



Meeting Date: 01/17/2018
Agenda Item: _____

Mission Statement

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council

REPORT THRU: Daphne Hooper, City Manager

REPORT BY: Tim Thompson, Planning Director
Melinda Bauer, Assistant Planner

REVIEWED BY: Brandi Jensen, City Attorney

REVIEWED BY: Denise Lewis, City Treasurer

AGENDA ITEM: **Public Hearing, SUP 2016-001** – Consideration and Possible Action on a Special Use Permit request from Daniel J. Williams, for a Daycare (not to exceed 12 children) in the RR1/T (Rural Residential, 1 Acre Minimum Parcel Size with a Trailer Overlay) zoning district, located at 1055 Mesa Drive, Fernley, NV. (APN: 020-142-06).

ACTION REQUESTED: ___ Consent ___ Ordinance ___ Resolution X Motion ___ Receive/File

RECOMMENDATION:

“I Move to approve Special Use Permit associated with SUP 2016-001, to allow for a Daycare (not to exceed 12 children) adopting Findings A through G and the facts supporting the Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 6 as listed in the staff report.”

Key Points:

1. Daycare center, large, is an allowed use with an approved Special Use Permit in the RR1T zoning district.
2. Do the conditions of approval address any potential impacts associated with the project?

POLICY REFERENCE

Nevada Statutes: NRS 278
Fernley Municipal Code: FMC Title 32
Policies & Procedure Manual: N/A
Community Assessment: N/A
Fernley Development Code: Chapters 21 & 28

Other:

PROJECT SUMMARY

Project Information	
Project Name	Daniel & Della Williams Daycare
Site Location	1055 Mesa Drive
APNs	020-142-06
Applicant	Daniel J. Williams
Proposed Actions	Special Use Permit
Current Zoning	RR1/T
Land Use Classification	Residential Low Density
Flood Zone Designation	Zone X (outside the flood zone) per the Flood Insurance Rate Map # 32019C0082E dated January 16, 2009.
Project Site Area	1 Acre

BACKGROUND INFORMATION

The property is zoned RR1/T (Rural Residential 1 acre minimum lot size with a Trailer Overlay) the use of Large Daycare is an allowed use with an approved Special Use Permit.

The application has been distributed to other agencies for review and comments which included all the utilities as well as the Fire District. Public Hearing was scheduled before the Planning Commission on December 13, 2017. All review comments have been considered, the application has been conditioned to address identified impacts.

Per the Flood Insurance Rate Map #32019C0082E, dated January 16, 2009, the project site is in Zone X, (Outside the Floodplain).

FINANCIAL INFORMATION

FISCAL IMPACT:

- 1. Is There A Fiscal Impact? No
- 2. Is it Currently Budgeted? No
- 3. If Budgeted, Which Line Item/Account?

FISCAL SYNOPSIS:

The \$1,100.00 application fee was paid at the time of submittal t to cover the processing of this application.

ANALYSIS

A Special Use Permit request from Daniel J. Williams, for a Daycare (not to exceed 12 children) in the RR1/T (Rural Residential, 1 Acre Minimum Parcel Size with a Trailer Overlay) zoning district, located at 1055 Mesa Drive, Fernley, NV. (APN: 020-142-06).

The applicant is proposing to operate an in-home child care facility at their permanent residence located at 1055 Mesa Drive. The City’s Development Code defines this type of use as a day care center. The development code has two classifications for day care centers, a large facility which cares for 5 or more children and small which provides care for 4 or fewer children.

The applicant is proposing to care for a total of 8 children. However, would like the ability to have up to 12 children which is the maximum number allowed per state regulations.

According to the building code, when a child care facility cares for more than 6 children, additional requirements may be necessary to address potential life safety concerns. The conditions of approval include a condition which requires the applicant to meet all building code requirements to the approval of the building official.

The number of children cannot exceed 12 per state requirements. The ratio of caregivers to children, size and area requirements, and play area guidelines are under the purview of the State of Nevada.

The proposed day care center would be situated on a parcel that is 1 acre in size. Staff is of the opinion that there is adequate room for parking when children are dropped off and picked up. There are no employees reporting to work at the location. The two licensees both reside in the home. Staff does not believe this facility would generate additional traffic above what would normally be associated with a single family residential neighborhood.

