



City of Las Vegas

Agenda Item No.: 32.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 10, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: SUP-2832 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: TEX AND LISA HARTEK - Request for Special Use Permit TO ALLOW LIVESTOCK FARMING (BOVINES, HORSES) WITH A WAY/EASE TO ALLOW 18 HORSES AND SEVEN BOVINES FOR A TOTAL OF 25 ANIMALS WHERE 12 IS THE MAXIMUM ALLOWED on 92,783 square feet at 7701 Cowboy Trail (P.L. 125-13-202-009), R-E (Residence Estates) Zone, Ward 6 (Ross)

IF APPROVED, C.C.: 08/06/2008
IF DENIED, P.C. REVIEW C.C. TO: (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	55	Planning Commission Mtg.	7
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted After Final Agenda - Protest Postcards and Petition for Items 32 and 33

Motion made by SAM DUNNAM to Hold in abeyance Items 32 and 33 to 9/11/2008

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2
SAM DUNNAM, DAVID STEINMAN, GLENN TROWBRIDGE, STEVEN EVANS, VICKI QUINN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICHARD TRUESDELL, BYRON GOYNES)

Minutes:
ACTING CHAIR TROWBRIDGE declared the Public Hearing open for Items 32 and 33.

DOUG RANKIN, Planning and Development Department, stated that both requests were found to be in excess and recommended denial.

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LISA and TEX CARTER, 7701 Cowboy Trail, were present. MRS. CARTER explained that her husband and her have had a long-time dream to own two acres in order to provide their children the same type of lifestyle they had growing up. Before purchasing the property, they extensively researched it to ensure that they could have 25 head of animals, which turned out to be false after the offer was made on the property. When they purchased the property, it was in total disrepair and a fire hazard, but they made many improvements and cleaned it up.

MRS. CARTER outlined the many precautions her husband and she had taken to ensure that their animals would not be a nuisance to the neighbors, as outlined in the justification letter in the backup. She then cited the reasons for requesting to have so many horses. Her boys would be entertained and kept busy, while learning responsibility by working on the horses. Their family is involved in equine and roping competitions. As the practice manager for Desert Pines Equine Center, MRS. CARTER allows the veterinary students to assist with the horses as part of their education. They also took in performance/pleasure horses that were no longer wanted by their owners and that would have otherwise been euthanized.

MRS. CARTER denoted that there are already many horses in the area, including privately owned, as well as an equine facility with three arenas and trails. She stressed that horses are part of the Vegas heritage.

MRS. CARTER read a letter from RHONDA and GENE HAMILTON, the neighbors to the north of her property, stating that they had no complaints to the horses because the Carters had gone out of their way to make sure that they would not be a nuisance to the adjacent residents and that MR. CARTER had never returned chute away from their property to the opposite side of the arena without any complaints.

MARILYNN CARLIN, 7750 Cowboy Trail, CAROLYN DAVISON, 7740 Cowboy Trail, ROD HAMILTON, 7730 Leen Avenue, HELEN HAMILTON, 7761 Cowboy Trail, OK HILTS, 7781 Cowboy Trail, TERRY BERG, 7761 Cowboy Trail, and VALERIE CASEY, 7761 Cowboy Trail, urged the Commission to deny the requests. They stated that the increased number of animals, especially the bovine, would make it difficult to sell their homes and negatively impact their lifestyles due to nuisances that would be created, such as dust, malodors, more flies and noise. They felt that the CARTERS were already in violation of the Code, which only allows a maximum of three horses for enjoyment, and should only be allowed the number of horses permitted.

MS. CARLIN and MS. DAVISON noted that the CARTERS are very nice people, but insisted that their petitions were excessive.

MS. HILTS expressed concern about how the increased flies might impact the children attending the nearby elementary school when they have lunch outdoors.

MS. CASEY added that the activities taking place at the CARTERS generate too much traffic, which would only increase if these requests were granted, and complained that they have an

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offensive sign on their property that reads, We dont call 9-1-1, with a picture of a shotgun.

VERONICA SANCHEZ, employee of the CARTERS, PAULA McFARLAND, 7690 Cowboy Trail, KATE HART, Veterinary Technician at Desert Pines Equine Center, TERRI GAMBOA, 6325 Iron Mountain Road, expressed their support of the CARTERS requests, denoting that they had made many improvements to their property, taken steps to minimize the inconveniences to the neighbors and just wanted a family type atmosphere for their family.

MS. McFARLAND and MR. GAMBOA remarked that the CARTERS horses would attract no more flies or create any more dust than other horses in neighboring homes. MS. GAMBOA added that many of the people complaining moved into their properties knowing the area was zoned for horses.

MS. McFARLAND confirmed for COMMISSIONER EVANS her support for the bovine as well.

TODD FARLOW, 240 North 19th Street, said that any number of horses will attract the same amount of flies, so it is all a matter of maintenance. He stated approval with a review and commented that DR. MORRIS at the University of Extension Gardens needs the horse and cow droppings to use as fertilizer.

MRS. CARTER addressed the issues brought up by the opposing neighbors. Her property, which is north of Cheyenne Avenue, is zoned for bovine and horses. The allegations that rodeos would be held on the property are false.

MR. and MRS. CARTER affirmed that they want to do this for their children and to help older, unwanted horses. They felt they have done everything according to the process and have done everything possible to lessen the concern of their neighbors.

COMMISSIONER DUNNAM listed some of the uses permitted in R-E zoning: animal hospitals or clinics, horse corrals, stables, etc. He noted that the CARTERS own one of the original 2.5 acres that were part of 40 acres, which were subsequently subdivided. Therefore, he took issue with people moving into the area much later and complaining about uses that already existed.

However, COMMISSIONER DUNNAM had a difficult time believing that so many horses would be used solely for private use, noting that it seemed more like a commercial venture. He suggested holding these matters in abeyance and that the CARTERS meet with their neighbors to try to achieve a resolution, as, even though many of the surrounding residents stated they like the CARTERS, there were too many protests.

COMMISSIONER EVANS found fault with the CARTERS' argument that they adhered to the process, when they violated the Code regarding horses, as well as with the comment that having 25 horses is the same as having 12. He agreed that it would be better for the CARTERS to meet with the neighbors, because the burden was on the CARTERS to justify the Special Use Permit.

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COMMISSIONER STEINMAN concurred with the comments made by COMMISSIONERS DUNNAM and EVANS.

COMMISSIONER QUINN stated that her long time friend, GAIL POWERS, who also owned a horse ranch, always wanted more horses but had to follow the Code, as the CARTERS should. COMMISSIONER QUINN could not support the requests.

ACTING CHAIR ROWBEN HILL declared the Public Hearing closed for Items 32 and 33.

