

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF DECEMBER 19, 2023

FILE NO: ZA-2023-0426

AGENDA ITEM: 6.C

**STAFF CONTACT:** Heather Manzo, Associate Planner

**AGENDA TITLE:** For Possible Action: Discussion and possible action regarding a recommendation to the Board of Supervisors (“Board”) concerning an application for an ordinance amending Carson City Municipal Code (“CCMC”), Title 18 to allow for a child care facility use in the Residential Office (“RO”) use district as a conditional use. (Heather Manzo, hmanzo@carson.org)

Staff Summary: A child care facility use is currently permitted in the RO use district as a conditional use accessory to a primary residential use. The Boys and Girls Club (“Applicant”) is proposing an amendment to the RO use district, CCMC 18.04.110, to permit a child care facility use as a conditional use in the RO use district without being accessory to a residential use. A special use permit (“SUP”) will still be required for a child care facility use in the RO use district.

**PROPOSED MOTION:** “I move to recommend to the Board of Supervisors approval of the requested zoning code amendment based on the ability to make the findings as outlined in the staff report.”

**LEGAL REQUIREMENTS:** Nevada Revised Statutes (“NRS”) 278.253 and 278.260; CCMC 18.02.050 (Review) and 18.04.110 (Residential Office)

**KEY ISSUES:** Is the requested use consistent with the findings for a zoning code amendment?

**DISCUSSION:** Staff has received a request to consider amending CCMC 18.04.110 (Residential Office) to allow for the establishment of a child care facility upon approval of a SUP. CCMC currently allows for a child care facility use accessory to a residential use with the approval of a SUP. The Applicant is proposing to remove the requirement that the child care facility use be accessory to a residential use. The child care facility use would still be a conditional use requiring approval of an SUP. A draft ordinance is attached to this report and represents the recommended amendment to CCMC.

Per CCMC 18.02.075, the Planning Commission conducts a public hearing and makes a recommendation to the Board of Supervisors relative to zoning code amendments based on the three required findings of fact. The Planning Commission must make each of the findings in the affirmative to recommend approval. The Board of Supervisors is authorized to amend the zoning code.

### **PUBLIC COMMENTS:**

As of the writing of this staff report, no public comments were received. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Carson City Community Development Department, Planning Division (“Planning Division”).

**OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:** The following comments were received by various City departments. Recommendations have been incorporated into the findings analysis, where applicable.

### **Development Engineering:**

The Carson City Public Works Department, Development Engineering Division (“Development Engineering”) has no preference or objection to the zoning code change. The SUP process will

ensure that when a child care facility use is proposed, the request will not result in a detrimental impact on City infrastructure.

Development Engineering has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of 18.02.075 Zoning map amendments and zoning code amendments. The following discussion is offered.

**CCMC 18.02.075(5)(b)(1) – Compliance with Master Plan**

The zoning code amendment is not in conflict with the intent of master plan elements for water, sewer, transportation, or storm water. Any project will need to meet Carson City Development Standards and will have to meet the findings of fact required for a SUP.

**CCMC 18.02.075(5)(b)(2) – Compatible Land Use**

Development Engineering has no comment on this finding.

**CCMC 18.02.075(5)(b)(3) – Impact on Public Services, Facilities, Health, and Welfare**

With this amendment, proposed childcare facilities would be a conditional use which would be required to meet the findings of fact for a SUP. This process will ensure that City infrastructure is not overburdened and that proposed projects are safe.

**FINDINGS:**

The Commission, in forwarding a recommendation to the Board of Supervisors for approval of a Zoning Code Amendment, shall make the findings of fact found in CCMC 18.02.075(5). The following findings are recommended by staff:

1. **That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.**

The proposed amended ordinance to allow for the establishment of a child care facility in the RO use district is consistent with the Master Plan, particularly Guiding Principle 2 which calls for a diversity of housing, retail, and service options;. The ordinance will expand opportunities for possible child care facilities to establish within the City.

2. **That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.**

The proposed ordinance will allow for the establishment of a child care facility within the RO zone, subject to the approval of a SUP. Currently, child care facilities as a primary use are allowed with a SUP in nearly all non-residential zoning districts including: General Office (GO), Neighborhood Business (NB), Downtown Mixed-Use (DT-MU), Retail Commercial (RC), General Commercial (GC), Tourist Commercial (TC), Limited Industrial (LI), Agriculture (A), Conservation Reserve (CR), and all of the Public zoning districts.

