



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-37243 - APPLICANT/OWNER: RICHARD P. BROOKS
AND GRACHELLE G. NESCHKE**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Variance (VAR-25967) shall expire on 01/24/11, unless another Extension of Time is approved by the Planning Commission.
2. Conformance to all applicable conditions of approval for Variance (VAR-25967) as required by the Planning and Development Department.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a previously approved Variance (VAR-25967) to allow a six-foot rear yard setback where a 15-foot rear yard setback is required for a proposed 1,435 square-foot addition to an existing single-family residence on 0.28 acres at 5780 Speaking Rock Avenue. A permit has not been issued for the proposed addition. According to the applicant, there has been a delay in providing acceptable structural plans and additional time is needed. Staff has no objection to the request and recommends approval. If denied, the Variance approval would be allowed to expire.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
09/01/99	The City Council accepted the applicant's request to Withdraw without Prejudice a request for a Rezoning (Z-0038-99) from R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units per Acre) on 10 acres located at the northwest corner of Elkhorn Road and Leon Avenue. The Planning Commission and staff recommended denial of this application.
09/07/99	The Board of Zoning Adjustment accepted the applicant's request to Withdraw without Prejudice a request for a Variance (V-0057-99) to allow zero feet of open space where 21,549 square feet is the minimum required in conjunction with a proposed single-family development located at the northwest corner of Elkhorn Road and Leon Avenue.
12/15/99	The City Council approved a request for a Rezoning (Z-0069-99) from R-E (Residence Estates) to R-PD3 (Residential Planned Development - 3 Units per Acre) on 9.70 acres located at the northwest corner of Elkhorn Road and Leon Avenue. The Planning Commission and staff recommended approval of this request.
12/15/99	The City Council approved a Petition to Vacate portions of Boyd Lane and Leon Avenue between Severance Lane and Elkhorn Road (VAC-0050-99). The Planning Commission and staff recommended approval.
02/21/01	The City Council approved a request for an Extension of Time [Z-0069-99(1)] of an approved Rezoning (Z-0069-99) from R-E (Residence Estates) to R-PD3 (Residential Planned Development - 3 Units per Acre) on 9.70 acres located at the northwest corner of Elkhorn Road and Leon Avenue. The Planning Commission and staff recommended approval of this request.
03/22/01	The Planning Commission approved a request for a Site Development Plan Review [Z-0069-99(2)] for a proposed 27-lot single-family residential subdivision on 9.59 acres at the northwest corner of Elkhorn Road and Leon Avenue. Staff recommended approval of this request.

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04/26/01	The Planning Commission approved a Tentative Map (TM-0013-01) for a 27-lot single-family residential subdivision (Elkhorn/Leon II) on 9.59 acres located at the northwest corner of Elkhorn Road and Leon Avenue. Staff recommended approval of this request.
01/24/08	The Planning Commission approved a request for a Variance (VAR-25967) to allow a six-foot, 10-inch rear yard setback where a 15-foot rear yard setback is required for a proposed 1,435 square-foot addition to an existing single-family residence on 0.28 acres at 5780 Speaking Rock Avenue. Staff recommended denial of this request.
03/12/09	The Planning Commission approved an Extension of Time (EOT-33086) of a previously approved Variance (VAR-25967) to allow a six-foot, 10-inch rear yard setback where a 15-foot rear yard setback is required for a proposed 1,435 square-foot addition to an existing single-family residence on 0.28 acres at 5780 Speaking Rock Avenue. Staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
08/15/01	A building permit was issued (#01014762) for a single-family residence at 5780 Speaking Rock Avenue. The permit received final approval 12/28/01.
11/30/01	A building permit (#01020888) was issued for a pool/spa at 5780 Speaking Rock Avenue. The permit received final approval 03/13/02.
11/15/07	A building permit (#102204) was issued for a 13-foot by 7.5-foot shed at 5780 Speaking Rock Avenue. A final inspection has not been completed.
04/18/08	An application for a building permit (#113320) for an attached room and basement addition was submitted for approval. The permit is pending structural review.
<i>Pre-Application Meeting</i>	
A pre-application meeting was neither required nor held for this request.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
02/09/10	A field check was conducted by staff. A well maintained, single-family residence was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.28

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
North	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
East	Single-Family Residence	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
West	Single-Family Residence	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)

<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 19.06.040, development standards for R-PD districts are established by the approval of a Site Development Plan Review. The following development standards were established by Site Development Plan Review [Z-0069-99(2)]:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,200 SF	12,272 SF	Y
Min. Setbacks			
• Front	15 Feet	15 Feet	Y
• Side	5 Feet	6 Feet	Y
• Rear	15 Feet	6 Feet	Y*
Max. Building Height	2 Stories/35 Feet	1 Story/14 Feet	Y

**Per Variance (VAR-25967), approved 01/24/08.*

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ANALYSIS

This is the second request for an Extension of Time for the subject Variance (VAR-25967), which was approved by the Planning Commission on 01/24/08. The applicant indicates that its structural engineer has been working to provide final plans to the City of Las Vegas; however, the structural engineer has encountered delays. The applicant states this issue is being remedied and requests additional time. A review of the building permits for the subject property confirms that the city of Las Vegas is awaiting structural plan revisions.

FINDINGS

The subject site remains in a similar condition as to the original approval. There have been no notable changes to the surrounding land uses since the Variance was originally approved, and the applicant has submitted building permits which are currently in the review process. Approval of this request will allow the applicant and its structural engineer additional time to submit requested drawings in order to continue with the permitting process. The Departments of Planning and Development and Public Works have no objection to this request for a one-year Extension of Time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

N/A

APPROVALS

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PROTESTS

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