

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: OCTOBER 25, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-23596 - APPLICANT/OWNER: DONNA DELACRUZ

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Class I Accessory Structure (Habitable) use.
2. Conformance to the conditions for Variance (VAR-23598) if approved.
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. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Special Use Permit for a proposed 2,790 square foot Accessory Structure - CLASS I (Habitable) at 5413 Hickam Avenue. Companion Variance (VAR-23598) to allow the square footage of the Class I structure to exceed 50 percent of the main dwelling and height to exceed that of the primary dwelling, will be considered concurrently with this request. The proposed floor area and height are considered excessive. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/27/07	The Planning Commission held this item in abeyance at the applicants request.
10/11/07	The Planning Commission held this item in abeyance at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
Not applicable. There are no relevant building permits or business licenses issued for this site.	
<i>Pre-Application Meeting</i>	
07/17/07	A Pre-Application meeting was held where Planning staff advised the applicant of Title 19.08 Accessory Structures regulations and the requirement for a Special Use Permit and Variance.
<i>Neighborhood Meeting</i>	
Not applicable. A Neighborhood Meeting is not required for this application nor was one held.	
<i>Field Check</i>	
08/22/07	A site visit was conducted and the project site is developed with an existing one-story single-family residence located within an existing rural residential community.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.7 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
North	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
South	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
East	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
West	Single-family residential	DR: Desert Rural	R-E (Residence Estates)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Northwest Open Space	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		NA*
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

*Proposed structural height will be less than 35 feet and is not subject to height standards of the Airport Overlay District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Residential Accessory Structures, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Min. Lot Width	NA	NA	NA
Min. Setbacks			
• Front	NA	NA	
• Side	3 feet	17 feet	Y
• Corner	NA	NA	
• Rear	3 feet	30 feet	Y
Min. Distance Between Buildings	6 feet	67 feet	Y
Max. Lot Coverage	50 percent of rear yard	16 percent	Y
Max. Floor Area	50 percent of floor area of Primary Dwelling (526 square feet)	528 percent (2,790 square feet) of 50 percent of floor area of Primary dwelling.	N

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Max. Building Height	Two stories or 35 feet and no higher than primary dwelling	18 feet Proposed accessory structure 14 feet existing Primary dwelling	N*
Trash Enclosure	NA	NA	NA
Mech. Equipment	Screened	Screened	Y

**A Variance (VAR-23598) for floor area and building height will be considered with this request.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Habitable Accessory Structure	2,790 square feet	1 additional on-site parking space	1	NA	1	NA	Y
SubTotal			1		1		
TOTAL			1		1		Y
Loading Spaces			NA		NA		NA
Percent Deviation			NA		NA		NA

ANALYSIS

The proposed 2,790 square foot Habitable Accessory Structure Class I will be situated at the rear of a developed R-E (Residence Estates) Zoned lot that contains an existing 1,056 square foot one-story single family dwelling. The proposed use is allowed with a Special Use Permit in the R-E Zone under Title 19.04 . The height of the accessory structure is proposed to be 18 feet tall and the primary dwelling is 14 feet high.

The proposal is subject to the square footage limit of 50 percent of the primary dwelling and restricted to a building height less than the primary dwelling. The project square footage and proposed height are inconsistent with Title 19.08 . Staff recommendation is denial.

JA

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 proposed Habitable Accessory Structure is considered too intense for this site and the surrounding DR (Desert Rural) residential community. The project is considered incompatible with the underlying R-E (Residence Estates) Zone, Title 19.08 regulations for accessory structures and therefore inconsistent with the purpose of the General Plan land use.

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

The 0.70 acre parcel is capable of accommodating the proposed structure but would intensify residential use of the site in a primarily reduced intensity rural area.

- 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.**

Existing neighborhood streets are capable of accommodating associated traffic.

- 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 project is considered noncompliant with Title 19.04 with regard to the square footage restriction and therefore inconsistent with the goals of the General Plan.

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

The project fails to meet all Special Use Permit requirements for a Habitable Accessory Structure Class I with respect to the square footage limitation.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 164

APPROVALS 4

PROTESTS 2