



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 9, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JUNE GALLAGHER REVOCABLE TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-69679	Staff recommends DENIAL, if approved subject to conditions:	
SUP-69680	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 351

PROTESTS 4 - SUP-69679
1 - SUP-69680

APPROVALS 0

**** CONDITIONS ****

SUP-69679 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. A Waiver from Title 19.12 is hereby approved, to permit a zero-foot distance separation from another Short-Term Residential Rental use.
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.

SUP-69680 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. A Waiver from Title 19.12 is hereby approved, to permit a zero-foot distance separation from other Short-Term Residential Rental uses.

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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

The applicant is proposing to operate two Short-Term Residential Rental uses within the existing single-family dwelling and the existing guest house at 1640 Arville Street.

ISSUES

- The applicant is requesting for two Special Use Permit applications to allow the proposed Short-Term Residential Rental use to be located within the primary dwelling and the guest house.
- Pursuant to Title 19.12, a Short-Term Residential Rental use is permitted in the R-E (Residence Estates) zoning district as a Conditional Use, but requires a 660-foot separation from a similar use.
- Two Special Use Permits with Waivers to allow a zero-foot distance separation from a similar use where 660 feet are required for the proposed Short-Term Residential Rental uses. Staff does not support this request.

ANALYSIS

The subject property contains a primary dwelling, a legal non-conforming Accessory Structure (Class I) [Guest house] and an Accessory Structure (Class II) [Storage]. The proposed Short-Term Residential Rental uses will be located in the single-family dwelling and in the guest house. Both Special Use Permit applications will require a Waiver of the distance separation from similar uses. The first Special Use Permit application is for the primary dwelling which requires a Waiver to allow a zero-foot distance separation from the existing Short-Term Residential Rental use on the adjacent property. The second Special Use Permit is for the guest house which requires a Waiver to allow a zero-foot distance separation from both the primary dwelling and the existing Short-Term Residential Rental use on the adjacent property. The subject property is located within the Airport Overlay and Rural Preservation Overlay Districts and the proposed uses will not have an effect on those overlay districts.

A Short-Term Residential Rental use is permitted in the R-E (Residence Estates) zoning district as a Conditional Use. However, since the proposed use does not meet the Conditional Use Regulations, a Special Use Permit is required. As such, the following analysis is required:

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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 applicant’s justification letter date stamped on 04/19/17 states that the two units will be used to house guest for not more than 30 days.

The Minimum Special Use Permit Requirements for both Short-Term Residential Rental uses include:

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

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 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 would result in enforcement action.

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, if traffic is obstructed 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.

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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.

This application, if approved, will be subject to annual review for compliance with the Special Use Permits 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).

The subject property is adjacent to 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 the business license is approved.

The proposed Short-Term Residential Rental uses would not be compatible with the surrounding residential uses due to the existing similar use that is currently licensed within zero feet of the subject property. Approval of the two Special Use Permit applications would result in a land use similar to a Commercial Hotel/Motel use; therefore, staff recommends denial, if these applications are approved, they are subject to conditions.

FINDINGS (SUP-69679 and SUP-69680)

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.**

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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 requests of zero-foot distance separation from similar use from an adjacent property and the proposed use on the subject site. Approval of the two Special Use Permit applications would result in a land use similar to a Commercial Hotel/Motel use.

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

The subject site is physically suitable for use as a Short-Term Residential Rental, but not at the intensity proposed.

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 facility can be accessed from Arville Street, a 60-foot wide local street, which is adequate for the use proposed.

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.

The approval of the Special Use Permits on this subject property will be subject to condition of approval, business license approval, and compliance inspections to assume it will not compromise the public health safety and welfare.

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. Short-Term Residential Rental use may not be closer than 660 feet to any other Short-Term Residential Rental use. The applicant is requesting a waiver to allow zero-foot distance separation for both Short-Term Residential Rental uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no related City actions for this property.	

<i>Most Recent Change of Ownership</i>	
12/22/16	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
1952	The primary dwelling at 1640 Arville Street was constructed.
05/25/66	A building permit (#33881) was issued for remodel for a guest house at 1640 Arville Street. The permit was finalized on 08/23/66.
06/24/66	A building permit (#34234) was issued for a shed remodel at 1640 Arville Street. The permit was finalized on 08/19/66.
11/02/16	A Code Enforcement case (#171949) was processed on a complaint of squatters on the property located at 1640 Arville Street. The case was resolved on 12/08/16.
05/01/17	A Code Enforcement case (#170861) was processed for a complaint of squatters on the property located at 1640 Arville Street. The case is currently active.

Pre-Application Meeting	
03/13/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
03/30/17	A field check was conducted by staff and observed a vacant property which is in a process of a clean up.

Details of Application Request	
Site Area	
Net Acres	0.36

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Multi-Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)

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<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>
East	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
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>
No Applicable Special Purpose or Overlay Districts	N/A
A-O (Airport Overlay) District	Y
Rural Preservation Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Arville Street	Local Street	Title 13	60	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 660-foot distance separation is required from similar use.	To allow a zero-foot distance separation from similar use.	Denial
A 660-foot distance separation is required from similar use.	To allow a zero-foot distance separation from similar use.	Denial