



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-30239 - APPLICANT/OWNER: CHRISTOPHER ALLEN

**** CONDITIONS ****

The Planning Commission (5-1/ds vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.050 for Accessory Structure (Class I) use, if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Air conditioning units shall not be mounted on rooftops. If roof-mounted, the air condition units must be fully enclosed within an architecturally compatible screening, subject to the approval of the Department of Planning and Development.
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 for an Accessory Structure (Class I) on a .60 acre site at 1125 Cahlan Drive. The applicant is proposing the conversion of an existing 640 square-foot Accessory Structure (Class II) to a Accessory Structure (Class I) with a Kitchen for use as a pool house and guest quarters. Currently the structure is utilized as a shop and storage building. The proposed changes to the structure are minor in nature, comply with Title 19 Standards and will not have a negative impact on the surrounding area, therefore staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
c. 1955	Home constructed.
c. 1966	Subject Accessory Structure (Class II) constructed.
05/01/02	The City Council approved an Amendment to the General Plan (GPA-0047-01) from R (Rural Density Residential) to DR (Desert Rural Density Residential) of the subject site, as part of a larger action. The Planning Commission recommended denial, staff recommended approval.
11/09/08	The Planning Commission voted 5-1/ds to recommend APPROVAL (PC Agenda Item #23/leh).
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses for the subject site.	
<i>Pre-Application Meeting</i>	
09/17/08	The requirements for a Special Use Permit for a Accessory Structure (Class I) were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor is one required.	
<i>Field Check</i>	
09/30/08	Staff conducted a field check of the subject site and found the home to be on a large lot, occupied and well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.60

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)
	Undeveloped	O (Office)	C-D (Designed Commercial)
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)

<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	X		Y
A-O Airport Overlay District (175-Foot)	X		Y*
Rural Preservation Overlay District	X		Y**
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay Map within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

****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 330 feet of an existing or proposed street or highway that is more than 90 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.

The subject property meets the intent of the Rural Preservation Overlay District.

DEVELOPMENT STANDARDS

Title 19.08.040 Residential District Development Standards for Accessory Structures

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	26,571 SF	Y
Min. Lot Width	100	142 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Corner • Side • Rear 	N/A 3 Feet 3 Feet	N/A 13 Feet 15 Feet	Y
Separation from Main Building	6 Feet	44 Feet	Y
Max. Floor Area Ratio	1364 SF	640 SF	Y
Max. Lot Coverage	50%	15% (Total Lot Coverage 4,058 SF)	Y
Max. Rear Yard Coverage	50%	5%	Y
Max. Building Height	2 Stories or 35 feet, or height of the main building, whichever is less	11 feet	Y
Mech. Equipment	No rooftop A/C units allowed	Rooftop A/C unit	N*

**A condition has been added prohibiting rooftop air conditioning units.*

ANALYSIS

This is a request for the conversion of an existing Accessory Structure (Class II) to an Accessory Structure (Class I) with a kitchen. The structure has been on the site since 1966 and was originally constructed with a Clark County building permit as a shop and storage building. The applicant indicates that the structure is to be used as a pool house and guest quarters. The lot size has adequate parking for the main structure, as well as a space depicted to accommodate a vehicle near the Accessory Structure. As the proposed changes to the structure are in compliance with Title 19 standards and will have no impact on adjacent properties, staff recommends approval.

Zoning

The General Plan designates the subject property DR (Desert Rural Density Residential). The Desert Rural Density Residential category allows a maximum of 2 dwelling units per gross acre. The predominant residential lifestyle is single family homes on large lots, many including equestrian facilities. This is a generally rural environment that permits greater privacy and some non-commercial raising of domestic animals.

The subject property is zoned R-E (Residence Estates). The purpose of the R-E Districts is to provide for low density residential units located on large lots and conveying a rural environment. These Districts are consistent with the policies of the Desert Rural Density Residential category of the General Plan.

Minimum Special Use Requirements are:

Title 19.04 describes an Accessory Structure (Class I) as 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.

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.

Title 19.08 Development Standards for Accessory Structures:

1. Accessory Structures on any lot in any residential district shall conform to the following:
 - (a) Accessory Only to Main Use. No accessory structure shall be erected or moved onto 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 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 than 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.
 - (d) Side and Rear Yards: Detached accessory structures are permitted in the rear and side yard areas as follows:

- (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 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 the structure is a side-loaded garage which is used strictly as an ancillary use.
- (f) Aesthetics. An accessory structure must be aesthetically compatible with the principle 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 habitable accessory structure.

The proposed conversion complies with all of the Title 19.04 Special Use Permit requirements, as well as Title 19.08 development standards for Accessory Structures. The subject 26,571 square-foot R-E (Residence Estates) lot exceeds the Title 19.04 6,500 square-foot lot size requirement for accessory structures by 20,071 square feet.

Floor Plan

The proposed floor plan depicts a 640 square-foot structure, which will contain a 160 square-foot kitchen and dining area, a 240 square-foot main room and 192 square-foot bedroom with a bathroom. The structure will have a main entry facing an existing pool to the south of the building, and secondary entry into the kitchen, and dining area.

Elevations

The applicant proposes to match the primary residence aesthetically by applying a white plaster treatment to the exterior of the existing concrete block structure, and painting it with a matching color palette to the primary structure. The roof material is pull tab roofing, which matches the existing roofing material on the primary structure on site. A rooftop air conditioning unit is depicted; however staff has added a condition requiring the air conditioning units to be placed at ground level. The height of the structure does not exceed the height of the principal structure on the site.

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 (Class II) has been on the property since 1966, and existed in a harmonious and compatible manner with the subject property and the surrounding properties. The change in use to a Accessory Structure (Class I) will not alter the character of the structure. There will be no negative impacts to the surrounding area.

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

The subject site is large enough to easily accommodate the existing accessory structure, and furthermore the proposed change to a Accessory Structure (Class I). All setback requirements to adjacent properties. The subject site is physically suitable for the type and intensity of the proposed Accessory Structure (Class I).

- 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 site is accessed by Cahlan Road, which is listed as a 60-foot Local Road by the Master Plan of Streets and Highways, and will not be adversely impacted by the proposed development.

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 property is subject to City of Las Vegas inspections, as well as the International Building Code and therefore public health and safety and welfare will not be adversely impacted by this proposed development.

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

All Title 19.04 requirements for a Accessory Structure (Class I) are satisfied by this proposal.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #3 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 154 by City Clerk

APPROVALS 2

PROTESTS 0