



City of Las Vegas

Agenda Item No.: 37.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MARCH 12, 2013**

DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGG

Consent Discussion

SUBJECT: UP-4819 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ASHLEY FESTIVO - OWNER: BARRARA KINZLEY for possible action on a request for a Special Use Permit FOR HORSE CORRAL STABLE (COMMERCIAL) USE ON 4.14 acres at 6666 West Ann Road (Map 15-20-4037014), R-E (Residential Estates) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

P. C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	27	Planning Commission Mtg.	8
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda - Protest/Support Postcards

Motion made by TODD L. MOODY to Approve subject to conditions and the following added condition:

A. For the Horse Corral or Stable (Commercial Use) a maximum of 16 horses is allowed.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, TODD L. MOODY, RICHARD TRUESDELL, RICHARD P. BONAR; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR FLANGAS declared the Public Hearing open.

DOUG RANKIN, Planning Manager, read the staff report and recommended approval.

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ASHLEY and JOSEPH RESTIVO, Applicants, appeared at the podium. MRS. RESTIVO explained that the additional horses will be used on an appointment only basis to help educate children.

LYNN HOFFMAN, Las Vegas resident, stated that she represents the residents of the Ponderosa Estates. They do not oppose the horses, but oppose the application because the applicants are new to the area and only plan on staying at their current rental property for approximately one year. She added that the commercial operation seems to be in conflict with the rural preservation zone and it will be detrimental to their property values and the quality of life for neighboring residents. She asked the Commission to deny the application, as the use is not harmonious with the surrounding properties, and there is not an adequate buffer between the residential properties.

TODD FARLOW, Las Vegas resident, stated that the property is zoned for horses and the developers should have told the Ponderosa Estates property owners of this at the time of purchase.

COMMISSIONER MOODY received confirmation from MRS. RESTIVO that they moved into the property in August 2012, but they are looking into buying the property. She also confirmed that the City of Las Vegas Code Enforcement Department regularly visits the property, but they have always been in compliance and have not received any citations. COMMISSIONER MOODY stated that her response was consistent with staff's notes, which indicated the property was found to be well maintained, there were no odors or pests, adequate space for parking and handicap spaces.

COMMISSIONER QUINN received clarification from MRS. RESTIVO that the dumpster is located between the private drive and the access road, which she pointed out on a map displayed on overhead monitors. MRS. RESTIVO also confirmed that they have a tripod system that waters daily throughout the summer and that the operating hours are 9:00 a.m. to 5:00 p.m. MRS. RESTIVO confirmed that they do not have any lights, but a nearby property has three arenas that already light the entire area.

COMMISSIONER GOYNES remarked that this property has been a horse property from as early as 1966, with approval for housing Emus in 1992. The history of this property has always been to have animals, and he felt that the applicants have done everything that they need to do. He received confirmation from MRS. RESTIVO that the property is zoned to hold 24 horses but she does not expect to have more than 14 and certainly nothing near the maximum capacity.

COMMISSIONER TRUESDELL appreciated the neighbors comments, but explained current property zoning for the property and encouraged better communication between the neighbors and the applicants. He encouraged the applicant to try to come up with a different solution for the dumpster location.

COMMISSIONER SCHLOTTMAN had MRS. RESTIVO explain the site plan, which was displayed on overhead monitors. MR. RESTIVO discussed the three curb cuts, one of which

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goes to the septic tank and is not suitable for heavy vehicles due to the leach field. MRS. RESTIVO confirmed that gravel had already been placed and that a supervisor from Republic Services suggested the dumpster's current location.

COMMISSIONER BONAR remarked that the residents should focus on land use issues instead of creating personal attacks against renters or short-term residents.

COMMISSIONER MOODY received clarification from MR. RANKIN that a condition could be added to reduce the number of horses allowed. MRS. RESTIVO voiced concern about placing a condition against the property owner with a reduction in horses, but is agreeable to limiting her operation to 14 horses. CITY ATTORNEY BRAD JERBIC clarified that the number of horses allowed is approved with uses and is not grandfathered with a property.

COMMISSIONER MOODY requested a condition to limit the horses to 16. Stables and corrals have been there for a long time, and are permitted uses. He explained that he feels this is compatible with the surrounding uses.

CHAIR FLANGAS declared the Public Hearing closed.