

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-14192 APPLICANT/OWNER: RONALD J. WALKER

**** CONDITIONS ****

The Planning Commission (6-1/gt vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for non-habitable accessory structure use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-14193) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. A Petition of Vacation, such as VAC-11873, to vacate existing Holmby Avenue right-of-way in conflict with the proposed non-habitable accessory structure shall be recorded prior to the issuance of any permits for the structure.

**** STAFF REPORT ****

APPLICATION REQUEST

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Special Use Permit for a proposed non-habitable accessory structure to be four feet taller than the main dwelling at 1295 South Tenaya Way.

EXECUTIVE SUMMARY

Per Table 2 of LVMC 19.04.010, a non-habitable accessory shall comply with the provisions of 19.08.040 applicable to an accessory structure. This application does not meet those conditions and; therefore, a Variance (VAR-14193) and Special Use Permit (SUP-14192) are required.

Per 19.08.040, the height requirement for a non-habitable accessory structure stipulates that its height shall not exceed the height of the main structure. The applicant is proposing a twenty-four foot tall non-habitable accessory structure where the main structure is twenty feet tall.

The associated Variance requested as part of this request cannot be supported as the applicant has created a self-imposed hardship by attempting to overbuild the site. Redesign of the non-habitable structure would allow for conformance to the height limitations imposed by Title 19.

BACKGROUND INFORMATION

A) *Related Actions*

10/26/98 City Council approved a request to amend a portion of the Southwest Sector of the General Plan (GPA-0027-98) on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, From R (Rural Density Residential) to DR (Desert Rural Density Residential).

05/17/06 City Council approved a petition to Vacate (VAC-11873) a 30-foot public right-of-way located at the southwest corner of Holmby Avenue and Tenaya Way. Staff and Planning Commission recommended Approval.

11/02/06 The Planning Commission recommended denial of companion item VAR-14193 concurrently with this application.

The Planning Commission voted 6-1/gt to recommend DENIAL (PC Agenda Item #30/jm).

B) *Pre-Application Meeting*

06/07/06 At the pre-application meeting, the applicant was informed of the requirements in 19.08 that require an accessory structure to be lower in height than the main building, or the application requires a Variance and Special use Permit.

C) *Neighborhood Meetings*

A neighborhood meeting was not held, nor is one required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.54 acres

B) *Existing Land Use*

Subject Property: Single Family Residential

North: Office

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

C) *Planned Land Use*

Subject Property: DR (Desert Rural Density Residential)

North: O (Office)

South: DR (Desert Rural Density Residential)

East: DR (Desert Rural Density Residential)

West: DR (Desert Rural Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)

North: P-R (Professional Office & Parking)

South: R-E (Residence Estates)

East: R-E (Residence Estates)

West: R-E (Residence Estates)

E) *General Plan Compliance*

The subject site is located within the Southwest Sector of the Master Plan with a DR (Desert Rural Density Residential) designation, which allows for residential development with up to 2.49 units per acre. The existing R-E (Residence Estates) Zoning District is consistent with the Master Plan, while the Variance (VAR-14193) and Special Use Permit (SUP-14192) are requested because the proposed non-habitable structure does not comply with all provisions of Section 19.08.040.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	20,000	23,522 Feet	Y
Min. Setbacks			
• Side	3 Feet	13 feet	Y
• Rear	3 Feet	10 feet	Y
• From House	6 Feet	16 feet	Y
Max. Building Height	20 Feet	24 Feet	N*

Per 19.08.040, the height of the accessory structure shall not exceed the height of the main structure. The applicant is proposing a twenty-four foot tall non-habitable accessory structure where the main structure is twenty feet tall.

*Variance (VAR-14193) is required.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed non-habitable structure use.

B) General Analysis and Discussion

•Zoning

The purpose of the R-E (Residence Estates) District is to provide for low density residential units located on large lots and conveying a rural environment. The proposed non-habitable structure is a conditional use per 19.08.040 within the existing R-E (Residence Estates) zoning district. The proposal does not meet the conditional use requirement for 19.08.040; therefore, a Variance (VAR-14193) and Special Use Permit (SUP-14192) are required.

•Use

The proposed one-story metal structure will be located in the (west) rear-yard area. The proposed 24-foot height of the non-habitable accessory structure is greater than the 20-foot height of the principal structure as required by Title 19. The structure meets all setback requirements for this type of use. The metal exterior of the structure does not match the stucco exterior of the principal building.

Per 19.08.040, the total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot. The principal dwelling is 3,226 square feet. The proposed accessory structure is 2,475 square foot which exceeds fifty percent of the floor area of the principal dwelling by 862 square feet, a 55 percent deviation.

This application is not recommended for approval as the proposed non-habitable accessory structure exceeds the maximum gross floor area for this location and is too large in scale to be compatible with development in the surrounding area.

•Conditions

Per Table 2 of LVMC 19.04.010, a non-habitable accessory shall comply with the provisions of 19.08.040 applicable to an accessory structure. The application does not meet those conditions; therefore, a Variance (VAR-14193) and Special Use Permit (SUP-14192) are required.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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.**

Given the height of the proposed non-habitable accessory structure, the proposal cannot be conducted in a manner that is harmonious and compatible with the surrounding single-family residential uses in the area.

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

While the site is physically suitable for a non-habitable accessory structure, the structure as proposed exceeds the height of the main structure. The applicant is attempting to overbuild the site and is proposing a structure that is inconsistent in scale to the main structure.

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 site receives access from a private street shared by four other single family homes. The private street abuts Tenaya Way, an 80 foot wide street, which will be adequate in size to meet the requirements of the proposed non-habitable accessory structure.

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.

The site will be subject to regular inspection and; therefore, will not compromise the public health, safety or general welfare.

PLANNING COMMISSION ACTION

The Planning Commission considered a condition that the structure shall be stucco finish with a tile roof to match the main structure.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 132 by City Clerk

APPROVALS 0

PROTESTS 0