

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0008-HEARTS ALIVE HOOVES, LLC:

USE PERMITS for the following: **1)** housing for agricultural employees; and **2)** stable.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase lot coverage; **2)** reduce front setback; **3)** increase fence height; **4)** increase retaining wall height; **5)** increase fill; **6)** reduce parking; and **7)** waive full off-site improvements.

DESIGN REVIEWS for the following: **1)** housing for agricultural employees; and **2)** stable on 5.09 acres in an RS80 (Residential Single-Family 80) Zone.

Generally located north of Kyle Canyon Road and east of Cardenas Way within Upper and Lower Kyle Canyon. AB/rr/kh (For possible action)

RELATED INFORMATION:

APN:

126-09-301-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase lot coverage to 22% where 15% is the maximum lot coverage permitted per Section 30.02.02 (a 46.7% increase).
2. Reduce the front setback along Cardenas Way to 25 feet where a minimum of 40 feet is required per Section 30.02.02 (a 37.5% reduction).
3. Allow a 5 foot tall non-decorative fence (wood post fence with metal mesh) within the front setback adjacent to Cardenas Way where 3 feet is the maximum allowed per Section 30.04.03B (a 66.7% increase).
4. Increase the retaining wall height to 11 feet along the east side of the property where 3 feet is the maximum height allowed per Section 30.04.03C (a 266.7 increase).
5.
 - a. Increase fill height along the east property line to 12.4 feet where a maximum of 6 feet of fill is allowed to be placed a minimum of 20 feet from the shared residential property line per Section 30.04.06F (a 106.7% increase).
 - b. Increase fill height along the east property line to 12.4 feet where a maximum of 9 feet of fill is allowed to be placed a minimum of 50 feet from the shared residential property line per Section 30.04.06F (a 37.8 % increase).
6. Reduce vehicle parking to 12 spaces where 22 spaces are required per Table 30.04-2 (a 45.5% reduction).
7.
 - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) on a portion of Cardenas Way where required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) on a portion of Horse Drive where required per Section 30.04.08C.

LAND USE PLAN:

NORTHWEST COUNTY (UPPER AND LOWER KYLE CANYON) - OUTLYING NEIGHBORHOOD (UP TO 0.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 5.09
- Project Type: Housing for agricultural employees and stable
- Number of Stories: 2
- Building Height (feet): 34
- Square Feet: 54,568
- Parking Required/Provided: 22/12

Site Plan

The plan depicts a proposed building in the center of a 5.09 acre property located on the east side of Cardenas Way, south of Horse Drive, and north of Kyle Canyon Road. The building is proposed to be 54,568 square feet and is set back 25 feet 3 inches from the front property line to the west along Cardenas Way, 125 feet 7 inches from the side street along Horse Drive to the north, 58 feet from the rear property line to the east, and 231 feet 4 inches from the interior side property line to the south. Access to the site is provided by a 36 foot wide driveway along Cardenas Way to the south of the proposed building and another 36 foot wide driveway located along Horse Drive near the northeast corner of the property. Each driveway includes decorative metal gates that are set back 18 feet from the property line which will be open during business hours. A 26 foot wide drive aisle extends from Horse Drive south along the east side of the property and connects with the drive aisle where the parking area is located south of the building. There are 12 parking spaces provided along the south side of the building which includes 1 ADA parking space. Sidewalks along Cardenas Way and Horse Drive are not provided, which is the subject of a waiver request.

Custom corral fencing for outdoor turnout areas of 288 square feet is provided along the north and east sides of the building. Two future paddock areas are proposed north of the building and to the south of the parking area. A 5 foot tall wood post and metal mesh fence is proposed around the perimeter of the site. This fence will be set back 13 feet 3 inches from the front property line along Cardenas Way, 10 feet from the side street property line along Horse Drive, and 5 feet from the interior side and rear property lines to the south and east, respectively. Additionally, a rock retaining wall that is a maximum of 10.4 feet high is proposed along the eastern edge of the drive aisle, 7 feet from the east property line.

