

09/06/22 PC AGENDA SHEET

LONG/SHORT TERM LODGING  
(TITLE 30)

LAS VEGAS BLVD S/WIGWAM AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0398-DIAMOND SANDS APARTMENTS, LLC:**

**USE PERMIT** to allow long/short term lodging in conjunction with an existing multiple family residential development on a portion of 16.5 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the west side of Las Vegas Boulevard South and the north side of Wigwam Avenue within Enterprise. MN/rk/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-17-602-009 ptn

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8445 S. Las Vegas Boulevard
- Site Acreage: 16.5 (portion)
- Number of Units: 48 (long/short term lodging)/360 multiple family units (total)
- Project Type: Long/short term lodging
- Number of Stories: 2
- Square Feet: 740 to 1,121 (long/short term lodging)
- Parking Required/Provided: 540/613 (overall complex)

Site Plan

This request is to establish long/short term lodging within a portion of an existing multiple family (apartment) development. The existing development consists of 24 buildings with a total of 360 units which was originally built in 1995. The applicant is not proposing any changes to the buildings or parking areas. The property is currently zoned H-1 on the eastern half of the property, and R-4 and R-3 on the western half. The applicant is looking to utilize up to 48 units dispersed among 3 buildings within the H-1 zoned portion of the property. Access to the site is from Las Vegas Boulevard South to the east. A total of 613 parking spaces are provided where a

minimum of 540 spaces were required when the development was originally approved and constructed.

Landscaping

There is existing mature landscaping, and no changes are proposed or required with this application.

Elevations

The photographs depict 2 story buildings consisting of flat roofs and stucco exteriors. No changes are proposed to the exterior of the building with this application.

Floor Plans

The floor plans for building models A and C are 1 and 2 bedroom units and range in area from 740 square feet to 1,121 square feet. There are no proposed changes to the existing floor plans.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant the property is located on Las Vegas Boulevard South and is surrounded by a hotel timeshare to the north and existing multiple family residential to the north and south. With the growing need for alternative accommodations throughout the Las Vegas Valley due to the overall growth of professional sports teams, concerts, and events, the property is the ideal location for the proposed use. Furthermore, the applicant has successfully managed units in South Florida for several years without any code enforcements complaints. The long/short term lodging units will be managed by the applicant with strict policies in place that are enforced with every guest.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1829-93	220 unit multiple family (apartment) development (Phase I)	Approved by PC	December 1993
UC-1828-93	180 unit multiple family (apartment) development (Phase II)	Approved by PC	January 1994

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	H-1	Resort hotel time share/condominium (Canon Resort)
South	Entertainment Mixed-Use	H-1 & R-T	Timeshare hotel complex & mobile home park
East	Entertainment Mixed-Use	H-1	Motel, retail center; & undeveloped
West	Entertainment Mixed-Use	R-3	Condominium complex

### **Clark County Public Response Office (CCPRO)**

CE-22-17099; CE22-18336; CE22-18341; CE22-18342 are active violations for Air BNB's or short-term rentals being offered within the residential complex.

### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### **Analysis**

#### **Current Planning**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The applicant is requesting a special use permit to allow long/short term lodging within a portion of an existing apartment complex as a means to legalize the use of some apartment units being offered for short term rentals.

On June 21, 2022, the Board of County Commissioners adopted amendments to the Clark County Code to regulate short-term rentals within unincorporated Clark County pursuant to Assembly Bill No. 363 (2021). Amendments to Business License Department's Title 7 do not allow short term rentals of a residential unit when located within an apartment building. The amendment to Title 7 is consistent with the bill language which stipulated an ordinance regulating short term rentals must prohibit the rental of a residential unit or a room within a residential unit that is located within an apartment building.

Furthermore, Title 30 defines a multiple family (apartment) use as a residential use and long/short term lodging as a commercial establishment with a mixture of transient (period of 30 consecutive calendar days or less) and long-term stay lodging. With the changes to the Clark County Code to regulate short term rentals, Title 30 was amended to clarify transient commercial use of residential development for remuneration is prohibited in all residential zoning districts, or in any miscellaneous zoning district, except as otherwise expressly permitted (in this Title) or as licensed pursuant to Chapter 7.100 of the Clark County Code. With the changes to state law and the Clark County Code, long/short term lodging uses should not be used to allow short term stays within a residential development. Long/short term lodging should only be in conjunction with a hotel, motel, and other types of transient uses as an option for guests/customers who need a longer stay. Removing available for rent units from the market will impact the availability of housing for residents in Clark County and does not meet several Master Plan goals and policies. Goal 1.1 is to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities. Policy 1.1.1 supports this goal by encouraging a mix of housing types. Master Plan Goal 1.2 encourages the expansion of the number of long-term affordable housing units available in Clark County. Policy 1.2.1 states, in part, the maintenance of long-term affordable housing and the preservation of existing affordable units.

For these reasons, staff cannot support the request for long/short term lodging within an existing residential development.

**Staff Recommendation**

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

If approved:

- Long/short term lodging is limited to 48 units per exhibit dated July 26, 2022.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

**Public Works - Development Review**

- Traffic study and compliance;
- Applicant to perform and have recorded a Record of Survey to determine underlying title rights in relationship to "as built" improvements on Las Vegas Boulevard South;
- Record of survey must be recorded by the applicant prior to the issuance of building permits.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CHELSIE CAMPBELL

**CONTACT:** PARKER SIECK, 1980 FESTIVAL PLAZA DR., SUITE 650, LAS VEGAS, NV 89135