

**Planning and Zoning Commission Work Session Minutes  
February 20, 2025  
Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**Call to Order**

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

**Introductions**

None

**Approval of Agenda**

Meeting agenda adopted unanimously

**Approval of Minutes**

The January 23, 2025 work session minutes approved unanimously

**New Business**

**A. Short-term Rental CUP Questions – Potential Revisions**

Mr. Zenner introduced the topic and by providing clarification on the question at the last Regular Meeting with respect to a property owner to operating a “long-term” and “short-term” rental within the same dwelling concurrently. Mr. Zenner stated that following review of the regulations and consultation with the Mr. Craig there were no provisions within the adopted regulations that prohibited such an action. The certificate/licensure processes applicable to these two types of dwelling unit usage were independent of each other. Mr. Zenner noted that “long-term” licenses are based on zoning and “short-term” licenses are based on guest occupancy. There was discussion with respect to the provisions within the regulation that prohibit a STR from having more than one “reservation”; however, this was not intended to apply to restrict a dwelling from being legally allowed to be used as a “long-term” rental concurrently.

There was significant discussion on the topic which focused on the practical difficulties associated with enforcement if a restriction to limit total occupancy was desired. Staff noted they were unaware of any STR dwelling attempting to be used concurrently as a long-term rental. It was further noted that one of the underlying purposes for allowing dwellings to be in dual licensure status was to ensure an option existed for “year-long” occupancy of the dwellings. Staff expressed concerns that creating limitations on possible occupancy within a dual register dwelling without observed/verified complaints that such activities were creating impacts may be premature.

As discussion continued, it was noted if a long-term tenant had agreed to certain stipulations/conditions when signing a long-term lease that provided for use of the dwelling as an STR that was a private contractual matter that the City would not be privy to. The adopted STR regulations do not stipulate that when a property is in dual rental status that the long-term tenant **must be** the STR licensee. Rather the regulations permit a long-term resident the right to apply for such a license if approved by the property owner. The property owner is in control of how they will use their single licensure.

Mr. Craig noted that long-term tenants have rights conferred to them by nature of their lease. To potentially restrict those rights due to property being in dual status could be considered a violation of their enjoyment of the property. It was further discussed that the variations in occupancy, based on the type licensure, may be sufficient to address and control impacts to which the Commission initially expressed concern. It was further recognized that addressing occupancy impacts is often “reactive” and that trying to be “proactive”, while the preferred approach, may not be possible in this situation. Having fully discussed this issue, Commissioners concluded that the current regulatory structure was sufficient and did not require amendment.

Mr. Zenner proceeded to guide the Commission through a discussion on the current CUP questions. It was concluded that certain questions were not well understood by applicants and that most questions on Page 1 of the required CUP questionnaire were more appropriate for staff to perform an analysis on than the

applicant's themselves. Mr. Zenner noted that simple "Yes, No" or "True, False" responses to the questions on Page 1 should be all that Commissioner should expect from an applicant. He noted that the question on this page are actually the standard CUP questions that staff must analyze for any type of CUP request and require greater knowledge of the Comprehensive Plan that most applicants would actual avail themselves to.

With respect to the questions on Page 2 of the CUP form there was considerable discussion. Commissioners noted the questions were prepared assuming full enforcement of the ordinance was to have begun once the regulation were adopted. This obviously was not the case. As such, several of the questions seem to be seeking information that may not, at this time, be relevant. There was discussion of potentially not requiring the CUP questions to be submitted by applicant given the limited value that was being offered by them. Mr. Craig noted that this suggestion could not occur given the adopted regulations require that the Commission and Council evaluate them. He noted that the criteria was evaluative in nature and not intended to be determinative with respect to each CUP request. There was discussion with respect to how staff and the Commission could use the questions as part of the intake and public hearing evaluation processes.

The Commission discussed how certain questions on Page 2 of the CUP evaluation should be incorporated into the staff reports thereby reducing the possible evaluation time of each CUP request during the public hearing. Questions A , B, and C were identified as the questions that staff clearly could obtain as part of the application "intake" process. There was discussion regarding Question C, noting this was something the Commission could "drill" into if there were public complaints being brought before the Commission that were not relieved to the staff during the submission process or prior to the public hearing.

With respect to Question D, there was significant discussion on what was intended to be collected with this question. Staff offered several examples of what the Commission could consider as "intensity" concerns. Mr. Zenner pointed out that with the current form of the staff report there is an attempt to point out what impact approval of an STR may have, but this could expand if necessary.

And finally, with respect to Question E, Commissioners believed this was important and should be a significant factor in their deliberations. Mr. Zenner noted that if an application is submitted claiming support from adjacent property owners, but none is submitted he has contacted the applicant indicating that such support needs to be documented or the application needs to be changed. Several Commissioners noted that this single question has had the greatest impact on their decision making; however, it was also acknowledged that just because an adjacent property owner opposed an STR approval that such opposition wasn't the sole reason for their voting. It was noted that a balancing of the public opposition to what is possible under the current regulation's enforcement/compliant reporting provisions was something each regularly considered.

Having fully discussed the CUP question and resolving that the staff would take lead on answering in greater detail those questions on Page 1 and work with applicants to obtain the highest quality answers for those questions on Page 2, a final call for comments and observations with respect to this matter was sought. Having none presented and having reached the end of the work session the meeting was adjourned. Mr. Zenner thanked the Commission for its input.

## **Old Business**

### **A. UDC Text Amendment – Small Lot Use-Specific Standards**

Given discussion of the proceeding agenda item ran longer than anticipated this topic was not discussed. Discussion carried forward to the March 6, 2025 work session.

## **Adjournment**

Meeting adjourned at 7 pm.

## **Actions taken:**

Motion made to approve the agenda as submitted by Commissioner Loe and seconded by Commissioner Wilson. Motion made to approve the January 23, 2025 work session minutes as presented by Commissioner Loe and seconded by Commissioner Wilson.