



Board of Adjustment Staff Report

Meeting Date: October 2, 2014 Agenda Item Number: 8A

Subject: Amendment of Conditions Case Number AC14-005
Applicant(s): Reno Indoor Paintball
Project Summary: Amendment of condition #1b of Special Use Permit Case Number SB12-012 to allow three years for issuance of building permits.
Recommendation: Approval with Conditions
Prepared by: Roger Pelham, MPA, Senior Planner
Planning and Development Division
Washoe County Community Services Department
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Amendment of Conditions Case Number AC14-005 (Reno Indoor Paintball) – To amend condition of approval #1b of approved Special Use Permit Case Number SB12-012 for Reno Indoor Paintball to allow three years for issuance of building permits (August 4, 2015), rather than two, from the date of the approval by the Board of Adjustment.

- Applicant: Reno Indoor Paintball
Attn: Lawrence Kagawa
1005 Standard Street
Reno, NV 89506
- Property Owner: Sun Valley General Improvement District
Attn: Darrin Price
5000 Sun Valley Boulevard
Sun Valley, NV 89433
- Location: 115 West 6th Avenue, Sun Valley, at the Sun Valley Community Park
- Assessor's Parcel Number: 085-211-03
- Parcel Size: ± 20 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley (inactive)
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Within Section 18, T20N, R20E, MDM, Washoe County, NV

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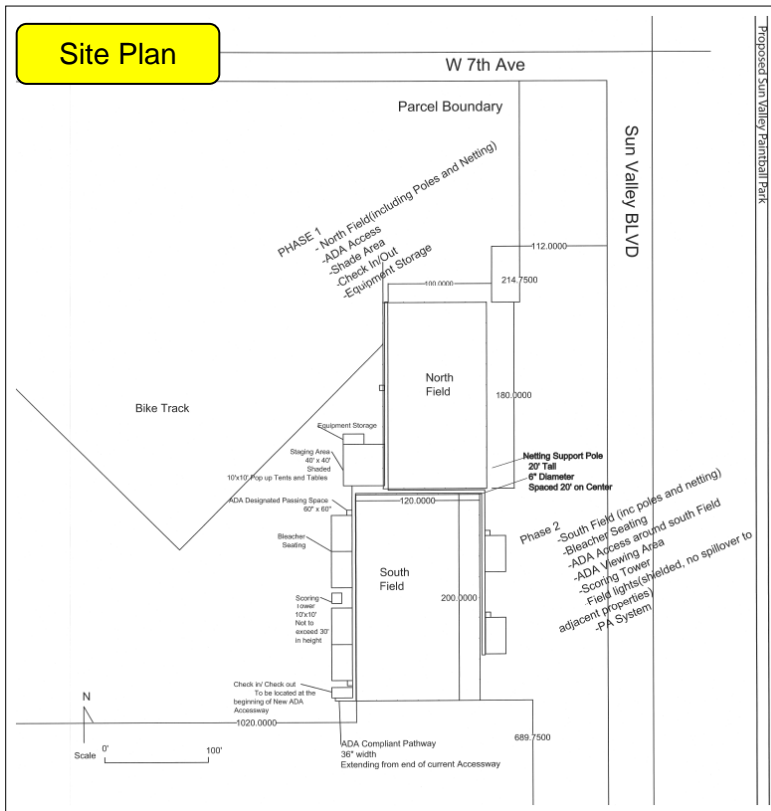
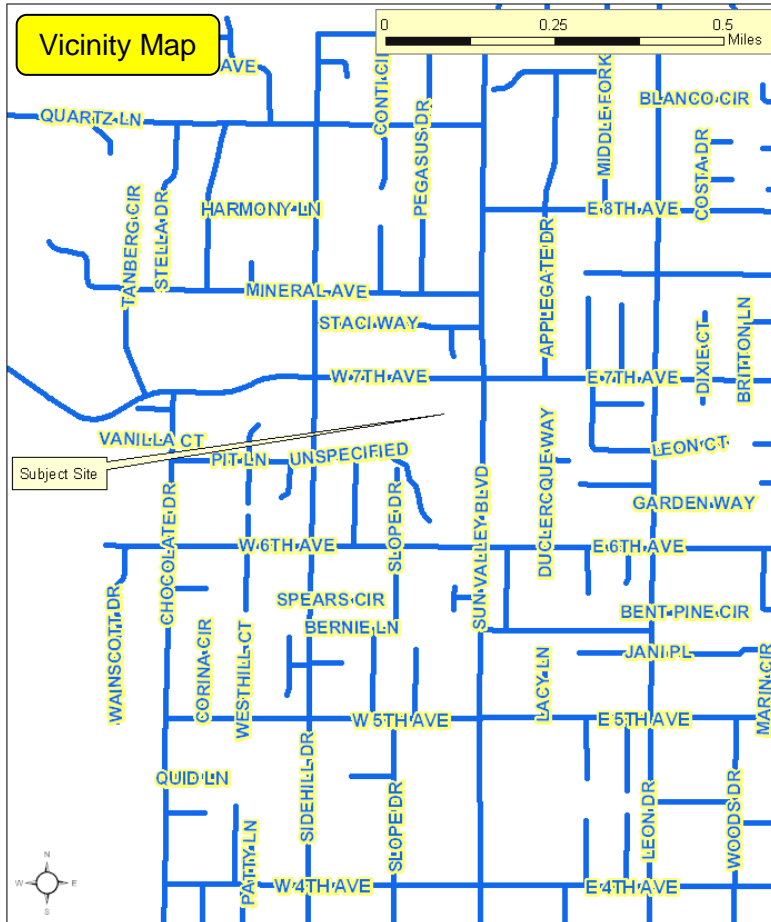
Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

