

**Planning and Zoning Commission Work Session Minutes
September 19, 2024
Conference Room 1A & 1B - 1st Floor City Hall**

Call to Order

Commissioners Present –Brodsky, Geuea Jones, Ortiz, Placier, Stanton, Walters, Williams, Wilson
Commissioners Absent – Loe
Staff Present –Craig, Halligan, Kunz, Teddy, Zenner

Introductions

The Chair recognized the newest Commission appointees David Brodsky and Mackenzie Ortiz. Commissioners introduced themselves and Commissioners Brodsky and Ortiz provided background about themselves as well as interest in serving on the Commission.

Approval of Agenda

Meeting agenda adopted unanimously

Approval of Minutes

The September 19, 2024 work session minutes were approved unanimously with Commissioners Brodsky and Ortiz abstaining.

Old Business

A. Short-term Rental Application & CUP Evaluation Criteria

Mr. Zenner introduced the topic and provided an overview of what the intended outcome of the discussion was desired to be. He stated one of the objectives of discussing the application questions was to hopefully reduced the number of questions and the amount of discussion on each application during the public hearing by collecting common information up front and reporting it out to the Commission within the staff reports. He further noted that a second objective was to develop a set of standard questions that the Commissioners could ask during each hearing such that a consistent public record would be created for every STR CUP request. Such standardization would potentially reduce opportunities for applicants to claim the Commission was arbitrary and/or capacious in rendering its decision on a CUP request. Finally, Mr. Zenner noted that he believed it would be valuable to discuss how the Commission saw the 300-foot separation criteria being used in the decision-making process. Mr. Zenner noted that being consistent in how this standard is applied is essential such that challenges to the STR regulations are minimized.

Mr. Zenner noted that the staff reports on the Regular meeting agenda for this evening should have appeared different. He noted that the changes were the result of staff attempting to address general Commission questions offered during the public hearing at the September 19 meeting. These changes dealt with the topics of occupancy as well as length of STR use prior to making application for STR licensure. He noted that the text relating to ADA accessibility was also modified to be consistent with earlier report formats.

In the course of this discussion, the Commission revisited the topic of having greater information provided with respect to possible past rental code violations. Several Commissioners noted that having this information would help in their evaluation of an applicant’s likely compliance or non-compliance with the STR use-specific standards. Mr. Zenner noted that as part of the current background research on each

application an evaluation of violations on the subject property was conducted; however, no records search was performed with respect to the applicant and their other rental property interests.

He noted that pulling violation records for other properties that the applicant may operate within the City was possible; however, pulling records from other jurisdictions was not appropriate given there was no way of knowing under what circumstances those violations may have been issued. Furthermore, Mr. Zenner expressed concern that having this information could prejudice the Commission in making its decisions given not all violations are the making of an applicant themselves, but in the context of long-term rentals, could be caused by their tenants. He further questioned on how acquiring and presenting this information furthered the underlying objective of performing a “land use” analysis with respect to the CUP application.

Mr. Zenner noted that rental code violations are often resolved over a period of time and that he was unaware that there were a significant number of long-term rental operators losing their rental certificates as a result of violations. He further noted that given the Commission is considering a CUP request, they have the ability to recommend limitations on the operational characteristics of the STR which should be based on the potential incompatibility it could pose on the surrounding environment. Mr. Zenner noted that the regulations establish maximum parameters, but due to the CUP, the Commission can restrict those when seen as necessary to ensure code compliance.

There was significant discussion between staff and the Commission relating to this topic with no specific resolution being offered. Mr. Craig was asked if he would look into the topic and provide a legal opinion if such actions were possible. Mr. Craig indicated that he would review the matter. Mr. Zenner indicated that he would continue his evaluation based on violations specific to the property sought for CUP approval.

There was also additional discussion with respect to the location of a “designated agent”. The purpose of the desired question was to better understand if an applicant, seeking to use their “principal residence” and serving as the “designated agent” would be onsite or staying elsewhere when the dwelling was in STR use. Commissioners desired that the applicant to disclose if they would be on-site or not, and if off-site how far away from the STR would they be located. There was discussion about if getting a distance from the STR, if not on-site, was necessary given the STR regulations already required that a designated agent be within Boone County.

Mr. Zenner noted that he could ask the question on the application form and that it would be an appropriate question to ask again during the public hearing for the benefit of all in attendance. Addressing the requested application change as recommended was supported by the Commissioners.

There was additional conversation about how the number of days of rental were arrived at. Mr. Zenner and Commissioners Stanton and Geuea Jones provided an explanation. Additionally, there was discussion on STR license transfer and what happens when a property with an STR license is sold. Mr. Zenner explained that licenses are non-transferrable and that staff had not devised a process by which to track property transfers such that once a property is sold a license would become inactive or voided.

It was recommended that the application be amended to ensure that the “non-transferrable” element of the license was made clear upfront. Mr. Zenner noted that could be done and that it may also be worthwhile to have similar language added to the actual STR Certificate of Compliance.

Given time constraints and the desire to have a legal opinion offered by Mr. Craig on the issue of violation history, Mr. Zenner noted that the Commission would return to this topic at a future work session meeting. Following completion of discussion on this topic, official changes to the STR application would be made.

Adjournment

Meeting adjourned at 7 pm.

Actions taken:

Motion made to approve the agenda as submitted by Commissioner Walters and seconded by Commissioner Plaicer. Motion made to approve the September 19, 2024 work session minutes as presented by Commissioner Walters and seconded by Commissioner Placier with Commissioners Brodsky and Ortiz abstaining.