

RECREATIONAL FACILITY
(TITLE 30)

BERMUDA RD/BRUNER AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
AR-20-400167 (UC-0531-10)-PRIDE LAS VEGAS, LLC:

USE PERMITS FIRST APPLICATION FOR REVIEW for the following: **1)** a recreational facility (zoo) with accessory commercial uses; and **2)** a minor training facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced perimeter wall setback and street landscaping required with a recreational facility; **2)** reduced parking; **3)** parking lot landscaping; **4)** a portion of on-site paving; **5)** off-site improvements (excluding paving); **6)** eliminate the required trash enclosure; and **7)** eliminate the loading space.

DESIGN REVIEWS for the following: **1)** metal storage buildings; **2)** paved parking area; and **3)** unpaved parking area for a proposed recreational facility (zoo) with accessory commercial uses in conjunction with an existing single family residence and exotic animal compound on 5.7 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the southwest corner of Bermuda Road and Bruner Avenue within Enterprise. MN/jgh/jd (For possible action)

RELATED INFORMATION:

APN:

191-09-501-003; 191-09-501-005

USE PERMITS:

1. Recreational facility (zoo) with accessory commercial uses.
2. Minor training facility.

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce perimeter wall setback to zero feet where a 6 foot average setback per Figure 30.64-13 is the standard for recreational facilities.
b. Eliminate street landscaping where a 6 foot wide average landscape strip per Figure 30.64-13 is the standard for recreational facilities.
2. Reduce parking to 23 spaces where 60 spaces is the standard (a 62% reduction).
3. Waive parking lot landscaping where 1 large tree per 8 parking spaces is required (a 100% reduction).
4. Waive 5,000 square feet of on-site paving where all parking areas must be paved (a 100% reduction).
5. Waive off-site improvements (excluding paving) along Bermuda Road, Bruner Avenue, and Fairfield Avenue.
6. Eliminate the required trash enclosure.
7. Eliminate the loading space where 1 loading space is required (a 100% reduction).

LAND USE PLAN:
ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:
Project Description

General Summary

- Site address: 12175 Bermuda Road
- Site Acreage: 5.7
- Project Type: Recreational facility (zoo)/accessory structures in conjunction with exotic animals
- Number of Stories: 1
- Building Height (feet): 30 (accessory structures)
- Square Feet: 7,200 square foot total for new accessory structures
- Parking Required/Provided: 60/23

Site Plans

The previously approved plans depict an existing exotic animals (lions) compound in conjunction with a single family residence. Ten existing animal enclosures are located on the west side of the southern parcel, and an existing 10 foot high property line wall with wrought iron gates at the vehicle entrances surrounds the site. The purpose of this application is to allow private and public tours of the facility, a minor training facility for instruction in the handling of exotic animals, and incidental commercial activity such as souvenir photos and a snack bar.

Three, 2,400 square foot metal storage buildings were approved with this application. Two metal buildings are located within the surrounding animal enclosures on the west side of the southern parcel, and the third metal building is located near the proposed parking area on the northern parcel. A paved 15 space parking area is depicted adjacent to an existing concrete drive aisle that connects both parcels to Bruner Avenue. A 5,000 square foot unpaved portion of the northern parcel is designated as overflow parking.

Landscaping

All existing landscaping is located within the 10 foot high property line block wall. There is no landscaping along the rights-of-way, outside the existing property line.

Elevations

The previously approved plans depict metal storage buildings that are each 30 feet high with a pitched gable roof. The walls and roof materials consist of metal to match the existing metal storage building on the property. Since the recreational facility is the primary use on the site, the metal storage buildings, which are in conjunction with the principal use, can extend to the principal structure height for the zoning district.

Floor Plans

The plans show the new metal buildings are used for storage. A portion of the existing metal storage building, located on the southern parcel near the south property line, is used for the

commercial activities. The accessory commercial activities may include but are not limited to souvenir photos and a snack bar.

