



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/ OWNER: ZEUS1 INVESTMENTS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-66806	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 314

APPROVALS 0

PROTESTS 8

**** CONDITIONS ****

SUP-66806 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use, except as amended herein.
2. 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.
3. A Waiver from Title 19.12 is hereby approved, to allow a 292-foot distance separation from another Short-Term Residential Rental use, where 660 feet is required.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit with a waiver to allow a Short-Term Residential Rental use at 1612 South 6th Street.

ISSUES

- A Short-Term Residential Rental use is permitted in the R-1 (Single Family Residential) zoning district as a Conditional Use. However, since the subject site is located within 241 feet of a similar use, a Special Use Permit and distance separation waiver are required.
- Staff recommends denial of this request as the applicant cannot meet Title 19 requirements.

ANALYSIS

The applicant is proposing to utilize their single family dwelling as a Short-Term Residential use at 1612 South 6th Street. While the use is allowed as a Conditional Use in the R-1 (Single Family Residential) zoning district, a Special Use Permit and waiver are required since the subject site is located within 241 feet of a similar use. The subject site is also located within the John S. Park Historic Neighborhood Special Area. The proposed Short-Term Residential use is not compatible with the neighborhood goal of preventing properties currently zoned for single-family residential use from being converted to commercial use.

The Short-Term Residential Rental use is defined as “The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than 31 consecutive calendar days. This use does not include a “Community Residence,” “Facility for Transitional Living for Released Offenders,” or any other facility with dwelling units that is specifically defined in Chapter 19.18.” The proposed use meets this definition as the applicant intends to rent out their single-family dwelling for short-term use.

The Minimum Special Use Permit Requirements for this use include:

1. The operator must obtain a business license to operate the use.

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If this Special Use Permit is approved, the applicant will be required to obtain a business license.

2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees.

If a business license is issued for the Short-Term Residential Rental use, it will be subject to license renewal and annual compliance review to ensure that all regulatory requirements are being met.

3. The use must comply with the City's noise regulations as they apply to residential uses.

If this use violates the City's noise regulations, neighbors or members of the public can file a complaint to the Code Enforcement Division, which could result in a fine.

4. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.

If the parking regulations are violated or any traffic obstruction to other properties, the public can either call the Las Vegas Metropolitan Police Department or the Business License Division for non-compliance of business license requirements.

5. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Minimum Special Use Permit Requirement or other condition of approval associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.

If approved, this application will be subject to annual review for compliance of the special use permit by the Department of Planning.

6. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured from property line to property line).

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The subject property is within 241 feet from another Short-Term Residential Rental use. This Special Use Permit application is accompanied with a request for a waiver of the distance separation.

7. The maximum occupancy of the residential dwelling unit shall not exceed the limits provided for in LVMC 6.75.090.

Business License will conduct compliance inspections once a business license is approved for compliance review.

The proposed Short-Term Residential Rental use will not be compatible with the surrounding residential uses due to the existing similar use that is currently licensed within 241 feet from the proposed subject property. The minimum special use permit requirements specify that the distance to similar uses shall be at 660 feet; therefore, staff recommends denial. If this application is approved, it is subject to conditions.

FINDINGS (SUP-66806)

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.**

The proposed land use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses due to the waiver request of 241-foot distance separation from similar uses.

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

The subject site is not physically suitable for the type and intensity of land use proposed due to the similar uses within 241 feet.

- 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 subject site can be accessed from South 6th Street, a local street.

- 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.**

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Approval of the Special Use Permit on this site will be subject to conditions of approval and business license compliance

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

The proposed use does not meet all of the applicable conditions of Title 19.12. The use may not be closer than 660 feet from any other Short-Term Residential Rental use. The applicant is requesting a waiver to allow 241-foot distance separation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/01/16	The Planning Commission voted (4-0) to hold SUP-66806 in abeyance to the December 13, 2016 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
07/12/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/23/16	A business license (#G64-01367) was denied for a proposed short-term rental at 1612 South 6 th Street.

<i>Pre-Application Meeting</i>	
09/14/16	Staff held a pre-application meeting where the submittal requirements and deadlines were discussed.

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

<i>Field Check</i>	
09/26/16	Staff conducted a routine field check and found the site to be well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.24

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	L (Low Density Residential)	R-1 Single Family Residential
North	Single Family, Detached	L (Low Density Residential)	R-1 Single Family Residential
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

Master Plan Areas	Compliance
John S. Park Historic Neighborhood	N
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A