



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: LAURINCE LOVELIFE - OWNER: THOMAS AND YOLANDA MASON

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-70244	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 229

PROTESTS 11

APPROVALS 0

**** CONDITIONS ****

SUP-70244 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 allow a zero-foot distance separation from a similar use.
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 to allow a Short-Term Residential Rental use at 2323 Palomino Lane.

ISSUES

- A Short-Term Residential Rental use is permitted in the R-E (Residence Estates) zoning district as a Conditional Use. However, since the subject site is located within zero feet of a similar use, a Special Use Permit and distance separation waiver are required. Staff recommends denial.

ANALYSIS

The applicant is proposing to utilize a single family dwelling as a Short-Term Residential Rental use. While the use is permitted as a Conditional Use in the R-E (Residence Estates) zoning district, a Special Use Permit and waiver are required, since the subject site is located zero feet from a similar use. There is a Short-Term Residential Rental use on the property adjacent to the east. The subject site is surrounded by single family dwellings to the north, east and west. A shopping center is located on the property adjacent to the south. The proposed short-term rental use site is located within the Rancho Charleston Land Use Study area. The applicant's request is not compatible with the goals of this study, as it encourages the protection of existing residential neighborhoods from any additional encroachment by commercial and/or office uses.

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 its 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 create any traffic obstruction to other properties, the public can either call the Las Vegas Metropolitan Police Department or the Business License Division for noncompliance 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 located adjacent to another Short-Term Residential Rental use. This Special Use Permit application is accompanied by 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 on the adjacent property to the east. Code requirements are there to discourage the saturation of Short-Term Residential Rental uses within residential areas. The minimum special use permit requirements specify that the distance between similar uses shall be at least 660 feet; therefore, staff recommends denial. If this application is approved, it is subject to conditions.

FINDINGS (SUP-70244)

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 existence of a similar use located adjacent to the subject property.

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

The subject site is physically suitable for the type and intensity of land use 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 subject site can be accessed from Oakey Boulevard, an 80-foot public right-of-way and is adequate in size to meet the requirements of the proposed use.

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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 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 permit an 89-foot distance separation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no relevant city actions on file.	

<i>Most Recent Change of Ownership</i>	
05/27/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits/business licenses on file.	

<i>Pre-Application Meeting</i>	
04/27/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

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

<i>Field Check</i>	
05/04/17	Staff conducted a routine field check and found a well maintained single family dwelling.

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Details of Application Request	
Site Area	
Net Acres	0.50

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 Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
	Office, Medical or Dental	O (Office)	P-R (Professional Office)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Rancho Charleston Land Use Study	N
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District	Y
Rural Preservation Overlay District	N
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A