

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 26, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-28105 - APPLICANT/OWNER: STEPHEN AND CYNTHIA BAKER**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL, subject to:****Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Accessory Structure (Class I) use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns 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 drainageways as recommended.

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a proposed single-story Habitable Accessory Structure (Class I) with a kitchen at 6300 Racel Street. The applicant is seeking approval to construct a 975 square-foot casita in the rear yard of an existing single-family dwelling, located on an R-E (Residence Estates) zoned site. Title 19.08 is specific in the applicable development standards for this zoning district. A Special Use Permit, demonstrating the proposed use is appropriate and compatible with the site and surrounding area, is required to allow a Habitable Accessory Structure (Class I) with a kitchen in an R-E (Residence Estates) zone.

To approve a Special Use permit for a Habitable Accessory Structure (Class I) in an R-E (Residence Estates) zone, compliance with the stated conditions of Title 19.08 must be met. The proposed structure meets the setback, height, and aesthetic compatibility requirements. Therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Building Permits/Business Licenses</i></b>	
12/12/00	A building permit (#388560) was issued for a single face and a double face fireplace at 6300 Racel Street. The permit was finalized on 09/14/01.
03/13/01	A building permit (#520822) was issued for fire sprinklers at 6300 Racel Street. The permit expired on 09/22/01.
08/03/01	A building permit application (#530093) was submitted for plumbing-gas revisions at 6300 Racel Street. A building permit was not issued.
04/17/02	A building permit (#507289) was issued for a 450-foot by four-foot block wall at 6300 Racel Street. The permit was finalized on 03/07/03.
<b><i>Pre-Application Meeting</i></b>	
04/23/08	A pre-application meeting was held and the requirements for submitting an application for a Special Use Permit for an Accessory Structure, Class I were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required and none was held.	

<b><i>Field Check</i></b>	
05/21/08	A site visit was conducted which found nothing of note on site.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.32

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Vacant	DR (Desert Rural Density Residential)	R-E (Residence Estates)
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>
<b>Special Area Plan</b>			
*Centennial Hills Plan	X		*Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
<b>Trails</b>		X	N/A
<b>**Rural Preservation Overlay District</b>	X		**Y
<b>Development Impact Notification Assessment</b>		X	N/A
<b>***Project of Regional Significance</b>	X		***Y

**\*Centennial Hills Plan**

Of most importance to the residents of the Northwest was the preservation of the rural character of portions of the Northwest, now known as the Rural Neighborhood Preservation area (RNP) with a maximum density of up to two (2) dwellings per acre. This application proposes a 975 square-foot Accessory Structure, Class I, with kitchen on 1.32 acres at 6300 Racel Street remaining well below the maximum density requirements of two (2) units per acre and preserving the rural character of the neighborhood.

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**\*\*Rural Preservation Overlay District**

It is the intent of the Rural Preservation Overlay District to:

1. Ensure that the rural character of each rural preservation neighborhood is preserved.
2. Unless a rural preservation neighborhood is located within three hundred thirty feet of an existing or proposed street or highway that is more than ninety-nine feet wide, maintain the rural character of the area developed as a low density residential development.
3. Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially.
4. Establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

This Special Use Permit application does not negatively impact the intentions of the **Centennial Hills Plan** or the **Rural Preservation Overlay District**. Therefore, staff recommends approval.

**\*\*\*Project of Regional Significance**

Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a Project of Significant Impact as outlined in the ordinance for a Special Use Permit application concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinance for referral to affected agencies. As of 06/11/08, no comments or objections have been received from the agencies notified.

**DEVELOPMENT STANDARDS**

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6500 s.f.	57,449 s.f.	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	N/A 3 Feet N/A 3 Feet	N/A 15 Feet N/A 5 Feet	Y
Min. Distance Between Buildings	6 Feet	137.5 Feet	Y
Max. Building Height	22 Feet, 6 Inches	16 Feet, 10 Inches	Y
Max. Square Footage	1,617 square feet.	975 square feet.	Y

**ANALYSIS**

The applicant is proposing to construct a single-story, 975 square-foot Habitable Accessory Structure (Class I) with kitchen, as well as an attached 252 square-foot garage, and a 318 square-foot covered porch at 6300 Racel Street. The Habitable Accessory Structure includes a full kitchen, living room, full bathroom, and two bedrooms. This structure is proposed to be constructed in the far northeast corner of the R-E (Residence Estates) zoned property.

