



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: JAZMIN GAMONAL - OWNER: LUCKY KIDS DAYCARE 4, LLC

** STAFF RECOMMENDATION(S) **

Table with 3 columns: CASE NUMBER, RECOMMENDATION, and REQUIRED FOR APPROVAL. It contains two rows of staff recommendations regarding DENIAL conditions for cases 24-0504-VAR1 and 24-0504-SUP1.

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 280

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0504-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow four parking spaces where eight parking spaces are required.
2. Approval and conformance to the Conditions of Approval for Special Use Permit (24-0504-SUP1) 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.

24-0504-SUP1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (24-0504-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 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.
4. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
9. Contact the City Transportation Engineer's Division at 702-229-6416 to coordinate the development of this project with the Maryland Parkway BRT project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer. The applicant is responsible for the relocation of any conflicting infrastructure.
10. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit and Variance to operate a child care facility with a reduction in required parking at 1908 South Maryland Parkway.

ISSUES

- The Child Care Center use is permitted in the P-R (Professional Office and Parking) zoning district as a Conditional land use. The proposed use does not meet condition #4a of the archived Title 19 development standards for a Child Care Center use in the P-R (Professional Office and Parking) zoning district to not install required landscape screening adjacent to protected residential properties, prompting this Special Use Permit request. Staff does not support this request.
- A Variance is requested, to allow four parking spaces where eight parking spaces are required. Staff does not support this request.

ANALYSIS

The subject site is zoned P-R (Professional Office and Parking) and is subject to the archived Title 19 development standards. The subject property is currently developed with a vacant one-story office building. The building has previously operated as a real estate office, temporary employment agency, and a security guard service. Now, the applicant is requesting to operate a child care facility at the subject site.

Per Archived Title 19, the Child Care Center use is defined as “any commercial facility which provides day or overnight care for more than 12 children. Such a use is subject to the child care regulations of the State of Nevada.”

The Minimum Conditional Use Regulations for this use include:

1. Access to the child care center shall be by means of a collector street or larger.

The proposed use is located on Maryland Parkway, a 100-foot primary arterial as defined by the Master Plan of Streets and Highways. Therefore this requirement is met.

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2. The maximum lot coverage shall not exceed 30 percent.

The subject site is developed with an existing one-story office building and has a lot coverage of approximately 26 percent and therefore meets this requirement.

3. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.

The subject property only contains four parking spaces where eight would be required for both staff and children receiving care, prompting a Variance of parking requirements. The lack of adequate parking being provided for both staff and child care patrons may result in onsite traffic conflicts that could spill out onto Maryland Parkway. Therefore, staff does not support this request.

4. Where structures or play areas have residential adjacency:

- a. An 8-foot high block wall shall be installed along the common property line, with an additional buffer of evergreen trees along the play area. The trees shall be a minimum of 24-inch box, shall be installed at a minimum of 20 feet on center, and shall be a variety that will grow together to form a visual screen.
- b. The building and access shall be oriented away from residential uses on local streets.
- c. Outdoor play shall be limited to daylight hours.
- d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.

This requirement is not met. The proposed outdoor play area is subject to residential adjacency requirements. The applicant has indicated that there is an existing eight-foot tall block wall to screen the proposed play area from protected residential uses. While no outdoor lighting is proposed and building access will be oriented away from residential uses, the applicant has indicated that a landscape buffer of evergreen trees will not be provided along the entire perimeter of the common property line, prompting this Special Use Permit request. As the requested Special Use Permit is made in conjunction of a requested Variance to reduce the amount of parking required to operate the proposed Child Care Center use, staff recommends denial of the requested Special Use Permit and Variance.

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Per the submitted site plan, the applicant indicates that four parking spaces, including one van accessible ADA space will be provided to accommodate the proposed use. The submitted justification letter indicates that the proposed facility will accommodate up to 30 children and five staff members, which requires eight parking spaces. A Variance has been requested. The applicant has indicated that children will attend at different times and available parking will be limited to patrons only, as it is anticipated that all staff will either walk or utilize other transportation options to go to work.