The RO use district allows for other commercial uses with a SUP that serve neighborhoods and the broader community, including churches, K-12 schools and clinics. The findings for a SUP require the impacts to adjacent properties be analyzed and mitigated; therefore, any request for a child care facility will be required to be evaluated at the time of submittal. The RO use district is often a transitional zone between higher intensity non-residential districts and residential use districts. A child care facility conveniently located near housing and jobs will provide for options for residents and workers within Carson City. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

3. **That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

Since the RO use district already allows for similar, likely more impactful, uses with a SUP such as a K-12 school or church, the proposal will not result in a negative impact to existing or planned public services or facilities and will not adversely impact the public health, safety and welfare. Because every request for a child care facility would require a SUP, each request will be evaluated to ensure the necessary SUP findings can be made. On a case-by-case basis, a review will be conducted to identify possible site-specific impacts to public health, safety and welfare and to analyze and mitigate possible impacts to public facilities and infrastructure.

Attachments:

- 1) Application for ZA-2023-0426
- 2) Draft ordinance

Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: [planning@carson.org](mailto:planning@carson.org)

For Office Use Only:

## ZONING CODE AMENDMENT

**FILE #**

**FEE:** \$3,250.00 + noticing fee

**APPLICANT**

- Application Form, Written Project Description and Supporting Documentation
- 5 Completed Application Packets (1 Original + 4 Copies)

**MAILING ADDRESS, CITY STATE, ZIP**

**Application Reviewed and Received By:**

**PHONE #**

**FAX #**

**Submittal deadline:** Planning Commission application submittal [schedule](#).

**EMAIL ADDRESS**

**Note:** Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional Information may be required.

Requested Amendment to Development Standards: \_\_\_\_\_ or Title 18 \_\_\_\_\_

Required Findings: Title 18 of the Carson City Municipal Code (CCMC) requires that the applicant must present evidence justifying the revision to the Code, that the proposed addition/deletion will be consistent with the objectives of the Master Plan and will not be detrimental to the surrounding properties. A statement relative to findings from Page 2 **MUST** be included herewith, or on an attached sheet.

Please remember that the requested code revision will affect all of Carson City and not only your parcel of land. Present your statement with that in mind. In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal.

ACKNOWLEDGMENT OF APPLICANT:

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

  
Applicant's signature

\_\_\_\_\_  
Date

## ZONING CODE AMENDMENT CHECKLIST

Each application must include the following information:

1. Written Project Description including any supporting documentation
2. Response to the Findings and questions listed below:

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### WHAT ARE THE "FINDINGS" THAT MUST BE SUPPORTED?

The Carson City Municipal Code (CCMC 18.02.075) sets out the required findings.

1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.
2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.
3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

In order to meet the requirement that “proof of satisfying the findings come from the applicant”, some background work may be required to provide the facts and evidence.

1. Review the goals and policies listed in the Master Plan and identify those recommendations that support the proposal. The applicable Master Plan goals and policies are attached to this application. A copy of the Master Plan is available on the City website ([www.carson.org](http://www.carson.org)), or obtain a CD disk at the Planning Division.
2. Look at the proposal objectively. Try to consider what you would feel if you lived next door and someone were proposing this change of zoning code next to your business or home.
3. The more information assembled before turning the project into the Planning Division helps to ensure that there are few or no “surprises” when other departments and agencies look at the proposal.

Complete information provided with the application makes it easier for the Planning Commission and the Board to arrive at their decision.

Remember, it's your job to ensure that the Planning Commission and Board have the information to make the required findings. The Planning Division can offer some help, but cannot do the work for you. If you have any questions, please give us a call.

## **BGCWN Zoning Code Amendment Application – Residential Office (RO)**

**The Carson City Municipal Code (CCMC 18.02.075) sets out the required findings.**

- 1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.**

The proposed amendment, amending 18.04.110 Residential Office (RO) 3. The conditional use in the (RO) district which require approval of a special use permit are: ... Child care facility (accessory to residential use)” to remove (accessory to residential use) is in compliance with an supports the Master Plan. Specifically Goals 3) Economic Vitality, 4) Livable Neighborhoods & Activity Centers, and 5) A Connected City.

