PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0613-17 – BERMUDA ROAD PROPERTIES, LLC:

USE PERMIT for a proposed place of worship in conjunction with an existing major training facility, convention facility, and dormitory within an existing office/warehouse complex on 6.0 acres in an M-1 (Light Manufacturing) (AE-65) Zone.
WAIVER OF DEVELOPMENT STANDARDS to reduce parking.
WAIVER OF CONDITIONS of a use permit (UC-0523-11) requiring the property will not be used as a place of worship as defined by Title 30.

Generally located on the east side of Bermuda Road, 350 feet south of Sunset Road within Paradise. SS/al/ml (For possible action)

RELATED INFORMATION:

APN:
177-03-114-005

WAIVER OF DEVELOPMENT STANDARDS:
Reduce parking for a proposed place of worship in conjunction with an existing major training facility, convention facility, and dormitory to 273 spaces where a minimum of 311 spaces are required per Table 30.60-1 (a 12.2% reduction).

LAND USE PLAN:
WINCHESTER/PARADISE - INDUSTRIAL

BACKGROUND:
Project Description
General Summary
• Site Address: 6590 Bermuda Road
• Site Acreage: 6.0
• Project Type: Place of worship in conjunction with an existing major training facility, convention facility, and dormitory
• Number of Stories: 3
• Building Height: 50 feet
• Square Feet: 115,970 entire building/87,535 existing training and convention facility
• Parking Required/Provided: 311/273

Site Plan
The request is to allow a proposed place of worship to operate within the convention area of the existing training and convention facility. No changes are proposed to the design or layout of the
existing facility. The existing major training and convention facility includes dormitories, offices, kitchens, and other accessory uses located within a portion of an existing office/warehouse building. The western portion of the building contains the training and convention facility with the accessory uses, while the eastern portion of the building remains as a distribution center. Parking areas are located on the east, south, and west sides of the building while a 30 foot wide fire lane is located on the north side of the building. The parcel shares access and parking with the adjacent parcels to the east and south which are part of the same industrial complex. The complex takes access from 4 driveways off Pilot Road to the south.

**Landscaping**
No changes are proposed or required to the existing landscape area with this request.

**Elevations**
No changes are being proposed to the exterior of the building. The portion of the building containing the existing major training and convention facility, and proposed place of worship is 41 feet high with a decorative dome increasing the maximum height for a portion of the building to 50 feet. The primary exterior materials consist of Exterior Insulation Finishing System (EIFS) with a stucco sand finish, decorative architectural “plant on” shapes, and decorative arch windows and columns.

**Floor Plans**
No changes are proposed to the interior of the building with this application. The first floor consists of an entry and reception area, a library, several conference rooms, and a parking garage. The second floor has a large multi-purpose meeting room in the center with dormitories located on both sides, a kitchen, pantry, and central plant are shown on the eastern portion of the second floor while an executive dorm room with a kitchen and separate conference room are shown on the western side of the multi-purpose room. The proposed place of worship will conduct services within the existing multi-purpose meeting room on the second floor, which has an area of approximately 9,170 square feet. Additional dorm rooms, another kitchen, an activity room, and another conference room are located on the third floor.

**Signage**
Signage is not a part of this request.

**Waiver of Conditions**
The existing training and convention facility was approved by UC-0523-11 in March 2012. The neighboring businesses and property owners expressed concern about the facility being used as a place of worship and the impacts this would have on traffic in the area and parking. To address the concerns of the neighboring businesses and property owners, the Board of County Commissioners imposed the condition not to allow the site to be used as a place of worship.

**Previous Conditions of Approval**
Listed below are approved conditions for UC-0523-11 (ET-0003-15):

**Current Planning**
- Until September 18, 2015 to complete;
- Buses related to the activity cannot park on neighboring properties.
• Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review
• Compliance with previous conditions.

Building/Fire Prevention
• Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

Listed below are approved conditions for UC-0523-11 (ET-0001-14):

Current Planning
• 1 year to complete.
• Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review
• Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Listed below are approved conditions for UC-0523-11:

Current Planning
• Until January 2014 to review as a public hearing and until January 2015 for a second review;
• The property will not be used as a place of worship as defined by Clark County Code Title 30;
• A permanent 4 foot high decorative fence will be installed along the north property line as indicated on the site plan;
• The site will accommodate an area for taxi and bus staging on the property and still comply with all parking requirements for this type of use;
• Applicant will provide an appropriate number of parking attendants to assist attendees of all conventions or training seminars at the facility with parking spaces on-site and not parking on the surrounding properties or on the street;
• No attendees of any conventions or training seminars are authorized to park on-site unless they have first obtained a parking pass from Bermuda Road Properties, and all contracts with any organizations renting the facility will include a parking stipulation that parking is limited and attendees are to utilize shuttle buses or taxis to obtain a parking pass from Bermuda Road Properties;
• There shall be a 24 foot wide drive aisle between 6950 Bermuda Road and 6600 Bermuda Road, applicant to increase the drive aisle widths in the areas where the drive aisle is not currently 24 feet wide;
• A maximum of 50 dorm rooms;
• No concerts at the facility;
• Applicant will limit the number of attendees to 700 until an off-site parking agreement can be entered into that would allow for additional attendees with that maximum being 1,200;
• Property cannot file for tax exempt status;
• Property manager cannot live on property;
• Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
• All applicable standard conditions for this application type.
• Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review
• Drainage study and compliance;
• Traffic study and compliance, project may qualify for an exception to the traffic analysis with Public Works - Development Review Division approval;
• Replace existing driveways with commercial curb return driveways per Clark County standards 222.1 and 225.

