

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 16, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-25900 - APPLICANT/OWNER: DAVID AND KARI BROUGH

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Conditions of Approval for U-0108-02

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for approval of a required three-year review (RQR-2433) of a Special Use Permit (U-0108-02) for Livestock Farming at 5401 Rome Boulevard. This is the second review of the Special Use permit that allowed a total of 13 horses and a waiver from the minimum parcel size of 1.25 acres for keeping this number of animals. The ownership of the subject parcel has changed since the original approval and first required review (RQR-2433).

The new owner/applicants wish to maintain the entitlement for 13 horses and the waiver to the minimum parcel size established by the original Special Use Permit (U-0108-02). Therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 12/04/02 | The City Council approved a Special Use Permit (U-0108-02), for Livestock Farming (13 horses) where a maximum of six horses is allowed on 1.08 acres and a Waiver of the minimum 1.25 acre parcel size requirement and the minimum square feet of lot area allowed per horse and bovine, which is the subject of this review. |
| 6/04/03 | The City Council approved a request for a Required Three Year Review (RQR-2433) of an approved Special Use Permit (U-0108-02) for livestock farming (13 horses) where a maximum of six horses is allowed on 1.08 acres and a waiver of the minimum 1.25 acre parcel size requirement and the minimum square feet of lot area allowed per horse and bovine situated on 1.08 acres at 5401 Rome Boulevard. |
| <i>Related Building Permits/Business Licenses</i> | |
| 4/23/03 | Plan Check #M-1635-03 issued for a perimeter 6-foot/2.8-foot block wall. This wall received final inspection on 5/06/03. |
| <i>Pre-Application Meeting</i> | |
| A pre-application meeting is not required, nor was one held. | |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

| <i>Details of Application Request</i> | |
|--|------------|
| <i>Site Area</i> | |
| Net Acres | 1.25 acres |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|-------------------------------------|-------------------------|
| Subject Property | Single Family Dwelling | L (Low Density Residential) | R-E (Residence Estates) |
| North | Single Family Dwelling | L (Low Density Residential) | R-E (Residence Estates) |
| South | Single Family Dwelling | L (Low Density Residential) | R-E (Residence Estates) |
| East | Single Family Dwelling | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| West | Single Family Dwelling | L (Low Density Residential) | R-E (Residence Estates) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | NA |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | NA |
| Trails | X | | NA |
| Rural Preservation Overlay District | X | | NA |
| Development Impact Notification Assessment | | X | NA |
| Project of Regional Significance | | X | NA |

ANALYSIS

- **Land Use and Zoning**

The subject property maintains the L (Low Density Residential) General Plan Land Use Designation and is currently located with R-E (Residence Estates), which requires the approval of a Special Use for Livestock Farming (Bovines/Horses), defined as, The raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. There are also several base conditions of approval:

- **Conditional Use Regulations:**

1. The minimum allowable parcel size is 1.25 acres. Part of the approval of the Special Use Permit included a waiver of this standard.
2. A maximum of 25 animals is allowed per parcel. The Conditions of approval of the Special Use Permit limited the number of animals to 13 horses.
3. No more than one bovine or horse is allowed per 7,500 square feet of lot area.
4. The parcel must also be occupied by a habitable dwelling.
5. Bovines may not be kept at any location south of Cheyenne Avenue.

- **Conditions to the approval of the Special Use Permit U-0108-02:**
 1. The relocation of the trash enclosure on Bradley Road onto the site near the southern property line.
 2. A six foot high decorative block wall with split rail along Rome Boulevard.
 3. A six month review before City Council (RQR-2433).
 4. Conformance to other Title 19 regulatory criteria for the livestock farming.
 5. One year expiration date.

Since the original approval, the ownership of the property has changed and the new applicants have complied with all the required conditions listed above with exception to condition number five, the one-year expiration date. In addition to meeting the requirements, the applicants have also made substantial improvements to the property regarding dust-control, pest-control, and landscaping. Although the applicants have stated that there are currently four horses and no bovines on the property, they wish to maintain the entitlement for 13 horses where Title 19.04.010 allows only 7 horses on a 1.25 acre parcel.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The ownership of the subject parcel has change since the last Required Review (RQR-2433), which continued the entitlement for 13 horses on a 1.25 acre lot. Since the original approval, the new owners have made significant improvements to the property regarding landscaping, dust-control, and pest-control. More significantly, the applicants have stated there are only four horses kept on the property. The current use is below the maximum allowable amount of horses as permitted by Title 19.10.010. Therefore, staff recommends that this will be the final required review for Special Use Permit (U-0108-02).

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The applicants, who have change ownership from the previous Required Review (RQR-2433), have made substantial progress in renovating the property. Since the original entitlement (U-0108-02) was approved, the new property owners have installed dust-control and pest-control devices and have provided additional landscaping to the property. Title 19.04.010 allows for up to six horses on this subject property; the applicants have stated that they only have four horses on the property now. There has not been confirmation from the applicants if they wish to maintain the entitlement for 13 horses on the subject property.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

The surrounding street network of Rome Boulevard and Bradley Road should not be affected by the continuance of this Special Use Permit (U-0108-02).

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The use will be subject to periodic inspections by applicable regulatory agencies for business licensing and environmental health and, therefore not adversely affect the public health, safety or general welfare.

5. The use meets all of the applicable conditions per Title 19.04.

The ownership has changed since the original entitlement and the applicants justification letter describes a current use that is below the maximum allowable use permitted by Title 19.04.010. The applicants have stated that they only have four horses on the R-E (Residence Estates) zoned 1.25 acre parcel where Title 19.04.010 allows three horses per half-acre. Staff recommends that this Three-Year Required Review is final.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 130

APPROVALS 0

PROTESTS 0