Previous Conditions of Approval

Listed below are the approved conditions for UC-0531-10 (ET-0117-14):

Current Planning

- Until December 21, 2020 for review;
- Expunge UC-0266-99;
- Perimeter wall up to 10 feet in height;
- Violation of any conditions will result in the holding of a public hearing to discuss possible revocation of all permits.
- Applicant is advised that any future changes to the site may require additional land use applications; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Code Enforcement

- Applicant may keep on his property all of the animals he presently has, but shall not add additional animals or replace animals that are sold or pass away except as provided below, the term "animals" is defined as the 46 lions, 1 giraffe, 2 emus and 3 ostriches presently on the property, the term "animals" does not include guinea fowl or household pets, such as domestic dogs or cats, as the term "household pets" is defined in Title 30 of the Clark County Code;
- Applicant shall keep no more than 20 adult guinea fowl on the property which does not include hatchlings, as required by the Clark County Code, the guinea fowl shall be kept in a coup and shall not be allowed to wander around the property, the number of domestic dogs allowed on the property shall not exceed the number approved by the dog fancier's permit issued to the applicant;
- Applicant shall provide the Code Enforcement an inventory of the animals presently kept on the property no later than April 15, 2015, the inventory shall include all information requested by Code Enforcement so that Code Enforcement, the Las Vegas Metropolitan Police Department (LVMPD), the City of Henderson Police Department (HPD), or other departments or agencies of state or local government may identify the animals described above, Code Enforcement shall determine whether the information provided is sufficient to identify the animals, if Code Enforcement determines that the information previously requested is not sufficient, the applicant shall provide additional information requested by Code Enforcement, the information requested by Code Enforcement may include, without limitation, multiple photographs of the animals, veterinary records and other items that will facilitate Code Enforcement's and other departments' or agencies' ability to identify the animals, the applicant shall notify Code Enforcement within 30 days whenever the number of animals kept on the property is reduced, for example by way of sale, transfer, or death of the animal;
- Applicant is prohibited from adding or replacing the animals described above as identified in the inventory provided by applicant as required above, except as follows:

when the total number of animals on the property (listed above) falls below 40 animals through attrition of the current population, the applicant may apply to the County to add additional animals;

- The County may approve or disapprove the application requesting additional animal(s) in the County's discretion;
- If such an application is approved, the total number of animals after the addition of the new animal shall not exceed 40 animals;
- If such an application is approved, the applicant shall update the inventory of animals provided to Code Enforcement in the manner described in condition above within 30 days of the approval of the application;
- Applicant shall build an enclosure, the structural soundness of which shall be approved by the Clark County Building Department to house an adult giraffe, the enclosure shall satisfy the U.S. Department of Agriculture concerns regarding the appropriate manner for protecting a giraffe from weather related elements, the enclosure shall have 4 walls and a roof and shall be completed within 3 months of the issuance of building permits for the structure, but in no event shall the structure be completed later than January 1, 2016;
- No breeding of the animals is allowed on or off the property, breeding of the animals described herein and in the inventory provided by the applicant is prohibited, any animal which produces offspring after July 1, 2015 shall be evidence that the applicant has violated this provision;
- Applicant shall submit a safety plan to Code Enforcement on or before June 15, 2015, Code Enforcement shall determine whether or not the safety plan is adequate, applicant shall work with Code Enforcement and the Las Vegas Metropolitan and City of Henderson Police Departments in drafting the safety plan and to make sure all safety regulations and procedures are implemented, the safety plan shall include, without limitation, a protocol that shall be implemented in the event an animal escapes from the property and shall describe the tools and equipment the applicant shall keep on hand that may be needed to subdue an animal should an animal escape;
- Members of the general public shall not be allowed to have any direct, physical contact with the lions, including lion cubs, at any time whether on or off the property, there shall be no direct public interaction or public access to the lions, including lion cubs, in or outside of a cage at any time, visitors to the zoo shall be separated from the lions, including lion cubs, by a cage that satisfies U.S. Department of Agriculture standards, any feeding of the lions, or lion cubs, by the general public must be accomplished through an approved USDA procedure and system, and in any and all events there shall never be, at any time, any direct, physical contact between members of the general public and the lions or lion cubs, no lions of any age, including lion cubs, may be allowed in the applicant's house on the property at any time, except where necessary for the providing of care for an injured or sick animal and only if the animal is leashed, shackled, or similarly properly secured, no lions, including lion cubs, may be allowed to run free outside of the secure caged area of the property at any time;
- Applicant understands that Clark County may conduct inspections randomly, applicant agrees to allow the Clark County inspectors onto the property in order to complete the

inspections, applicant shall promptly and completely correct any deficiencies that Clark County inspectors might find on the property;

