



City of Las Vegas

Agenda Item No.: 54.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018**

DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD

Consent Discussion

SUBJECT: UP-7381 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT/OWNER: STEWART BROOKS AND PAUNA BROOKS - For possible action on a request for a Special Use Permit FOR A PROPOSED SHORT-TERM RESIDENTIAL RENTAL USE WITH A WAIVER FROM A ZERO FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 660 FEET IS REQUIRED at 150 North Las Vegas Boulevard, Unit 1618 (APN 139-34-613-339), C-2 (General Commercial) Zone, Ward 3 (Coffin) [PRJ-73685]. Staff recommends DENIAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

| | | | |
|--------------------------|----|--------------------------|---|
| Planning Commission Mtg. | 13 | Planning Commission Mtg. | 0 |
| City Council Meeting | 0 | City Council Meeting | 0 |

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Protest Documentation Not Vetted - Comment Form (1)
7. Submitted after Final Agenda Protest/Support Postcards and Protest Documentation Not Vetted Comment Forms (29)

Motion made by TRINITY HAVEN SCHLOTTMAN to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-VICKI QUINN)

NOTE: CHAIR CHERRY disclosed that he lives in the same building as the applicant's representative, but he would vote on this item.

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Minutes:

CHAIR CHERRY declared the Public Hearing open.

STEVE SWANTON, Sr. Planner, reported that the applicant is proposing to operate a Short-Term Residential Rental use that is not owner occupied and does not meet the minimum required distance separation of 660 feet from a similar use; there is one other short-term rental unit within the separation radius. There have not been any recent Code Enforcement actions at this site. Due to the required waiver, staff recommended denial of the use as incompatible. If approved, a condition has been added requiring expungement of the Special Use Permit (SUP) at such time the property is put up for sale.

ATTORNEY MATHIEW SIBERT appeared on behalf of the applicants. MR. SIBERT stated that he, the Ogden Homeowners Association (HOA), their attorneys, property management and even the oppositor have worked together to make short-term rentals work at this property. He added that they have been working with COUNCILMAN COFFIN and there is an ordinance in the works that would create a new framework for mixed-use developments in Las Vegas that would allow up to five percent of the building to be used as a Short-Term Rental use. He requested approval of this application.

LINDA RUFFEL, Ogden resident, stated that the proposal at the Ogden that MR. SIBERT spoke about would have to pass with a majority of the Homeowners, and she did not think they were close to that as most of the Homeowners are opposed to short-term rentals in the building altogether. This application is subject 618, which was reported to Code Enforcement four times in 2017 and they were served with a Cease and Desist order in November 2017. They have an unresolved Code Enforcement case as of August 8, 2018, and the details are in the supporting documentation. She stated that the application process started with the Planning Department in May, but they have been renting the unit all summer. MS. RUFFEL noted that this is another out-of-state investor.

LARRY JACQUEZ, Ogden resident, read a brief statement regarding residents opposing short-term rentals. He also expressed concern that he did not see that a letter or other documentation from the HOA acknowledging the short-term rental was provided during the application process as required according to the City's website.

KEN ALWINE, Ogden resident, stated that he was in opposition for reasons already expressed and his concern for safety because of strangers roaming the hallways.

MR. SIBERT appreciated that the neighbors are engaged in their community and thought that everyone knows that there is a significant portion of that building that he does not represent that does short-term renting. He believed that those people would vote in favor of an amendment to the HOA CC&Rs (Covenants, Conditions & Restrictions). He has been very selective in clients he represents and is not trying to oversaturate the Ogden. His client did have a violation, which is when he was contacted, and he has filed an appeal regarding that. He believed that all short-term rental activity has ceased as he wants to do it right. A lot of owners were enticed to

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purchase in that building with the idea that they could short-term rent their units.

CHAIR CHERRY asked about the required letter from the HOA, and MARY McELHONE, Deputy Director of Planning, explained that MR. ALWINE was referencing information from Title 6.75.040 Paragraph F, which she read, and explained that was for the Business Licensing application, not the SUP application.

CHAIR CHERRY has historically voted against short-term rentals at the Ogden. One was approved, resulting in a zero-foot distance separation, and he has not heard of a plan put together by the HOA or management of the Ogden to help him justify approving additional short-term rentals at the site. He knows that there are conversations happening to amend the documents that provide clear direction regarding how a short-term rental can be handled in that environment. As that information is currently not available, he cannot support it at this time.

COMMISSIONER DE SALVIO wondered about tabling this application until things are worked out, and MR. SIBERT replied that he would like this item placed on the same City Council agenda as the rest of the Ogden short-term applicants he represents. At the last Council meeting it was determined that a final decision would be made by the 17th regarding an ordinance COUNCILMAN COFFIN proposed, and they hold it in abeyance until then. This is an opportunity to have the Planning Commission make a recommendation on the application and get it on that Council agenda through the appeal process.

COMMISSIONER DE SALVIO stated if this item would go before the Council if it was denied, and CHAIR CHERRY stated that would appeal. ROBERT SUMMERFIELD, Director of Planning, explained that if this item is denied, the applicant could be appealed; either action would move the item to the Council, assuming the applicant would appeal if denied. He stated that there is no guarantee that the ordinance would be approved and adopted by then.

CHAIR CHERRY stated that was brought to the Planning Commission with a proposal that five percent of the building be approved for short-term rentals, and he believed the Planning Commission voted No. He did not have a problem with an ordinance for mixed-use, he just did not feel that limiting to five percent was necessarily the right thing to do rather than considering what happens within the building, security and how they operate.

COMMISSIONER SCHLOTTMAN would like to see the Ogden come up with a set of rules and provide some clear direction. Until that happens and the City Council provides clear direction, he would follow staff's recommendation for denial.

See Item 68 for related discussion.

CHAIR CHERRY declared the Public Hearing closed.