Drive corridor transition from older inner-ring suburb to new subdivisions and “ranchos” moving northwest towards Centennial Hills. The area currently lacks major city and regional facilities. The proposed development, if approved, would provide much-needed community resources for the Rancho Area.

Despite this, the development, as proposed, is not harmonious or compatible with adjacent and surrounding development in the area. This is evidenced by the requested Variance for residential, which staff cannot support. Therefore, staff is recommending denial of all requested entitlements. If approved, they will be subject to conditions.

FINDINGS (23-0427-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a development that has a residential adjacency setback of 48 feet where 63 feet is required. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (23-0427-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with the adjacent residential development and development in the area. This is evidenced by the requested Variance (23-0427-VAR1) of residential adjacency standards, which staff cannot support.

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with the General Plan, this Title, and other duly adopted city plans, policies and standards. This is evidenced by the requested Variance of residential adjacency standards.

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- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is provided by Jones Boulevard, a 100-foot Primary Arterial, and Craig Road, a 120-foot Primary Arterial, as defined by the Master Plan of Streets and Highways. Site access and circulation will therefore not negatively impact adjacent roadways or neighborhood traffic.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The submitted Building materials reflected on building elevations date stamped, 08/15/23, call out stucco material in neutral tones and are appropriate for the area and for the City. Proposed landscape materials are consistent with the Southern Nevada Regional Plant List.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

While the proposed building elevations are not unsightly and create an orderly environment, the Variance request for a reduced residential adjacency setback does not create an orderly environment and is not compatible with the existing residential development to the south.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to building permit review and inspection, thereby protecting the health, safety and general welfare of the public.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/18/15	The City Council approved a request for a General Plan Amendment (GPA-60900) from SC (Service Commercial) to GC (General Commercial) on 51.21 acres on the southwest corner of Rancho Drive and Craig Road.
11/18/15	The City Council approved a request for a Rezoning (ZON-60901) from C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial) on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
11/18/15	The City Council approved a request for a Tentative Map (TMP-60902) for a one-lot commercial subdivision on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
06/09/16	A Final Map (63304-FMP) was recorded for Craig and Jones (A Commercial Subdivision).
10/10/23	<p>The Planning Commission (6-0 voted) recommends APPROVAL on the Land Use Entitlement project. Staff recommends DENIAL on the Land Use Entitlement project on the southwest corner of Craig Road and Jones Boulevard (APN 138-02-715-011), C-2 (General Commercial) Zone, Ward 5 (Crear).</p> <p>23-0427-VAR1 - VARIANCE - TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 48 FEET WHERE 63 FEET IS THE MINIMUM REQUIRED</p> <p>23-0427-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 11,385 SQUARE-FOOT CHILD CARE FACILITY WITH A 9,421 SQUARE-FOOT OUTDOOR PLAY AREA</p>

<i>Most Recent Change of Ownership</i>	
08/28/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits/Business Licenses	

<i>Pre-Application Meeting</i>	
08/10/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance and Site Development Plan Review.

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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

08/30/23	Staff conducted a routine field check of the subject site and observed an undeveloped lot. Nothing of concern was noted.
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Details of Application Request

Site Area

Gross Acres	4.85
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	General Retail, Other than Listed	NMX-U (Neighborhood Mixed Use)	C-1 (Limited Commercial)
South	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Shopping Center	NMX-U (Neighborhood Mixed Use)	C-1 (Limited Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Rancho	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	64,033 SF	N/A
Min. Lot Width	100 Feet	302 Feet	Y
Min. Setbacks			
• Front	10 Feet	12 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	10 Feet	Y
• Rear	20 Feet	48 Feet	Y
Max. Lot Coverage	N/A	20%	N/A
Max. Building Height	N/A	29 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	63 Feet	48 Feet	N*
Adjacent development matching setback	63 Feet	48 Feet	N*
Trash Enclosure	50 Feet	178 Feet	Y

*A Variance (23-0427-VAR1) is requested to allow a residential adjacency setback of 48 feet where 63 feet is required.

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Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A	N/A	2 Trees	N/A
• South	1 Tree / 20 Linear Feet	15 Trees	15 Trees	Y
• East	N/A	N/A	0 Trees	N/A
• West	N/A	N/A	5 Trees	N/A
TOTAL PERIMETER TREES		15 Trees	15 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	19 Trees	25 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	N/A		3 Feet	N/A
• South	8 Feet		10 Feet	Y
• East	N/A		0 Feet	N/A
• West	N/A		4 Feet	N/A
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	N/A

*An Exception has been requested for reduced parking lot trees.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Craig Road	Primary Arterial	Master Plan of Streets and Highways	120 Feet	Y
Jones Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Individual Care Facility	24 Staff	1 per staff & 1 per 10 individuals cared for	24				
	184 Individuals		19				
TOTAL SPACES REQUIRED			43				
Regular and Handicap Spaces Required			41	2	42	2	Y