



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ANN AND NED BUSCH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38582	Staff recommends APPROVAL, subject to conditions:	SUP-38573
SUP-38573	Staff recommends APPROVAL, subject to conditions:	VAR-38582

** CONDITIONS **

VAR-38582 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-38573) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. The primary residence shall be completed prior to the completion of the accessory structures.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-38573 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Horse Corral or Stable (Private) use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-38582) shall be required.
3. This approval shall be void two years from the date of final approval unless a building permit has been issued for the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8. Meet with the Collection System Planning Section of the Department of Public Works to determine an appropriate location to connect to public sewer for this site, prior to the issuance of any permits.
9. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

These applications emanate from the applicant's proposal for a 6,783 square foot enclosed Horse Corral or Stable (Private) and 1,200 square foot hay barn. Because the gross floor area of both proposed structures exceeds 50% of the proposed primary structure's footprint, the applicant is required to submit for a Variance to allow a combined total of 7,983 square-foot accessory structures (Class II) where 1,308 square feet is the maximum floor area allowed for such structures. A Special Use Permit is also required as the proposed stable and barn do not meet the all Conditional Use Regulations as listed in Title 19.04 for the Horse Corral or Stable (Private) use. Staff finds that the proposed accessory structures are in context in use and scope with the overall proposed single family development. If both applications are denied, the applicant would need to resubmit plans showing accessory structures that ere, cumulatively, less or equal to 50% of the primary structure.

The subject site covers four undeveloped parcels assembled at the end of a paved cul-de-sac on 2.48 acres, approximately 200 feet east of Campbell Drive and approximately 700 feet north of Charleston Boulevard.

ISSUES

- This request for a Horse Corral or Stable (Private) use requires a Special Use Permit as it does not meet the conditional requirements for the R-E (Residence Estates) zoning district.
- As the proposal is based upon a private horse stable and barn that exceed the maximum allowable size listed in Title 19.08.040 for accessory structures, a Variance is also required.
- The proposed stable is restricted to private use only and may not operate as a commercial stable.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/15/95	The City Council approved a request for rezoning (Z-0166-94) on property located east of Campbell Drive, north of Charleston Boulevard, from the C-D (Designed Commercial) and R-A (Ranch Acres) zoning districts to the C-D (Designed Commercial) and P-R (Professional Office and Parking) zoning districts.
05/08/95	The City Council denied the Request for Review of Condition [Z-0166-94(1)] to remove the Condition of Approval which required "Final approval of this application is contingent upon approval of the closure of Campbell Drive to through traffic north of Charleston Boulevard".

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06/19/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan (GPA-0047-001) in the general vicinity of the Charleston Boulevard/Rancho Drive intersection in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission was unable to reach a supermajority vote thus the item was forwarded to City Council with a recommendation of denial.
06/30/10	Staff accepted a request for Parcel Map Review (PMP-38735) for a reversion to acreage of approximately 2.64 acres located approximately 300 feet south of Palomino Lane and 200 feet east of Campbell Drive. This map has not recorded.
07/29/10	The Planning Commission voted (6-0-1/rt) to recommend APPROVAL of companion items VAR-38582 and SUP-38573 (PC Agenda Items # 34-35/mh/yk).

Most Recent Change of Ownership

05/14/10	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no building permits or business licenses affiliated with this subject site.	
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Pre-Application Meeting

06/03/10	Staff met with Brain Barson, representative for the owners, and reviewed the proposal. It was determined that the proposed Horse Corral or Stable (Private) use would require Special Use Permit in conjunction with an approved Variance to allow accessory structures to exceed the square footage allowed by code. Each application was reviewed with Mr. Barson and the deadlines and requirements for submittal were provided.
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Neighborhood Meeting

A neighborhood meeting is not required for this type of request nor was one held. Staff recommended the applicant hold a neighborhood meeting since the deviation from Code was so great. However, the applicant chose to obtain a petition of support signed by the neighboring property owners instead of holding a neighborhood meeting.	
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Field Check

07/02/10	Staff conducted a field check and found that the property was vacant, fenced and well maintained.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.48

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
South	Office	O (Office)	P-R (Professional Office & Parking)
East	Elementary School	PF (Public Facilities)	C-V (Civic)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District - 175 Feet	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS (19.08)

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	108,530 SF	Y
Min. Lot Width	100 Feet	250 Feet	Y
Min. Setbacks (Accessory Structures)			
• Side	3 Feet	15 Feet	Y
• Rear	3 Feet	10 Feet	Y
Max. Lot Coverage	NA	NA	NA
Max. Building Height 15 feet.	15 Feet	15 Feet	Y

YK/MH

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Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family Residence	1 Unit	2 / Unit	2				
Horse Corral or Stable (Private)	12 Horses (Maximum)	1 / 5 Horses at Maximum Capacity	3				
TOTAL SPACES REQUIRED			5				Y
Regular and Handicap Spaces Required			5	0	5	1	Y

ANALYSIS

The Variance is required because the cumulative 6,783 square feet of proposed accessory structures exceed the size of the primary structure floor area by 50% as required by Title 19.08.040. The gross floor area of the proposed residence is 2,616 square feet allowing for 1,308 square feet of accessory structure floor area. Both of the proposed accessory structures are located away from the other residential property lines and meet all setback requirements.

The Special Use Permit is required because, per Title 19.04, the proposed Horse Corral or Stable (Private) use does not meet Conditional Use Requirement #3: "Barns and other structures shall conform to the standards for accessory buildings."

Parking is required for both the proposed primary residence and the private horse corral, for a total of five spaces. Although the submitted site plan depicts a handicap parking space, it is not required to meet the requirements of Title 19. All parking spaces must conform to the requirements of Title 19.04 for Vehicle Parking, Storage or Repair in Residential Zoning Districts.

The applicant would satisfy Code requirements by either increasing the size of the primary residence to 13,566 square feet or greater or by reducing the barn and stable to less than 1,308 square feet. Although either of these solutions would meet the intent of the Code, neither would be as practical as the proposed design. For these reasons, staff is recommending approval of both the Variance and Special Use Permit.

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FINDINGS (VAR-38582)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The subject site is an exceptionally large lot that is zoned R-E (Residence Estate), which allows rural uses including horse corrals and livestock farming. These types of uses often require accessory structures that exceed the maximum building area allowed by Title 19. As such, the applicant has presented evidence of an extraordinary circumstance, and staff is recommending approval.

FINDINGS (SUP-38573)

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 subject site is zoned to allow for the keeping of horses. The stable will be located on the south side of the property, away from the other residences in the area. An office complex is adjacent to the south and an elementary school soccer field is adjacent to the east. The use is harmonious and compatible with the surrounding land use.

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

The property is zoned R-E (Residence Estates), and at 2.18 acres, is allowed to keep up to 12 horses.
The secluded nature of the lot further contributes to suitability of the proposed 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 property is located off of Campbell Drive, a 60-foot residential street. Access is from this street via a 500-foot long paved driveway.

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 General Plan designation is DR (Desert Rural Density Residential) which encourages rural type uses such as those of a horse stable.

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

The proposed use does not meet all Conditional Use Regulations per Title 19.04. the proposed structures do not conform to the standards for accessory buildings; therefore, both a Variance and Special Use Permit are required.

PLANNING COMMISSION ACTION

The Planning Commission considered the following conditions:

- No more than 12 horses
- No goats
- No lighting in the open arena area

There were six speakers at the Planning Commission public hearing.

- 2 opposed
- 3 Supporting
- 1 Concerned (questions)

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 134 (By City Clerk)

APPROVALS 9

PROTESTS 3