



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MARY BARTSAS 13, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SDR-68681	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 107

APPROVALS 0

PROTESTS 4

**** CONDITIONS ****

SUP-68681 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use.
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. 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.
4. 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.
5. 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 to allow a Short-Term Residential Rental use within the R-A (Ranch Acres) zoning district at 2701 Alta Drive.

ISSUES

- On September 13, 2016, the Department of Planning, Code Enforcement Division opened a case (#170548) in response to a complaint received in regards to loud events being held at 2701 Alta Drive at all hours of the day and night, Monday through Sunday.

ANALYSIS

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 Minimum Special Use Permit Requirements for this use include:

- Requirement 1: The operator must obtain a permit from the Business Services Division to operate the use. The use must be operated by either the property owner or a property manager who holds a permit to engage in property management pursuant to NRS Chapter 645. For a use to be operated by the property owner, a separate permit must be obtained for each rental. For a use to be operated by a property manager, the permit shall be an annual permit, renewable annually at the discretion of the Division, subject to the provisions of Condition Use Regulation 6. In each case the operator shall pay such fee as the Division may establish for the permit. A copy of the permit, including all conditions established or imposed pursuant to Conditional Use Regulation 4, shall be posted in a conspicuous place within the rented premises.

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If this application is approved, the property owner will be required to obtain a business license in order to operate as a Short-Term Residential Rental.

Requirement 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. However, a permit issued under Conditional Use Regulation 1 shall be deemed to take the place of a license otherwise required by LVMC 6.46.020.

If this application is approved, the property owner will be required to obtain a business license which has stringent regulations as defined by Title 6. If the applicable fees and taxes are not paid in a timely manner, the business license will be revoked.

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

As a condition of the business license, the proposed use must comply with all applicable noise regulations or face possible fines and/or license revocation.

Requirement 4: In connection with the issuance of a permit under Conditional Use Regulation 1, the Business Services Division may establish additional conditions on the use, including without limitation a time limit on outdoor activities and a limit on the number of occupants and guests that are on the premises at any one time. In addition, at any time following issuance of the permit, the Division may impose additional conditions on, or otherwise amend, the permit. The permit may be revoked or suspended immediately for noncompliance with these regulations or with applicable permit conditions, at which time the use permitted as a conditional use shall immediately cease.

If approved, and the use fails to comply with the Minimum Special Use Permit Requirements set forth by Title 19.04, the licensee is subject to all means of enforcement, including civil proceedings.

Requirement 5: 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.

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Title 19.04 does not require additional parking beyond that which is required for the principal use on the site, which in this case is a single family residence. If approved, the use will be required to park on-site and not obstruct traffic or access to other properties in the area.

Requirement 6: The operator shall notify the Business Services Division of any change in the operator's telephone number and other contact information. Any change in operator shall require the issuance of a new permit.

The property owner will be responsible for providing contact information as part of the business licensing process and keeping the information current.

Requirement 7: The operator must be available at all times to respond to law enforcement authorities and to concerns from neighborhood residents, and to take remedial action in the event of noncompliance with law or with permit conditions.

The property owner will be responsible for providing contact information as part of the business licensing process.

FINDINGS (SUP-68681)

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 is capable of being conducted in a manner that is harmonious and compatible with the existing surrounding residential neighborhood.

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

The subject site is a single family, detached dwelling suitable for a Short-Term Residential Rental as defined by Title 19.04.

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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.

Alta Drive is a 35-foot wide Major Collector as defined by the Master Plan of Streets and highways which is adequate in size to accommodate a Short-Term Residential Rental as defined by Title 19.04.

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.

Approval of this request will compromise the public welfare as the applicant has demonstrated noncompliance with the Conditions of Title 19.04.

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

As demonstrated by the complaint received and currently under investigation by the Department of Planning, Code Enforcement division, the proposed use does not meet Requirements one, two, three, five, and seven.

