



City of Las Vegas

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JULY 10, 2018**

DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD

Consent Discussion

SUBJECT: BEYANET - SUP-73298 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICATION OWNER: AARON W. OETTING, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED SHORT-TERM RESIDENTIAL RENTAL USE WITH A WAIVER FROM A 74-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 660 FEET IS REQUIRED at 822 Park Paseo (APN 162-03-515-078), R-1 (Single Family Residential) Zone, Map 13 (Coffin) [PRJ-72551]. Staff recommends DENIAL.

C. C.: 8/15/2018

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	21	Planning Commission Mtg.	1
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/Support Postcards
7. Documentation Not Vetted - Protest Comment Forms (3) and Support Letters (4)
8. Letter Regarding Owner-Occupied Short Term Rental Application and Supporting Documentation Submitted by Aaron Oetting
9. Submitted after Final Agenda Documentation Not Vetted Protest Comment Forms (9) and Altered Support Postcard (1)
10. Submitted at Meeting Application Documentation with Neighbor Letters, Map, Photos, Contingencies and Floor Plan by Aaron Oetting

Motion made by VICKI QUINN to Approve subject to conditions amending Condition 4 and adding the following conditions as read for the record:

1. The home shall be owner occupied during all rental periods.
2. A six-month administrative review shall be required.

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3. Only one room in the home is to be rented at a time, with a two-guest maximum.

A. A Waiver from Title 19.12 is hereby approved, to allow a 610-foot distance separation where 660 feet is required.

Passed For: 6; Against: 1; Absent: 0; Did Not Vote: 0; Excused: 0

CHRISTINA ROUSH, DENNA TOUSSAINT, SAM CHERKIN, VICKI QUINN, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against: KRISTY HAVEN, CHLOTTMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR CHERRY declared the Public Hearing open.

NICOLE EDDOWES, Senior Planner, stated that since the submittal of the application in April, the short-term residential (STR) rental use across the street from the applicant located at 801 Park Paseo has closed their business license as of 6/14/18. The applicant is now requesting to operate an owner occupied short-term residential rental use 610 feet from a STR use that exists at 1280 8th Place. Due to the Waiver request staff recommended approval of the request. MS. EDDOWES noted that additional letters of support and protest have been received since publication.

AARON and SARAH OETTING applicants were present. MR. OETTING explained that they purchased this home for their primary residence, would like to rent out a single room to no more than two guests at a time and only if they are actively living in the home. MR. OETTING shared that his wife works from home, which means that someone will almost always be present when guests are here. Their plan is to carefully screen every guest because they will be living with them, and since there is no parking, guests will not be parking on the street.

Referring to Page 4 of their packet, which was submitted as backup, he pointed out where their home was located and discussed issues related to other STR in their area. He believed that the main issue was a STR to the south 610 feet away; however, he understood that the applicants had failed to apply for a required Special Use Permit (SUP) for over a year, and discussed other issues he felt would keep the application from being approved. MR. OETTING believed that supporting their application would actually help to minimize the number of short-term rentals in the John S. Park Neighborhood, as his street is full of investment properties.

MS. OETTING stated that even though the outside of their home may not look like it needs a lot of work, the interior received the majority of improvements, which included extensive roof work, multiple installation repairs, replacement of the HVAC (Heating Ventilation and Air-Conditioning) system, repairs to a mainline water leak and for the hardwood floor damage, completion of a third bedroom, new interior paint, and installation of major appliances throughout the home. She explained that the income from the rental would help to pay for some unexpected medical bills they received, which have caused a financial hardship.

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MS. OETTING referred to Page 8 of the packet and noted that they are registered foster parents with the Clark County Department of Family Services in Las Vegas. She stated their goal to turn the rental into a foster home once all of the medical bills have been paid; and they plan to stop renting since legally they are not allowed to rent while foster children are in their care.

Speaking in opposition, MIKE BROWN CESTERO appreciated the sentiments of the applicants; however, he did not believe there was any way to ensure or enforce that the homeowners be present while guests are staying at their home. He believed there were too many short-term rentals in the neighborhood and was concerned this would set a bad precedent for the future.

Also speaking in opposition, DAYVID FICLER, President of the John S. Park Neighborhood Association, stated that the Association, as a collective, did not want to see this be an experiment. He noted that the OETTINGS reached out to a lot of neighbors, and they are great, sincere neighbors. However, he felt that picking and choosing could not be done just because of great applicants and that they had to be chosen based on where the uses are located. Additionally, he felt they brought up some interesting points about being owner occupied and how this would be monitored and enforced. Ultimately, the homeowners association was opposed to anything within 660 feet.

BRYAN GELUSHIA felt the OETTINGS were outstanding, trustworthy people just trying to get by, and he requested support for their application. DAVID YOUNG also spoke in support, noting that the applicants are good people.

COMMISSIONER SCHLOTTMAN expressed his appreciation to the applicants for reaching out; however, he felt it would be difficult to approve this request because of the 660-foot distance separation requirement.

COMMISSIONER ROUSH requested a quick recap on this case from MARY McELHONE, Deputy Director of Planning. Ms. McELHONE reported that when the applicant first came through with their application, there was another STR that was even closer than the 610 feet, and this was the Waiver that was required. However, there was another STR licensed as a Conditional Use Verification (CUV) permit within 610 feet, and this applicant is required to come forward before July 1, 2019 and obtain an SUP or their license will expire. MS. McELHONE could not confirm for COMMISSIONER ROUSH that this home was an owner occupied dwelling but offered to check into this request. COMMISSIONER ROUSH felt that with someone she could trust, she was willing to support the 610-foot distance separation. However, she felt the reality was that the Planning Commissioners needed to look at each and every case.

PAUL BENGTON, Sr. Management Analyst, noted that he would be clarifying two different situations. He stated that should action be taken for approval, staff recommended that Condition 4 be revised to identify the 610 square-foot distance separation since the waiver was originally written for 174 square-feet because of the other STR. Second, that an added condition be

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included stating that the home shall be occupied during all rental periods.

COMMISSIONER TOUSSAINT noted that she met with the applicants and wished them the best; however, she has a strict rule of staying within the 660-foot distance requirement.

CHAIR CHERRY felt COMMISSIONER ROUSH raised some good points, and that when the other STR comes forward in the future for the SUP request, there would need to be a robust discussion. In response to his inquiry as to if anything was on record from Code Enforcement regarding the CUY short-term rental, MS. McELHONE stated she would need to investigate to see if there was anything on this case. CHAIR CHERRY noted that he has almost always been a no vote on applications within the 660-foot distance requirement.

COMMISSIONER QUINN requested a six-month administrative review.

COMMISSIONER SCHLOTTMAN referred COMMISSIONER QUINN to Page 9 of the applicant's packet regarding additional contingencies they were willing to put on their application, and he wondered if she would like to add any of these conditions.

CHAIR CHERRY made a clarification noting that the added condition to expunge the license when the first foster child is received into the home could not be added; however, the license could be expunged if the applicants sell the property.

At DEPUTY CITY ATTORNEY JEFF FLORES request, COMMISSIONER QUINN clarified the condition for the record.

CHAIR CHERRY declared the Public Hearing closed.