Approved Special Use Permits can be amended following the same process as is required for the original approval.

The Amended Conditions of Approval for Special Use Permit Case Number SB14-012 are attached to this staff report and, if approved, will be included with the Action Order.



Project Evaluation

The applicant, Reno Indoor Paintball, Inc, received an approval in August of 2012 to establish a commercial paintball course, which is classified as Outdoor Sports and Recreation Use Type. The game of paintball is essentially a game of “tag” using paintball “markers” (“guns”) that use compressed air to shoot projectiles roughly the size of a marble. The projectiles have a hard shell and dye (“paint”) inside. Upon impact with a solid object or person the projectile breaks marking the person or object with a brightly colored splatter.

The proposal includes two courses for play. The first phase (proposed with this amendment to be the southern field) includes a field of play 100 feet by 180 feet in size, is intended to be essentially a large dirt area with obstacles for the play of the game.

The second course of play (proposed with this amendment to be the northern field) is proposed to be a “competition” course. It is proposed to be 120 feet by 200 feet in size, to include provisions for spectators and a tower for scoring judges to observe the field. This field is proposed to be surfaced with artificial turf.

Condition of approval number 1b reads as follows, “The applicant shall submit complete construction plans and building permits shall be issued for phase one of the project within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Department of Community Development.”

That condition is proposed to be amended to read as follows, “The applicant shall submit complete construction plans and building permits shall be issued for phase one of the project within three years from the original date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.”

The reason for the delay in submission, according to the applicant, is the cost of the engineering required for building plans. Staff does not believe that allowing additional time to submit building permits will create or exacerbate any impacts associated with this project and therefore, recommends approval.

Sun Valley Citizen Advisory Board (SVCAB)

The Sun Valley Citizen Advisory Board is inactive at this time.

Reviewing Agencies

The condition of approval requested for amendment was placed on the approval by Planning and Development. No other agencies reviewed the request.

Staff Comment on Required Findings

Article 810, Special Use Permits, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request and that amendment of a special use permit follow the same approval process as the original request. Staff has completed an analysis of the special use permit amendment request and has determined that the proposal is in compliance with the required findings as follows:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan.

Staff Comment: This commercial recreational use is proposed to be located within the Sun Valley Community Park, which is zoned Parks and Recreation.

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Infrastructure to support the use exists within the Sun Valley Community Park and will be enhanced to serve the new commercial recreational use.

3. Site Suitability. That the site is physically suitable for paintball fields of play, and for the intensity of such a development.

Staff Comment: The fields of play are proposed to be located within an area of the Sun Valley Community Park that is only used for flood water retention at this time.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: Identified impacts including noise, lighting and visual impact have been mitigated by the proposed conditions of approval.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation in the vicinity of the proposed paintball fields.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Amendment of Conditions Case Number AC14-005 for Special Use Permit, Case Number SB12-012 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Amendment of Conditions Case Number AC14-005 for Special Use Permit Case Number SB12-012 for Reno Indoor Paintball, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for paintball fields of play, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation.

