



City of Las Vegas

Agenda Item No.: 20.

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

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

ABEYANATHA - SUP-74-127 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: GORDON KATHLEEN TRUST - for possible action on a request for a
Special Use Permit FOR A PROPOSED SHORT-TERM RESIDENTIAL RENTAL USE at 5400
Irish Spring Street, P# 125-133-174-016, R-1 (Single Family Residential) Zone, Ward 4
(Anthony) [PR# 74-127] Staff recommends APPROVAL.

C.C.: 11/6/2019

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

32

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

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/Support Postcards
7. Documentation Not Vetted - Protest (12) Comment Forms
8. Submitted after Final Agenda Protest Documentation Not Vetted Comment Form (1)
9. Submitted at Meeting - Applicant Comments, Letter, Class Certification and Documentation Not Vetted Support Letters (2) by Adam Gordon

Motion made by DONNA TOUSSAINT 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)

Minutes:

CHAIR CHERRY declared the Public Hearing open.

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ERIC MCCAMMOND, Sr. Management Analyst, read the report. He stated that the applicant is proposing to operate a short-term residential rental use that meets all minimum Special Use Permit (SUP) requirements of Title 19.12 that were applicable at the time of application. With the recent adoption of Bill Number 2018-58 amending the Unified Development Code, relief from Conditional Use Regulations by means of a future SUP no longer exists. If approved, the proposed use would be authorized and subject to nonconforming use provisions of Las Vegas Municipal Code Title 19. If denied, the proposed use would not be authorized. Staff is recommending approval.

MARY McELHONNE, Deputy Planning Director, reported that Code Enforcement has had an active case at this location since June 20, 2018. A Notice and Order was issued on July 12, 2018, to cease the short-term rental activity. Code Enforcement was able to confirm that rental activity continued between the end of September and the beginning of October 2018. This location has received fines in the amount of \$1,980, and presently, the website only shows rentals for long-term activity.

ADAM GORDON, the applicant, stated that he has lived in Las Vegas for approximately 30 years and has had his own business since 1995. He stated that he has taken significant measures to ensure that the rental property has been appropriate, well-maintained, and understands that parties and loud noise are not allowed. MR. GORDON had supporting letters from a couple of his neighbors, which he submitted for the record, and utilizing a site map, he pointed out where they reside in proximity to his home. He discussed some of the contents of the letters, which included that these neighbors have never complained about loud noise or trash on the site and that the home is always nicely landscaped. MR. GORDON stated that he also received a Certificate of Completion for completing a course taught by JOELE BARNES on short-term rentals, a copy of which was submitted as backup. He requested approval.

BARBARA JOHNSTON, a neighbor, submitted a copy of the CC&Rs for their neighborhood for the record and stated that the majority of the neighbors are opposed to this request because it violates them. MS. JOHNSTON provided a summarization as to the sections of the CC&Rs she believed were being violated. The items discussed included section 4.1, 4.2, 4.4 and 4.10 which state: 1) the property is to be used for a single-family, private dwelling, and no other purpose; 2) business and commercial activity are not allowed; 3) signs of any kind are not allowed, and 4) no owner shall be permitted to rent or lease a lot for less than 30 days.

Neighbors who spoke in opposition included JOHN LONBORG, THOMAS FIORE, and VIVIAN TAIBI. MR. LONBORG agreed with MS. JOHNSTON. MR. FIORE expressed concern over a fatality that happened at this residence years ago. He noted that he sees people passed out on the lawn, cars in the garage, bottles, and cans and other things which disrupt the whole area. He was concerned that someone could get hurt or die and felt something needed to be done. MS. TAIBI believes the applicant has been running an illegal short-term rental for several years, of which the neighbors were not aware. She discussed other neighbors who have mentioned problems with loud music and noise, trash, and numerous parked cars. Ultimately, she felt the rental was a nuisance to the neighborhood and believes the applicant continues to rent the

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property in violation of the code.

MR. GORDON replied by stating that he did not believe there was an association fee for the neighborhood and was not aware of any board that existed. Additionally, he was uncertain how his renters could block the driveway of anyone who is adjacent to this property. Referencing the support letters he submitted from his neighbors, he reiterated that he has never had any complaints from his neighbor across the street and wondered how the neighbors next door to this property never heard any noises, as others have indicated that they have heard and seen these things.

COMMISSIONER TOUSSAINT noted that according to Code Enforcement, there had been problems at this residence in the past. Additionally, she did not feel that this was harmonious or compatible with the neighborhood. She was pleased that he had taken the class and trying to fix the problems; however, based on the neighbors' comments and the property's history, she could not support this request.

CHAIR CHERRY declared the Public Hearing closed.

