

07/17/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0240-HUNGRY JOSE LLC:

USE PERMIT for an accessory dwelling in conjunction with an existing single-family residence.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; and **2)** reduce setbacks on 2.21 acres in an RS80 (Residential Single-Family 80) Zone.

Generally located at the northwest corner of Royalite Street and Oregon Avenue within Sandy Valley. JJ/bb/ng (For possible action)

RELATED INFORMATION:

APN:

219-06-101-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping.
2. Reduce the rear yard setback for an existing residence to 41 feet where a minimum of 50 feet is required per Table 30.02.02 (an 18% reduction).

LAND USE PLAN:

SOUTH COUNTY (SANDY VALLEY) - OUTLYING NEIGHBORHOOD (UP TO 0.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 101 South Royalite Street
- Site Acreage: 2.21
- Project Type: Accessory dwelling
- Number of Lots/Units: 1/2

Site Plan

The zoning on this property was established by ZC-1467-94 in October 1994. The original application was for an automobile repair and dismantling yard. The application included several variances that were approved to waive landscaping, on-site paving, and off-site improvements. The variances were subject to a 3 year review. The variances expired in October 1997.

The plan depicts an existing 2,523 square foot single-family residence on 2.21 acres. The front of the house faces east with access from Royalite Street. The rear yard setback is 41 feet from the

house to the property line and 28 feet from a patio cover to the rear property line. The property west of this site is zoned IL (Industrial Light) and was approved for outside storage and landscape waivers in February 2024 with UC-23-0880. The side yard of the subject site includes an existing 1,350 square foot accessory dwelling (manufactured home) with an attached covered patio. The accessory dwelling is approximately 97 feet from the north property line, 103 feet from the west property line, 130 feet from the east property line, and 80 feet from the existing single-family residence. An existing shed is located 34 feet from the southwest corner of the accessory dwelling.

Landscaping

There are approximately 6 trees and a large shrub on the east side of the main house. This application includes a request to eliminate the required 6 foot wide landscape strip and trees adjacent to the streets.

Elevations

The applicant is requesting a special use permit to allow the existing accessory dwelling (manufactured home) to remain without being architecturally compatible with the existing residence. The accessory dwelling has a total height of 11 feet. The primary dwelling and manufactured home are not architecturally compatible as the shingles, siding, and rooflines are different types. The primary dwelling roof is partly pitched and flat, with the manufactured home having a flat metal roof. Both the primary dwelling and the accessory dwelling are painted with tan and desert colors. The primary residence has stucco siding, and the accessory dwelling has painted metal siding.

Floor Plans

The plan shows an accessory dwelling that is 13 feet wide with a 12 foot wide family room addition. The accessory dwelling is 1,350 square feet and includes 2 bedrooms, kitchen, living room, family room, and bathroom. A 440 square foot covered patio is attached to the accessory dwelling. The primary dwelling is 2,523 square feet with 2 bedrooms, a den, living area, kitchen, bathroom, and family room. The primary dwelling has attached covered patio covers on the north (669 square feet), south (308 square feet), east (491 square feet), and west (223 square feet) side of the home. A 500 square foot shed is adjacent to the north side of the covered patio on the north side of the home.

Applicant's Justification

The applicant indicates that although the main house and the manufactured home are not architecturally compatible due to the roofline differentiation and materials, both homes are painted similar colors and have been in place for several years. The applicant also stated that both homes are harmonious with the surrounding area. This site was considered for a restaurant, gas station, and convenience store since 1994 when it was zoned M-1 (Light Manufacturing). The property was approved this year for a Public Works minor deviation to not install off-site improvements. A waiver is being requested to not install a 6 foot wide landscape strip with trees every 30 feet as required for streets built to a non-urban standard.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0084-01	Convenience/Retail use in existing building - expired	Approved by PC	March 2001
ZC-1467-94	Reclassified the site from R-U to M-1 zoning for vehicle repair - expired	Approved by BCC	October 1994

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & South	Outlying Neighborhood (up to 0.5 du/ac)	RS80	Single-family residential
East	Outlying Neighborhood (up to 0.5 du/ac)	RS80	Undeveloped
West	Outlying Neighborhood (up to 0.5 du/ac)	IL	Outside storage

Related Applications

Application Number	Request
ZC-24-0239	A zone change to reclassify 2.21 acres from an IL (Light Industrial) Zone to an RS80 (Residential Single-Family 80) Zone is a companion item on this agenda.

Clark County Public Response Office (CCPRO)

CE23-02191 is an active case for residential uses on industrial property.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Architectural compatibility and building design standards are implemented to ensure that development on a single parcel is visually appealing. The flat roofline and color that the applicant has for the accessory dwelling (manufactured home) is closely matched to the primary residence. The primary dwelling has a modified hip and flat roof with a darker paint. The

accessory dwelling will not have a negative impact on adjacent properties or the character of the neighborhood and Sandy Valley in general. The accessory dwelling is in harmony with the purpose, goals, objectives, and standards of Policy 1.1.3 of the Master Plan, which encourages the integration of detached or attached accessory dwelling units (ADUs) as part of new development and/or in established neighborhoods to support aging-in place and expand the supply of dwelling units. Therefore, staff can support this request.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The property has several existing trees and a large shrub on the east side of the home. The site conditions are not changing with this application beyond a zoning reclassification as a companion item on this agenda, and a waiver for existing rear setback to the main house. The property obtained a minor deviation from Public Works to not install off-site improvements. The intensity and density of this site is decreasing or staying the same with the residential use. Staff supports the waiver of development standards to eliminate street landscaping in this instance.

Waiver of Development Standards #2

The rear yard setback waiver is required due to the main building being converted to a residential use in conjunction with a reclassification to residential zoning. The 9 foot decrease in the minimum 50 foot rear yard setback will not negatively impact the surrounding area or use of adjacent property. There is a 6 foot screen fence located on the rear property line to limit the impact from the adjacent industrial zoned property. Staff supports this request.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time

specified; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel and none are planned within the next 5 years.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: HUNGRY JOSE LLC

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