



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 15, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JAMES MCCARTHY

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-63982	Staff recommends DENIAL, if approved subject to conditions:	VAR-64111 SUP-63981

** CONDITIONS **

SUP-63982 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Animal Keeping & Husbandry use.
2. The Animal Keeping & Husbandry use shall be limited to a maximum of 20 horses.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to issuance of a business license 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
June 15, 2016 – City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Animal Keeping and Husbandry (domestic animals) use to allow 20 horses where nine horses are the maximum allowed at 5310 Grand Teton Drive. This request is the result of a code enforcement citation (#162534) for an illegal commercial horse boarding and training business. Currently, the 1.58-acre site consists of a 3,408 square-foot single-family residence, one riding arena, two barns and horse stalls.

An Animal Keeping and Husbandry (domestic animals) use is a conditional use in the R-E (Residence Estates) zoning district. The requested use fails to meet the minimum Conditional Use Requirements as outlined by Title 19.12 for an Animal Keeping and Husbandry use. According to Title 19.12, no more than one cow or horse is permitted for every 7,500 square feet of lot area. The 68,825 square-foot lot area limits the total number of cows and horses to nine (9). The applicant is proposing 20 horses at maximum capacity, which exceeds the maximum allowed. The existing neighborhood is rural in nature with horses and livestock commonly found throughout the area; however, the number of horses requested illustrate that there are too many animals on site. Staff finds the subject site is not physically suitable for intensity of land use and therefore recommends denial of this application.

ISSUES

- According to Title 19.12, no more than one cow or horse is permitted for every 7,500 square feet of lot area. The 68,825 square-foot lot area limits the total number of cows and horses to nine (9). The applicant is proposing 20 horses at maximum capacity, which exceeds the maximum allowed. A Special Use Permit is required for an Animal Keeping and Husbandry use that does not adhere to the minimum Conditional Use Requirements.
- This request is the result of a Code Enforcement case (#162534), which was processed because of a residential nuisance; running horse boarding and training business out of residence without proper permits.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/20/64	The City Council approved a Petition to Annex (A-0063-64) from C-2 (General Commercial) to R-E (Residence Estates) approximately 10,365 acres generally located north of Lone Mountain Road, south of Ann Road, west of Decatur Boulevard, and east of Tenaya Way. Planning Commission and staff recommended approval.

JB

Staff Report Page Two
June 15, 2016 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/10/16	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Variance (VAR-64111) TO ALLOW A DEVIATION FROM TITLE 19.08 PARKING DESIGN STANDARDS at 5310 Grand Teton Drive (APN 125-12-801-012), R-E (Residence Estates) Zone, Ward 6 (Ross) [PRJ-63878].
05/10/16	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-63981) FOR A PROPOSED HORSE CORRAL OR STABLE (COMMERCIAL) USE at 5310 Grand Teton Drive (APN 125-12-801-012), R-E (Residence Estates) Zone, Ward 6 (Ross) [PRJ-63878].
05/10/16	The Planning Commission vote resulted in a tie (2-2/sc,ts) which is tantamount to a recommendation of DENIAL on a request for a Special Use Permit (SUP-63982) FOR A PROPOSED ANIMAL KEEPING & HUSBANDRY USE TO ALLOW 20 DOMESTIC ANIMALS (HORSES) WHERE A MAXIMUM OF NINE DOMESTIC ANIMALS ARE ALLOWED on 1.58 acres at 5310 Grand Teton Drive (APN 125-12-801-012), R-E (Residence Estates) Zone, Ward 6 (Ross) [PRJ-63878].

<i>Most Recent Change of Ownership</i>	
12/10/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/04/07	A Code Enforcement case (#51917) was processed because a caller didn't know if this property is zoned for 11 cows, 7 horses plus miniature horses and goats at 5310 Grand Teton Drive. The case was resolved on 07/11/07.
03/05/09	A building permit (#134821) was issued for a pool/spa located at 5310 Grand Teton Drive. The permit was finalized on 05/14/09.
01/20/16	A Code Enforcement case (#162534) was processed because of a residential nuisance; running business out of residence. Horse Boarding and training business being run without proper licensing at 5310 Grand Teton Drive. The case has not been resolved.

<i>Pre-Application Meeting</i>	
03/17/16	Staff conducted a pre-application meeting with the owner to discuss an outstanding code enforcement citation (#162534) for an illegal commercial horse corral at 5310 Grand Teton Drive. Staff determined that a Special Use Permit would be required to operate a commercial corral. In addition, a second Special Use Permit for Animal Keeping and Husbandry would be required for a requested 20 Horses on the subject property. The submittal requirements for the Special Use Permits were discussed.

