UC-0258-13 (AR-0097-17) – TOP EXPRESS INVESTMENTS, LLC:

USE PERMIT SECOND APPLICATION FOR REVIEW of a day care facility.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increased wall height; 2) reduced landscaping; 3) trash enclosure; 4) design standards; and 5) allow non-standard driveway improvements in conjunction with a day care facility on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the west side of Eastern Avenue, 280 feet south of Golden Arrow Drive within Winchester. CG/co/ja (For possible action)

RELATED INFORMATION:

APN:
162-11-811-077

WAIVERS OF DEVELOPMENT STANDARDS:
1. Increase the rear and side block wall height to 10 feet where 6 feet is the standard (a 67% increase).
2. a. Allow alternate parking lot landscaping where compliance with Figure 30.64-14 is required.
   b. Eliminate street landscaping along Eastern Avenue where compliance with Figure 30.64-17 is required.
3. Waive trash enclosure requirements.
4. Waive requirements to screen existing roof mounted mechanical equipment.
5. Allow 2 existing 22 foot wide driveways along Eastern Avenue to remain where a 32 foot wide commercial curb return driveway per Uniform Standard Drawings 222.1 and 222.5 are the standard.

LAND USE PLAN:
WINCHESTER/PARDISE – OFFICE PROFESSIONAL

BACKGROUND:
Project Description
General Summary
• Site Address: 3153 S. Eastern Avenue
• Site Acreage: 0.2
• Project Type: Day care facility
• Number of Stories: 1
• Building Height: 25 feet
• Square Feet: 1,724
• Parking Required/Provided: 5/5

Site Plans
The original plans show an existing 1,724 square foot, 1 story, single family residence that is used as a day care facility. The subject site fronts Eastern Avenue and has an existing circular driveway.

Landscaping
There is no street landscaping along Eastern Avenue. The parking lot landscaping consists of small shrubs in front of the house. Two waivers of development standards were approved with the original application; 1 for alternative parking lot landscaping and 1 to eliminate required landscaping along Eastern Avenue.

Elevations
The approved photos show an existing single story building constructed of stucco siding and a shingle roof. No changes are proposed to the existing elevations.

Floor Plan
The approved plan for the day care facility consists of 4 rooms used for the following age groups: infants, ages 1 to 2, ages 2 to 4, and after school kids. The plan also depicts a kitchen, office, reception area, wash room, storage, and bathroom.

Signage
A condition of approval on the original application restricts any signage to a monument sign; however, a waiver of conditions to remove this condition was approved by the Board of County Commissioners (BCC) in August 2014 requiring a design review as a public hearing for a freestanding sign. In May 2015, the BCC approved an extension of time to review the waiver of conditions for the hours of operation and deleted the condition for a design review as a public hearing for a freestanding sign (temporary material sign allowed).

Previous Conditions of Approval
Listed below are the approved conditions for UC-0258-13 (ET-0070-14):

Current Planning
• Until July 17, 2017 to review as a public hearing.
• Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Building/Fire Prevention
• Applicant is advised that fire protection systems may be required for this facility; and to please contact Fire Prevention for further information.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that the property is already connected to the CCWRD sewer system; and that upon approval of change in use of the property, applicant to update CCWRD Customer Service account for change in existing plumbing fixtures use codes, as well as for any needed additional capacity and/or connection fees that need to be addressed.
Listed below are the approved conditions for UC-0258-13:

Current Planning
- 1 year to commence and review as public hearing;
- Hours of operation limited to 6:00 a.m. to 6:00 p.m.;
- Monument signage only;
- Number of children limited to State of Nevada approval;
- Wall height to be a maximum of 8 feet;
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Fire Department
- Applicant is advised that fire protection systems may be required for this facility and to contact fire prevention for further information.

Clark County Water Reclamation District (CCWRD)
- Applicant is advised that the property is already connected to the CCWRD sewer system; and that upon approval of change in use of the property, applicant to update CCWRD Customer Service account for change in existing plumbing fixtures use codes, as well as for any needed additional capacity and/or connection fees that need to be addressed.

Applicant’s Justification
The applicant states that the day care facility is currently in operation and has all required licenses. The applicant is requesting 5 years before the next review.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-0258-13 (ET-0024-15)</td>
<td>First extension of time to review waivers of conditions to a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. (monument sign only and waiver of conditions #1 was deleted)</td>
<td>Approved by BCC</td>
<td>May 2015</td>
</tr>
<tr>
<td>UC-0258-13 (WC-0071-14)</td>
<td>Waiver of conditions to a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. and monument sign only</td>
<td>Approved by BCC</td>
<td>August 2014</td>
</tr>
<tr>
<td>UC-0258-13 (ET-0070-14)</td>
<td>First extension of time to review a use permit for a day care facility with waivers of development standards for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements</td>
<td>Approved by BCC</td>
<td>August 2014</td>
</tr>
<tr>
<td>UC-0258-13</td>
<td>Use permit for a day care facility with waivers of development standards for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements</td>
<td>Approved by BCC</td>
<td>August 2014</td>
</tr>
</tbody>
</table>
Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North &amp; South</td>
<td>Office Professional</td>
<td>O-P</td>
</tr>
<tr>
<td>East</td>
<td>Commercial General</td>
<td>R-4</td>
</tr>
<tr>
<td>West</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-1</td>
</tr>
</tbody>
</table>

Clark County Public Response Office (CCPRO)
Since approval of the first extension of time in May 2015 there have been a number of complaints filed with CCPRO. Case 16-14773 involved signs installed on the property advertising the day care facility. This case was closed in February 2017 after the signs were removed. Case number 17-7821 was opened in July 2017 after reports of a banner advertising the day care facility were submitted to CCPRO, this case remains open.

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

Analysis

Current Planning

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. The day care center has been operating at the site since approval of the original use permit in July 2013. A first application for review was approved in August 2014. Since approval of the first application for review the applicants have been cited for installing illegal signs advertising the day care center. Staff does not have an issue with operation of the day care facility at this location; however, staff does have an issue with the continued use of non-permitted signs on-site advertising the facility. Staff can recommend approval of the review of the use permit but can only support a 6 month period for the next review to make sure all issues with illegal signs are addressed.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

• Until January 17, 2018 to review as a public hearing.
• Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review;
and that 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.

Public Works – Development Review

- No comment.

**TAB/CAC:**  Winchester – approval (6 months to review).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:**  Rocio Taramona

**CONTACT:**  Rocio Taramona, 3153 S. Eastern Avenue, Las Vegas, NV  89169