

03/22/23 BCC AGENDA SHEET

RECREATIONAL FACILITY
(TITLE 30)

QUAIL AVE/MANN ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0032-GANESH SHIVA LLC:

USE PERMIT for a recreational (tennis) facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** waive full off-site improvements (curb return driveway, gutter, sidewalk, and streetlights); and **2)** to allow modified driveway design.

DESIGN REVIEW for a proposed tennis complex on 2.5 acres in an R-E (Rural Estates Residential) (AE-60) Zone.

Generally located on the west side of Mann Street and the north side of Quail Avenue within Spring Valley. MN/rk/syp (For possible action)

RELATED INFORMATION:

APN:

163-35-501-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive full off-site improvements (curb return driveway, gutter, sidewalk, and streetlights) along Mann Street and Quail Avenue where required per Section 30.52.050.
2.
 - a. Reduce the departure distance from an intersection to a driveway along Mann Street to 121 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 36% reduction).
 - b. Reduce the approach distance from a driveway to an intersection along Mann Street to 111 feet where 150 feet is the minimum per Uniform Standard Drawing 222.1 (a 26% reduction).
 - c. Reduce the throat depth for the driveway along Mann Street to a minimum of 4 feet where 25 feet is the standard per Uniform Standard Drawing 222.1 (an 84% reduction).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5

- Project Type: Tennis complex (consisting of courts and a tennis building)
- Building Height (feet): Up to 26
- Square Feet: 3,016
- Parking Required/Provided: 30/37

Request & Site Plans

The request is for a special use permit for a tennis facility used by the public, it will not be a private club and will offer instruction for both children and adults. The undeveloped property is located between Quail Avenue and Russell Road on 2.5 acres. Currently there are existing homes located to the north and south of this site with a Planned Land Use of Neighborhood Commercial to the north and Ranch Estate Neighborhood to the south. The plans depict a proposed 6 court tennis complex with an approximate 3,016 square foot tennis building located near the center of the site. The tennis courts are oriented north/south, which is the preferred direction for outdoor courts due to sun patterns. All 6 courts will be surrounded by a 10 foot high chain-link fence and will be lighted for night use. There will be 2 types of lighting, 1 for the parking lot and 1 for the tennis courts, as detailed in the photometric plan. The facility meets the parking requirements of Code. Thirty spaces are required, and 37 spaces are provided. This request includes waivers of development standards for modified driveway design and to construct non-urban street standards for Mann Street and Quail Avenue with full width pavement; however, there will be no curb return driveway, gutter, sidewalk, or streetlights.

Lighting/Photometric Plans

The plans indicate the following: 1) highest luminance values are in limited areas adjacent to the tennis courts; 2) light poles for the tennis courts are approximately 22 feet in height and 20 feet in height for parking lot lights; and 3) the design implements sports lighting technology with advanced fixture shielding and aiming arrays to contain the light spill. All site lighting fixtures are similar in terms of design, materials, finish, color, and color of light. The light distribution and photometric plan were designed to minimize its impact on the surrounding properties.

Landscaping

Along all sides of the property landscaping will be provided 10 feet or greater. The landscaping on the north side of the property will provide a single row of trees spaced 20 feet apart per Figure 30.64-11 "buffer adjacent to a less intense use". Six foot high CMU walls are shown along the north and west property lines.

Elevations

The tennis building is 1 story, 26 feet high and will be constructed of concrete, and plank siding with tile, glass, and metal accents. The main colors of the clubhouse are browns, tans, and white with black and silver accents.

Floor Plans

The 3,016 square foot tennis building will provide restroom facilities, check-in area, pro-shop, gym, office, and coach's lounge.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates the proposed hours of operation are 7:00 a.m. to 9:00 p.m. The tennis facility will be used by the public and will offer instruction for both children and adults as well as court times for matches. The facility also intends to host local tournaments. The applicant further states the project is an appropriate use and blends with the surrounding area. It is a much needed recreational facility for Clark County that will be a low-impact amenity for the community.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	R-E	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential
East & West	Public Use	R-E	Undeveloped

Related Applications

Application Number	Request
VS-23-0033	A request to vacate patent easements on the property is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Use Permit and Design Review

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A recreational facility with outdoor activities is not permitted by right in an R-E zoning district and only permitted subject to consideration of a use permit. The primary concerns with these types of uses are to ensure compatibility with existing and planned uses in the area.

Staff has no concerns with a tennis facility; however, staff finds that given the land use context of this area, with low density residential development to the north and south, should be carefully reviewed when introducing an outdoor tennis complex into a predominantly residential area. According to the applicant their will be instructional sessions, court times for matches, and even local tournaments being held at the facility that could substantially impact the surrounding neighborhood with noise, light pollution, and additional traffic generated on the site. The intent of sound land use planning is to buffer these types of uses either through transitional space or by other means from nearby residential uses. There are also land use policies within the Master

Plan which encourages sites to be compatible with adjacent land uses and off-site circulation patterns; and that new developments should be complementary and similar in scale and intensity to the surrounding land uses; therefore, staff cannot support this request.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Public Works - Development Review

Waiver of Development Standards #1

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow, and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements.

Waiver of Development Standards #2

Staff cannot support the reduction in throat depth, approach, and departure distance for both the driveways on Mann Street. The design of the site will cause conflicts for vehicles entering the site.

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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Denial.

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:

- Signage to be approved as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that all landscaping material must be identified as recommended on the Southern Nevada Water Authority Regional Plant List; the installation and use of

cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Right-of-way dedication to include 30 feet for Quail Avenue, 30 feet for Mann Street, and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions).

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 30.48 Part B 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.
- 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; 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

- No comment.

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 #0047-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - denial.

APPROVALS:

PROTESTS:

APPLICANT: ALL IN TENNIS ACADEMY LLC

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