



*City of Las Vegas*

Agenda Item No.: 61.

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

DEPARTMENT: PLANNING  
DIRECTOR: ROBERT SUMMERFIELD

Consent  Discussion

**SUBJECT:** UP-7486 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: JOHN JACK LAS VEGAS, LLC - for possible action on a request for a Special Use Permit FOR AN EXISTING SHORT-TERM RESIDENTIAL RENTAL USE at 1101 South 6th Street (APN 162-03-511-002), within the Family Residential Zone, Ward 3 (Coffin) [PRJ-74827]. Staff recommends APPROVAL.

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

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	8	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. Submitted after Final Agenda Protest Postcards and Protest Documentation Not Vetted Comment Forms (2)

Motion made by TRINITY HAVEN SCHLOTTMAN to Approve subject to conditions and adding the following condition:

- A. An administrative review shall be conducted one year after final approval.

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:**

This item was heard subsequent to hearing Item 58.

CHAIR CHERRY declared the Public hearing open.

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ERIC McCAMMOND, Sr. Management Analyst, reported that the applicant is currently 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 were submitted since publication.

MARY MCELHONIE, Deputy Planning Director, stated that this has been a licensed short-term rental since May 31, 2017. One complaint was received on October 17, 2017, in which the licensing officers in Business Licensing responded. The complaint occurred when a neighbor complained about large parties and parking concerns; however, this complaint could not be confirmed, and Code Enforcement continued to watch the property thereafter. There have been no complaints since then.

JOHN SCHULZETENBERG, applicant, stated that he has owned this property for almost two-and-a-half years, and that he has been leasing it on a daily rental basis for one-and-a-half years. The property was rundown when he purchased it, and he has done his best to make it look presentable in the neighborhood. He stated that he is cautious about who gets to stay there, and he has a professional management company who oversees it. He limits the number of guests who can stay in the rental to eight adults, and they have many postings around the facility regarding noise and proper conduct. He also monitors the entire site for noise and other issues by utilizing cameras on the outside. He noted that in preparation for the meeting he spoke to the neighbors, and particularly with the neighbors on all three sides of the rental. He believed that none of these neighbors had any complaints about what was going on at the property or with noise. He requested approval to continue leasing this property as a daily rental.

MIKE GANSON stated that he lives cater-cornered to this property. He noted that his complaint was similar to spot zoning, as he felt it would have been better if it was up to the individual homeowner as to whether or not they chose to enjoy it. He expressed concern that his neighborhood was never notified that this piece of property was going to be a short-term rental business located in a residential neighborhood. He was not against this request but would have liked an opportunity to know about it.

DEIDRE FELGAR spoke in opposition, as she believes a home is not a facility. She wondered if this rental complied with the American Disabilities Act (ADA), Fair Housing Act, with the regulations and requirements for state and city licensing, and if the applicant was paying his share of the taxes, as she believed there was no real way of knowing this. MS. FELGAR discussed that she is a Real Estate Broker, and she is not allowed to have a Real Estate office in her home. She believes that if this is allowed to go too far, businesses will be moving into

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residential areas, and she did not feel this was something that should be allowed to continue.

MIA ROSE lives next door to this home. She spoke in support of this application, noting that the applicant has a landscaper and pool man who take care of the property. However, she also voiced concern, as she does not want to see residential areas turning into hotels.

MR. SCHULZETENBERG noted that his management company monitors the rental very closely and does a good job of making certain they know who is going to be at the home. He stated that the only reason he would ever allow multiple families to stay in this facility is if the families were related, such as brothers and sisters coming as a group.

COMMISSIONER SCHLOTTMAN noted that it would be up to the Building and Safety Department, as well as other City departments, to determine if the home meets ADA standards and meets the tax collection requirement, which he regarded as valid point. He noted that there has been only one complaint on this property in two-and-a-half years and that there are no other short-term rentals within 460 feet. MR. SCHULZETENBERG affirmed that he was willing to agree to a one-year administrative review.

CHAIR CHERRY declared the Public Hearing closed.