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant: Reno Indoor Paintball
Attn: Lawrence Kagawa
1005 Standard Street
Reno, NV 89506

Property Owner: Sun Valley General Improvement District
Attn: Darrin Price
5000 Sun Valley Boulevard
Sun Valley, NV 89433

Representatives: K2 Engineering
Attn: Jared Krupa
3100 Mill Street #107
Reno, NV 89502



WASHOE COUNTY Conditions of Approval

Amendment of Conditions Case Number AC14-005 for Special Use Permit
Case Number SB12-012

The project approved under Amendment of Conditions Case Number AC14-005 for Special Use Permit Case No: SB12-012 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 2, 2014. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Department of Community Development.

Compliance with the conditions of approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Department of Community Development prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Department of Community Development recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.**
- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Community Development

1. The following conditions are requirements of the Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, 775.328-3622

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. The Department of Community Development shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued for phase one of the project within three years from the original date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division. [Amended on 10/2/2014]
~~The applicant shall submit complete construction plans and building permits shall be issued for phase one of the project within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Department of Community Development.~~
- c. The applicant shall submit complete construction plans and building permits shall be issued for phase two of the project within one year from the date of approval of a business license by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Department of Community Development.
- d. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.

- e. Prior to approval of a business license, the applicant shall submit a plan, acceptable to Washoe County, for securing the facility when not in use to prohibit unauthorized use.
- f. Prior to approval of a business license, the applicant shall submit a plan, acceptable to the County Engineer, for handicapped access in accordance with the Americans with Disabilities Act (ADA), for access to all proposed facilities.
- g. Prior to approval of a business license the applicant shall submit documentation from the County Engineer to the Director of Community Development indicating that the development proposal allow sufficient access for service vehicles to access this area for maintenance of the flood detention facility.
- h. Prior to the approval of a business license the applicant shall submit documentation indicating that they understand that this detention basin is designed to hold all of the storm-water from north of the park and in a large storm event, the entire basin may fill completely for weeks at a time.
- i. Any cargo container placed on site shall be screened on all sides by existing vegetation at least six (6) feet in height or by solid fencing at least six (6), but not greater than eight (8) feet in height. Building permits are required for placement of cargo containers and for construction of fencing.
- j. Prior to approval of a business license, the applicant shall provide an analysis of all landscaped area on the parcel with percentage of vegetative coverage to determine whether Code standards are met. If standards are not met additional landscaped area shall be planted in accordance with all provisions of Articles 410 and 412 of the Development Code.
- k. Prior to approval of a business license, in addition to any other required landscaping, the applicant shall install one tree (meeting the requirements of Article 412) for each 15 feet adjacent to the proposed facility along both Sun Valley Boulevard and West 7th Avenue.
- l. Prior to approval of a business license, the applicant shall submit a photometric study, acceptable to Washoe County, showing that there will be no spillover of light on to adjacent parcels.
- m. All netting surrounding the paintball fields of play shall be tan, brown, sage green, or other acceptable earth-tone color. The color shall be approved by the Director of Community Development, prior to installation. A building permit is required for installation of the netting (fence).
- n. Netting (specialty fencing) shall surround each field of play. Netting surrounding the paintball fields shall be twenty (20) feet in height.
- o. The play surface of "phase 2" of the project shall be artificial turf.
- p. Prior to approval of a business license, the applicant shall provide the Director of Community Development with a letter from the District Health Department indicating that sufficient sanitary facilities have been provided.

- q. A note shall be placed on all construction drawings and grading plans stating: **NOTE:** *Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.*
- r. Obstacles used within the fields of play shall not include: inoperable vehicles, wood pallets, upholstered items, tires, metal items showing rust, any items that appear to be broken or untidy in appearance.
- s. The following Operational Conditions shall be required for the life of the project/business:
1. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
 4. This administrative permit shall remain in effect as long as the business is in operation and maintains a valid business license.
 5. Connection to running water shall be provided at each field of play. The applicant shall sprinkle all disturbed areas with water at the end of each day of play, and as necessary throughout the day, to help control fugitive dust emissions and to facilitate in degradation of paintballs and paintball residue.
 6. Trash receptacles shall be provided adjacent to all areas of play and spectator areas. Trash receptacles shall be emptied daily.
 7. Hours of operation shall be limited to the hours between 9AM and 9PM, Sunday through Thursday (all exterior lighting shall be turned off by 9:30PM). Hours of operation shall be limited to the hours between 9AM and 10PM on Friday and Saturday (all exterior lighting shall be turned off by 10:30PM).
 8. Amplified noise such as "public address" (PA) systems or music systems are prohibited.
 9. Sales of food and drink at the facility is prohibited.

