



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 10, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-28610 - APPLICANT/OWNER: TEX AND LISA CARTER

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-28610) shall be required, if approved.
2. This approval shall be void one year from the date of final approval upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a Horse Corral or Stable (Private) with a Waiver to allow 18 horses where 12 horses are the maximum allowed on a 92,783 square-foot lot at 7701 Cowboy Trail. The applicant intends to use these animals to continue their rural lifestyle, which includes roping and riding horses. These horses will be used for private use only and will not be for commercial purposes. A companion Special Use Permit (SUP-28328) has been submitted to allow Livestock Farming (Bovines/Horses).

This request is a 50% increase in the total amount of horses that are conditionally permitted by Title 19 at the subject property. As the proposed 18 horses constitutes a substantial deviation from Title 19 standards, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no related cases for this request.	
<i>Related Building Permits/Business Licenses</i>	
10/08/91	A building permit (#091122126) was issued to replace an existing air conditioning unit at 7701 Cowboy Trail.
06/06/95	A building permit (#095873435) was issued for a masonry wall at 7701 Cowboy Trail. This project was completed on 06/30/95.
05/15/08	A Code Enforcement Case (#668119) was initiated due to a complaint of a constructed trench and corral fencing without permits. Upon inspection it was found that a storage container and a shade structure did not have the proper permits. This case is currently open pending resolution.
<i>Pre-Application Meeting</i>	
05/14/08	A pre-application meeting was held to discuss the requirements for having additional bovines and horses on the property. The applicant was informed that a Special Use Permit for Livestock Farming (Bovines/Horses) and a Variance would be required for this request. On 06/10/08 it was determined that an additional Special Use Permit for a Horse Corral or Stable (Private) use was required and the initial Variance request was not required for this request.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

**SUP-28610 - Staff Report Page Two
July 10, 2008 - Planning Commission Meeting**

<i>Field Check</i>	
06/04/08	A field check was conducted and it was found that there are several horse pens, a small barn and a riding arena. The riding arena is located near the north property line and does not have any gates to close this facility off. The surrounding properties are substantially smaller lots with no obvious indication any other horse properties are adjacent to the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.13

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence Livestock Farming (Bovines/Horses)	R (Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	R (Rural Density Residential)	RE (Residence Estates)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	92,783 SF	Y
Min. Lot Width	100 Feet	282 Feet	Y

ED

SUP-28610 - Staff Report Page Three
July 10, 2008 - Planning Commission Meeting

Min. Setbacks Main Dwelling			
• Front	50 Feet	42 Feet	N*
• Side	10 Feet	26 Feet	Y
• Rear	35 Feet	199 Feet	Y
Min. Setbacks Accessory Structures			
• Rear	5 Feet	6> Feet	Y
• Side	5 Feet	14> Feet	Y
• Distance from Main Dwelling	6 Feet	112> Feet	Y
Max. Building Height	2 Stories or 35 Feet, whichever is less	2 Stories	Y

* This existing building was constructed in 1987 and is considered non-conforming building.

Waivers		
Request	Requirement	Staff Recommendation
To allow 18 horses.	No more than three horses are allowed to be stabled for each one-half acre of land included in the building site. A maximum of 12 Horses are allowed.	Denial; this request constitutes a substantial deviation from Title 19 standards, resulting in a use that is too intense for the subject site.

ANALYSIS

•Zoning

The R-E (Residence Estates) district is to provide for low density residential units located on large lots and conveying a rural environment. This district is consistent with the policies of the Desert Rural Density Residential category of the General Plan. A Horse Corral and Stable (Private) use is permitted in the R-E (Residence Estates) zoning district as a Conditional Use. The applicant is requesting a Waiver to increase the amount of horses over what is conditionally permitted; therefore this request requires the submittal of a Special Use Permit.

•Use

The Horse Corral or Stable (Private) use is an accessory structure for the keeping of horses, mules or ponies for the use of occupants of the premises. The existing barn structure and the additional horse corrals (outside pens) are the accessory structures for

SUP-28610 - Staff Report Page Four
July 10, 2008 - Planning Commission Meeting

keeping horses at the subject site. This use is a Conditional Use within the R-E (Residence Estates) zoning district, as long as the following five conditions are satisfied:

i. Conditional Use Regulations

1. Stables or corrals shall be placed at least 50 feet from any dwelling on an adjacent residential lot and at least 100 feet from the front property line.
2. Structures shall be placed at least 5 feet from any side or rear property line abutting a residential zoning district.
3. Barns and other structures shall conform to the standards for accessory buildings
4. No more than three horses may be stabled for each on-half acre of land included in the building site.
5. In the R-D Zoning District, no more than 2 horses may be stabled on the building site, and the site must have a minimum lot size of 18,000 square feet.

This proposal of a Horse Corral or Stable (Private) satisfies all of the conditions, excluding condition #4. This condition allows a maximum of three horses per half acre of lot area. The total lot size is 2.13 acres, which permits the subject property a maximum of 12 horses. The applicant is requesting 18 horses, a 50% increase over the 12 conditionally allowed. As all of the aforementioned conditions are not satisfied, a Special Use Permit is required for the Horse Corrals or Stable (Private) use.

• **Site Plan**

The site plan depicts an existing two-story, 2,008 square-foot house on the southeast corner of the subject property. The eastern property line gives ingress/egress of subject site to Cowboy Trail, a 60-foot local road. A total of 21 trees have been placed along this property line. A large 135-foot wide by 242-foot long riding arena is situated near the north property line. This riding arena is not enclosed and does not provide any pens or living facilities for animals. A 2,670 square-foot barn/stable resides in the middle of the property, just south of the riding arena. This structure has ten 12-foot wide by 20-foot long stalls. To the west of this structure two steer pens are placed. On the southwest portion of the subject property sit the remaining five horse corrals. These horse corrals are 20-foot wide by 100-foot long and are located at least 50 feet from the nearest surrounding residential dwellings. A hot-walker is located to the east of these horse corrals.

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 proposed land use is compatible with the surrounding residential houses, however the intensity proposed is not compatible with the existing and future land uses.

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

The subject site is not physically suitable for a Horse Corral or Stable (Private) use. The proposed 18 horses would require a total of 3.00 acres in order to accommodate these additional horses under the Conditional Use Regulations found within Title 19.

- 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 subject site is accessed by Cowboy Trail, a 60-foot local road; this road is more than adequate to meet the requirements for a Horse Corral or Stable (Private) use.

- 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 proposed Horse Corral or Stable (Private) use will be subject to periodic city inspections; therefore this use will not compromise the public health, safety and welfare.

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

This use does not meet all of the applicable conditions per Title 19.04. A Waiver has been requested to allow a deviation to allow 18 horses where 12 are the maximum allowed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT 13

SUP-28610 - Staff Report Page Six
July 10, 2008 - Planning Commission Meeting

SENATE DISTRICT 9

NOTICES MAILED 249

APPROVALS 3

PROTESTS 48