



PLANNING COMMISSION REGULAR MEETING MINUTES

COUNCIL CHAMBER, 401 CALIFORNIA AVENUE,
BOULDER CITY NV 89005

OCTOBER 18, 2023 - 5:00 PM

CALL TO ORDER

Member Biacsi and Member Krumm participated via teleconference.

CONFIRMATION OF POSTING AND ROLL CALL

Members present: Chairman Fritz McDonald, Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Steve Rudd (6)

Absent: Member Tony Scott (1)

Also present: Community Development Director Michael Mays, City Planner Susan Danielewicz, City Clerk Assistant Bridgette Rodriguez

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Chairman Fritz McDonald opened the public comment period and indicated the number to call was 702-589-9629.

City Clerk Assistant Rodriguez read the following written public comments regarding agenda item 3: (attached)

Lauren Szafranski
Jaqueline Flores

No further comments were offered in person or by phone and the public comment period was closed.

AGENDA

1. For possible action: Approval of the Minutes of the August 16, 2023 regular

meeting

A staff report was submitted by City Planner Susan Danielewicz and included in the October 18, 2023 Planning Commission agenda packet.

Motion: Approve

Moved by: Member Matt Di Teresa **Seconded by:** Member Steve Rudd

Vote:

Aye: Chairman Fritz McDonald, Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Steve Rudd (6)

Nay: (0)

Abstain: (0)

Absent: Member Tony Scott (1)

Motion Passed

2. For possible action: V-23-669 – Chris Jacobs for Beer Zombies IV LLC – 567 Nevada Way: A **public hearing** on an application for a variance in the C2, General Commercial zone to permit a pole sign (already built) with setbacks of 0' and 2'4", whereas Section 11-24-11.A.5 of the City Code requires a variance to permit a pole sign within the Historic Business Sign District and Section 11-24-8.C requires a minimum setback of 3'

A staff report was submitted by City Planner Susan Danielewicz and included in the October 18, 2023 Planning Commission agenda packet.

City Planner Danielewicz provided a brief overview of the staff report.

Chairman McDonald disclosed, per the City Attorney, he had an ongoing personal and professional relationship with the applicant Jennifer Zischke as she was in attendance of the meeting on behalf of the owner of Beer Zombies. He noted there was no pecuniary interest or conflict of interest.

Chairman McDonald asked if a condition could be included that required the tenant get a permit for the existing sign.

City Planner Danielewicz said the City initially considered that as an option; however the current tenant applied for the variance, not the property owner. She said the tenant did not have the structural information for the sign because the owner installed the sign. She said the tenant could not be obligated to require the property owner to do something.

Chairman McDonald asked if the other signs referenced in the report had permits.

City Planner Danielewicz said the shopping center with the State Farm office had a sign that was grandfathered in and had been there for decades. She said the Dam Roast House also had an existing pole sign in the right-of-way, approved based on it being consistent with what had been there historically.

In response to Member Bonnar, City Planner Danielewicz said there had been many cases where the property owner provided permission for someone to apply for a variance. The current tenant of Beer Zombies had written permission from the owner to request a variance.

Member Bonnar asked if it was possible to have the Planning Commission postpone their decision on the variance until safety drawings and regulations were submitted with the packet, and if the tenant would entertain that option.

City Planner Danielewicz said it was not necessary or appropriate to postpone the variance. She said staff normally did not provide the Commission structural drawings for any application.

Director Mays said the applicant could work with the property owner to submit the structural information as a follow-up to ensure the structural integrity.

Member Rudd said the Commission was voting on whether or not the variance was appropriate and staff would determine if the structure was safe.

In response to Member Di Teresa, Jennifer Zischke said the pole sign was installed before they were tenants, noting Milo Hurst was the landlord. She said they worked with a sign company to install the covering and said she thought they were licensed in Boulder City. She said the cover sat on the existing Two Wheels sign that was there when the sign was erected.

In response to Chairman McDonald, City Planner Danielewicz confirmed the variance would apply to the property, not the tenant.