- t. The first phase (the southern field) includes a field of play 100 feet by 180 feet in size, is intended to be essentially a large dirt area with obstacles for the play of the game. The second course of play (the northern field) is proposed to be a "competition" course. It is proposed to be 120 feet by 200 feet in size, to include provisions for spectators and a tower for scoring judges to observe the field. This field is proposed to be surfaced with artificial turf. [Added on 10/2/2014]

Truckee Meadows Fire Protection District

2. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact Name – Amy Ray, Fire Marshall. 775.326-6000

- a. Reno Indoor Paintball shall maintain access to the park and all facilities at all times in accordance with the IFC, IBC and Washoe County Code 60.
- b. Any events to occur at the facility shall be approved.
- c. Normal business operation and events held at the facility shall not impede or restrict emergency access to the park or facility.
- d. Plans and/or permits for the facility shall be obtained and approved prior to construction in accordance with the IFC, IBC and Washoe County Code 60.

Washoe County Risk Management

3. The following conditions are requirements of Washoe County Risk Management, which shall be responsible for determining compliance with these conditions.

Contact Name – Jim Jeppson, Risk Consultant. 775-636-5347

- a. Prior to issuance of a business license or operation of the facility the applicant shall obtain General Liability Insurance and Automobile Liability Insurance with limits not less than \$1,000,000, with Washoe County named as an Additional Insured.
- b. Prior to issuance of a business license or operation of the facility the applicant, and any other operator of the facility, shall execute an agreement, on a form acceptable to the county, to indemnify, hold harmless, and defend the County and any other public entity involved in this process from and against any loss or liability arising from this activity.
- c. Prior to participation in any activity each participant at the facility shall sign an agreement, on a form acceptable to the County, which shall fully release Washoe County from any liability for bodily injury or property damage.
- d. The netting surrounding the facility shall be maintained in good condition at all times. Applicant must agree to suspend all operations at the facility whenever the

netting sustains damage from wind, vandalism, or any other peril; until such time that the netting is repaired and returned to good condition.

- e. Applicant shall agree that the facility will be under the direct supervision and control of a qualified range master at all times.

*** End of Conditions ***

Exhibit B

ORIGINAL

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: <u>14-005</u> <u>AC</u>	
Project Name: Sun Valley Paintball Park			
Project Description: Commercial Recreation Paintball Park			
Project Address: 115 West 6th Avenue, Sun Valley, at the Sun Valley Community Park			
Project Area (acres or square feet): +-1.0 acre(s)			
Project Location (with point of reference to major cross streets AND area locator): N.E. corner of the area referred to as the PIT. The intersection of Clear Acre Blvd and 7th street			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
085-211-03	+20 acres		
Section(s)/Township/Range: Sun Valley			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Sun Valley General Improvement District		Name: K2 Engineering	
Address: 5000 Sun Valley Blvd. Sun Valley, NV		Address: 3100 Mill Street #107	
Zip: 89433		Zip: 89502	
Phone: 7758489919	Fax:	Phone: 7753550505	Fax:
Email: DPrice@SVGID.com		Email: jared@k2eng.net	
Cell:	Other:	Cell:	Other:
Contact Person: Darrin Price (General Manager)		Contact Person: Jared Krupa	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Reno Indoor Paintball		Name:	
Address: 1005 Standard Street		Address:	
Zip: 89506		Zip:	
Phone: 7753425477	Fax:	Phone:	Fax:
Email: larry@renoindoorpaintball.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Lawrence Kagawa		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application

(Information may be attached separately)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the *existing* and *proposed condition(s)*.

Consider the following amendment: SB12-012 WCCD Item 1.b. cited as: "...plans and building permits shall be issued for phase one of the project within two years...". Amend to read, "...plans and building permits shall be issued for phase one of the project within three years...". This request is due to the inordinate expenses associated with developing civil engineering plans versus our fund raising goals not meeting the previous deadline. This request does not substantially modify the previous approval.

Consider the following amendment: SB12-012 WCCD Item(s) 1.b & c.: Though not specifically noted in the Order, please consider the southern field buildout as phase 1 and the northern field as phase 2. The nature of each fields use is also switched. Phase 1 field, the southern fields playing surface will be the existing dirt without any grandstands nor media tower and the Phase 2 field, northern fields playing surface may be the artificial turf. This request does not substantially modify the previous approval.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

No potential impacts to public health, safety, or welfare are expected by granting this request.

