

05/18/21 PC AGENDA SHEET

HOME OCCUPATION  
(TITLE 30)

WINDMILL LN/GILESPIE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-21-400047 (UC-18-0907)-TEACHERS APPLE PRE-SCHOOL, INC.:**

**USE PERMITS FIRST EXTENSION OF TIME** for the following: **1)** allow a home occupation to be conducted outside; **2)** allow more than 1 student at a time for a proposed home occupation (dog training); **3)** allow an employee other than family members; and **4)** allow an existing accessory structure (storage container) not architecturally compatible with the principal dwelling in conjunction with an existing single family residence on a portion of 1.8 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the north side of Windmill Lane and the east side of Gilespie Street within Enterprise. MN/rk/jo (For possible action)

---

RELATED INFORMATION:

**APN:**

177-09-805-008; 177-09-805-009 ptn

**USE PERMITS:**

1. Allow a home occupation (dog training) to be conducted outside where not permitted per Table 30.44-1.
2. Allow up to 20 students at a time for a home occupation where a maximum of 1 student is permitted at a time per Table 30.44-1 (a 1,900% increase).
3. Allow an employee who is not a family member where on-site employees shall be family members per Table 30.44-1.
4. Allow an existing metal storage container to not be architecturally compatible with the principal dwelling per Table 30.44-1.

**LAND USE PLAN:**

ENTERPRISE - OFFICE PROFESSIONAL

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 210 E. Windmill Lane
- Site Acreage: 1.8 (portion)
- Project Type: Home occupation for a dog training facility
- Accessory Building Height (feet): 10
- Square Feet: 320

#### History & Site Plans

The previously approved plans depict a dog training business as a home occupation in conjunction with an existing single family residence. Per Table 30.44-1, home occupations are required to be conducted inside a building and no more than 1 student is permitted at the residence at a time. This request is to allow a portion of the training to be conducted outside within the rear yard of the applicant's residence and the adjacent rear yard. Additionally, Code only allows family members as employees. The applicant was originally requesting 1 employee, and up to 20 dogs on the property at a time. However, the applicant was approved for a maximum of 1 dog per training session; and that upon demonstrating that the use has not caused an adverse effect to the area, an increase in the number of dogs per training session may be requested with a future application for review.

The plans depict an existing single family residence on a corner lot. Records indicate that the residence was constructed in 1974. Access to the site is provided by an existing large circular driveway from Windmill Lane on the south side of the property. The existing residence is located towards the southerly portion of the site and faces Windmill Lane. The outside training area mostly consists of grass and is in the rear yards of 2 properties (the applicant's property and the landlord's property directly to the east). The entire outside training facility is secured by a 6 foot high chain-link fence. The outside training area is set back approximately 40 feet from the closest residence to the north and all other developed residences located on the adjacent properties are more than 100 feet from the outside training area. The plans indicate that the existing driveway of the property can provide on-site parking for up to 6 or more vehicles.

#### Landscaping

No changes are proposed or required in conjunction with this request.

#### Elevations

Photographs indicate the existing residence is 1 story with a pitched roof, asphalt shingles, and the exterior walls consist of decorative wood siding with brick accents. The storage container is 10 feet in height and painted light tan in color.

#### Floor Plans

No changes are proposed to the interior of the existing residence. The residence has an area of 2,700 square feet with a garage. The garage will be used for indoor training.

Previous Conditions of Approval

Listed below are the approved conditions for UC-18-0907:

**Current Planning**

- 2 years to commence and review as a public hearing;
- No special events;
- Connex box to be screened and moved to the east side of the property within 2 years;
- Maximum of 1 dog per training session;
- No dog boarding;
- Upon demonstrating that the use has not caused an adverse effect to the area, an increase in the number of dogs per training session may be requested with a future application for review;
- Training sessions to be conducted weekdays between 8:00 a.m. and 8:00 p.m. only;
- No explosive training activities such as mock explosives or shooting blanks at any time.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Execute a Restrictive Covenant Agreement (deed restrictions).

**Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised to schedule an appointment with the SNHD Environmental Health Division at (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Applicant's Justification

The applicant indicates they wish to extend their use permit for another 2 years to gain additional financial resources to move the storage containers to the east side of the site per an original condition of approval. Furthermore, the applicant states that all previous conditions will be met including no special events, no dog boarding, conduct training sessions during the weekdays between 8:00 a.m. and 8:00 p.m., with a maximum of 1 dog per training session.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-18-0907	Original use permit to allow a dog training business as a home occupation in conjunction with an existing single family residence	Approved by PC	January 2019

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Office Professional	C-P	Undeveloped
East	Office Professional	R-E	Single family residential
West	Office Professional	R-E	Undeveloped

### Clark County Public Response Office (CCPRO)

Case #21-03577 is an active complaint filed on the property for running a dog training business out of the home without proper permits or business license.

### 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 on an extension of time application 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 at the subject site since the original approval.

Staff has no objection to this request since this is the first extension of time and can support 2 additional years. However, the applicant shall be advised that proper permits and business licensing needs to be completed by this timeframe or staff will not support any future extensions of time.

### 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

- Until May 18, 2023 to commence and review;
- Obtain all necessary permits and business licensing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of

time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- No comment.

**Building Department - Fire Prevention**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** HUMBERTO BOBADILLA

**CONTACT:** HUMBERTO BOBADILLA, 210 E. WINDMILL LANE, LAS VEGAS, NV  
89123