



Agenda Item No.: 68.

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AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

UP-7105 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: JUDAH ZAKALIK, OWNER JUDAH ZAKALIK LIVING TRUST - For possible action on a request for a Special Use Permit FOR AN EXISTING SHORT-TERM RESIDENTIAL RENTAL USE WITH A WALL TO ALLOW A 43-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 600 FEET IS REQUIRED at 1621 Birch Street (APN 162-04-210-074), R-E (Residence Estates) Zone, Ward 1 (Tarkanian) [PR] 71058]. Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

31

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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 Comment Forms
7. Submitted after Final Agenda - Protest Postcards and Comment Forms
8. Submitted at Meeting - Property Photos Submitted by Amy Saling

Motion made by VICKI QUINN to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

DONNA TOUSSAINT, CEDRIC CREAR, VICKI QUINN, TRINITY HAVEN
SCHLOTTMAN, SAM CHERRY, CHRISTINA ROUSH, LOUIS DE SALVIO; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

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NICOLE EDDOWES, Sr. Planner, reported that the subject site has been operating as a short-term residential rental with a business license issued on 4/18/2016. However, a special use permit is required to continue operating after 6/30/2019, pursuant to Ordinance No. 6585, due to the request for a waiver for the distance separation requirement from a similar use. Staff recommended denial.

JUDAH ZAKALIK, the applicant, alleged that he was initially told by Planning that he met the requirements. After he made an investment of over \$20,000 in improvements, he was advised that he was not in compliance with the distance separation requirement from a competing short-term rental within less than 600 feet. Using an area map, he showed the difficulty in getting to the rental and claimed that the true distance is over 4,000 feet because it is not a direct distance between rentals. He mentioned that he has had the house for a long time and there has never been an issue, and that he spoke with two neighbors less than two weeks before this meeting. One is directly to the west of his property and the other directly to the south, and they indicated to him that there had not been any issues since the one that occurred on 5/30/2016.

GERALD and MICHELLE DUNCAN, JOHN and AMY SAILING, JEFF and AMY KOHLIN, ASTRAYA MATELICH, RAM GROGAN, HERM FOX, and himself of his mother, JESSICA SAYLOR and KENT HOF SOMMER, area residents, expressed their opposition because of all the unwanted activity, traffic, trash, noise and numerous people this commercial-like use brings into their neighborhood.

MR. DUNCAN said the required distance separation is the only way to keep residential properties from becoming small. MR. SAILING said things have improved, but not to the point he supports it. MS. MATELICH pointed out that the deed of trust for this property prohibits changing the use unless the lender is in agreement. MS. SAILING showed and submitted photos depicting the traffic being generated on the street by this rental. MS. GROGAN said she spoke with someone who claimed to pay for this site for more than 12 people, which is significantly more than allowed. MS. KOHLIN mentioned that she has had to call the hotline about illegal fireworks at this home. MR. FOX indicated he had to hire full-time supervision for his mother because she is terrified with what has been happening at the home. MS. SAYLOR felt the residents in the area have invested too much in their beautiful homes to have these types of uses devalue them and ruin this walkable community. MR. HOF SOMMER stated that short-term rentals are ruining neighborhoods; he wants his neighborhood to remain residential.

MS. DUNCAN, a substitute teacher, read a document she did not submit and requested that short-term rentals not be allowed any waiver to the 660-foot requirement because they devalue the properties, diminish the residents quality of life and are a danger to children because there is no way of knowing if a pedophile is the renter.

STEPHEN GROGAN, President of the Scotch 80s Homeowners Association, expressed his neighborhoods opposition to short-term rentals and their support of single-family residential. They are opposed to the commercialization of homes.

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In rebuttal, MR. ZAKALIK said he was put in a quandary because he invested a lot of money in the home when he was incorrectly advised by City staff that he could operate a short-term rental at this location. He argued that the speakers have only made allegations, but they have no proof. They only showed pictures of cars, but they could just be on the street. He showed a courtesy notice he had been given and claimed it was not a citation. He commented that there is no substantial evidence of any wrong doing at his property.

MR. ZAKALIK advised COMMISSIONER QUINN that he has never received any complaints for activity at this property. He and his sons manage the property, noting that the street is open for on-street parking. COMMISSIONER QUINN verified with PETER LOWENSTEIN, Planning Section Manager, that the distance requested for approval is 343 feet where 660 feet is required.

COMMISSIONER CREAR mentioned his familiarity with the area and said that he is not a fan of short-term rentals. The property owners may have good intentions, but bad things happen beyond their control. Although MR. ZAKALIK has been through some issues, he could not support this request.

COMMISSIONER TASSAINT said that buying homes is presently the biggest expense a person makes, and a homeowner wants to become familiar with the neighbors. Having a short-term rental so close makes residents feel like they are living in a commercial area. She too prefers not having short-term rentals in her neighborhood because she went through a lot of problems with one that existed in her neighborhood.

CHAIR SCHLOTTMAN commented that he loves short-term rentals when he travels to Washington D.C. or Hawaii, but it is different for Las Vegas because people come to party, which is hard to control. Some residents are more sensitive to short-term rentals, because they have lived in their neighborhoods for a long time. He could not support this request.

CHAIR SCHLOTTMAN declared the Public Hearing closed.