



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 19, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER:
SHANTHA WIJEKULARATNE

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-42258	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-42258 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Child Care – Group Home use.
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.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Child Care – Group Home use (7-12 Children) within a single family residence at 6201 West Oakey Boulevard. The residence is currently used to operate a Child Care – Family Home use for six children. A business license for a Family Child Care – Family Home use (maximum of six children) is current and was originally issued on October 1, 2010 at this location.

Per Special Use Permit Requirement #5, access to a Child Care – Group Home use (7-12 Children) shall be by means of a right-of-way with a width of 60 feet or less. The location of the proposed Child Care – Group Home is on Oakey Boulevard, which is an 80-foot wide right-of-way and Verde Jardin Way, a 50-foot right of way. The applicant proposes to allow pick up and drop off of children at driveways from both streets. Staff recommends denial of the proposed use, as it cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses. If this request is denied, the existing Child Care – Family Home would remain as is.

ISSUES

- A Child Care – Group Home use is permitted in the R-PD5 (Residential Planned Development – 5 Units per Acre) zoning district with the approval of a Special Use Permit.
- A Waiver is required to allow a child care facility access from a right-of-way width of greater than 60 feet, where 60 feet or less is required.
- The loading and unloading of passengers as proposed on site is awkward, and is not adequate for the proposed use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/06/72	The Board of City Commissioners approved a request for Rezoning (Z-0067-72) from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units per Acre) of property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval.
02/20/74	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0067-72) for property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval.

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03/19/75	The Board of City Commissioners approved a request for a Revised Plot Plan Review (Z-0067-72) for property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval.
11/05/75	The Board of City Commissioners approved a request for a Revised Plot Plan Review (Z-0067-72) to incorporate the common area into the abutting lots on property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval.
01/07/76	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0067-72) for property located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval.
08/09/11	The Planning Commission approved a request for an abeyance of Special Use Permit (SUP-42258) for a proposed Child Care – Group Home (7-12 Children) at 6201 West Oakey Boulevard.

<i>Most Recent Change of Ownership</i>	
09/27/04	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
01/16/73	A building permit (#8830) was issued for a Single Family Dwelling at 6201 West Oakey Boulevard. The permit was finalized on 05/17/73.
10/13/05	A business license (N08-00419) was issued for a Family Home Child Care use for up to six children at 6201 West Oakey Boulevard. The license was marked out business on 05/15/09, as Child Care licensing was surrendered to the State of Nevada on 05/07/09
10/01/10	A business license (#970-10) was issued by the State of Nevada Bureau of Services for a Child Care for Family Care Home use at 6201 West Oakey Boulevard. The license is currently active.

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<i>Pre-Application Meeting</i>	
06/15/11	The minimum Special Use Permit requirements for a proposed Child Care – Group Home use were discussed. The applicant was informed of the minimum Special Use Permit requirements for the proposed use. The topics included:

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06/15/11	- The subject property currently has a driveway fronting Oakey Boulevard. The minimum Special Use Requirement Number 5 could not be met due to the existing driveway, with a proposed use will run-on utilize the driveway as parking spaces for the proposed use, in addition to the three additional parking at the rear of the property with an access from Verde Jardin Way. - A waiver to allow access to the facility by means of a right-of-way greater than 60 feet is required. - The loading and unloading of passengers as proposed on site is not adequate for the property and Condition Number 2 cannot be waived.
09/13/11	The Planning Commission voted (7-0) to recommend DENIAL (PC Agenda Item 23/rg).

Neighborhood Meeting

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

Field Check

06/30/11	A site check by staff noted that the subject site had graffiti on the existing block wall located on Verde Jardin Way. The landscaping area on the side and front yard contains weeds. Trash was found on the side yard landscaping area along Verde Jardin Way.
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Details of Application Request

Site Area

Net Acres	0.19
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Attached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units Per Acre)
North	Social Service Provider	PF (Public Facilities)	C-V (Civic)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units Per Acre)
East	Multi-Family Residential	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 Units Per Acre)
West	Single Family, Attached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units Per Acre)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Oakey Boulevard	Secondary Collector	Master Plan of Streets and Highways	80	Y
Verde Jardin Way	N/A	N/A	50	N/A

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	
Child Care – Group Home	1,313 SF	One space for each staff member	2				
		One space for each six children	2				
TOTAL SPACES REQUIRED			4				
Regular and Handicap Spaces Required			3	1	4	1	Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Access to the facility shall be by means of a right-of-way with a width of 60 feet or less.	To allow access to the facility by means of a right-of-way greater than 60 feet.	Denial

ANALYSIS

A Child Care – Group Home use is defined per Title 19.18.020, as “a residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of seven to a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada.” The applicant is currently operating as a Child Care – Family Home with a maximum of six children with a State of Nevada license. The applicant is proposing to increase the number of children at the current location up to 12 children, changing the classification of the land use to Child Care – Group Home.

The applicant is proposing to add three additional parking spaces in the rear yard of the property, with street access to Verde Jardin Way. One parking space will be reserved for van accessible handicap parking. The applicant is requesting a waiver to allow access to the facility from Oakey Boulevard, a street greater than 60 feet in width, to allow the proposed Child Care – Group Home to provide for loading and unloading of passengers on site from either the front driveway or the parking lot located at the rear of the property simultaneously as part of the minimum Special Use Permit Requirement number 2. However, the configuration is awkward for the number of children to be loaded and unloaded, and will most likely result in this activity occurring in the public right-of-way.

There are five parking spaces shown on the submitted site plan, one being van accessible space, and parking has been designed to allow parked cars to enter Verde Jardin Way in a forward direction, rather than backing out. The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidenced by a waiver request; therefore, staff recommends denial.

FINDINGS (SUP-42258)

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.**

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The proposed Child Care – Family Home use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidenced by a waiver request to allow access to the facility by means of a right-of-way greater than 60 feet wide.

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

The lot and existing building will provide sufficient play area and building facility to accommodate the child and staff. An area of concern is an appropriate loading and unloading zone. There are five parking spaces shown on the submitted site plan, one being a van accessible space, and parking has been designed to allow parked cars to enter Verde Jardin Way in a forward direction, rather than backing out. However, parked cars on the existing driveway along Oakey Boulevard will be backing out into the right-of-way. The site as proposed is lacking an appropriate loading and unloading zone and staff cannot support this request.

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 from Oakey Boulevard, designated as a Secondary Collector in the Master Plan of Streets and Highways, and Verde Jardin Way, a local street. Although adequate in size to accommodate traffic entering and leaving the site, it is intense for the location of a child care facility.

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.

A requirement for this use is that it be located on a right-of-way with a width of 60 feet or less. The proposed Child Care – Group Home use is unsafe at this location on Oakey Boulevard, as it is an 80-foot wide right-of-way. Oakey Boulevard is a busy east-west street with a daily high traffic count and is unsuitable for the location of a Child Care use.

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

The use meets all but one of the seven requirements for a Child Care – Group Home (7-12 Children). Condition Number 5 requires access to the facility shall be by means of a right-of-way with a width of 60 feet or less. The proposed use is located on Oakey Boulevard, an 80-foot right-of-way; staff recommends denial of the request.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 178 (By City Clerk)

APPROVALS 0

PROTESTS 0