



**CITY OF SPARKS, NV
COMMUNITY
SERVICES
DEPARTMENT**

To: Mayor and City Council

From: Marilie Smith, Administrative Secretary

Subject: Report of Planning Commission Action
PCN17-0030

Date: July 17, 2017

RE: PCN17-0030 – Consideration of and possible action on a Conditional Use Permit application to allow for a minor recreational facility on a site 1.68 acres in size in the I (Industrial) zoning district located at 1455 Deming Way, Sparks, NV.

Senior Planner Ian Crittenden presented this agenda item. Mr. Crittenden identified that the request is for a minor recreational facility to be located in the industrial area. Mr. Crittenden presented a vicinity map identifying the location of the request and surrounding area. The site is located on the corner of Deming Way and E. Greg Street. The site is zoned Industrial and requires a Conditional Use Permit to operate a minor recreational facility. The applicant intends to operate a party room, play area, and retail store for NERF related toys and accessories.

Mr. Crittenden shared that the building was built in 1981 and the applicant will occupy approximately 5,267 square feet. The applicant proposes to use 3,375 square feet as a play room, 495 square feet for a party room and 950 square feet for retail sales. Upon submittal, the applicant estimated their parking need to be 26 spaces based on 1 space per 200 square feet. Mr. Crittenden stated that staff also prepared a parking analysis and determined the need to be 23 spaces. The site has 48 available parking spaces for all tenant spaces.

The applicant's proposed hours of operation are Wednesday through Saturday from 12:00 p.m. to 8:00 p.m. and Sunday from 11:00 a.m. to 6:00 p.m. Staff believes that the proposed hours of operation will mitigate the potential parking impacts of the use and recommends a condition of approval that will limit the hours of operation. In addition, Mr. Crittenden stated that the users of the facility will be primarily children and potential parking impacts will also be mitigated by the drop-off/pickup as children are too young to drive. Mr. Crittenden stated that staff has a concern regarding the summer months when children are out of school and the peak hours of operation would presumably be different. Staff has not addressed summer hours and/or the impact this may have on parking availability.

Mr. Crittenden stated that staff believes the use of the site as a minor recreational facility is in conformance with the goals and policies of the Comprehensive Plan and is compatible with the adjacent industrial uses. Mr. Crittenden shared that a letter was received from an adjacent property owner. The letter stated that the property owner does not believe the proposed recreational use is a compatible use.

Staff recommends approval of the Conditional Use Permit application subject to three Conditions of Approval.

Chairman Petersen asked if the surrounding tenants were known. Mr. Petersen expressed concern that assumptions were made regarding the hours of operation and the potential parking impacts of this request. Mr. Petersen shared that given the unknown surrounding tenants, it is difficult to know if the conditioned hours of operation would make a difference. Mr. Crittenden stated that the tenants of the surrounding spaces is not known as that level of analysis was not performed.

Commissioner Carey asked for clarification regarding the breakdown and utilization of the 48 parking spaces available on the site. Mr. Crittenden shared that there are 30 parking spaces available on the Deming Way side of the building and there are 18 spaces on the back side of the building. Mr. Crittenden stated that he is unsure of the utilization of the spaces amongst the tenants.

Commissioner Fewins requested clarification regarding street parking on Deming Way. Mr. Crittenden shared that street parking is not permitted on the east side of Deming Way but there is street parking on the west side of Deming Way.

Senior Assistant City Attorney Doug Thornley asked for clarification regarding the retail component of the request. Specifically, is the retail component permitted by right or does it need a Conditional Use Permit and does the retail component require additional parking. Mr. Crittenden shared that the retail component was allowed by right and does not require a Conditional Use Permit. The retail area requires four parking spaces per code. Mr. Thornley also asked if the applicant's lease calls out a specific number of parking spaces for this request. Mr. Crittenden stated that the applicant's lease states that 11 spaces have been designated for this use.

Mr. Kristian Meyer, the applicant, introduced himself and offered additional information regarding surrounding tenants and parking allotments. Mr. Meyer stated that he had not met all of the tenants in the surrounding spaces but stated that there are several similar uses in the area. There is a batting cage, a gymnastics facility and other recreational uses. Mr. Meyer stated he did not know if the other tenants had been given a set number of parking spaces. Mr. Hans Meyer, co-applicant for the project, offered that there are other parking options on the street or on surrounding sites. Mr. Meyer further stated that there will be a set number of participants in the

facility at any given time. The arena and party room areas have a max number of about 20 participants each.

Commissioner Carey asked for clarification regarding the ages of the participants. Mr. Meyer stated that the participant age is 7 and above. Mr. Meyer also shared that there will be private parties, regular arena participants and they are working on the development of league play.

Commissioner Carey asked if the employees would be parking in the rear leaving the front spaces available for customers. Mr. Meyer stated that employees would park in the rear leaving front spaces for customers as much as possible. During peak hours of operation when parking is at a premium, parking will be first come first serve as available.

