

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0302-RDXNWP, LLC:

USE PERMIT to allow outdoor storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate electric vehicle charging spaces; and **2)** modified driveway geometrics.

DESIGN REVIEW for a proposed recreational and entertainment facility (ice rink) within an existing shopping center on a 7.02 acre portion of 10.85 acres in a CG (Commercial General) Zone within the Airport Environs (AE-60) Overlay.

Generally located south of Russell Road and west of Decatur Boulevard within Spring Valley.
MN/bb/kh (For possible action)

RELATED INFORMATION:

APN:

163-36-510-003 through 163-36-510-006

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate electric vehicle (EV-capable) charging spaces where 62 spaces are required per Table 30.04-5.
 - b. Eliminate electric vehicle (EV-installed) charging spaces where 8 spaces are required per Table 30.04-5.
2.
 - a. Reduce the throat depth for the northwest driveway along Russell Road to 15 feet where 75 feet is required per Uniform Standard Drawing 222.1 (an 80% reduction).
 - b. Reduce the throat depth for the northeast driveway along Russell Road to 73 feet where 75 feet is required per Uniform Standard Drawing 222.1 (a 3% reduction).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 7.02 (proposed ice rink)/10.85(total)
- Project Type: Recreation facility (ice rink)
- Number of Stories: 2
- Building Height (feet): 40
- Square Feet: 102,980 (57,547 lower level/45,433 upper level)
- Parking Required/Provided: 309/445 (per the provided parking demand study)

- Sustainability Required/Provided: 7/7

History & Site Plan

The original application, ZC-1542-06 approved in December 2006, included 7 commercial buildings throughout the shopping center. Currently, 4 buildings have been constructed along Russell Road and Decatur Boulevard, while a 7.02 acre portion along the west side (APN 163-36-510-005) has remained undeveloped. The applicant is proposing to develop the undeveloped parcel as a recreational and entertainment facility. The proposed recreation facility will include a commercial ice rink with access from 3 driveways along Russell Road and 3 driveways along Decatur Boulevard. The 2 western most driveways along Russell Road are included in this application and are the subject of 2 waiver requests for reduced throat depths. The eastern most driveway on Russell Road and driveways on Decatur Boulevard were previously built to accommodate the existing commercial uses within the shopping center. The proposed ice rink is located in the central part of the parcel and set back over 200 feet from Russell Road and Decatur Boulevard. The majority of the new parking spaces are located north and west of the ice rink. 8 accessible parking spaces are located at the northwest entrance of the ice rink. A loading zone is located at the west side of the building, and a dedicated loading dock with storage is shown on the south side of the building with lower access to the interior of the ice rink for employee access and equipment access. A small area of outdoor storage is shown in an open air space below grade and adjacent to the loading dock ramp at the south side of the building. This outdoor storage is subject of a special use permit with this request. The maximum outdoor storage area is 4,240 square feet and is not visible from adjacent properties or public right-of-way. Lastly, a 30,857 square feet rectangle area located at the northwest corner of the subject parcel has been marked as future development.

Landscaping

The landscape plan depicts a detached sidewalk along Russell Road with medium and large trees located outside of utility easement areas at every 20 feet to 30 feet, based on tree size. Parking lot trees are provided for every 6 parking spaces in landscape islands or planter areas for the majority of the site. There are 47 parking lot trees required with 65 trees provided.

Elevations

The elevations depict a stucco sided building with metal accent bands, metal canopies over entry doors and windows, and low emissivity tinted glass at the main entrance. The outer structure has a variable roof height, wall returns and variation in façade colors. The tallest portion of the building is set back from the outer façade with a step back appearance.

Floor Plans

The floor plans and interior cross sections of the building depict a sunken 1st floor lower level of the ice arena which includes the main ice and practice ice, along with locker rooms, offices, laundry, spectator seating, scorekeepers bench, equipment, Zamboni storage, and a 623 square foot loading zone at the bottom of the loading dock ramp. The below grade, open air, outdoor storage area is located at this lower level adjacent to the loading dock. The upper concourse level includes spectator seating, restrooms, storage, ticketing offices, restaurant space, kitchen, strength and conditioning room, refrigeration mechanical equipment, and spectator suites. A

1,568 square foot outdoor dining and drinking area is shown adjacent to the restaurant/kitchen spaces on the north side of the building.