- Applicant shall readily and properly submit to Clark County any documentation that is requested concerning the care and custody of the animals, this includes, but is not limited to, all veterinary records;
- Applicant to contact 911 for police assistance in the event of an animal escape.
- Applicant is advised that he must, at all times, comply with all County, State and Federal regulations relating to the safety and care of the animals.

Public Works - Development Review

- Compliance with previous conditions.

Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and that electronically controlled access gate must comply with CCFD Access Gate Guideline.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there are 2 active residential septic systems located on the property; a tenant improvement must be completed for the proposed zoo; and that if there are any questions, please call the SNHD Septic System Program at (702) 759-0660.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated County; and that for any sanitary sewer needs to submit to either the Southern Nevada Health District concerning the use of an individual disposal system or to inquire with the City of Henderson to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

Listed below are the approved conditions for UC-0531-10:

Current Planning

- 5 years for review;
- Unpaved parking surfaces to comply with Clark County Air Quality mitigation requirements;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Execute a Restrictive Covenant Agreement (deed restrictions) only if not required to be bonded;

- Drainage study and compliance;
- City of Henderson concurrence.

Animal Control

- The facility shall not be used to board animals which belong to persons not listed on this application;
- The facility operator shall always comply with all federal, state, and local regulations pertaining to the keeping of animals, including the transportation to/from the facility and into/through Clark County;
- The facility operator shall notify the Las Vegas Metropolitan Police Department and Clark County Animal Control immediately if an animal escapes from the compound;
- The facility operator shall prepare and maintain an emergency evacuation plan which describes what steps will be taken to safely evacuate the public from the facility in the event that an animal escapes its enclosure while the viewing public is on the property;
- The redesign of the facility to all for public viewing of the animals must include physical barriers, designed, constructed, and placed so that no members of the viewing public can gain access to any animal enclosure, and no member of the viewing public shall be able to reach out and touch the side of any animal enclosure.

Applicant’s Justification

The applicant indicates they are filing this request per the conditions of approval of UC-0531-10. There have been no issues or complaints with this project; therefore, the applicant is requesting 5 years until the next review.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0531-10 (WC-0179-15)	Waiver of conditions of a use permit requiring that the applicant build an enclosure by January 2016	Approved by BCC	February 2016
UC-0531-10 (ET-0117-14)	Extension of time for a recreational facility until December 21, 2020 to review	Approved by BCC	March 2015
UC-0266-99 (WC-0118-14)	Waiver of conditions for exotic animals & wall height	Withdrawn	April 2014
UC-0531-10	Original application for a recreational facility – until December 21, 2015 to review	Approved by PC	December 2010
VS-0133-10	Vacate and abandon Keehn Avenue right-of-way	Approved by PC	May 2010
UC-0266-99 (ET-0048-09)	Exotic animals – expunged	Approved by PC	April 2009
VC-1441-99	Accessory structure	Approved by PC	November 1999

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0266-99	Exotic animals/wall height (expunged UC-0057-95) – expunged	Approved by PC	April 1999
UC-0057-95	Exotic animals	Approved by BCC	March 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	City of Henderson	City of Henderson	Undeveloped/Residential
South & East	City of Henderson	City of Henderson	Undeveloped
West	City of Henderson	PS	Las Vegas Valley Water District pumping station

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred since the original approval. The Animal Control department has verified that there have been no complaints on the subject site; therefore, staff recommends approval with no future reviews.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this application for review.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

- Remove the time limit.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: PRIDE LAS VEGAS LLC

CONTACT: LINDSAY BROWN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA
DRIVE, SUITE 650, LAS VEGAS, NV 89135