



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 10, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: AARON W. OETTING, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-73298	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 300

PROTESTS 21

APPROVALS 1

**** CONDITIONS ****

SUP-73298 CONDITIONS

Planning

1. At such time as the property is put up for sale, the property owner shall voluntarily expunge the Special Use Permit.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use.
3. 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.
4. A Waiver from Title 19.12 is hereby approved, to allow a 174-foot distance separation where 660 feet is required.
5. The use shall not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit.
6. Prior to the issuance of a Short-Term Residential Rental business license all inspections required by the City of Las Vegas must be approved.
7. All necessary business licenses shall be obtained in compliance with Title 6 prior to any rental activities.
8. 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.
9. 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.
10. 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

Applicant is proposing to operate an owner occupied Short-Term Residential Rental use within the existing single-family dwelling at 822 Park Paseo.

ISSUES

- Pursuant to Title 19.12, a Short-Term Residential Rental use is permitted in the R-1 (Single Family Residential) zoning district as a Conditional Use.
- A Short-Term Residential Rental business license at 801 Park Paseo became inactive on 06/14/18.
- There is an active Short-Term Residential Rental business license at 1280 8th Place.
- A Waiver has been requested to allow the use to be 610 feet from an existing Short-Term Residential Rental use, where 660 feet is required. Staff does not support this waiver request.
- Applicant is required to schedule an inspection through the Department of Planning - Code Enforcement Division. The inspection must be approved prior to the issuance of the business license.

ANALYSIS

The property contains a single-family dwelling, is zoned R-1 (Single Family Residential); and is subject to Title 19 requirements. The dwelling contains 3 bedrooms per Clark County Assessor records. Short-Term Residential Rental use is permitted in the R-1 (Single Family Residential) zoning district as a Conditional Use. The proposed use would not meet the Conditional Use Regulations requiring it be 660 feet from any other Short-Term Residential Rental use; therefore, per Title 19.12.040 a Special Use Permit is requested.

This Special Use Permit request was held in abeyance to determine an accurate count and disposition of active Short-Term Residential Rental licenses in the neighborhood. At the time of Planning Commission meeting on 06/12/18, there were two active licenses within 660 feet of applicant's property. The first (G64-07435) was at 801 Park Paseo, a distance of 174 feet. The second (G64-07053) was at 1280 8th Place, a distance of 610 feet. A couple days later, on 06/14/18, the business license for 801 Park Place became inactive. There remains only one active Short-Term Residential Rental license within

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660 feet of applicant's property. Within the greater neighborhood, bounded by Charleston, Oakey, 6th Street, and Maryland Parkway, there are four additional active licenses for Short-Term Residential Rentals.

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 entire dwelling unit or one or more individual rooms within 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. For purposes of this Title, this use does not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential rental use." Per justification letter stamped 05/27/18, the site is a three bedroom, two bathroom single family residence. Applicant is proposing to rent one of the three bedrooms on a short term basis, and be owner occupied during the rental period. Due to an existing short-term residential rental located at 801 Park Paseo, applicant is not able to meet the minimum requirements for a Conditional Use Verification and is requesting a Special Use Permit. Additionally, the following analysis is required:

The Minimum Special Use Permit Requirements for this use include: (The requirements marked with an asterisk cannot be waived.)

- *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 prior to operating.

- *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 this Short-Term Residential Rental, it will be subject to license renewal and annual compliance review to ensure that all regulatory requirements continue to be met.

- *3. The use must comply with the City's noise regulations as they apply to residential uses, as well as any applicable provisions of the Municipal Code that may pertain to odor nuisances.

The Code Enforcement Division will investigate noise and odor nuisance allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

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- *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.

The Code Enforcement Division will investigate traffic and access obstruction allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

- *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 a business license is issued for this Short-Term Residential Rental, it will be subject to license renewal and annual compliance review to ensure that all regulatory requirements continue to be met.

- *6. The use is allowed in the P-O, O, C-1, C-2 and C-PB Zoning Districts only in connection with the residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming use.

This condition does not apply, as the site is not zoned P-O, O, C-1, C-2 or C-PB.

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

The Code Enforcement Division will investigate maximum occupancy allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

8. 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 applicant has requested a waiver of this requirement to allow the proposed Short-Term Residential Rental to be 610 feet from the nearest existing Short-Term Residential Rental use, where 660 feet is required. Staff does not support the waiver request.

Additional parking for a Short-Term Residential Rental is only required if the unit has more than five bedrooms, at which point one additional space shall be required for every two additional bedrooms or fractional portion thereof. The proposed Short-Term Residential Rental has 3 bedrooms and therefore is not required to provide additional parking.

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The proposed Short-Term Residential Rental use is not compatible with the surrounding residential uses due to the existence of a licensed short term rental 610 feet from the subject site. Code requirements are intended to discourage the saturation of Short-Term Residential Rental uses in 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-73298)

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 Short-Term Residential Rental use cannot be conducted in a manner harmonious and compatible with the existing surrounding land uses. The property is located 610 feet from an existing Short-Term Residential Rental use, where 660 feet is required.

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

The site is physically suitable for the use as a Short-Term Residential Rental.

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 proposed Short-Term Residential Rental use will be accessed from Park Paseo, a 50-foot wide local street, which will provide adequate access for the proposed use.

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 Permit on this subject property will be subject to conditions of approval, business license approval, and compliance inspections to assure it will not compromise the public health safety and welfare.

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

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The proposed Short-Term Residential Rental use complies with all of the Special Use Permit requirements listed in Title 19.12 with the exception of the distance separation from a similar, existing use. Applicant has requested a waiver to allow a 610-foot separation, where 660 feet is required. Staff does not support this waiver request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/12/18	The Planning Commission voted (6-0) to hold SUP-73298 [PRJ-72951] in ABEYANCE to the July 10, 2018 Planning Commission meeting.
06/14/18	Code Enforcement case (#190338) was opened for multiple unlicensed Short-Term Residential Rental use, February through June 2018. Case unresolved.

<i>Most Recent Change of Ownership</i>	
09/14/15	Deed recorded for change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/17/16	A building permit (#330215) was issued for an HVAC system at 822 Park Paseo. The permit received its final inspection on 11/29/17.
12/06/16	A building permit (#331242) was issued for a 380 square foot addition. Application status is closed.

<i>Pre-Application Meeting</i>	
03/15/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Short-Term Residential Rental use.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required or held.	

<i>Field Check</i>	
05/03/18	During a routine field check, staff observed the single family dwelling. No signs of trash or debris.

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Details of Application Request	
Site Area	
Net Acres	0.19

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

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
John S. Park Historic District	Y
John S. Park Neighborhood Plan	Y
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Park Paseo	Local Street	Title 13	50	Y

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Waivers		
Requirement	Request	Staff Recommendation
A Short-Term Residential Rental use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured property line to property line).	To allow a Short-Term Residential Rental use to be 610 feet from an existing Short-Term Residential Rental use.	Denial