Landscaping

The plan depicts street landscaping consisting of a 13 foot 3 inch wide landscape strip located along Cardenas Way and a 10 foot wide landscape strip located along Horse Drive. The street landscaping includes 15 large trees set apart 30 feet on-center. Additionally, 5 gallon shrubs, which include 4 species, are also provided in all street landscape areas. Within the parking lot, large trees as well as 2 species of 5 gallon shrubs are provided within the landscape islands and

in an 8 foot wide landscape strip. Portions of the site where the paddocks are located will remain undisturbed and retain the existing native landscaping.

Elevations

The plans indicate the proposed building will be a prefabricated metal building up to 33 feet 4 inches in height as measured from the finished grade. The building will have metal panels with a beige finish and a silver standing seam metal roof with eaves. The north, east, and west elevations will feature multiple sliding barn doors with a Shamrock Green wood color finish. All building elevations will also have doors painted with a Shamrock Green finish. The primary entrance, located on the south side of the building, will feature double glass doors with upper and lower level windows. Windows are also provided on the 2nd floor on the east and west elevations.

Floor Plans

The plans depict the first floor as having 48,160 gross square feet with 41,940 square feet devoted to a stable. The stable consists of a 21,054 square foot indoor arena/paddock within the central portion of the building as well as 53 horse stalls located along the north and east sides of the paddock. The horse stalls range from a minimum of 120 square feet to a maximum of 324 square feet. Each of the stalls abutting an exterior wall will have access to the exterior turnout areas through a barn door. The first floor will also have areas for rehabilitation including physical and hydrotherapy equipment for the care of horses. At the main entrance on the south side of the building will be a gathering/office area for staff. A 6,220 square foot second floor area on the south side of the building will provide 4 individual living quarters for 4 employees that will live and work on-site. The living quarters consist of three, 1 bedroom units and one, 2 bedroom unit, each with a kitchen. The 1 bedroom units are 1,000 to 1,100 square feet and the 2 bedroom unit is 1,539 square feet.

Applicant's Justification

The project proposes the expansion of the existing horse rescue, For the Love of Horses, on the parcels to the north operated by a non-profit organization, Hearts Alive Village. The project includes a new building for the keeping, care, and treatment of horses, as well as employee housing. The building will include a stable with 53 stalls, arena/indoor paddock, office, and rehabilitation area with a second floor living quarters. The location will not be open to the public for boarding or riding and will allow visits by appointment only. All horses will be veterinarian referrals due to health issues, owners' inability to care for the horses, or the owner's death. The approval of this use will allow for more horses that need rescue and rehabilitation to be cared for, whether temporarily until finding a new home, or as permanent residence. It will also allow the current rescue operations to expand their treatment to include hydrotherapy for their equine residents and will provide housing for their 4 employees. The applicant states that the proposed development is designed to be compatible with the surrounding area, which is rural. The building is designed to match the barns on the existing property to the north and will not negatively impact roadways or adjacent property. The proposed uses will be in harmony with several policies of the Master Plan, the project will add paving to the adjacent streets and will not impose an undue burden on public improvements, facilities or services.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Outlying Neighborhood (up to 0.5 du/ac)	RS80	Single-family residential
South & East	Open Lands	RS80	Undeveloped
West	Outlying Neighborhood (up to 0.5 du/ac)	RS80	Undeveloped