Title 19.08 states the total floor area of a single, detached accessory structure shall not exceed fifty percent of the floor area of the principle dwelling unit on the same lot. A 3,234 square-foot single family dwelling exists on the subject property, allowing a maximum of 1,617 square feet, or 50 percent of floor space for an accessory structure. The proposed 975 square-foot structure is well below this limitation. An aggregate total ground floor area (4,929 square-feet) of the primary dwelling plus the total ground floor area of the proposed accessory structure (1,227 square-feet) produces an overall lot coverage of approximately nine-percent. The rear lot coverage total is two percent, with the proposed footprint of the accessory structure covering 1,227 square feet of the 15,575 square feet available. This is well within the allowable rear lot coverage of 50 percent in an R-E (Residence Estates) zone.

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The single story accessory structure is shown on the submitted site plan to be located on the northeast corner of a 57,449 square-foot lot. The submitted site plan illustrates a 137.5-foot separation between the accessory structure and the principle dwelling, therefore complying with the minimum six-foot separation requirement. The elevations depict the accessory structure at 16 feet, 10 inches in height thus, meeting the maximum building height of 22 feet, 6 inches. Title 19.08 requires an accessory structure to have rear and side yard setbacks of three feet. The proposed accessory structure has a rear yard setback of five feet, and a side yard setback of 15 feet, meeting both setback requirements.

Access is provided by a door on the south side of the accessory structure. The floor plan indicates the accessory structure will contain a living room, kitchen, two bedrooms, and one bathroom. Title 19.08 allows one kitchen in a Habitable Accessory Structure (Class I).

**Title 19.08 states Habitable Accessory Structures on any lot in any residential district shall conform to the following:**

1. The size of the lot or parcel must exceed six thousand five hundred square feet.
2. Unless the principal dwelling is owner-occupied, a habitable accessory structure may not be offered or occupied as a rental unit.
3. A habitable accessory structure may contain one kitchen, but otherwise must comply with all provisions of Section 19.08.040 applicable to accessory structures.
4. A minimum of one additional on-site parking space must be provided beyond the number of spaces normally required.
  - (a) Accessory Only to Main Use. No accessory structure shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.
  - (b) Height. A detached accessory structure shall not exceed two stories in height (with a maximum of thirty-five feet), or the height of the main building, whichever is less.
  - (c) Size and Coverage. 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. In addition, the main aggregate total of the ground floor areas of all accessory buildings shall not cover more that fifty percent of the rear yard, and further, in the zoning districts where lot coverage provisions exist, the aggregate total of the ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted in that zoning district.

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- (d) Side and Rear Yards.
  - (i) Detached accessory structures (excluding patio covers) in the rear and side yard area must be located a minimum distance of three feet from the side and rear property lines and must be separated a minimum distance of six feet from the main dwelling. On corner lots, the roof of an accessory structure may be attached to the main dwelling, if there is a minimum six foot separation between the walls of the accessory structure and provided that at least two sides of the breezeway are open. A gate or fence which is at least fifty percent open construction may be attached to one end of the breezeway. In addition, accessory structures in the rear yard of corner lots may not be located closer to the side property line than that required for the main dwelling.
  - (ii) Detached accessory structures (excluding patio covers) in the side yard area must be located a minimum distance of three feet from the side property line and must be separated a minimum distance of six feet from the main dwelling.
  - (iii) Except as provided in Subsection (e), detached accessory structures are not permitted in front of the primary structure.
  - (iv) No setback is required for a detached accessory structure from a property line that abuts an alley.
- (e) Front Yards. No detached accessory structure is permitted in the front yard unless
  - (i) The structure is a side-loaded garage which is used strictly as an ancillary use;
  - (ii) The garage conforms to the requirements and limitations applicable to a guest house / casita; and
  - (iii) The front yard does not contain a guest house/casita.
- (f) Aesthetics. An accessory structure must be aesthetically compatible with the principal dwelling unit.
- (g) Floor Plan. Accessory structures may contain any type of room use, but may not contain any kitchen except as otherwise specifically provided in Section 19.04.050(B) with respect to a habitable accessory structure.

## **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 use is zoned R-E (Residence Estates) and is compatible with the General Plan designation of DR (Desert Rural Density Residential). The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding R-E (Residence Estates) zoned properties.

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

The proposed Habitable Accessory Structure (Class I) would be located in the rear yard of an existing single family home on property zoned R-E (Residence Estates). The proposed structure meets the required rear yard setbacks, height limitations, and lot size and coverage provisions. Therefore, the subject site is physically suitable for the type and intensity of land use proposed.

**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.**

Racel Street is a 40-foot wide residential street servicing home-sites of a half-acre to over an acre in size. Racel Street is adequate in size to meet 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.**

The proposed structure will be subject to inspection prior to occupancy and will not compromise the public health, safety, and welfare.

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

The proposed Habitable Accessory Structure (Class I) meets all the conditional use requirements stated by Title 19.04 and Title 19.08.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6**

**ASSEMBLY DISTRICT 13**

**SENATE DISTRICT 9**

**NOTICES MAILED 101**

**APPROVALS 2**

**PROTESTS 2**