



City of Las Vegas

Agenda Item No.: 72.

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

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

UP-7127 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT/OWNER: VENZA CRACKEN. For possible action on a request for a Special Use Permit FOR A PROPOSED SHORT TERM RESIDENTIAL KEY-TYPE USE WITH A WAIVER TO ALLOW A 152-FOOT DISTANCES FROM FRONT FROM A SIMILAR USE WHERE 660 FEET IS REQUIRED at 309 Arnold Street (APN: 33-2-10-037), R-1 (Single Family Residential) Zone, Ward 5 (Barlow) [PRJ 71263]. Staff recommends APPROVAL.

C.C.: 10/18/2017

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

23

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial 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 Protest Comment Forms

Motion made by CEDRIC CREAR to Deny

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

FRED SOLIS, Sr. Planner, reported that on 7/19/2017, the City Council approved a special use permit for a bed and breakfast establishment at the subject location. The proposed short-term rental use is intended to operate in conjunction with the previously approved bed and breakfast

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use. A special use permit is required because the proposal will not be owner occupied, does not meet distance separation requirements between two other short-term rentals and exceeds the maximum number of permissible bedrooms. There is an open Code Enforcement action for the operation of an unlicensed short term rental at this location. The proposed short-term residential rental use is similar in nature to the recently approved Bed & Breakfast Inn, which is defined as a facility where overnight accommodations and breakfast are provided to guests. Due to the similar nature of a short-term rental and a bed and breakfast, it has been determined that this proposal is compatible with the surrounding residential use. Staff recommended approval.

DILLON BRACKEN, representing the application, explained that he appeared before the Planning Commission approximately four months ago and was denied. Subsequently, he made contact with each of the Council members and came up with a plan that the neighbors like. COUNCIL WOMAN TARKANIAN wanted his application approved as a short-term rental and not a bed and breakfast before the ordinance changed. However, the application had already been submitted and approved, so he had to reapply.

Consequently, he worked with the Lions Burn Care Center, which is located near his property, and with Ronald McDonald House Charities to use as overflow facilities to house families of patients of the Lions Burn Care Center. At the Mayor's commendation, he reached out to the American Red Cross and obtained recommendations from the aforementioned entities. He showed a map of the area depicting the proximity of his property to the Burn Center, the Ronald McDonald House and the Medical District.

GERALD and MICHELLE DUNCAN and STEPHEN GROGAN, Las Vegas residents, expressed opposition.

MR. DUNCAN pointed out that nothing on the agenda refers to an application for a bed and breakfast use and urged the Commissioner to require compliance with the distance separation requirement. He wondered if the applicant has disclosed a list of bookings. MS. DUNCAN said it is too close to an existing short-term rental.

MR. GROGAN pointed out there are two short-term rentals in the vicinity. He felt the Commissioners should stand by the 660-foot distance separation requirement and consider the master plan for the area so as to not commercialize residences in the Medical District and instead help provide residential housing for students and doctors. He was surprised that staff did not point this out.

PAUL MURAD, who has a residence and office in Downtown Las Vegas, was amazed at some of the neighbors comments and asserted that prohibition does not work. He believes the 660-foot distance requirement should not apply in Downtown Las Vegas or in the Medical District where mixed commercial uses exist. It makes sense to allow short-term rental conversions in areas where there are boarded up properties being used by the homeless. He mentioned that people selling Avon are not required to obtain a business license or to pay commercial taxes. This property will have surveillance cameras and will help increase property values in the area. He

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expressed support.

MIKE BROWN-CESTERO stated that good intentions are often broken. Another recession could cause the loss of this home, despite any increase in property value. People have the right to operate short-term rentals under the law, but this property does not meet the distance separation requirement.

CHAIR SCHLOTTMAN announced that the Planning Commission can only consider the appropriateness of the land use for the area, not property values or whether it will become a party house.

MIKE GANBSON, John S. Park Neighborhood resident, said this use is appropriate for the neighborhood. People should be open-minded because there are too many abandoned properties.

VANESSA JOHNSON, Los Angeles resident, said she bought a property over a year ago to convert to a short-term rental and invested a lot of money in the property. The City then changed the law for these types of properties, so she has not been able to operate and is upside down on the property. She understands the Commissioners' confusion about short-term rentals, but pointed out that not all operators are the same. This issue is not going to go away, and the City has the opportunity to take advantage of it, because there are a lot of customers for short-term rentals.

SHALINI BHUTANI said there is a need in the Medical District; there are many families who cannot afford a house where a child needs medical care.

MR. BRACKEN thanked all those who appeared to support this request. He acknowledged there are people who are upset about the 180-foot distance from a short-term rental; however, he pointed out that he is not looking to change that use because the license was already approved; he is seeking the entitlement for a short-term rental. He requested approval, stating that he put together a plan that will help enrich the community.

COMMISSIONER CREAR found it insulting and offensive that the applicant initially claimed to not be operating as a short-term rental but a bed and breakfast, and now he is seeking to operate a short-term rental and using the Lions Burn Care Center to his advantage without a real contract.

CHAIR SCHLOTTMAN asked staff to clarify the applicants entitlements on his property, to which PETER LOWENSTEIN, Planning Section Manager, replied that the applicant has a special use permit for a bed and breakfast use and associated with that is a business license for a bed and breakfast establishment. Furthermore, MR. LOWENSTEIN advised that the most recently approved ordinance incorporated the bed and breakfast category into the short-term rental use category. Approval of this application would not require the short-term rental to be owner occupied and would eliminate some of the parking lot screening requirements. MR. BRACKEN would still be able to operate a bed and breakfast as a legally non-conforming use if this application were denied.

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COMMISSIONER ROUSH discussed with MR. LOWENSTEIN that one of the existing short-term rentals referenced was licensed in January of 2017 and the other in March of 2017, which was prior to the issuance of a permit for the bed and breakfast use on this property. The Commissioner observed that this is an unusual situation, because the applicant was approved a use that no longer exists, which she felt needed stronger regulation. As a former nearby resident who is familiar with the area, she felt the use could be a good fit as long as it is used as intended, because of the high density and proximity to University Medical Center. If MR. BRACKEN has a right to operate, she could support the application.

CHAIR SCHWOTTMAN declared the Public Hearing closed.

RECESS: 12:59-1:09 A.M.