Mr. Thornley asked Mr. Meyer if there is a sidewalk area on the side of the building. Mr. Meyer stated that there is not a sidewalk just a large grass area. Mr. Thornley also asked Mr. Meyer if he would have the ability to designate the 11 spaces identified in his lease for his customers only. Mr. Meyer stated he was not able to designate the parking spaces.

Commissioner Fewins requested clarification regarding the capacity of the space and participant numbers. The allowance of 20 participants in the party room and an additional 20 in the arena area could pose a parking problem during peak hours as some surrounding tenants do have designated spaces and rope off parking accordingly. Mr. Fewins expressed concern that there may be struggles amongst the tenants and asked Mr. Meyer if there was a plan to alleviate potential parking problems. Mr. Meyer stated that they see the bulk of their business occurring during non-peak hours and did not anticipate any parking problems with surrounding tenants.

Mr. Thornley asked how many employees would be at the site at any given time and would any employees be traveling together. Mr. Meyer stated that it is anticipated they will have a maximum of five employees on site at a time and it is possible that some will travel together. Mr. Thornley expressed concern that five parking spaces for employees is 20% of the parking allotment for the facility and approving this request may infringe upon other tenants and their parking allotments.

Chairman Petersen asked for additional clarification regarding the number of participants and the estimated time they will be visiting the business. Mr. Meyer stated that each match lasts approximately 15 minutes and participants will have the opportunity to play multiple matches.

The public comment was opened.

Mr. Rich Casci, representing Sierra Rental and Transport, a trucking business across the street from the applicant, spoke in opposition of the request. Mr. Casci shares the same concerns of the Commission regarding the limited parking availability. Mr. Casci has operated his trucking business at this location for the past 45 years. Mr. Casci shared that he has paid closer attention recently to the availability of parking spaces at the site across the street and has noticed that during peak hours of the day there are no more than four or five available spaces. Mr. Casci further stated that parking has always been a problem for the businesses in the area and the available parking for the building will not support this request. Mr. Casci operates a trucking company that generates a consistent amount of truck traffic and is concerned that additional people and children in the area will present a potential safety and liability issue for his business and other similar businesses in the area.

Chairman Petersen asked Mr. Casci if there are peak hours associated with his trucks. Mr. Casci stated that like other similar businesses in the area, the peak hours for the truck traffic is at the beginning of the day and at the end of the day. Mr. Casci's business owns 50 trucks.

Commissioner Gaba requested clarification regarding the traffic patterns of the trucks. Mr. Casci shared the usual traffic pattern of the trucks leaving and returning from the yard area.

The public comment was closed.

Mr. Thornley requested that the Commissioners consider the staff report insufficient as written to alleviate some of the questions and concerns presented as they relate to parking and traffic patterns. Mr. Thornley suggested that the Commissioners consider a motion to continue the item to allow staff time to do a more thorough analysis of the parking and obtain a survey of the current traffic on Deming Way.

Commissioner Carey agreed with Mr. Thornley that more information was needed regarding the surrounding uses and parking availability, however, Mr. Carey stated that he was not sure that additional information would be useful in making findings C1 and C2. Mr. Carey is unable to make findings C1 and C2 as he does not believe the use is compatible with the surrounding uses. Commissioner Carey stated he likes the business idea and thinks it will be a great place for the youth of Sparks but believes it would be better suited in another area within the City. Commissioner Carey stated he appreciated all of the points presented during public comment and believes they are valid concerns.

Chairman Petersen agreed with Commissioner Carey and Mr. Thornley. There are valid concerns that have been presented and more information is needed to make a decision. Mr. Petersen shared that he would like to see a motion for a continuance to obtain more information regarding the identified concerns.

Commissioner Brock shared that she is concerned that the Commission be consistent when considering the request. There are similar uses in the area that have been allowed and the Commission should be fair in their consideration of this request.

The Commissioners discussed the possibility of a continuance and the possibility of adding Conditions. Mr. Thornley reviewed the options available with regard to the request. The Commission can request additional Conditions in a motion for approval or they can move for a continuance to allow staff time to obtain additional information regarding the concerns presented.

Commissioner Carey stated he appreciated the discussion and the opportunity to receive additional information, however, he stated that he is unable to make findings C1 and C2 as previously stated.

MOTION: Commissioner Carey moved to deny the Conditional Use Permit application associated with PCN17-0030.

Mr. Thornley requested that Commissioner Carey restate his reasons as basis for his motion for denial. Commissioner Carey stated his main reason is the proposed Conditional Use is not consistent or compatible with the area and he does not believe additional information regarding parking will be enough to make it consistent or compatible with the surrounding land uses and businesses in the area.

Chairman Petersen asked for discussion. Seeing none called for a second to the motion.

SECOND: Commissioner Gaba.

AYES: Commissioners Petersen, Carey, and Gaba.

NAYS: Commissioners Brock and Fewins.

ABSTAINERS: None.

ABSENT: Commissioner VanderWell.

Passed.