

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: DESERT FOREST, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and Staff recommend APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Accessory Structure (Class I) use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-37379) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the Accessory Structure (Class I). 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. Coordinate with the Southern Nevada Health District to determine if the existing septic system permit will accommodate the additional square footage of the proposed accessory building; if not coordinate with the City of Las Vegas Collection Systems Planning Section of the Department of Public Works regarding connection to the City of Las Vegas sewer system prior to the issuance of any permits.
6. 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 is a request for a Special Use Permit for a proposed 1,360 square-foot Accessory Structure (Class I) on a developed single-family residential lot at 6832 Thom Boulevard. The lot contains an existing 3,196 square-foot residence and two unpermitted accessory structures totaling 5,516 square feet of building area. The use complies with Title 19 requirements for an Accessory Structure (Class I) use and can be conducted in a way that is harmonious and compatible with surrounding properties. Staff therefore recommends approval.

ISSUES

- The combined area of all existing and proposed accessory structures is 6,876 square feet, which exceeds the 1,598 square feet allowed by Title 19.08.040. Approval of an associated Variance (VAR-37379) to allow two existing Accessory Structures (Class II) totaling 5,516 square feet and a proposed 1,360 square-foot Accessory Structure (Class I), where 1,598 square feet is the maximum allowed is required to approve this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/12/64	The Board of City Commissioners approved a request for Annexation (A-0003-64) by Ordinance #1137 of 5,000 acres located north of Lone Mountain Road and west of Decatur Boulevard on 05/06/64.
07/23/08	A deed was recorded to show a change in ownership.
03/25/10	The Planning Commission recommended APPROVAL of companion item VAR-37379 concurrently with this application. The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #19/jg).
<i>Related Building Permits/Business Licenses</i>	
05/12/93	A building permit (#93186617) was issued for a single family residence at 6832 Thom Boulevard. The permit was finalized on 9/02/93.
11/16/99	A building permit (#99022045) was issued for a garage conversion at 6832 Thom Boulevard. The permit was finalized on 12/15/00.
10/31/00	A building application (# 3895799) was submitted for a detached building, no permit was issued.
01/16/01	A building permit (#01000717) was issued for a 373 square-foot patio enclosure at 6832 Thom Boulevard. The permit was finalized on 02/14/02.
12/17/09	A building application (# 153299) was submitted for an 840 square-foot Accessory Structure, (Class I). The application was denied, because a Special Use Permit is required.

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<i>Pre-Application Meeting</i>	
01/25/10	A pre-application meeting was held with the applicant where elements of submitting for Special Use Permit for an Accessory Structure (Class I) and a Variance for multiple accessory structures to exceed fifty-percent of the size of the principal dwelling were discussed. The topics included: The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
02/18/10	Staff conducted a site visit and noted a well maintained single family residence on a large rural lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)
North	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)
South	Undeveloped	ML (Medium-Low Density Residential)	R-E (Residence Estates)
East	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)/R-1 (Single Family Residential)
West	Single Family Residence	ML (Medium-Low 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	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Per Title 19.08.040, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	109,723 SF	Y
Min. Lot Width	100 feet	338 feet	Y
Min. Setbacks (Accessory Structures)			
• Front	Not Allowed	N/A	N/A
• Side (N)	3 Feet	35 Feet	Y
• Side (S)	3 Feet	4 Feet	Y
• Rear	3 Feet	26 Feet	Y
Min. Distance Between Buildings	6 feet	96 feet	Y
Max. Lot Coverage	N/A	N/A	N/A
	Lesser of 2 stories, 35 feet or the height of the principal building		
Max. Building Height		21 Feet	Y
Max. Floor Area (Accessory Structures)	1,598 SF	6,876 SF	N

ANALYSIS

This is a request for a Special Use Permit for a proposed 1,360 square-foot, single story Accessory Structure, (Class I) on a developed single-family residential lot at 6832 Thom Boulevard. An Accessory Structure (Class I) use is defined by Title 19.20.020 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.” If the principal dwelling is owner-occupied, a Class I accessory structure may be offered or occupied as a rental unit.

Approval of an associated Variance (VAR-37379) will be required, as the combined floor area of the existing and proposed accessory structures exceeds 50 percent of the floor area of the principal dwelling. The site is 2.52 acres and zoned R-E (Residence Estates). The purpose of the R-E District is to provide for low density residential units located on large lot and conveying a rural environment. Typical R-E uses may require accessory structures that could be larger than the main dwelling unit, such as for Animal Keeping & Husbandry, Horse Corral or Stable (Private) and Livestock Farming (Bovines/Horses). With these types of uses available for an R-E property, staff is recommending approval of the associated Variance. Staff is recommending approval of this Special Use Permit request, as it is compatible with the existing and future land uses of surrounding properties and otherwise meets Title 19.04 requirements for the use.

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 use is compatible with the ML (Medium-Low Density Residential) General Plan designation and is located within an existing R-E (Residence Estates) subdivision and is set back sufficiently from neighboring properties. Therefore, the use can be conducted in a manner that is harmonious and compatible with the surrounding residential uses to the east of the subject property.

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

The subject site is physically suitable for the type and intensity of the proposed Accessory Structure (Class I) use.

- 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 site is accessed by Deer Springs Way, an 80-foot Secondary Collector street and Thom Boulevard, a 65-foot local street. The proposed use is not expected to have any effect on traffic in the area, and therefore this right-of-way will be adequate to accommodate it and the existing uses on the property.

- 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 proposed Accessory Structure (Class I) use will not jeopardize the public health, safety or welfare, as it will be subject to permit review and inspection prior to completion.

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

The proposed Accessory Structure (Class I) use meets the conditions of Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 255 (By City Clerk)

APPROVALS 1

PROTESTS 2