The subject property is adjacent to Maryland Parkway, which is currently undergoing improvements for the Maryland Parkway Bus Rapid Transit (BRT) line. The lack of adequate parking may create on-site circulation issues that may result in vehicles stopping or queuing onto Maryland Parkway and directly in the path of the future dedicated bus/bike lane. Staff finds that this request is not only a self-imposed hardship, but may negatively impact surrounding neighborhood traffic. This Variance and the request to not screen the proposed outdoor play area from protected residential uses is an example of the applicant attempting to operate within a building that is not physically suitable to accommodate the proposed use. As such, staff recommends denial of the requested Special Use Permit and Variance. If approved, both the Special Use Permit and Variance will be subject to conditions.

FINDINGS (24-0504-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:

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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to operate a Child Care Center use without providing the required number of parking spaces to accommodate the proposed use. 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 (24-0504-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed use requires a Special Use Permit due to not providing required screening of a proposed play area to protected residential uses, pursuant to conditional use regulation #4a. Additionally, a Variance of parking requirements is requested, which staff cannot support. Therefore, staff finds the proposed Child Care Center use cannot be conducted in a manner that is harmonious or compatible with the surrounding area.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site necessitates a Variance to reduce the number of parking required to operate the Child Care Center Use. Staff has cited concerns that the deficiency in parking requirements will create circulations if three or more customers show up at approximately the same time. This would result in drivers to either stop on Maryland Parkway or back into Maryland Parkway. This segment of Maryland Parkway will be serviced by bus rapid transit improvements. This negatively impacts adjacent roadways and neighborhood traffic.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Maryland Parkway, a 100-foot primary arterial as defined by the Master Plan of Street and Highways and is adequate in size to meet the requirements of the proposed use.

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- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will be subject to the regulations set forth by the State of Nevada for child care facilities, which will ensure the public health, safety, and welfare or the overall objectives of the General Plan will not be compromised.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed use does not meet Conditional Use Regulation #4a, which requires outdoor areas to be screened from protected residential properties. The requested Special Use Permit is associated with a requested Variance of parking requirements, which staff cannot support. Therefore, staff recommends denial of both the requested Special Use Permit and Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/03/79	The Planning Commission approved a Plot Plan Review (Z-0031-73) to allow a real estate office on property located at 1908 South Maryland Parkway, under Resolution of Intent to P-R (Professional Office and Parking).
05/17/06	The City Council approved a General Plan Amendment (12043-GPA) from SC (Service Commercial) and L (Low Density Residential) to O (Office) on multiple acres, including the subject site.
06/03/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan to amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development -1), TOD-2 (Transit Oriented Development - 2).

<i>Most Recent Change of Ownership</i>	
04/11/24	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
c.1959	The subject building was constructed.
09/28/09	A business license (C19-00421) was issued for a temporary labor service agency at 1908 South Maryland Parkway. The license is still active.
01/12/10	A business license (M18-04939) was issued for a management or consulting service at 1908 South Maryland Parkway. The business license was marked inactive as of 07/19/11.
02/22/11	A business license (M18-05201) was issued for a professional promoter at 1908 South Maryland Parkway. The license is still active.

Pre-Application Meeting	
09/24/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit and Variance.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/29/24	Staff conducted a routine field check of the subject property and observed an abandoned office building. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.15

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Other than Listed	TOC-1 (Transit Oriented Corridor - High)	P-R (Professional Office and Parking)
North			
South			C-V (Civic)
East	School, Primary	L (Low Density Residential)	R-1 (Single Family Residential)
West	Residential, Single Family, Detached		

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown South	N
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Maryland Parkway	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Child Care Center	30 Children	1 per 10 Children	3				
	5 Staff	1 per staff member	5				
TOTAL SPACES REQUIRED			8		4		N
Regular and Handicap Spaces Required			7	1	3	1	N
Percent Deviation			50%				