



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-29293 - APPLICANT/OWNER: JAMES R. BUELL, JR.**

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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.

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a proposed single-story Accessory Structure (Class I) with a kitchen at 2908 Justice Lane. The applicant is seeking approval to construct a 411 square-foot Accessory Structure (Class I) with a kitchen 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 an Accessory Structure (Class I) with a kitchen in an R-E (Residence Estates) zone.

To approve a Special Use permit for an 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 Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |   |
|---|---|
| 06/19/02  | The City Council approved a request to amend portions of the Southeast Sector map of the General Plan (GPA-0047-01) in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission was unable to obtain a supermajority vote. This item was forwarded to City Council with a recommendation of denial. |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |   |
| 04/21/03  | A building permit (#3008024) was issued for a carport conversion to a garage at 2908 Justice Lane. The permit was finalized on 04/23/03.  |
| <b><i>Pre-Application Meeting</i></b>                                     |   |
| 06/13/08  | A pre-application was held where the submittal requirements for a Special Use Permit application for an Accessory Structure (Class I) were discussed.   |
| <b><i>Neighborhood Meeting</i></b>  |   |
| A neighborhood meeting was not required, nor was one held.                |   |

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| <b>Field Check</b> |   |
|--------------------|---|
| 08/19/08           | A routine site visit was performed by staff where a well maintained single-family residence within a gated community was observed. Nothing of concern was noted by staff. |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Gross Acres                           | 0.72 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>               | <b>Existing Zoning</b>  |
|-----------------------------|--------------------------|---------------------------------------|-------------------------|
| 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                        | Single-Family Residence  | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| West                        | Single-Family Residence  | DR (Desert Rural Density Residential) | R-E (Residence Estates) |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Rancho Charleston Land Use Study                  | X          |           | Y                 |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O (Airport Overlay) District 140 feet           | X          |           | Y                 |
| <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         | N/A               |

**A-O (Airport Overlay) District**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 140-foot contour limitations and does not violate the height limitations. The proposed use does not alter the structure in any way and is in compliance with the Airport Overlay District.



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**Rancho Charleston Land Use Study**

The land use within this study area is regulated by the Southeast Sector Plan of the Las Vegas 2020 Master Plan. Low density residential will continue to be the goal for the majority of the study area, with a strip of Service Commercial along the major transportation corridors, such as Charleston Boulevard and Sahara Avenue. The proposed use does not negatively impact the goals of the Rancho Charleston Land Use Study and is compliance with the DR (Desert Rural Density Residential) land use designation.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08.040*

| <i>Standard</i>                 | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|---------------------------------|-------------------------|-----------------|-------------------|
| Min. Lot Size                   | 20,000 sq. ft.          | 31,457 sq. ft   | Y                 |
| Min. Lot Width                  | 100 ft.                 | 116 ft.         | Y                 |
| Min. Setbacks                   |                         |                 |                   |
| • Front                         | N/A                     | N/A             | N/A               |
| • Side                          | 3 ft.                   | 5 ft.           | Y                 |
| • Corner                        | N/A                     | N/A             | N/A               |
| • Rear                          | 3 ft.                   | 5 ft.           | Y                 |
| Min. Distance Between Buildings | 6 ft.                   | 38 ft.          | Y                 |
| Max. Square Footage             | 2,086 s.f.              | 411 s.f.        | Y                 |
| Max. Building Height            | 13 ft.                  | 13 ft.          | Y                 |

**ANALYSIS**

The applicant is proposing to construct a single-story, 411 square-foot Accessory Structure (Class I) on a 0.72 acre R-E (Residence Estates) zoned property at 2908 Justice Lane. The one-room Accessory Structure includes a full kitchen with a small island with seating for two, an enclosed bathroom with shower and a closet. The applicants have tentatively sketched into the floor plan a queen size fold-up wilding bed to maximize the floor space of this one-room accessory structure. The proposed structure would be constructed in the far northeast corner of the property. Title 19.08 allows one kitchen in an Accessory Structure (Class I).

Title 19.08.040 states, The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principle dwelling unit constructed on the same lot. A 4,172 square-foot single-family dwelling exists on the subject property, allowing a maximum of 2,086 square feet, or 50 percent of floor space for accessory structures. The proposed 411 square-foot structure is well below this limitation. There are no additional accessory structures proposed for or constructed on this site.

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The proposed single-story accessory structure is shown on the submitted site plan to be located on the northeast corner of a 31,457 square-foot lot. The submitted site plan illustrates a 38-foot separation between the proposed accessory structure and the principle dwelling, therefore complying with the minimum six-foot separation requirement. The elevations depict the accessory structure at 13 feet in height, thus meeting the maximum building height of 13 feet. Title 19.08.040 requires an accessory structure to have rear and side yard setbacks of three feet. The proposed accessory structure has a rear and side yard setback of five feet, meeting both setback requirements.

Access is provided by French doors on the west side of the accessory structure. The elevations indicate the accessory structure will have an archway leading to the entryway with a built-in bar-b-que and sink within the 2.87-foot overhang on the south edge of the accessory structure. The proposed accessory structure would also be constructed to match the existing residence by including the wood French doors with tempered glass at the entry, and wood fascia with tile roofing on the exterior. The accessory structure would also be the exact same height as the primary residence, and be plastered and painted to match the primary residence.

Title 19.20 defines an accessory structure as a structure that is:

1. Located on the same lot as a principal structure;
2. May be detached from or attached to the principal structure; and
3. Incidental or subordinate to the principal structure.

Title 19.04.010: Accessory Structure (Class I)

Description: An Accessory Structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.

Minimum Special Use Requirements:

1. The size of the lot or parcel must exceed 6,500 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.

The proposed Accessory Structure (Class I) meets the Minimum Special Use Permit Requirements stated by Title 19.04 and the Development Standards put forth by Title 19.08. Therefore, staff is recommending approval of this application.

## **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:

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- 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 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 and side yard setbacks, height limitations, 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.**

Justice Lane is a 40-foot wide residential street servicing six home-sites of a half-acre to almost an acre in size. Justice lane 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 Accessory Structure (Class I) meets all the minimum Special Use Permit requirements stated by Title 19.04 and the Development Standards put forth by Title 19.08.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 25

**NOTICES MAILED** 130

**APPROVALS** 3

**PROTESTS** 0