



City of Las Vegas

Agenda Item No.: **54.**

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

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

UP-7478 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER:
NANCY FALON TRUST. For possible action on a request for a Special Use Permit FOR AN
EXISTING SHORT-TERM RESIDENTIAL RENTAL USE at 1501 Montessouri Street (APN
163-03-602-0000) - (Residence Units) Zone, Ward 1 (Tarkanian) [PRJ-74757]. Staff
recommends APPROVAL.

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

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

6

Planning Commission Mtg.

0

City Council Meeting

0

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 Postcards
 7. Submitted after Final Agenda Protest Postcards and Protest Documentation Not Vetted
- Telephone Log (1) and Comment Forms (18)

Motion made by CHRISTINA ROUSH to Deny

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

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

Minutes:

This item was heard subsequent to hearing Item 65.

CHAIR CHERRY declared the Public Hearing open.

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ERIC McCAMMOND, Sr. Management Analyst, reported that the applicant is operating a short-term residential rental use that meets all minimum special use permit requirements of Title 19.12 that were applicable at the time of application. At the time of application, the Special Use Permit was required as a result of Ordinance 6585, which required all existing Short-Term Residential Rental uses not eligible for Conditional Use approval to be approved via the Special Use Permit process prior to July 1, 2019. With the recent adoption of Bill Number 2018-58 amending the Unified Development Code, relief from Conditional Use Regulations by means of a future Special Use Permit no longer exists. Whether approved or denied, the existing use would remain authorized and be subject to non-conforming use provisions of Las Vegas Municipal Code Title 19. Staff is recommending approval. MR. McCAMMOND noted that additional letters of protest have been submitted since publication.

MARY MCELHONIE, Deputy Planning Director, further reported that this has been a licensed short-term rental since February 1, 2017. There has been only one complaint that was filed on April 27, 2017, for a party; however, it turned out to be a memorial where 25 guests were invited. NANCY FALLON, the owner, responded immediately and took care of the situation. From June 2017 through October 2017, 12 on-site inspections were conducted with no violations. Currently, there are no concerns, and no further complaints have been received.

MS. FALLON stated that this rental was her home for 15 years. She discussed that she has been a licensed Physician in Clark County for 22 years, and her business, as well as her home, are only 10 minutes away from the property. She listed several amenities located at her rental home, some of which included plenty of parking, two large driveways, a home monitoring camera system, a NoiseAware noise monitoring system, and strict event and no party rules. If a booking mentions parties or events, she will not accept them.

Those speaking in opposition included EARL OHLSON, GREG AUSTELL, CHARLOTTE MORGAN, and CHARLOTTE MORGAN. MR. OHLSON stated that the back of his property backs up to this rental home, and a block wall separates them; however, the wall does not block out the noise. He shared some of his observations and stated that noise was his chief complaint. Other reasons noted included the numerous cars that lined the streets the day of the funeral, traffic, that neighbors want to keep this a quiet neighborhood and they feel this is moving in a direction they do not wish to go, and that marijuana odors are coming over the backyard wall. MS. TAPLETT stated that the neighbors want to know the people they live near and this is not possible when people are coming and going.

MS. FALLON addressed the marijuana concern and the comments related to the cars that were parked in the neighborhood for the funeral, noting that they usually do not have more than three or four cars at the most. She reiterated that they live close and that the neighbors have her phone number and can call her at any time. She stated that she does not plan to keep this house forever; however, it is still her home, and she cares about it and the neighborhood.

COMMISSIONER ROUSH noted that she spoke to COMMISSIONER QUINN about this request. She felt this was a difficult situation as this is already an existing short-term rental. She

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acknowledged that generally speaking, COMMISSIONER QUINN is fairly lenient under these circumstances, especially when there is the proper noise attenuation, monitoring, and a conscientious owner. However, in this instance, there have been numerous complaints, and even if the applicant feels they have done everything they can, it has clearly become a disruptive situation for the neighborhood. For these reasons, COMMISSIONER ROUSH thought it would be difficult to recommend approval. She noted that MS. FALLON still has other recourses and abilities to continue to operate this business.

CHAIR CHERRY understood that the applicant would still be operating under Business Licensing and wondered what the recourse was at this point. MS. McELHONE stated that under Title 6, the operator must have two violations and then Business Licensing can revoke the license in two years. She reported that the last violation was almost two years ago. Due to the recent change in the law, applicants do not need the Special Use Permit to continue to operate.

In the event the applicant sells the property, CHAIR CHERRY wondered if the license would go away at that point. MS. McELHONE affirmed that it would, noting since the license was existing before February 1, 2018, she thought there was an option for a non-conforming use and that someone else could come forward and get a short-term rental license at this location. At CHAIR CHERRY'S request, MS. McELHONE explained how a new applicant would go about applying for this short-term rental license.

MS. FALLON encouraged the neighbors to contact her with any problems they may have concerning this rental.

CHAIR CHERRY declared the Public Hearing closed.

