



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-22261 - APPLICANT/OWNER:
GUADALUPE & JUANA VIZCARRA

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 15, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. 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.
2. No separate utility accounts, addresses, or lot lines may be created or applied to the detached Class I Accessory Structure in efforts to establish a separate single-family dwelling.
3. Conformance to all requirements under Title 19.04.010 for an Accessory Structure (Class I) use, including minimum parking requirements.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to construct a 1,186 square-foot, Class I Habitable Accessory Structure in the rear yard of a proposed single family dwelling located at 5059 Monroe Avenue on .75 acres. This request complies with the standards for a Class I Habitable Accessory Structure as listed in Title 19.04.010 and 19.18.040; therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/26/98	The City Council denied a request for a Special Use Permit (U-27-98) on R-E (Residence Estates) zoned property located at 5041 and 5059 East Monroe Avenue for a 7,352 square-foot, two-story church.
07/12/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/mh).
<i>Related Building Permits/Business Licenses</i>	
4/20/07	Building Permit #86910 submitted for review for a Single Family Dwelling. Building permit is still in review and has not been issued.
4/20/07	Building Permit #86913 submitted for review for a Habitable Accessory Structure. Building permit is still in review and has not been issued.
<i>Pre-Application Meeting</i>	
6/28/07	A pre-application meeting was held with staff concerning the proposed Class I Accessory to be placed at the rear of a proposed single family dwelling.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
5/31/07	A Field Check was completed with the following observations: 1. No structures are located on the site. 2. No discernable change in grade. 3. Located within rural neighborhood with ½ acre lots typical.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.75 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	R (Rural)	R-E (Residence Estates)
North	Undeveloped	R (Rural)	R-E (Residence Estates)
South	Single Family Dwelling	R (Rural)	R-E (Residence Estates)
East	Undeveloped	R (Rural)	R-E (Residence Estates)
West	Auto Yard & Mini-Warehouse	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size (accessory structure)	6,500 SF	13,300 SF	Y
Min. Lot Width	100 feet	100 feet	Y
Min. Setbacks (accessory structure)			
• From primary dwelling	6 feet	64 feet	Y
• Side	3 feet	25 feet	Y
• Corner	15 feet	N/A	N/A
• Rear	3 feet	80 feet	Y
Max. Size	50 % of total Floor Area of principal dwelling	1,186 SF accessory is 33 % of 3,559 SF dwelling	Y
Max. Rear Yard Coverage	50 % of rear yard;	0 % located within rear yard setback	Y
Max. Building Height (accessory structure)	2 stories/35 feet or height of principal dwelling, whichever is less	Accessory is single story feet; dwelling is 2-story	Y

ANALYSIS

A Special Use Permit is required for any residential accessory structure containing living quarters and a kitchen referred to as an Accessory Structure, Class I in Title 19.04.010. The proposed structure is located to the rear of a proposed single family dwelling and meets the required six foot building separation and the three-foot property line separation.

Title 19.08.040 restricts height to equal with, or less than that of the main dwelling (whichever is less), and restricts the size to half of the total floor area of the main dwelling. The proposed 1,186 square-foot, single structure meets the size and height requirements as listed above. Additionally, the proposed structure meets the minimum 6,500 square foot lot requirement as listed in Title 19.04.010.

A condition of approval has been placed that no actions such as providing separate utility hook-ups or separate addressing to prepare the guest house for being parceled off will be allowed. In this case the principal dwelling is occupied by the property owner.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 accessory structure meets the allowable floor area and height permitted by Title 19.08.040. By definition an accessory structure is subordinate to the primary dwelling on the lot and should not supersede the main structure in function. A condition of approval has been placed so as to ensure that the accessory structure operates only on the capacity of a guest house to the primary structure.

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

The lot is large enough to accommodate the proposed Class I Accessory structure and the proposed primary single family dwelling. Additionally, the structure complies with all current 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.**

The subject property is served by a driveway that extends to the accessory structure with room for an additional parking space onsite as required by Title 19.04.010.

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.

Approval of the Special Use Permit is in compliance with the standards listed in Title 19.04.010 and 19.08.040 of the Zoning Code, which is intended to protect the health, safety and welfare of the public, especially the area surrounding the subject site.

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

The existing Accessory Structure (Class I) meets the minimum 6,500 square foot lot size requirement. If approved, a condition of approval will require full adherence to all requirements of the use per Title 19.04.010, including parking requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 117 by City Clerk

APPROVALS 0

PROTESTS 0