



AGENDA MEMO

CITY COUNCIL MEETING OF: JULY 1, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33552 - APPLICANT/OWNER: ETTORE AND BRENDA VANCHERI

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Approval is subject to a one-year review at a Public Hearing at Planning Commission.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for the Keeping of Carrier or Racing Pigeons use.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for the Keeping of 300 Carrier or Racing Pigeons at 6500 West Ann Road. The subject property is a 1.35-acre property located in a Rural Preservation Overlay District. The applicant has constructed a 1,360 square-foot aviary, and is now requesting this Special Use Permit in order to house the maximum amount of Racing or Carrier Pigeons permitted by Title 7 and Title 19, within the constructed aviary. As the applicant has requested the maximum number of Carrier or Racing Pigeons permitted by Title 7 and Title 19, staff recommends denial of this request due to the relatively close proximity of newly constructed and approved residential subdivisions to the north, east, west and southwest of the subject site, and adjacent single-family residences.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
09/23/05	A deed was recorded for change of ownership.
05/28/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #24/dc).
<i>Related Building Permits/Business Licenses</i>	
10/12/73	A building permit (#007593) was issued for the construction of a single-family residence at 6500 West Ann Road.
c. 1977	A building permit (#007718) was issued for a detached garage at 6500 West Ann Road.
04/20/88	A building permit (#009333) was issued for a horse barn at 6500 West Ann Road.
01/20/09	A building permit was issued for a 17-foot by 80-foot bird loft/shed at 6500 West Ann Road. The permit received final approval on 03/27/09.
<i>Pre-Application Meeting</i>	
01/28/09	A pre-application meeting was held with the applicant where the following information was discussed: • The need for a Special Use Permit for the Keeping of Racing or Carrier Pigeons. • The submittal requirements for a Special Use Permit
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

Field Check	
04/23/09	A field check was performed by staff where the following observations were made: • The subject site is occupied by an existing single-family home which fronts Ann Road, a 100-foot Primary Arterial. • Accessory structures consisting of a freestanding garage, storage shed, horse corral and bird aviary were noted at the rear of the property. Building permits were noted for each structure with the exception of the storage shed. • No noise, odor or other neighborhood detriments were observed emanating from the subject site. • All accessory structures appeared to be in compliance with the setback requirements of Title 19.08. • No pigeons were observed on site.

Details of Application Request	
Site Area	
Gross Acres	1.35

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units per Acre)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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

ANALYSIS

The constructed aviary conforms to the setback requirements of Title 19.08.040, situated six feet from the west property line. In addition, Title 7 requires that pigeons shall be kept a minimum distance of 200 feet from any dwelling owned by another person. The aviary is approximately 200 feet from the single-family residence to the west and approximately 230 feet from the single-family residence to the east.

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.**

The proposed land use can not be conducted in a manner that is harmonious and compatible with existing surrounding land uses as the surrounding neighborhood consists of newly constructed and approved residential subdivisions to the north, west, east and southwest, and adjacent single-family residences. The keeping of up to 300 pigeons is incompatible with these land uses.

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

The subject site itself is 1.35 acres in size, which is physically suitable for the type and intensity of land use proposed; however, the lot width is only 100 feet, which does not fully isolate the use from adjacent properties.

- 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 site is accessed from Ann Road, a 100-foot Primary Arterial, according to the Master Plan of Streets and Highways, which will provide adequate access to the site.

- 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.**

Approval of the Special Use Permit will compromise the public health, safety and welfare of the surrounding area.

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

There are no applicable conditions pursuant to LVMC Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 as shown. There were two speakers in favor and one opposed at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 180 by City Clerk

APPROVALS 0

PROTESTS 10