### **3) Economic Vitality. *Guiding Principle 5: A Strong Diversified Economic Base***

With Carson City’s overall health and economic success relying on a strong and diverse base of jobs it is of immense importance that child care facilities be allowed uses where appropriate and through specific uses through the Special Use Permit avenue. This modification of the RO zoning would allow for a broad application of this land use throughout the city. The Quad-County Community Health Needs Assessment has ranked affordable, quality daycare at number 4 overall on a list of 45, and number three among households with income less than \$55,000. The Governor’s childcare policy report, released this year, coined Nevada a daycare desert. In Carson City, for every child in daycare, there are three waiting for the same spot. We simply do not have enough affordable and accessible daycares. The report went on to suggest that our daycare pandemic is a primary root cause of our depleted workforce, high prices of goods and services, and inflation.

### **4) Livable Neighborhoods & Activity Center. *Guiding Principle 7: Compact, Mixed Use Activity Center***

By allowing RO zoning to accommodate stand alone child care facilities we expand the opportunity for mixed use activity centers throughout our community and create a more diverse mix of options for residents.

### **5) A Connected City. *Guiding Principle 12: A Unified Pathways System***

Imagine our community, where RO borders most of our Residential Zoning, allowing for families to utilize stand alone child care facilities within their neighborhoods, where they walk or bike their children to day care, walk or bike to work, walk or bike to community services. RO zoning with the ability for a child care facility to be located, stand alone, no different than other uses allowed in that same zoning, such as a church or K-12 school would allow a community to remain a connected community.

- 2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.**

The RO zoning currently allows for Churches, Clinics, Pharmacy, and School K-12 with a Special Use Permit and would provide no more intense use than a child care facility. These uses regularly border Residential zoning uses and seem to be used as buffer zoning from Carson City's less restrictive zoning such as Retail Commercial etc. A stand alone child care facility should not be viewed differently than the uses listed above and be an allowed use with a Special Use Permit. General Office (GO) zoning for example, allows for stand alone a Child Care Facility with the submission and approval of a Special Use Permit.

**3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

The proposed amendment will not negatively impact existing or planned services or facilities. When allowed uses in RO zoning include Churches, Clinics, Pharmacies, and School K-12 the population and density of population served at a stand alone child care facility does not differ. Therefore a stand alone Child care facility should be allowed with a Special Use Permit in RO zoning, not just as an accessory to a residential use.

Summary: An ordinance amending the Residential Office use district to permit a child care facility as a conditional use.

BILL NO. \_\_\_\_\_

ORDINANCE NO. 2024 - \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING; AMENDING THE RESIDENTIAL OFFICE USE DISTRICT TO PERMIT A CHILD CARE FACILITY USE AS A CONDITIONAL USE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (ZONING), Chapter 18.04 (USE DISTRICTS), Section 18.04.110 (RESIDENTIAL OFFICE) is hereby amended (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

**18.04.110 - Residential office (RO).** [\(NRS 278.250\)](#)

The purposes of the RO district are to preserve the desirable characteristics of the residential environment insofar as possible while permitting selected, nonresidential uses; to promote the development of offices in appropriately located areas in the vicinity of commercial zones and multiple family residential zones, along major thoroughfares, or in other portions of the city in conformity with the master plan; and to preserve adequate usable open space for benefit of the occupants within the area and to ensure appropriate development of sites occupied by other uses in a manner comparable to and harmonious with the residential uses in the area or district.

1. The primary permitted uses in the RO district are this list plus other uses of a similar nature:

- Art gallery;
- Massage therapy;
- Museum;
- Office;
- Park;
- Single-family, two-family dwelling;
- Tea house.

2. The accessory permitted uses in the RO district are:

- Automobile parking lot or garage (commercial or public);
- Home occupation.

3. The conditional uses in the RO district which require approval of a special use permit are:

Bed and Breakfast Inn (only within the historic district, and limited to single family 6000, residential office and retail commercial zoning districts, subject to the provisions of Title 18 Development Standards Division 1.7 Bed and Breakfast Inns;

Child care facility; [~~facility (accessory to residential use);~~]

Church;

Clinic;

Funeral home, mortuary;

Laboratory (medical, optical, dental and veterinarian);

Multi-family dwelling;

Municipal building;

Municipal well facility;

Pharmacy;

School, k-12;

Temporary tract sales office;

Utility substation.

SECTION II:

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2024.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2024.

VOTE:

AYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
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ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

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LORI BAGWELL, Mayor

ATTEST:

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WILLIAM SCOTT HOEN, Clerk-Recorder

This ordinance shall be in force and effect from and after the 1st day of the month of March of the year 2024.

DRAFT