Staff believes identified impacts have been adequately addressed. Staff recommends approval for the Special Use Permit based on the Findings and subject to the conditions of approval.

PRIOR COUNCIL ACTION/REVIEW

N/A

FINDINGS

Special Use Permit

Fernley Municipal Code Chapter 32.21.060 establishes the findings the Planning Commission shall make to recommend approval or denial to the City Council for this Special Use Permit. All findings shall be made to recommend approval to the City Council. The findings and staff's evaluation are outlined below:

Findings		Staff Analysis
A.	The proposed use at the specified location is consistent with the applicable zoning district.	The proposed daycare is an allowed with an approved Special Use Permit in the RR1 zoning district.
B.	The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts.	The proposed use is for an existing home in the RR1T zoning district. Property is 1 acre, applicant reports that they have plenty of property for off street parking. The backyard is fenced with a 6' wood fence and has many full grown trees to assist with noise, visual nuisances or other similar adverse effects to adjacent development and neighborhoods.
C.	The proposed use incorporates roadway improvements, traffic control devices, or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.	Proposed site is an existing home using the existing streets, no roadway improvements are proposed for this site.
D.	The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.	The proposed site has an existing 6' wood fence and mature trees to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.

E.	The project is not located within an identified archeological or cultural study area, as recognized by the City. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.	Per the Deputy Historic Preservation Officer for the State of Nevada, there are no recorded identified cultural or archeological sites located within this property.
F.	The proposed special use complies with all applicable development and public facility standards as required by this development code or other City ordinances.	The proposed project as conditioned will comply with all applicable development and public facility standards as required by this development code or other City ordinances.
G.	The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.	The proposed project as conditioned will not become materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.

ATTACHED INFORMATION

- 1. Vicinity Map
- 2. Public Comment

Conditions of Approval for SUP 2016-001
Special Use Permit

1. APPROVAL:
THE PROJECT IS APPROVED AS SUBMITTED AND CONDITIONED. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL AS AN AMENDMENT TO THIS SPECIAL USE PERMIT.

2. EXPIRATION DATE:
THE SPECIAL USE PERMIT SHALL EXPIRE WITHIN ONE (1) YEAR OF THE DATE OF CITY COUNCIL APPROVAL, UNLESS THE PERMITTED USE HAS BEEN ESTABLISHED OR CONSTRUCTION TO ACCOMMODATE THAT USE HAS BEGUN AND IS BEING DILIGENTLY PURSUED. A ONE-YEAR EXTENSION MAY BE GRANTED BY THE CITY COUNCIL IF REQUESTED PRIOR TO THE EXPIRATION DATE OF THE SPECIAL USE PERMIT.

3. STATE FIRE MARSHALL:
THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE FIRE MARSHALL TO THE APPROVAL OF THE STATE FIRE MARSHALL. THE APPLICANT SHALL MAINTAIN COMPLIANCE WITH THESE REGULATIONS THROUGHOUT THE LIFE OF THE PROJECT.

4. BUILDING DEPARTMENT:
THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE BUILDING DEPARTMENT TO THE APPROVAL OF THE BUILDING OFFICIAL PRIOR TO THE ISSUANCE OF A BUSINESS LICENSE FOR THE PROJECT. THE APPLICANT SHALL MAINTAIN COMPLIANCE WITH THESE REGULATIONS THROUGHOUT THE LIFE OF THE PROJECT.

5. NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES:
THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICE'S DIVISION OF PUBLIC AND BEHAVIORAL HEALTH TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUSINESS LICENSE FOR THE PROJECT. THE APPLICANT SHALL MAINTAIN COMPLIANCE WITH THESE REGULATIONS THROUGHOUT THE LIFE OF THE PROJECT.

6. LOCAL, STATE, AND FEDERAL PERMITS:
THE APPLICANT SHALL PROVIDE PROOF OF HAVING OBTAINED AND HAVING MAINTAINED, AS MAY BE PERIODICALLY REQUESTED BY THE CITY, ALL APPLICABLE LOCAL, STATE, AND FEDERAL PERMITS.