



## AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ANTHONY KERSHAW

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### \*\* STAFF RECOMMENDATION(S) \*\*

| CASE<br>NUMBER | RECOMMENDATION                                    | REQUIRED FOR<br>APPROVAL |
|----------------|---------------------------------------------------|--------------------------|
| SUP-74820      | Staff recommends APPROVAL, subject to conditions: | N/A                      |

### \*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 353

PROTESTS 2

APPROVALS 0

**\*\* CONDITIONS \*\***

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## SUP-74820 CONDITIONS

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### 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, unless waived herein.
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. 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.
5. The applicant shall contact the Department of Planning – Code Enforcement Division to schedule an inspection of the property. The inspection shall be completed and passed prior to the renewal of the business license for the Short-Term Residential Rental use.
6. 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.
7. 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.
8. 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 a Short-Term Residential Rental use within the existing single-family dwelling at 3408 Casa Grande.

The subject site has been operating as a Short-Term Residential Rental with a business license issued on 10/18/16, but requires a Special Use Permit to continue operating after 6/30/19 per Ordinance No. 6585.

**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.
- The applicant will not comply with the owner occupied requirements and bedroom limitations of the conditional use regulations and therefore per Title 19.12.040 a Special Use Permit is required.
- The applicant has been operating a Short-Term Residential Rental at this site under business license (G64-07541) issued on 10/18/16. The applicant received planning approval through a Conditional Use Verification (CUV-67270) issued on 10/17/16. As a result of Ordinance 6585, adopted on 06/21/17, existing Short-Term Residential Rentals are required to be approved via a Special Use Permit prior to 07/01/19.
- The applicant is required to schedule an inspection through the Department of Planning - Code Enforcement Division. The inspection must be approved prior to the renewal of the business license.

**ANALYSIS**

The subject property contains a single-family dwelling, is zoned R-1 (Single Family Residential); and is subject to Title 19 requirements. The submitted floor plan indicates four bedrooms, while the Clark County Assessor indicates three bedrooms. Staff will be alerting Code Enforcement to inspect and verify that no work has been completed on the house (by current or past owners) without obtaining permits. If such work has occurred, permits and final inspections will be required. The Short-Term Residential Rental definition specifically prohibits the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. Staff has included a recommended condition that includes that restriction.

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A 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 to be owner occupied during each period the unit is rented, to be 660 feet from any other Short-Term Residential Rental use, and to contain three or fewer bedrooms; therefore, per Title 19.12.040 a Special Use Permit is required. If another Short Term Residential Rental Special Use Permit (SUP) is approved within the 660-foot separation radius after a complete application is submitted, the additional SUP may factor into the determinations made by staff, Planning Commission and City Council. Further, it may necessitate additional waivers, renotification at the expense of the applicant, and delays in obtaining final action.

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 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.” 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.

*The applicant will be required to maintain the current 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.

*The active business license issued for this Short-Term Residential Rental 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.

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*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.*

- \*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.

*The current business license 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 subject 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 proposed use meets this requirement, as the subject property is 982 feet from the nearest Short-Term Residential Rental use.*

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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 property is located within a residential neighborhood. The site meets the distance separation requirements and the use can continue to be conducted in a manner that is harmonious with existing surrounding land uses; therefore, staff recommends approval subject to conditions.

**FINDINGS (SUP-71248)**

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 can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses. The subject property is located more than 660 feet from another Short-Term Residential Use.

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

The subject 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 Casa Grande Avenue, a 49-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.**

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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.**

The proposed Short-Term Residential Rental use complies with all of the Special Use Permit requirements listed in Title 19.12.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |                                                                                                                         |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 10/17/16                                                                   | A Conditional Use Verification (CUV-67270) was approved for a Short-Term Residential Rental at 3408 Casa Grande Avenue. |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 05/10/16                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                           |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 10/18/16                                                 | A business license (G64-07541) was issued for a Short-Term Residential Rental at 3408 Casa Grande Avenue. |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                             |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/09/18                              | 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. |

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

| <b><i>Field Check</i></b> |                                                                                                                |
|---------------------------|----------------------------------------------------------------------------------------------------------------|
| 11/01/18                  | During a routine field check, staff observed a well maintained single family dwelling with no trash or debris. |

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| <b>Details of Application Request</b> |     |
|---------------------------------------|-----|
| <b>Site Area</b>                      |     |
| Net Acres                             | .17 |

| <b>Surrounding Property</b> | <b>Existing Land Use Per Title 19.12</b> | <b>Planned or Special Land Use Designation</b> | <b>Existing Zoning District</b> |
|-----------------------------|------------------------------------------|------------------------------------------------|---------------------------------|
| 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) |

| <b>Master and Neighborhood Plan Areas</b>                                  | <b>Compliance</b> |
|----------------------------------------------------------------------------|-------------------|
| No Applicable Master Plan Area                                             | N/A               |
| <b>Special Area and Overlay Districts</b>                                  | <b>Compliance</b> |
| A-O (Airport Overlay) District (200 feet)                                  | Y                 |
| <b>Other Plans or Special Requirements</b>                                 | <b>Compliance</b> |
| 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               |

| <b>Street Name</b> | <b>Functional Classification of Street(s)</b> | <b>Governing Document</b> | <b>Actual Street Width (Feet)</b> | <b>Compliance with Street Section</b> |
|--------------------|-----------------------------------------------|---------------------------|-----------------------------------|---------------------------------------|
| Casa Grande Avenue | Local Street                                  | Title 13                  | 49                                | Y                                     |