As evidenced by the inspections performed by the Department of Planning, Code Enforcement Division, the subject site has been operating as a Short-Term Residential Rental and a Banquet Hall without the applicable business licenses as required by Title 6 and Title 19 and are already in violation of Condition Number's one, two, three, five, and seven of this Special Use Permit application. For these reasons, staff is recommending denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/13/16	Code Enforcement processed a complaint (#170548) for loud events occurring at 2701 Alta Drive during the week and weekends. The case currently remains open. The following is a history of inspections performed by Code Enforcement: • During an inspection performed on 09/13/16 staff observed a party rental truck on-site picking up tables and chairs. • On 09/15/16 while conducting research on the site, staff came across a wedding announcement scheduled for the subject site on 09/16/16.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
	• Staff performed a site inspection on 09/17/16 and found no activity at the site during the inspection. • Staff performed a site inspection on 09/27/16 and found no activity at the site during the inspection. • Staff performed a site inspection on 09/28/16 and found no activity at the site during the inspection. A Notice and Order was posted on the garage door. • Staff performed a site inspection on 10/10/16 and found no activity at the site during the inspection. • On 10/15/16 a neighboring complainant allowed staff into their rear yard where loud music was heard, and photos of a large gathering in the rear yard of 2701 Alta Drive were taken from the complainant's rear yard. Staff then drove to 2701 Alta Drive and was able to speak to the renter who advised staff that the single family residence was leased for October 14th through the 16th for a wedding and reception. • During a site inspection performed on 10/15/16, staff observed approximately six uniformed catering staff and tables being set-up at 2701 Alta Drive. Staff spoke with a renter who stated they rented the home through a "friend of a friend" and had leased it for Friday, October 14th through Sunday, October 16th. • Staff performed a site inspection on 10/18/16 and found no activity at the site during the inspection. • On 10/21/16, staff responded to a request to inspect 2701 Alta Drive where staff observed tables and decorations in the front driveway with vehicles parked in the vacant lot to the east. Staff was able to observe the rear yard of 2701 Alta Drive from 2700 Pinto Lane and observed the rear yard decorated and set-up for a wedding ceremony to accommodate approximately 200 people, with 10-15 people there at the time of the inspection for wedding rehearsals. The renter informed staff that the wedding was planned 3-4 months ago through AirBNB, with the wedding scheduled for 10/22/16 at 4:30pm. Staff advised renter that the property was not licensed for this activity.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
	• During a site inspection performed on 10/22/16, staff observed vehicles parked on the vacant lot to the east of 2701 Alta Drive and a wedding occurring in the rear yard. • On 10/24/16, staff conducted a follow-up inspection and observed a cleaning crew on-site. • Staff performed a site inspection on 10/27/16 and found no activity at the site during the inspection. • During an inspection performed on 10/29/16, staff observed a truck and UHaul parked at 2701 Alta Drive. Staff was able to make contact and was informed that the inhabitants were given permission to stay at the home for the weekend for no charge, with no contract. • Staff performed a site inspection on 11/05/16 and found no activity at the site during the inspection. • Staff performed a site inspection on 11/12/16 and observed numerous teenage girls in formal wear. Staff made contact with an adult female and was informed the house was leased through Sunday for a Sweet Sixteen party. Staff asked for a copy of the lease, but was informed it was not “handy” and acknowledged no loud music was allowed. • On 11/12/16, staff responded to a complaint of a large event being held at 2701 Alta Drive. Staff observed over 20 vehicles using the vacant lot to the east for parking for a Sweet Sixteen party being held. A property owner representative was contacted and claimed to have a permit for the activities. Staff informed the representative that the activity was not permitted and a fine would be assessed. For both 2701 Alta Drive and the lot to the east. Staff was also allowed entry to the rear yard of the complainant of Pinto Lane where staff recorded the music and public announcement (PA) system from more than 50 feet away from the shared rear property line. • Staff was able to make contact with an occupant on 11/19/16 where staff was informed that the occupant was a family friend staying there for no fee.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
	• Staff performed a site inspection on 11/28/16 and found no activity at the site during the inspection. • Staff performed a site inspection on 12/03/16 and found a trailer parked in the driveway, a follow-up inspection was scheduled. • During the follow-up inspection performed on 12/05/16, staff was able to make contact with inhabitants who informed staff the house was being rented for National Finals Rodeo (NFR). Three vehicles with out-of-state license plates, and a trailer were observed on-site. • Staff performed an inspection on 12/10/16 where the same trailer was observed parked on-site. • On 12/17/16, staff observed the same trailer still parked on-site. Staff was unable to make contact with anyone. • Staff performed an inspection on 12/23/16 where staff was able to make contact with an individual who was the property owner and referred staff to a representative for further information. • Staff performed a site inspection on 01/04/17 and found no activity at the site during the inspection. • Staff performed a site inspection on 01/07/17 and found no activity at the site during the inspection. • Staff attended the pre-application conference, where the owner's representative was informed the site will be periodically inspected.

<i>Most Recent Change of Ownership</i>	
05/28/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/19/10	A building permit (#159102) was issued for a gas test and tag at 2701 Alta Drive. The permit received its final inspection on 04/13/10.

<i>Pre-Application Meeting</i>	
01/04/17	Staff conducted a pre-application meeting where the submittal requirements for a Special Use Permit were discussed.

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Neighborhood Meeting	
02/21/17	Meeting Start Time: 6:00 p.m. Meeting End Time: 8:15 p.m. In Attendance: Councilwoman Lois Tarkanian Planning Commissioner Vicki Quinn Representatives from Ward 1 Council Office Representative from the Dept. of Planning Local News Media Approximately 32 Neighbors (Public) The meeting began with the applicant's representative giving a history of the property and apologizing to the neighbors for the events that have occurred at the subject site. The representative offered the neighbors a six-month trial period and to have the Special Use Permit reviewed in six months by the City Council at a public hearing. • The neighbors refused to agree to a six-month review. • The neighbors would not support the actual at all. • The neighbors felt the property owner has not been a good neighbor and do not deserve a trial period. • Neighbors reported weddings, parties, Quinceanera's, etc. • These loud events with speakers, DJ's, etc. have kept the neighborhood awake all hours of the night. • Neighbors reported the guests of these "parties" using the vacant lot to the east as a parking lot, stirring up dust. • Neighbors reported the property owners would not respond to complaints of loud events late at night. • Neighbors want Government to step up and start enforcing the codes and laws. The concluded with the property owners representative thanking the neighbors for coming and giving their feedback, and that he would be reporting back to the property owners what was discussed at this meeting.

Field Check	
02/02/17	During a routine field check, staff observed an unoccupied single family residence. Nothing of concern was noted by staff during the field check.

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Details of Application Request	
Site Area	
Net Acres	0.91

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	DR (Desert Rural Residential Density)	R-A (Ranch Acres)
North	Single Family, Detached	DR (Desert Rural Residential Density)	R-A (Ranch Acres)
South	Single Family, Detached	DR (Desert Rural Residential Density)	R-A (Ranch Acres)
East	Single Family, Detached	DR (Desert Rural Residential Density)	R-A (Ranch Acres)
West	Single Family, Detached	DR (Desert Rural Residential Density)	R-A (Ranch Acres)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District – 175 Feet	Y
RP-O (Rural Preservation Overlay District)	Y
Other Plans or Special Requirements	Compliance
Rancho Charleston Land Use Study	Y
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Alta Drive	Major Collector	Master Plan of Streets and Highways	35	Y