Related Applications

Application Number	Request
VS-26-0007	A vacation and abandonment of patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff's primary concerns with use permit requests are to ensure compatibility with the existing and planned surrounding uses. The subject site and surrounding area are located within an RS80 zone which is established to accommodate very low-density, single-family residential development, agricultural uses, and other appropriate uses of land in nonurban, outlying communities with limited infrastructure. The use of stables and housing for agricultural employees will be compatible with the surrounding area. A horse rescue operation is already occurring on the parcels to the north, and the proposal will be an expansion of the existing use. The facility will not be open to the public or have regular customers, which will limit the amount of vehicular traffic to the site. The uses will also meet the intent of Master Plan Policy 1.5.3 for rural uses and activities in support of raising and keeping animals, and Policy NW-1.3 balancing the demand for development along Kyle Canyon Road with the need to protect the scenic quality of this gateway to Mount Charleston and the Spring Mountains NRA. The proposed uses also meet the standards as stated in Title 30. Therefore, staff can support these requests.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The building's size is due to the need for an indoor arena and paddock space to be used for horses when the outside climatic conditions are adverse. This portion of the building is similar to an exterior fenced arena, except that in this case it is covered. The compatibility of the building design should reduce the impacts on the surrounding area. Therefore, staff can support this request.

Waiver of Development Standards #2

The topography of the site and the grading and drainage needs require the building's location to be closer to Cardenas Way. If this was a residence, the front could face Horse Drive in which the setback would exceed the required 40 feet and would also meet the required side street setback of 25 feet. Staff finds that the proposed location of the building and setbacks meet the intent of the code for the setback requirements and the compatibility of the building design should lessen any impacts that a reduced front setback may have on the surrounding rural area. Therefore, staff can support this request.

Waiver of Development Standards #3

The proposed 5-foot-tall wood post fence with metal mesh, while non-decorative, is typical for rural areas, especially where animals are kept. The fence is also proposed to be set back 13 feet 3 inches from the street. The fence will have minimal to no impact on the surrounding properties. Therefore, staff can support this request.

Waivers of Development Standards #4 & #5

The topography on the subject site slopes down approximately 10 feet from east to west. Alternatives such as a series of 3 foot high tiered retaining walls with landscaped horizontal offsets along the east property line could be provided which would reduce the amount of fill and the wall heights in this area. Therefore, staff cannot support these requests.

Waiver of Development Standards #6

The 12 parking spaces provided will meet the parking requirements for the on-site employee housing but will not fully meet the requirements for the stable. However, the proposed stable will not be a commercial use for such things as boarding horses, riding lessons, or other similar activities that would attract the public and require significant parking. Any visitors will be by appointment only. Therefore, staff can support this request.

Design Reviews

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and other architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The primary use of the property will be a stable for the care of horses; however, it will also have a residential component with employee housing. Because the stable will not be open to the public, and the residential use will be limited to 4 employees, the proposed development of the subject property is not expected to be a more intense use nor create negative impacts on the surrounding area. These types of facilities with modifications from Code requirements have been approved in other parts of Clark County without negative effects to the immediate area. The architecture of the proposed building and the site design is intended to compliment and be harmonious with the surrounding rural areas. Therefore, staff also can support these requests.

Public Works - Development Review

Waiver of Development Standards #7

Staff cannot support the request not to install full off-site improvements on Horse Drive and Cardenas Way. Full width paving, curb, and gutter allows for better traffic flow and drainage control, sidewalks on public streets provide safer pathways for pedestrians, and streetlights for better visibility.

Staff Recommendation

Approval of the use permits, waivers of development standards #1, #2, #3, and #6 and the design reviews; denial of waivers of development standards #4, #5, and #7.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Right-of-way dedication to include 30 feet for Cardenas Way, 40 feet for Horse Drive and associated spandrel;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Provide paved legal access;
- Applicant to coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grant;
- Applicant to provide Nevada Department of Transportation (NDOT) concurrence allowing access from Kyle Canyon Road.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant to show fire hydrant locations on-site and within 750 feet; and that fire/emergency access must comply with the Fire Code as amended; to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions; that fire protection may be required for this facility; and that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available within the proposed development and none are planned within the next 5 years.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: HEARTS ALIVE HOOVES, LLC

CONTACT: G. C. GARCIA, INC., 1055 WHITNEY RANCH DRIVE, SUITE 210, HENDERSON, NV 89014