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;
• Stay in dormitories is limited to 30 days or less;
• Incorporate exterior to interior noise level reduction into the building construction as required by Code for use(s). Dormitory use requires the incorporation of an exterior to interior noise level reduction of 25 decibels into the building construction for the habitable space.
• 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; 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; the FAA’s airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment; the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that the property is already connected to the CCWRD sewer system; at the time of development civil improvement plans are to be submitted to CCWRD for review and approval along with wastewater flows to determine sewer point of connection
for the new improvements; and that the applicant shall follow current District Pretreatment resolutions and any applicable portions of 40CFR.

**Applicant’s Justification**
The applicant indicates that the condition prohibiting the site to be a place of worship no longer fulfills the intended purpose because there have been no parking, traffic or noise issues resulting from event at the facility. The applicant is unaware of any complaints to the Clark County Public Response Office concerning the operation of the facility. The adjacent developments have not substantially changed from when the facility began operations and there is no reason to expect the waiver of condition will negatively impact the area. The congregation for the proposed place of worship is small ranging in size from 100 to 150 people and the service will be conducted on Sundays from 9:00 a.m. to 3:00 p.m. The existing facility can accommodate up to 700 people for events. Additionally services will be held at times when the other uses approved for the site are not in use and when the adjacent businesses will be closed; so there would be abundant parking for the place of worship and little to no impact on the adjacent developments.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-0625-15</td>
<td>On-premises consumption of alcohol in conjunction with an existing major training facility, convention facility, and dormitory</td>
<td>Approved by BCC</td>
<td>November 2015</td>
</tr>
<tr>
<td>UC-0523-11 (ET-0003-15)</td>
<td>Second extension of time to complete a major training facility, convention facility, and dormitory with a design review</td>
<td>Approved by BCC</td>
<td>March 2015</td>
</tr>
<tr>
<td>UC-0523-11 (ET-0001-14)</td>
<td>First extension of time to complete a major training facility, convention facility, and dormitory with a design review</td>
<td>Approved by BCC</td>
<td>February 2014</td>
</tr>
<tr>
<td>UC-0523-11</td>
<td>Major training facility, convention facility, and dormitory with a design review</td>
<td>Approved by BCC</td>
<td>March 2012</td>
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</tbody>
</table>

**Surrounding Land Use**

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North, Business and Design/Research Park &amp; Industrial</td>
<td>M-D &amp; M-1</td>
<td>Warehouse &amp; undeveloped</td>
</tr>
<tr>
<td>South, Industrial</td>
<td>M-D &amp; M-1</td>
<td>Office &amp; commercial uses within the same complex</td>
</tr>
<tr>
<td>East, Industrial</td>
<td>M-1</td>
<td>Manufacturing &amp; commercial</td>
</tr>
<tr>
<td>West, Industrial &amp; Business and Design/Research Park</td>
<td>M-1</td>
<td>Manufacturing &amp; commercial</td>
</tr>
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**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.
Analysis
Current Planning
Use Permit & Waiver of Conditions

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 Comprehensive 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 number of places of worship have been approved and established at several commercial and industrial facilities in the County. The places of worship within these other commercial and industrial facilities have had little to no impact on other businesses or abutting properties. The proposed place of worship will occupy a multi-purpose meeting room within an existing convention center facility. This existing multi-purpose meeting room is a 9,170 square foot portion of the existing 87,535 facility. Operating the place of worship on Sundays only and at times when the existing facility is not in operation, and when adjacent businesses are closed limits the impact of this use on the abutting properties. However, in order to approve the use permit the Board of County Commissioners must approve the waiver of the condition prohibiting a place of worship at this location. When UC-0523-11 was originally heard by the Board of County Commissioners, several abutting property owners and businesses expressed concerns about this facility being used as a place of worship. The concerns included traffic problems, parking issues, and limitations that could be placed on other properties because of separations that would be required to a place of worship. To address the concerns of the abutting businesses and property owners, the Board of County Commissioners added a condition prohibiting the establishment of a place of worship at this location, which was agreed to by the applicant. Therefore, since this condition was set by the Board of County Commissioners and agreed to by the applicant to address the concerns of the neighbors, staff cannot support the waiver of conditions and therefore, cannot support the use permit for the place of worship.

Waiver 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 and value 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.

The applicant is requesting a parking reduction of 38 spaces (12.2%) for the existing facility in conjunction with the proposed place of worship. The applicant indicates that the place of worship will not be in use when the other approved uses on the site are operating. A parking analysis submitted by the applicant indicates that by staggered operating times for the place of worship and the other approved uses on the site the existing on-site parking is adequate to provide parking for all the allowed uses. Other places of worship within commercial or industrial developments have used the same justification to allow a parking reduction and these places of worship have operated without creating a problem for other businesses within their developments. Staff could support the requested parking reduction if the waiver of conditions and use permit are approved. However, staff does not support the waiver of conditions; therefore, staff cannot support the waiver of development standards.
Department of Aviation
The property lies within the AE-65 (65-70 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation
Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
• 2 years to review as a public hearing;
• Place of worship limited to the 9,170 square foot multi-purpose meeting room on the second floor only;
• Services limited to Sundays from 9:00 a.m. to 3:00 p.m.
• Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; that 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
• No comment.

Department of Aviation
• Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
• Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

Building/Fire Prevention
• No comment.

TAB/CAC: Paradise – approval (6 months to review as a public hearing).
APPROVALS:
PROTESTS:
APPLICANT:  Bermuda Road Properties, LLC
CONTACT:    Jonathan Winn, Kolesar & Leatham, 400 S. Rampart Boulevard, Suite 400, Las Vegas, NV  89145