



City of Las Vegas

Agenda Item No.: 11.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 8, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: **CON-3572 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: YSBM INVESTMENT, LLC - Request for Rezoning FROM C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) TO C-3 (GENERAL COMMERCIAL) on 1.40 acres at 1150 South Las Vegas Blvd. (APNs 402-03-112-003 and 004), Ward 3 (Reese)**

C.C. 11/04/2009

PROTESTS RECEIVED BEFORE

Planning Commission Mtg.

10

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest/Support Postcards

Motion made by STEVEN EVANS to Approve

Passed For: 4; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 2

VICKI QUINN, BYRON GOYNES, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-KEEN ELLSWORTH, GLENN TROWBRIDGE)

NOTE: VICE CHAIRMAN TRUESDELL abstained as he owns property within the notification area.

Minutes:

COMMISSIONER GOYNES declared the Public Hearing open for Items 11 and 12.

STEVE GEBEKE, Planning and Development, indicated that the request is to allow the existing hotel on the subject site to rent rooms for extended stay lodging. The proposed use will not

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increase the parking requirement for the site and the applicant will provide handicap spaces to be in compliance with current Title 19.10 Standards. The resident hotel use is appropriate for the site and can be conducted in a manner that is compatible with the surrounding uses. The site is currently split-zoned and the proposed rezoning is necessary to establish consistent zoning for the entire site. Staff recommended approval of both requests.

DENNIS RUSK, 3530 West Torino Avenue, appeared on behalf of the applicant and agreed with staff's recommendations.

MIKE HANSON asked whether the extended stay designation would allow people who receive assistance from the city, county, state or federal to stay there. MARCO WHEELER, Director of Planning and Development, replied that public assistance has nothing to do with the land use designation. ASSISTANT CITY ATTORNEY BRYAN SCOTT added that it deals only with the amount of time a person can stay in that particular lodging establishment. Since it is a private entity that is creating the extended stay, they would be responsible for getting payment from whoever is staying at that location. The City is not involved with providing funding.

MR. HANSON pointed out that the existing adult bookstore on the street has been a problem in the community and expressed concern that the extended stay motel would exacerbate the problem. He wanted the applicant to be aware of the potential problems, especially with the proposed developments occurring in this area. MR. RUSK assured that his client has no intention of having any kind of adult activities in their motel.

MR. HANSON asked if the rezoning for the extended stay allows other types of retail. MR. RUSK replied that they would only be selling kitchenettes available for those people who want to stay on a weekly or monthly basis rather than overnight. There will be no retail associated with this project.

MR. HANSON reaffirmed his concern about the existing adult bookstore that is not appropriate in this residential neighborhood, and how the extended stay motel would attract problems. COMMISSIONER GOYNES remarked that the adult store is properly licensed. In the event problems arise, he suggested that MR. HANSON call Code Enforcement or the Las Vegas Metropolitan Police Department (Metro). MR. HANSON was surprised that the Planning Commission would condone the extended stay to be located across from a business that has been a problem. COMMISSIONER GOYNES replied that the motel has been there for a number of years and is properly zoned.

ASSISTANT CITY ATTORNEY SCOTT indicated that the C-2 Zoning gives the applicant the right to request an extended stay, but it is currently zoned C-1 for the existing motel. MS. WHEELER explained that currently the property is split-zoned, and the rezoning is because of a problem with the property. The use is allowed in either C-1 or C-2.

VERONICA HOLMES LITVAK asked for clarification of extended stay, the rates, whether the business would be open to tourists and locals, and if the business would be a low-income

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housing facility. MR. RUSK replied he is not aware of the rates, but the motel will be weekly or monthly principally for tourists. It is not meant to be low-income housing. It will be a motel extending the stay from overnight to either full week or full month. Locals could stay for a month while looking for a new home.

YAIR BENMOSHE responded that the business will continue to operate as a motel offering a Continental breakfast and clean rooms. Those staying there, whether for a week or month, will be treated the same as a guest staying for a day. There will be no credit check and the guest must pay with a credit card at the time of check-in. The business will have to comply with Choice Hotels regulations. Regarding the rates, MR. BENMOSHE stated it would depend upon occupancy.

MS. LITVACK requested the items be abeyed so that the applicant could meet with adjacent neighbors. COMMISSIONER GOYNES responded there has not been too much opposition, and he suggested imposing a six-month or one-year review.

LAUNCE RAKE stated he resides within the Huntridge area and asked that the Board keep in mind that this approval may have a detrimental impact on the goals of redevelopment in the Arts District, particularly the inability to attract nightclubs, galleries, and the kind of nightlife residents want to see in the Arts District.

CINDY FRANKHOUSE stated she has lived in this area for 15 years and has seen many of these weekly motels visited by Motor House of problems from people who stay there. The extended stay request would be detrimental to the residents. In fact last year a weekly motel was closed because of problems occurring every single day. STEVE FRANKLIN expressed his objections for the same reasons.

COMMISSIONER EVANS appreciated the applicant's justification for the extended stay request. From experience, these types of businesses can often be a haven for mischief. He pointed out that the zone change would meet the Downtown Centennial Plan but the special use permit is not an absolute right. Most importantly, the application is within the redevelopment district and its goals are to bring in good development and revitalize the area. All those who spoke have an invested interest in the surrounding area, and they make a good argument that this request does not encourage good development. This application would inhibit the kind of development that the City is seeking.

COMMISSIONER EVANS understood the applicants intention, but he disagreed with the fact that this would foster the goals of redevelopment. He referred to the Redevelopment Plan Objectives in which it outlines the different goals. MR. RUSK noted that the facility has been upgraded with added landscaping consistent with the Downtown Centennial Plan. The applicant has invested money in painting, re-carpeting, and updating interior spaces. This franchise has to adhere to strict rules. COMMISSIONER EVANS remarked that extended stays are different than hotels. Projects should not be considered based on the economy and zoning requests should not be granted based on the need to succeed in business.

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MR. BENMOSHE appreciated the residents concerns and stated he purchased the property as an investment and has spent approximately one million dollars in renovations. He has never had problems with Metro. He would not rent rooms to people who would destroy it. He could still rent the motel weekly and comply, but people ask to remain longer; therefore, he requested an extended stay motel. There are people who come to Las Vegas looking for work who need to stay longer than a week.

COMMISSIONER GOYNES was willing to entertain an abeyance for the applicant to hold a neighborhood meeting and discuss their concerns. MR. BENMOSHE was amenable to an abeyance.

COMMISSIONER QUINN remarked that she could not support the request if appropriate handicap spaces were not provided. MR. RUSK replied that based on a percentage they would meet the handicap requirement, which could be imposed as a condition.

COMMISSIONER EVANS indicated that this project does not foster the goals of the Redevelopment Agency. He received many calls and he suspects this will receive a large number of opposition when the item comes before the City Council. This is the wrong location for this type of business. He suggested the applicant meet with residents before the City Council meeting.

COMMISSIONER EVANS did not have an issue with the zoning because it brings the parcel into compliance; however, he cannot support the special use request because it does not foster the redevelopment goals and objectives of the City.

VICE CHAIR TRUESDELL suggested the applicant reach out to the neighbors before the City Council meeting.

COMMISSIONER GOYNES declared the Public Hearing closed for Items 11 and 12.