Chairman McDonald noted this was the time and place scheduled to conduct a public hearing and asked for public input.

No comments were offered in person or by phone and the hearing was declared closed.

Motion: Approve V-23-669 bases on the findings and subject to the condition contained on pages 3 and 4 of the staff report.

Moved by: Chairman Fritz McDonald **Seconded by:** Member Beth Bonnar

Vote:

Aye: Chairman Fritz McDonald, Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Steve Rudd (6)

Nay: (0)

Abstain: (0)

Absent: Member Tony Scott (1)

Motion Passed

3. For possible action: AM-23-371 – Resolution No. 1245 - City of Boulder City: A public hearing and recommendation to the City Council on a proposed amendment to Sections 11-1-3.B, 11-29-3 and Chapter 11-36 of the City Code to clarify prohibition of Short Term Rentals and general enforcement

A staff report was submitted by Community Development Director Michael Mays and included in the October 18, 2023 Planning Commission agenda packet.

Director Mays provided a brief overview of the staff report. He noted the City Council directed staff to continue the prohibition of short-term rentals (STRs). He said the proposed definition of short-term rentals was consistent with other jurisdictions' definitions. He said in addition, an amendment to Chapter 29 of Title 11 was added to prohibit home occupations for short-term rentals. He said the Chapter 36 amendment was a general cleanup and language clarification related to the enforcement provisions of Title 11.

In response to Chairman McDonald, Director Mays confirmed no material changes were being made, and it was to clarify the verbiage and not alter the existing policy. He said the City Attorney had reviewed the changes.

Member Krumm said the Council had given direction and the job of the Planning Commission was not to determine if short-term rentals were allowed or not. She stated under the Planning Commission's rules of procedures staff could bring forward an item as well as Planning Commissioners. She said the City needed a code amendment to make the code more clear that short-term rentals were not allowed. She noted she had spoken during public comment at the Council meeting as a citizen of Boulder City and not as a Planning Commissioner. She said the task was not whether the Commission as individuals were for or against short-term rentals, rather to determine if the code language was appropriate. She noted she was in favor of clarifying the code language to prohibit STRs as directed by the Council.

Chairman McDonald noted this was the time and place scheduled to conduct a public hearing and asked for public input.

Chelsea Gallagher, owner of a short-term rental, said it had been a pleasure operating an STR in Boulder City. She said people coming into Boulder City were coming for its family-friendly environment. She said STRs were not bringing in riffraff, nor had she had a complaint about her property. She said she understood the need to clarify the code language, but it should be something the city decided. She said she wanted to encourage STRs go to a vote on the ballot so the community could have a voice. She said before a decision was made, it was important to know how the community felt about STRs and if provisions could be made. She made a suggestion of limiting the number of STRs and said the operators could get permits. She said there was a small number of complaints regarding STRs that could be easily rectified with the hosts.

No further comments were offered in person or by phone and the hearing was declared closed.

Member Rudd said he agreed with Member Krumm and said the code verbiage needed to be cleaned up. He said STRs were still being conducted illegally and the code needed to be clear.

Member Di Teresa said a ballot initiative would bring the issue of STRs before the people.

Motion: Approve Resolution No. 1245, which includes findings for a recommendation in favor of AM-23-271.

Moved by: Member Ernest Biacsi **Seconded by:** Member Lorene Krumm

Vote:

Aye: Chairman Fritz McDonald, Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Steve Rudd (6)

Nay: (0)

Abstain: (0)

Absent: Member Tony Scott (1)

Motion Passed

4. Monthly Progress Report on Development Allotments

A staff report was submitted by City Planner Susan Danielewicz and included in the August 16, 2023 Planning Commission agenda packet.

No comments were offered.

PUBLIC COMMENT

Chairman Fritz McDonald opened the final public comment period and indicated the number to call was 702-589-9629.

No comments were offered in person or by phone and the public comment period was closed.

Chairman McDonald adjourned the meeting at 5:39 p.m.

Fritz McDonald, Chairman

ATTEST:

Bridgette Rodriguez, City Clerk Assistant