Staff Report Page Three
June 15, 2016 – City Council Meeting

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

Field Check	
03/31/16	Staff conducted a routine field check and noted that the subject property had parked vehicles and a commercial trash dumpster in the adjacent cul-de-sac right-of-way area adjacent to the subject property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.58

<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 Residence	R (Rural Density Residential)	R-E (Residence Estates)
North	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
South	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
	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)	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>
Rural Preservation Overlay District	Y
<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

Staff Report Page Four
June 15, 2016 – City Council Meeting

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Grand Teton Drive	Private Drive	Master Plan of Streets and Highways	40	Y

ANALYSIS

Currently, the 1.58-acre site consists of a 3,408 square-foot single-family residence, one riding arena, two barns and horse stalls at 5310 Grand Teton Drive. The applicant has requested a Special Use Permit for an Animal Keeping and Husbandry (domestic animals) use to allow 20 horses where nine horses are the maximum allowed at the subject site. This request is the result of a code enforcement citation (#162534) for an illegal commercial horse boarding and training business.

The Animal Keeping and Husbandry use is defined by Title 19.12 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 meets the definition noted above, as the applicant is requesting to house 20 horses on the subject property in conjunction with the proposed Horse Corral or Stable (Commercial) use.

The minimum Conditional Use Requirements include:

1. With respect to domestic animals:
 - a. The applicant must submit to the Department, for administrative review and approval, a site plan with notes indicating the number and types of animals to be kept or reproduced on the premises.

The applicant has submitted a site plan and a justification letter, which details a request to house 20 horses at maximum capacity.

- b. No more than 3 sheep or goats may be kept for each 20,000 square feet of land included in the building site.

The applicant is not proposing to house any sheep or goats on the subject site.

Staff Report Page Five
June 15, 2016 – City Council Meeting

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

A condition of approval has been added requiring compliance with LVMC Title 7.

d. No more than one horse or cow is permitted for each 7,500 square feet of lot area.

The 68,825 square-foot subject site is permitted a total of nine (9) cows and horses. The applicant is requesting 20 horses at maximum capacity. The proposal does not adhere to this requirement; as such a Special Use Permit is required.

e. In the R-D Zoning District, no more than 2 horses may be stabled on building site, and the site must have a minimum net lot size of 18,000 square feet.

This requirement is not applicable, as the subject site has a zoning designation of R-E (Residence Estates).

f. No horse or cattle may be kept at any location south of Cheyenne Avenue.

The subject site at 5310 Grand Teton Drive is north of Cheyenne Avenue.

The proposed Animal Keeping and Husbandry use does not meet condition 1d of the minimum Conditional Use Requirements. The zoning code accommodates for the keeping of domestic animals but places a maximum number of horses or cows to one per 7,500 square feet of lot area. The 68,825 square-foot subject site is permitted a total of nine (9) cows and horses. As proposed, the applicant is requesting 20 horses at maximum capacity, which exceeds the maximum allowed. As a result a Special Use Permit is required. According to the submitted site plan date stamped 03/24/16, the existing facility is a 1.58-acre property consisting of a 3,408 square-foot residence, one riding arena and two large barns capable of housing up to 20 horses.

Additionally, the Southern Nevada Health District (SNHD) has contacted the City of Las Vegas in regards to the proposed Special Use Permit. Specifically, as designed, the submitted site plan shows the existing Individual Septic Disposal System (ISDS) being paved over for parking. Paving over an ISDS is a violation of SNHD's septic regulations. Additionally, the proposed use will require additional water rights for the continued use of the existing ISDS. The applicant shall contact the Nevada Division of Water Resources (NVDWR) to obtain any additional water rights required for this Special Use Permit. Alternatively, the applicant can connect to the public water system by contacting the Las Vegas Valley Water District.

Surrounding the site are existing large lot residential properties, of which a few are developed with barns and arenas. The existing neighborhood is rural in nature with horses and cows commonly found throughout the area. However, the number of horses requested is over twice the allowable amount, which illustrates that there are too many animals on site. The subject site is physically unsuitable for proposed intensity of land use and recommends denial of all application; however, if approved, it will be subject to conditions.

Staff Report Page Six
June 15, 2016 – City Council Meeting

FINDINGS (SUP-63982)

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 surrounding residential community is rural in nature with horses and cows commonly found throughout the area. The proposed Animal Keeping and Husbandry use is consistent with the neighborhood. However, the proposed increase in horses which is over twice the allowable amount allowed on-site allowed by Title 19.12 requirements; reinforce the unsuitability of the intensity of this use at this location. The use cannot be conducted in a manner that is harmonious with the surrounding land uses.

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

The 1.58-acre subject site is an R-E (Residence Estates) zoned property and is not suitable for the intensity of the proposed use as illustrated by the proposed increase in horses on-site allowed on-site above Title 19.12 requirement.

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 has direct access to Grand Teton Drive, which is a 40-foot wide Private Drive, as classified by the Master Plan of Streets and Highways. The street provides adequate capacity to accommodate the 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 not compromise the public health safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed Animal Keeping and Husbandry use does not adhere to the minimum Conditional Use Requirements as outlined by Title 19.12. The 68,825 square-foot subject site is permitted a total of nine (9) cows and horses. As proposed, the applicant is requesting 20 horses at maximum capacity, which exceeds the maximum allowed. As a result, the applicant must pursue a Special Use Permit. The proposed use complies with all other Title 19 requirements.

Staff Report Page Seven
June 15, 2016 – City Council Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 178 (By City Clerk)

APPROVALS 0

PROTESTS 6