



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 22, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-26859 - APPLICANT/OWNER: THOMAS C BURGER

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for an Accessory Structure (Class I) use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-0072-88) 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to allow an Accessory Structure (Class I) with kitchen to be placed in the rear yard of an existing single family residence located on 0.51 acres at 1405 Golden Oak Drive. The applicant is proposing to place a 1,264 square-foot guest house with full kitchen facilities, one bedroom and one bathroom at the northeast corner of the subject property. The location and addition of this proposed guest house will coincide with other improvements which the applicant proposes to make to the property. A Variance (VAR-26858) has been submitted separately in addition to this Special Use Permit to allow for multiple setback deviations for proposed additions to the north, south, east and west sides of the principal dwelling unit on site. Staff finds that this Special Use Permit combined with the Variances requested for the main dwelling unit on site will contribute to the over-building of the property; therefore denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/86	The City Council approved an Annexation (A-0009-85) of property described generally as located south of Charleston Boulevard between Torrey Pines Drive and Fort Apache Road.
09/07/88	The City Council approved a Rezoning (Z-0072-88) of the subject property.
03/27/08	The Planning Commission approved the applicants request to hold this item in abeyance until 04/24/08.
04/24/08	The Planning Commission approved the applicants request to hold this item in abeyance until 05/08/08.
05/08/08	The Planning Commission approved the applicants request to hold this item in abeyance until 05/22/08.
<i>Related Building Permits/Business Licenses</i>	
08/09/01	The Department of Building and Safety issued a building permit (#01014418) to allow the construction of a 14-foot by 29-foot patio cover. The project was completed 09/17/01.
02/28/94	The Department of Building and Safety issued a renewal of a building permit (#94321065) to allow the construction of a cabana, detached bathroom and barbeque. The project was completed 03/14/94.
02/24/94	The Department of Building and Safety issued a renewal of a building permit (#94320552) to allow the construction of a single family home. The project was completed 03/10/94.
12/03/92	The Department of Building and Safety issued a building permit (#92169183) to allow the construction of a cabana, detached bathroom and a barbeque. The permit expired 10/09/93.
09/29/92	The Department of Building and Safety issued a building permit (#92161793) to allow the construction of a single family home. The permit expired 10/09/93.

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<i>Pre-Application Meeting</i>	
01/25/08	A pre-application meeting was held with the applicant where details of the Variance and Special Use permit submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
02/21/08	A field check was performed by staff at the subject location. The field check noted that the subject property sits at a significantly lower elevation than the neighboring homes to the west.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.51

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

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	22,424 SF	Y
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
• Side	3 Feet	5 Feet	Y
• Rear	3 Feet	5 Feet	Y
Min. Distance Between Buildings	6 Feet	12 Feet	Y
Max. Building Square Footage	3,246.5 SF (50% of the floor area of the principal dwelling unit)	1,264 SF	Y
Max. Rear Yard Coverage	3,650 SF (50% of the rear yard area)	1,264 SF	Y
Max. Building Height	18 Feet	18 Feet	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	1 Unit	2 spaces per dwelling unit	2	0	2	0	Y
Accessory Structure (Class I)	1 Unit	1 additional space beyond minimum requirement	1	0	1	0	Y
TOTAL			3		3		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 applicant is proposing to locate the Accessory Structure (Class I) with kitchen within the rear yard of the single family home at the northwest corner of the subject property. The proposed structure meets the required side and rear setbacks, principal dwelling unit setbacks, height and square footage requirements set forth in Title 19.08.040.

- **Land Use/Zoning**

The 0.51 acre subject site maintains the DR (Desert Rural) General Plan Land Use Designation. This designation seeks to primarily keep residential density at a maximum of 2.49 dwelling units per acre. The proposed addition of a guesthouse/accessory apartment does not qualify as an increase in established dwelling units as the conditions provided in Title 19.04.010 requires that primary occupant live on site in the event that an individual occupies the habitable accessory structure.

- **Site/Floor Plan**

The site plan provided by the applicant indicates that the Accessory Structure (Class I) will be located at the northwest corner of the rear yard, setback from the property lines by five feet. The guesthouse will be separated from the principal dwelling unit by a distance of approximately 12 feet, well above the requirements listed in Title 19.08.040.

The floor plan indicates the guesthouse will contain 1,264 square feet and will include a full kitchen, open family room, one bedroom, one bathroom and a laundry closet. Two means of ingress and egress are provided; a main entry door on the southern side of the building and a secondary door on the north. In addition, a small exterior mechanical room housing a heating/air conditioning unit and a water heater is provided at the northwest corner of the building.

- **Elevations**

The elevations of the proposed Accessory Structure (Class I) depict an 18-foot tall structure, with an architectural style designed to compliment the proposed additions and modifications intended to be made to the principal dwelling unit on site. The revised plans submitted indicate the 18-foot height of the Accessory Structure (Class I) will be evenly matched with the 18-foot height of the main residence. Title 19.08.040 allows an accessory structure to be two stories with a maximum height of 35 feet or the height of the main building, whichever is less.

Windows are provided for on the southern elevation of the guest house, facing the pool area. The north, east and west elevations are windowless. The plans indicate the exterior surface of the guest house to be finished with three-coat sand finish stucco painted white to match the principal dwelling unit.

- **Conditional Use**

As listed in Title 19.04.010, the following conditions apply to the proposed Accessory Structure (Class I):

1. The size of the lot or parcel must exceed 6500 square feet.
2. Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.

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 proposed Accessory Structure (Class I) with kitchen will be designed to match the proposed modifications of the principal dwelling unit on site; however the scale of this building combined with the scale of the proposed modifications to the subject property is excessive and too intense for the surrounding neighborhood.

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

This Special Use Permit combined with the Variance requests for the principal dwelling unit on site will contribute to the over-building of the site. As a result, staff finds that the proposed 1,264 square-foot Accessory Structure (Class I) will be too intense for the subject site.

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 fronts Golden Oak Drive, a private drive classified as a Local Street, which will provide adequate access to meet the requirements of the proposed use.

- 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 proposed Accessory Structure (Class I) meets all of the applicable conditions per Title 19.04.

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