

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-25774 - APPLICANT/OWNER: CARLOS MAGANA-GODINEZ

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Livestock Farming (Bovines/Horses) use.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request for a Special Use Permit is to allow Livestock Farming (Bovines/Horses) south of Cheyenne Avenue, where bovine are not allowed and on 0.52 acres where 1.25 acres is the minimum allowable parcel size at 4869 Nettie Avenue. The applicant proposes to keep a cow and a calf on the property. Title 19.04 provides specific requirements for the keeping of bovines and horses in this area of the city. Livestock farming is a conditional use within the U (Undeveloped), R-A (Ranch Estates) and R-E (Residence Estates), if the five conditional requirements are met.

Staff is unable to support this request because the proposed use does not meet two of the five conditions specified in 19.04.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Code violation #59148 on 10/25/07 for cows in rear yard. Case is open.	
01/10/08	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #44/lhm).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses on this property.	
<i>Pre-Application Meeting</i>	
11/08/07	Applicant described his property and the types of animals residing on that location. Staff explained bovines are not allowed south of Cheyenne, and a minimum lot size of 1.25 acres to is required. Because the location did not meet the requirements the applicant was given instructions to submit a request for a Special Use Permit allow bovine south of Cheyenne and on less than 1.25 acres. Advised applicant of submittal requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
12/6/07	A field check was made with the following observations: <ul style="list-style-type: none"> • Existing single-story, single family dwelling. • A particle board structure and a small shed are located in the rear yard. • Neighboring properties appear to house large animals.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential	R (Rural Density Residential)	R-E (Residence Estates)
North	Residential	R (Rural Density Residential)	R-E (Residence Estates)
South	Residential	R (Rural Density Residential)	R-E (Residence Estates)
East	Residential	R (Rural Density Residential)	R-E (Residence Estates)
West	Residential	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Rural Preservation Neighborhood

The subject site falls within a Rural Preservation Neighborhood 330-foot buffer zone. The Rural Preservation Neighborhood designated parcels surround the subject site and are located within the City of Las Vegas. Nevada Revised Statute 278 limits residential development within this 330-foot buffer zone to an average density of three residential dwelling units per acre. The developments proposed density of 1.86 dwelling units per acre is within the parameters of the rural preservation neighborhood legislation.

ANALYSIS

•Zoning

The proposed Livestock Farming (Bovines/Horses) use is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit. The site consists of a primary residence and two sheds in the back yard. The applicant proposes to keep two bovine (a cow and calf) on the property. Title 19 allows a maximum of one horse or bovine per 7,500 square feet of lot area. The total lot size is 22,748 square feet and the proposed number of animals is consistent with this requirement. Title 19 also requires a minimum lot size of 1.25 acres for the proposed use. The subject site is .52 acres, and the applicant is seeking relief from this condition and the condition which limits the keeping of horses and bovines south of Cheyenne Avenue.

The applicant states the cows provide milk and are enjoyed by the family. He does not intend to use the animals for a business or breed either of the bovines. Title 19 states the Livestock Farming use does not include the breeding or raising of animals for consumption or sale. The milk the cows provide is for consumption by the family and will not be sold.

- Use

Livestock Farming (Bovines/Horses) means the raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. The term does not include the breeding or raising of animals for consumption or sale.

- Conditions

1. The minimum allowable parcel size is one and one quarter acres.
2. A maximum of twenty-five animals (bovines or horses) is allowed per parcel.
3. No more than one bovine or horse is allowed per seven thousand five hundred 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.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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.**

Livestock Farming is within the range of allowable uses in the R-E (Residence Estates) zoning district, which is intended to convey a rural environment. The proposed use is within a neighborhood where horses are being kept on nearby properties, although the code specifies horses and bovines may not be kept at any location south of Cheyenne Avenue.

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

The applicant proposes to keep two bovine on the property, along with two goats, which are an allowable use on this property. Title 19 allows a maximum of one horse or bovine per 7,500 SF of lot area. The total lot size is 22,748 square feet and the proposed number of bovine is consistent with this requirement. Title 19 also requires a minimum lot size of 1.25 acres for the proposed use. The subject site is .52 acres and is not physically suitable for the type and intensity of the proposed land use.

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 proposed use will not generate any additional traffic, and the existing street facilities will be adequate for providing access to the property.

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 subject site will be subject to periodic City inspections for code compliance, and will therefore not compromise the public health, safety and welfare.

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

Title 19.04 is specific in the applicable conditions to allow this use. The purposed use at this location does not meet two of the stated conditions. Bovines are not allowed south of Cheyenne Avenue, and a minimum parcel size of 1.25 acres is required.

PLANNING COMMISSION ACTION

There were several speakers in opposition to this application and a petition was submitted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 110 by City Clerk

APPROVALS 0

PROTESTS 0