Applicant's Justification

The ice arena will be used primarily for hockey and will be located behind existing commercial buildings located adjacent to Russell Road and Decatur Boulevard. A parking demand study was provided to justify the increased parking. The restaurant is limited to use during the hours of operation for the ice arena and not open to the public as a separate use. The existing commercial parking areas are under the same ownership and parking can be shared depending on hours of operation and need. The site meets 7 out of 7 required sustainability points, including additional trees, low water use, cool roof, and canopy shade cover over entry areas. The west side Russell Road access and reduced throat depth request is justified due to the proposed use being limited to the ice arena and not general commercial uses. The eastern driveway is unlikely to be used for access to the ice arena with primary access taking place at the west driveway. The applicant states the waiver to eliminate the EV capable/installed spaces should be acceptable due to the lack of demand for these spaces.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-24-0091	Waiver of development standards for a restaurant with drive-thru and reduced throat depth	Approved by BCC	May 2024
VS-23-0257	Vacation and abandonment for easement and right-of-way	Approved by PC	July 2023
WS-23-0255	Waiver of development standards for a convenience store, gasoline station, and restaurant	Approved by PC	July 2023
DR-1665-06 (ET-0348-08)	First extension of time of a design review to commence an office/retail complex	Approved by PC	January 2009
DR-1665-06	Design review for an office/retail complex	Approved by PC	January 2007
TM-0494-06	Tentative map for a 1 lot commercial subdivision	Approved by PC	January 2007
VS-1672-06	Vacated and abandoned a portions of right-of-way being to construct detached sidewalks	Approved by PC	January 2007
ZC-1542-06	Zone change from M-D to C-2 (now CG) for a shopping center	Approved by BCC	December 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use & Business Employment	CG & IP (AE-60)	Commercial development & undeveloped
East	Business Employment	CG & IP (AE-60)	Commercial development
South	Business Employment	IP (AE-60)	Industrial

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
West	Business Employment	IP & RS20 (AE-60)	Flood channel, industrial & undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permit

A special use permit is considered on a case-by-case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

The outdoor storage proposed with this plan is limited to a small area that is sunken below grade and surrounded on 3 sides by walls. The outdoor storage area, while not for outdoor display, is accessory to the recreation facility and ice arena. Additionally, it will not be visible from the public rights-of-way. Therefore, staff could support the outside storage; however, since we are not supporting the design review or waivers staff cannot support the request.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The EV capable spaces are primarily for future use but do involve installation of infrastructure for future connection. The applicant has stated that there is no demand for the EV spaces with this use. Staff finds that the current use of electric vehicles by the public and potential for growing availability are likely to lead to increased demand for electric vehicle parking spaces. The nature of ice arena activities lead to longer parking time than traditional retail uses. Staff finds that the elimination of all EV-installed and capable charging spaces to be excessive and does not meet the intent of the Code; therefore, staff cannot support the waiver of development standards.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The proposed ice arena is compatible with the surrounding area and harmonious with the existing development. The elevations and design characteristics are consistent with the surrounding area and are not unsightly or undesirable. The proposed design has the elements required by Title 30 and meets the basic elements of the Clark County Master Plan Goal SV-5 to minimize conflicts with intensive uses in Spring Valley. However, since staff does not support the elimination of EV parking spaces and the site layout will need to be redesigned in order to accommodate electric vehicle parking, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #2

Although the throat depth for the commercial driveways on Russell Road do not comply with the minimum standard, the applicant worked with staff to extend the ingress throat depth for both driveways which provides more room for vehicles to safely exit the right-of-way to gain access to the site. Therefore, staff has no objection to this request.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Approval of waiver of development standards #2; denial of the use permit, waiver of development standard #1, and the design review.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Outdoor storage limited to the area shown on plans;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added

conditions to an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.
- Applicant is advised that off-site improvement permits may be required.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation. The Determination of No Hazard must not be expired.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Applicant is advised that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0517-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: RDX NWP, LLC

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