



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: OCTOBER 16, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: POPPY FOUNDATION - OWNER: ABOVE THE LIGHTS, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0372-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 152

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0372-SUP1 CONDITIONS

Planning

1. The Animal Hospital, Clinic, or Shelter (with Outside Pens) use shall be limited to providing services to domestic cats (*Felis catus*) only.
2. Exterior signage shall be prohibited.
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. 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 Building and Safety Division.
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.

Public Works

7. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed Animal Hospital, Clinic, Or Shelter (With Outside Pens) Use at 3915 Helen Avenue.

ISSUES

- An Animal Hospital, Clinic, Or Shelter (With Outside Pens) Use is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit. Staff supports the request.
- Code Enforcement Case #CE23-08425 was opened regarding the operation of a veterinary business without permits at 3915 Helen Avenue. The case was resolved on 06/03/24.
- In January 2023, the City council approved a bill to increase the number of pets allowed in a single household due to animal shelters being chronically over capacity.

ANALYSIS

The subject site is zoned R-E (Residence Estates) and subject to Title 19 development standards. It is developed with an existing single-family dwelling. The surrounding properties are all zoned R-E (Residence Estates) and predominantly developed with single-family dwellings. The property adjacent to the east is developed with a nursing home facility. The purpose of the R-E District is to provide for low density residential units located on large lots and conveying a rural environment. The applicant (The Poppy Foundation) requests a Special Use Permit to allow an Animal Hospital, Clinic, Or Shelter (With Outside Pens) Use within an existing single-family dwelling.

Per Title 19, the Animal Hospital, Clinic, or Shelter (with Outside Pens) use is defined as, "A facility that:

1. Provides medical or surgical treatment for animals or pets, as well as shelter and care during the time of such treatment;
2. Uses outdoor pens in providing such shelter and care."

There are no minimum Special Use Permit requirements listed for this use. It is permitted in the R-E District with the approval of a Special Use Permit. Per the submitted justification letter, the applicant rescues special needs, chronically ill, unadoptable and abandoned cats for the remainder of their lives. The shelter will not be open to the public.

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The submitted site plan depicts two existing storage sheds and an enclosed patio cover in the back yard area. Cats would not be kept outdoors, and only allowed to be outdoors within the rear yard area under supervision for exercising purposes only. Four parking spaces are provided in the front yard driveway. Per the justification letter, the cats are kept indoors and the floor plan depicts cat housing rooms, a kitchen area, living room area and treatment rooms.

In January 2023, the City Council approved a bill to increase the number of pets allowed in a single household due to animal shelters being chronically over capacity. Households are now allowed to have no more than six dogs (over the age of three months) at one residence without a permit; and no more than six cats (over the age of four months) are allowed at one residence without a permit. The proposed facility is a shelter, and not subject to these limitations. The proposed Animal Hospital, Clinic, or Shelter (with Outside Pens) use will be located on a 0.53-acre lot, surrounded by other large lots exceeding half an acre. Staff finds the use can be conducted in a harmonious and compatible manner with the existing development in the surrounding area. Therefore, staff recommends approval, subject to conditions.

FINDINGS (24-0372-SUP1)

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 proposed use can be conducted a harmonious and compatible manner with the existing large-lot development in the surrounding area.

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

The subject site is over half an acre and physically suitable for the operation of the proposed use.

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 is accessible from Helen Avenue, a 60-foot Local Street, which is adequate in size the meet the needs of the proposed use.

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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.**

If approved, the proposed use will be subject to licensing requirements thereby protecting the public health, safety and general welfare.

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

There are no minimum Special Use Permit requirements listed for the Animal Hospital, Clinic, or Shelter (with Outside Pens) use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/11/23	Code Enforcement Case #CE23-08425 was opened regarding the operation of a veterinary business without permits at 3915 Helen Avenue. The case was resolved on 06/03/24.
09/10/24	The Planning Commission voted (6-0-1) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED ANIMAL HOSPITAL, CLINIC, OR SHELTER (WITH OUTSIDE PENS) USE at 3915 Helen Avenue (APN 138-12-110-031), R-E (Residence Estates) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
10/03/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/29/19	Business License #G67-03029 was issued for a pet food internet sales use at 3915 Helen Avenue. The license is listed as inactive as of 11/09/23.

<i>Pre-Application Meeting</i>	
07/10/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

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Neighborhood Meeting

The applicant conducted a voluntary neighborhood meeting on August 29, 2024 at 6:30 p.m. at Claude H. & Stella M. Parson Elementary School 4100 Thom Boulevard, Las Vegas 89130.

Field Check

08/01/24	Staff conducted a routine field check and found an existing single-family dwelling. No issues were noted.
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Details of Application Request

Site Area

Net Acres	0.53
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<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	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Convalescent Care Facility/Nursing Home	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (105 Feet)	Y
RP-O (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
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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<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>
Helen Avenue	Local Street	Title 13	60	Y