



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JEFFREY D. PAYSON AND BONNIE G. PAYSON

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-50820	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-50820 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Accessory Structure (Class I) use.
2. A final inspection shall be completed for the principal dwelling unit on this site prior to the final inspection for the Class I Accessory Structure.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
October 8, 2013 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to construct an Accessory Structure (Class I) in the rear yard at 4720 Windy Hollow Street. Per the justification letter dated stamped 08/22/13, the stated purpose is to provide living quarters for members of the applicant's extended family. Currently, the site is a vacant lot; however, according to the site plan date stamped 09/03/13, the principal dwelling and accessory structure will be built on site and in conformance with all zoning code requirements. Staff recommends approval of the project, as all Special Use Permit requirements will be met. If denied, an Accessory Structure (Class II) can be built with no cooking facilities.

ISSUES

- A Special Use Permit is required for an Accessory Structure (Class I) use in an R-PD2 (Residential Planned Development – 2 Units Per Acre) zone.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/24/04	The City Council approved a Rezoning (ZON-3998) request from R-E (Residence Estates) to R-PD2 (Residential Planned Development – 2 Units Per Acre). The Planning Commission recommended approval of this request.
05/05/04	The City Council approved a Site Development Plan Review (SDR-3999) request for a four-lot residential development. The Planning Commission recommended approval of this request.
07/08/04	The Planning Commission approved a Tentative Map request for a four-lot single family residential subdivision.
10/15/04	A Final Map (FMP-4950) was recorded creating a four-lot single family residential subdivision.

<i>Most Recent Change of Ownership</i>	
05/29/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/28/05	A building permit (#46140) was issued for a residential block wall. The permit was not finalized.

Staff Report Page Two
October 8, 2013 - Planning Commission Meeting

<i>Pre-Application Meeting</i>	
08/12/13	A pre-application meeting was held with owner to discuss the submittal requirements for an Accessory Structure (Class I).

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held

Field Check	
08/28/13	A field check was conducted on the subject site, in which it was discovered the lot is a vacant dirt lot free of debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.46

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	L (Low Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)
North	Single Family, Detached	L (Low Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
R-PD2 (Residential Planned Development -) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Three
October 8, 2013 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to 19.06, 19.08, etc, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	20,230 SF	Y
Min. Setbacks • Front: House • Side • Corner • Rear	14 Feet 10 Feet 15 Feet 10 Feet	74 Feet 28 Feet N/A 24 Feet	Y Y N/A Y
Min. Distance Between Buildings	6 Feet	8 Feet	Y
Max. Lot Coverage	50% of the rear and side yard	8 %	Y
Max. Building Height	35 Feet	14 Feet	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single, Family Detached	1 Unit	2 per unit	2				
Accessory Structure (Class 1)		1 additional parking space	1				
TOTAL SPACES REQUIRED			3		3		Y
Regular and Handicap Spaces Required			3	0	3	0	Y

ANALYSIS

The applicant is proposing to build a 1,050 square-foot Accessory Structure (Class I) in the rear yard of an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoned property at 4720 Windy Hollow Street. The site is vacant; however, the owner plans to construct a 3,255 square-foot single-family dwelling. The side and rear property have a combined area of approximately 12,427 square feet of the 20,320 square-foot lot. The proposed structure will cover approximately eight percent of the of the rear yard, far below the 50 percent threshold allowed per code.

Staff Report Page Four
October 8, 2013 - Planning Commission Meeting

The Accessory Structure (Class I) use is defined as “an accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provide living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.”

The Minimum Special Use Permit Requirements for this use include:

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

The proposed use meets this requirement, as the parcel is approximately 20,320 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 use meets this requirement, as the owner indicates that the principal dwelling will be owner-occupied once the principal dwelling is constructed. Also, Condition of Approval 2 was added to ensure the principal structure is completed prior to the final inspection on the accessory structure.

The addition of the accessory structure is consistent with the 2020 Master Plan, Housing Element, Discussion 2.1.5 which states: “An examination of innovative approaches to housing feasibility solution in other parts of the country, particularly California, reveals that often, older rejuvenated areas now are viewed as prime real estate and command prices commensurate with the status. By allowing the development of additional units on a lot, be it an accessory apartment within the principal residence, a rear yard casita, or a suite over a detached garage facing an alley, owner may achieve the financial means to upgrade the overall property.” This discussion is followed up with Action 2.1.5a: which states “The City shall amend its Zoning Ordinance and Subdivision Ordinance, as necessary, to allow for accessory apartments and reduced setbacks, under certain tightly controlled conditions, including provision of adequate parking, where such measures will increase the viability and attractiveness of the selected forms of infill development.” This portion of the 2020 Master Plan applies to the Reurbanization Area; however, the objective could be applied here as residential dwelling and accessory structure is part of a four-lot subdivision infill project.

The proposed project meets the minimum site and use requirements for an Accessory Structure (Class 1), as the site is at least 20,000 square feet and meets the required setbacks and distance separation requirements detailed in Title 19 per site plan dated stamped 09/03/13 and floor plan dated stamped 08/22/13. The principal dwelling is not built; however, a Condition of Approval was added to ensure the principal dwelling unit is completed prior to the Accessory Structure (Class I). Additionally, the applicant states in the justification letter that the structure will house extended family. The proposed Accessory Structure (Class 1) will conform to current code and is consistent with the intent of the Housing Element of the City 2020 Master Plan; therefore, staff recommends approval of this request. If denied, an Accessory Structure (Class II) can be built; however, conventional cooking appliances would not be allowed.

Staff Report Page Five
October 8, 2013 - Planning Commission Meeting

FINDINGS (SUP-50820)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.

This project is compatible with the surrounding area, as it meets all code requirements for an Accessory Structure (Class I) use in a R-PD2 (Residential Planned Development – 2 Units Per Acre) zone within an L (Low Density) General Plan designation and is consistent with the intent of the 2020 Master Plan, Housing Element, Discussion 2.1.5.

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

The subject site is physically suitable for this type of use and intensity, as the parcel is approximately 20,320 square feet and the minimum use requirement is 6,500 square feet. Additionally, the architectural style is similar to the existing neighborhood.

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 project is located on Windy Hollow Street, a 50-foot wide residential street that is adequate in size to accommodate 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.

This use will be subject to building inspections via the permitting process; therefore, it will not compromise the public health, welfare or safety.

5.The use meets all of the applicable conditions per Title 19.12.

All minimum conditions for an Accessory Structure (Class I) will be met per site plan and justification letter dated stamped 08/22/13. A Condition of Approval (The principal dwelling unit shall be built and prior issuance of a building permit to construct the Class I Accessory Structure) has been included.

Staff Report Page Six
October 8, 2013 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 320

APPROVALS 0

PROTESTS 0

CONCERNS 1