



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FERDINAND AND ANTONO F. HANTIG -
OWNER: SERIES 7 OF POZEMKII LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48839	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-48839 CONDITIONS

Planning

- 1.Conformance to all Minimum Requirements under LVMC Title 19.12 for Animal Keeping & Husbandry use.
- 2.All operations and activities shall be in accordance with LVMC Title 7
- 3.A secondary fence of eight feet in height shall be installed around the existing animal enclosure.
- 4.The seven cats are to be kept onsite during daylight hours only and are to be removed from the site and returned to Pahrump for overnight boarding.
- 5.Prior to the issuance of a Wild Animal permit the owner shall provide the Department of Detention & Enforcement, Animal Control Division a contingency plan detailing the measures to be taken in case of an animal escape.
- 6.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8.Contact the Southern Nevada Health District (SNHD), Environmental Health Division, to obtain written approval showing compliance with a temporary permit for an individual sewage disposal system (ISDS or septic tank system), prior to the issuance of any building permits. Alternatively, connect to public sewer line in O'Bannon Drive and abandon the ISDS according to SNHD regulations.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Animal Keeping & Husbandry use (one lion, two panthers and four tigers) at 2225 Montessouri Street. The subject site had a prior Special Use Permit for Animal Keeping Exotic (UC-0034-84); however, that Special Use Permit lapsed because the animals were removed from the site and the use ceased for more than a year. The proposed use fails to meet the minimum Title 19.12 Conditional Use Requirements as the proposed use is within 60 feet of a residential dwelling and 107 feet from a public park where 1,500 feet is required. As such, the proposed use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses Staff recommends denial.

ISSUES

- A Special Use Permit for Animal Keeping & Husbandry is required when the Conditional Use Requirements are not meet.
- The applicant has requested a Waiver to allow animals being kept outdoors to be located within 60 feet from a residential dwelling and 107 feet from a public park where 1,500 feet is the minimum distance allowed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/02/84	The Board of County Commissioners approved a Special Use Permit (UC-0033-84) to allow the Keeping of Exotic Animals, subject to a five-year review.
03/19/86	The City Council approved an Annexation Ordinance (A-009-85), as part of a larger request, which brought this property into the City. The effective date was 03/28/86.
06/22/89	The Board of Zoning Adjustment approved a Reinstatement and Extension of Time for Special Use Permit (UC-0033-84), which allowed the Keeping of Exotic Animals, subject to a five-year review.
07/22/99	The Planning Commission approved a required five-year review for a Special Use Permit [UC-0033-84(2)], which allowed the Keeping of Exotic Animals (a lion, tigers and leopards) at 2225 Montessouri Street. Staff recommended approval of the review.

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07/13/06	The Planning Commission approved a required five-year review (RQR-13824) of an approved Special Use Permit (UC-0033-84), which allowed the Keeping of Exotic Animals at 2225 Montessouri Street, subject to a two-year review. NOTE: This review was conditioned for the approval of four unrelated felines.
10/23/08	The Planning Commission Denied a required two-year review (RQR-29939) of an approved Special Use Permit (UC-0033-84) as the use had ceased per site inspection on 09/18/08.
10/07/11	A complaint was processed by Code Enforcement for excessive trash and vehicles (boats, semi-trailers and motor homes) on site. The complaint was resolved on 11/10/11.

Most Recent Change of Ownership

12/27/12	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

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

03/28/13	A pre-application meeting was held with the applicant and a discussion of the past entitlement and current requirements for Animal Keeping & Husbandry were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.	
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Field Check

09/18/08	A field check was carried out by staff with the following observations: • There is a single-family dwelling with approximately three to four kennels and accessory structures located in the rear of the property that are clearly visible from the side yard. • There are no visible signs of any animals at this location. • The presence of barbed wire along the northwest property line running east for approximately 120 feet and along the east property line running south from the northwest corner for approximately 190 feet.
04/03/13	A field check was conducted by staff and confirmed that the kennels listed above are in the rear of the property are vacant and the barbed wire is still present.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.19

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Animals which are kept outdoors must be located at least 1,500 feet from any residential dwelling, school, child care facility or public park	To allow a 60-foot separation for a residential dwelling and a 107-foot separation from a public park	Denial

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ANALYSIS

A Special Use Permit (UC-0033-84) for Keeping Exotic Animals existed on the property; however, the use permit expired due to the cession of use for over one year (per site inspection dated 09/08/08). The applicant is requesting to reestablish the use; however, urbanization has occurred, land density have increased and a Community park was built resulting in an incompatible land use. The zoning code accommodates for the keeping of non-domestic animals but places a minimum 1,500-foot distance separation from residential dwellings, public parks and child care facilities. The applicant is requesting to waive a significant portion of distance separation requirement from residential dwellings and a public park.

The use Animal Keeping & Husbandry is defined as “The raising, keeping and breeding of domestic or nondomestic animals. The use must be ancillary to the principal use, but may be conducted for commercial purposes. The use includes the keeping of animals for the development of animal products such as meat, fur or eggs, but does not include the keeping of animals as household pets.”

The proposed use does not meet condition one (condition b) of the four Conditional Use Requirements for Animal Keeping & Husbandry, with respect to non-domestic animals:

The minimum Conditional Use Requirements with respect to non-domestic animals are the following:

- a. Animals shall be confined at all times within a secured, enclosed or fenced area.

The confinement requirement should be met based on the drawings date stamped 03/28/13 and adherence to this condition is addressed in Condition of Approval numbers one and two.

- b. Animals which are kept outdoors must be located at least 1,500 feet from any residential dwelling, school, child care facility or public park.

The proposed use does not meet the required 1,500-foot distance separation from residential dwellings and a public park. There are several residential dwellings within the 1,500-foot distance requirement with the closest located approximately 60 feet from the proposed use. Also a public park is located approximately 107 feet away from the proposed use.

- c. The site must have a minimum area of 2 acres.

The site meets the minimum size requirement, as it is 2.19 acres in area.

- d. All operations and activities shall be in accordance with LVMC Title 7.

All operations and activities shall be in accordance with LVMC Title 7 Pursuant to Condition of Approval number two.

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Staff recommends denial of the requested Special Use Permit as the proposed use cannot be conducted in a manner that harmonious or compatible with the surrounding land uses.

FINDINGS (SUP-48839)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 Animal Keeping & Husbandry with respect to non-domestic animals use cannot be conducted in a manner that is harmonious and compatible with the existing surround land uses because the minimum distance separation requirement of 1,500 feet from residential dwellings and a public park cannot be met.

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

The subject site consists of an existing single-family dwelling and accessory structures. The site has existing facilities that can accommodate 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 site is served by Montessouri Street, a 60-foot public right-of-way, which is adequate to serve the proposed 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.

Approval of this Special Use Permit will adversely affect the welfare of the surrounding neighborhood and community, as the 1,500-foot minimum distance separation requirement from residential dwellings and a public park cannot be met.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use fails to meet the required 1,500-foot distance separation requirement from a residential dwellings and a public park. The subject site is located within approximately 60 feet of a residential dwelling and approximately 107 feet from a public park.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 102

APPROVALS 1

PROTESTS 0