

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-18671 - APPLICANT/OWNER: TODD MORIN**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-1/ds vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Variance (VAR-18669) if approved.
2. This approval shall be void one year from the date of final approval, unless a final inspection has been issued for the accessory structure on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Special Use Permit for an existing Non-Habitable accessory structure on a single family lot located at 5901 Huff Mountain Avenue, east of North Jones Boulevard. A companion Variance (VAR-18669) shall be considered with this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/01/06	City Building Inspector conducted a site visit of the project location and determined the structure exceeded Title 19.08 height regulation for accessory structures. The applicant and building inspector reviewed the height measurement calculations of the existing single family residence and determined the measurement was miscalculated.
08/18/06	Current Planning staff inadvertently approved project plan elevations and floor plans that depicted a non-habitable accessory structure that exceeds Title 19 height limit for accessory structures.
01/25/07	The Planning Commission recommended approval of companion item VAR-18669 concurrently with this application.  The Planning Commission voted 6-1/ds to recommend APPROVAL (PC Agenda Item #57/ja).
<b><i>Related Building Permits/Business Licenses</i></b>	
10/03/06	A Building Permit was issued for the construction of a 22 foot high non-habitable accessory structure located at 5901 Huff Mountain Avenue.
<b><i>Pre-Application Meeting</i></b>	
12/06/06	A Pre-application meeting was held with the applicant. Planning staff advised the applicant of Title 19 regulations for non-habitable accessory structures and the requirement for a Special Use Permit and Variance.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was is not required for this type of application nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.46 acre site

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units Per Acre)
North	Single Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units Per Acre)
South	Single Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units Per Acre)
East	Single Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units Per Acre)
West	Single Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units Per Acre)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Iron Mountain Ranch	Y		Y
PD (Planned Development) District	Y		Y
<b>Special Purpose and Overlay Districts</b>			
Northwest Openspace Plan District	Y		Y
<b>Trails</b>		N	Y
<b>Rural Preservation Overlay District</b>		N	Y
<b>Development Impact Notification Assessment</b>		N	Y
<b>Project of Regional Significance</b>		N	Y

**DEVELOPMENT STANDARDS**

*The following Residential Development Standards of Title 19 Section 19.08.040 apply:*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Setbacks			
• Front	NA	-	-
• Side	3 feet	5 feet	Y
• Corner	NA	-	-
• Rear	3 feet	7 feet	Y

Min. Distance Between Buildings	6 feet	80	Y
Max. Lot Coverage	<ul style="list-style-type: none"> <li>• No greater than the floor area of the principal dwelling unit.</li> <li>• Total ground floor areas of all accessory structures shall not cover more than 50 percent of the rear yard.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Structure = 1,376 square feet;</li> <li>• Principal Dwelling = 2,432 square feet; 10 percent coverage of the rear yard.</li> </ul>	Y
Max. Building Height	2 stories (35 feet maximum), or the height of the main structure - whichever is less.	22 feet (Primary structure is 20 feet)	N*

\*A companion Variance (VAR-18669) to allow a 22 foot high building shall be considered.

**ANALYSIS**

The project requests a Special Use Permit to continue construction of an existing non-habitable accessory structure. The existing structure will be used as a garage for storage of a recreational vehicle.

Current Planning Division inadvertently approved plan elevations and floor plans that do not conform to the accessory structure height regulations. Additionally, the Building Division of Development Services issued a Building Permit (No. 6006237) for the existing structure. A site inspection of the project determined the structure exceeds the height limit.

- **General Plan and Zoning**

The project is located within the Centennial Hills Sector Plan area and the Iron Mountain Ranch Master Plan area. The property is designated as DR (Desert Rural Density Residential) and is zoned R-PD2 (Residential Planned Development - 2 Units Per Acre). The proposed garage is an acceptable use within the R-PD2 (Residential Planned Development - 2 Units Per Acre) zone per Title 19 Sections 19.04.020 and 19.08.040.

- **Site Plan and Elevations**

The site plan depicts a 1,376 square foot building situated within the rear yard of an existing 20,000 square foot single family residential lot. The plan elevations depict the main structure at a height of 20 feet. The existing accessory structure is constructed with a height of 22 feet. Per Title 19 development standards accessory structures are limited to 2 stories (35 feet) or no greater than the height of the main building.

## 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.**

The existing structure will not create an imbalance among surrounding and future land uses.

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

The residential parcel is a flat dirt lot and the structure will meet accessory structure lot coverage and setback requirements.

- 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.**

Neighborhood street systems adequately serve the project site.

- 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 Special Use Permit will not result in human health and public safety effects that detract from the intent of the General Plan.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use will conform to Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED**            155 by City Clerk

**APPROVALS**                4

**PROTESTS**                 6