W 7th Ave

Sun Valley BLVD

Parcel Boundary

PHASE - North Field (including Poles and Netting)
-Shade In/Out

North Field

South Field

Bike Track

Netting Support Pole
20' Tall
6" Diameter
Spaced 20' on Center

Phase -South Field (inc poles and netting)

Equipment Storage

Staging Area
40' x 40'
Shaded

10'x10' Pop up Tents and Tables

Check in/ Check out
To be located at the
beginning of New ADA
Accessway

N

Scale 0' 100'

689.7500

1020.0000

112.0000

214.7500

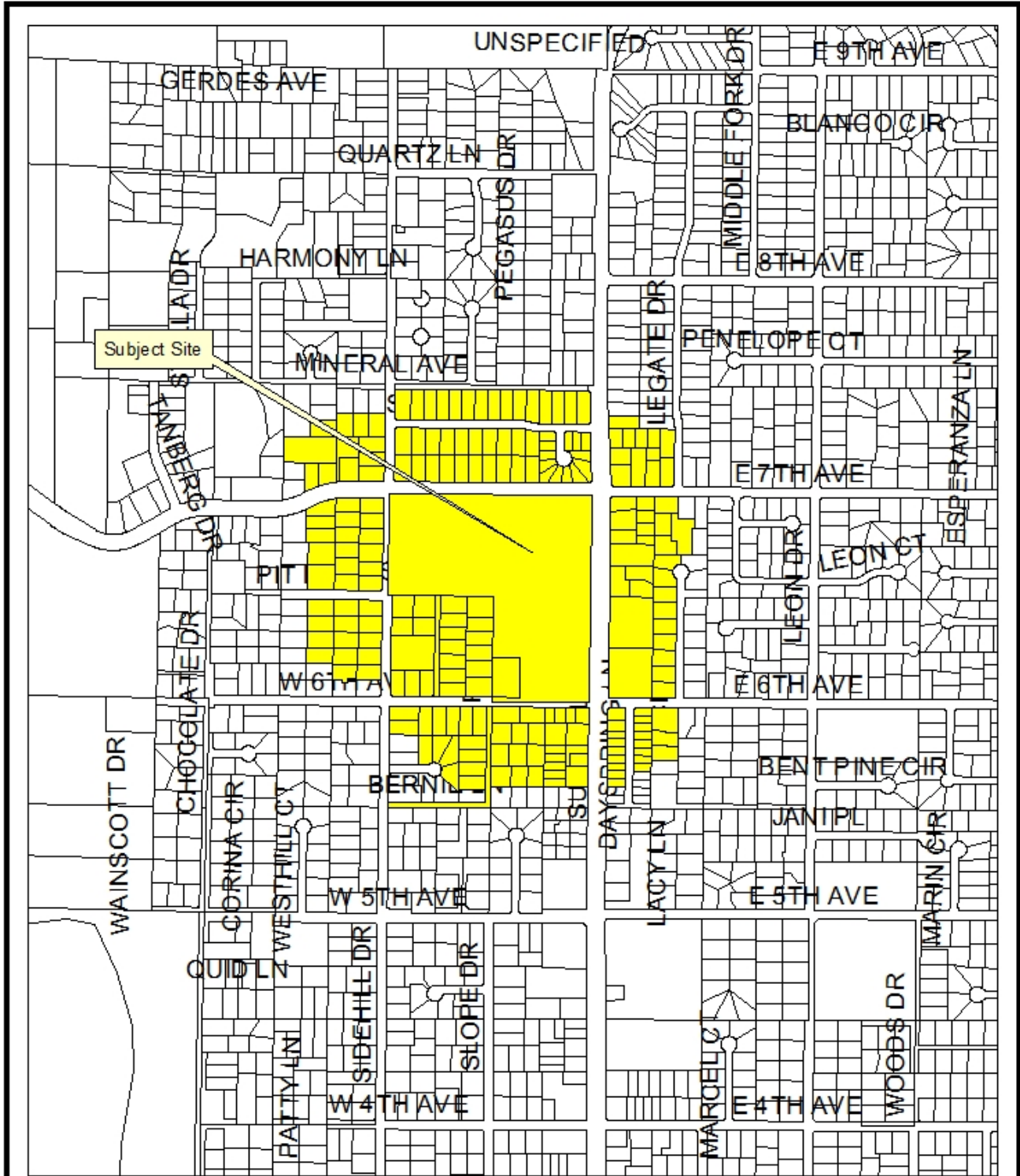
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Detail View



Mailing Label Map
Amendment of Conditions Case No AC14-005
Reno Indoor Paintball

214 Parcels selected at 500 feet.

Source: Planning and Development Division



Date: August 2014

Department of
 Community
 Development

**WASHOE COUNTY
 NEVADA**

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