



City of Las Vegas

Agenda Item No.: 71.

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

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

UP-7124 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: MARIA LYNCH AND NUA A EVANS - OWNER: WAUWATON D1, LLC For possible action on a request for a Special Use Permit FOR A PROPOSED SHORT-TERM RESIDENTIAL RENTAL USE at 1111 Cahlan Drive, PH 102-05502-0024 R-1 (Residence Estates) Zone, Ward 1 (Tarkanian) [PRJ-71125]. Staff recommends APPROVAL.

C.C.: 12/18/2017

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

32

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, 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 Postcard
7. Submitted after Final Agenda - Protest/Support Postcards and Comment Forms

Motion made by VICKI QUINN to Approve subject to conditions and adding the following condition as read for the record:

A. There shall be a required review held at a public hearing six months from the date of issuance of the business license.

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

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FRED SOLIS, Sr. Planner, gave the staff report and stated that the proposed four-bedroom short term rental will not be owner occupied and, therefore, requires the approval of a special use permit. As all other code requirements are being met, staff finds that the use is appropriate for this location. Staff recommended approval.

MARIA LYNCH and NUALA EVANS were present and stated they do a lot of work in Las Vegas and travel back and forth from California. They decided to purchase a home here to rent out. They regarded the property as unique because its location is on the edge of a neighborhood and has plenty of parking. MS. EVANS indicated they would like to rent to families, such as those in town for rugby tournaments. She assured the Commissioners that they have ties to the local community.

ANNETTE FIALA, who represents various short-term rental owners, commented that the City approved the strictest ordinance for short-term rental owners. People should not be spending so much money in their investment just to be denied. The City should approve all short-term rental applicants and shut down the bad ones. The Planning Commission should approve those being recommended by staff for approval.

GERALD DUNCAN, CHRISTOPHER ALLEN, ATR, MS. MATELICH, JESSICA SAYLOR, SHAWNA WALDMAN, and DONNA WALTMAN, area residents, were opposed to short-term rentals in neighborhood because they are difficult to police, bring in a lot of traffic, are frequently used as party houses and may devalue the investments made in their properties. They also fear for the children in the neighborhood and those who attend the nearby school.

MS. MATELICH said that as a Mary McElhone resident, she knows how difficult it is to evict problem renters. MS. SAYLOR mentioned that it would be difficult for the owners to police this property when they live in California.

MS. WALDMAN pointed out that the justification letter states the property is in escrow and felt the property should be fully owned before being able to make the request for conversion to a short-term rental. She discussed with CHAIR SCHLOTTMAN that a special use permit runs with the land and the license with the applicant. MARY McELHONE, Deputy Planning Director, interjected that the most recent changes require owners to obtain a business license. ASSISTANT CITY ATTORNEY BRYAN SCOTT added that the property owner must give consent for application of a special use permit.

MS. WALTMAN remarked that the applicants already have three other properties in Las Vegas and requested denial.

LAURA McSWAIN, area resident, stated that a short-term rentals ordinance was created to mitigate challenges with their proliferation. Conceding that some will be approved, she asked the Planning Commission to consider regulations that might help soften the blow to residents and require additional landscaping along the perimeters. This property was abandoned and has been improved, although not to its original state. She asked if the requested pool could be required to

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be placed on the northern end of the property and away from the neighborhood. She would also like a condition limiting any increase in square footage and that any potential future application for an increase in footage be required to have architectural drawings. She wondered if a state business license is required and enforced and whether general liability insurance is being required.

MS. LYNCH countered that she does not have other rental properties. MS. EVANS owns a few rental properties and will live on this property approximately three weeks at a time. The property is in escrow, but they were allowed to submit this application. They assured the Commissioners they are willing to do what is necessary to help the neighborhood. They pointed out that the pool already exists.

COMMISSIONER QUINN requested input from the Commissioners.

CHAIR SCHLOTTMAN observed that although McNeil Estates takes a lot of pride in its neighborhood, this property is located at the edge of McNeil Estates and near Charleston Boulevard.

COMMISSIONER CARRRY said the new ordinance allows short-term rentals, so they could not make blanket denial recommendations. Given its proximity to the Strip and Charleston Boulevard, this is one short-term rental he could support and then easily deny should a six-month review reveal any issues or complaints.

At the request of CHAIR SCHLOTTMAN, DAVID KLEIN, Deputy Fire Marshal, advised that there are set guidelines for short-term rentals and Las Vegas Fire and Rescue treats them pretty much as a hotel to make them as safe as possible, even though they are not required to have sprinklers.

COMMISSIONER ROUSH commented that even though the city allows them, she cannot support short-term rentals because they bring a lot of issues. They should be more restricted and a privilege to operate, not a right, especially because Las Vegas advertises misbehavior. She felt compelled to protect the neighborhoods.

COMMISSIONER CREAR remarked that he is against short-term rentals and could not support this one because the owner would be out of state most of the time.

COMMISSIONER QUINN stated that although she does not like short-term rentals, she has to support and stand behind the ordinance that staff worked so hard to craft and wrote for a reason. Given that the property is in proximity to Charleston Boulevard and that it will be watched closely, she felt comfortable in approving the application with a review condition, which staff crafted and read.

CHAIR SCHLOTTMAN declared the Public Hearing closed.