

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

**Call to Order**

Commissioners Present –Geuea Jones, Loe, Placier, Stanton, Walters, Williams, Wilson  
Commissioners Absent – None  
Staff Present –Craig, Kraus, Teddy, Zenner

**Introductions**

None

**Approval of Agenda**

Meeting agenda adopted unanimously

**Approval of Minutes**

The September 5, 2024 work session minutes were approved unanimously with Commissioner Loe abstaining.

**Old Business**

**A. Legal Department Training – Sunshine Law & Open Records**

Earl Kraus with the Law Department provided annual Board and Commission Training on the Sunshine Law and Open Records requirements that were applicable to the Planning Commission. Mr. Kraus went through the specifics of each topic area spending more significant time on the Sunshine Law’s standards given their greater significant with the activities the Planning Commission is typically involved in. There were general questions asked about the applicability of particular provisions and several examples of situations and best practices were offered.

With respect to the Open Records portion of the presentation, Mr. Kraus stated that it is best practice to relying on Mr. Zenner as the Commission’s liaison for communications between the entire Commission least the be the potential for conducting a meeting unintentionally. He also noted that responding “Reply All” was not recommended as it could result in an open records request on a Commissioner’s personal electronic device. He also discussed fines associated with violations of the Open Records requirements and that such fines could be levied against Commissioners individually as well as against the City. Again, Commissioners asked several questions and there was general discussion.

Mr. Kraus concluded his presentation by provided his contact information and encouraged Commissioners to reach out to himself, Jesse Craig, or Mr. Zenner should there be questions regarding the topics covered. The Commission thanked Mr. Kraus for his presentation.

**B. Planning Commission Officer Elections**

Mr. Zenner explained that it was again that time of the year for PZC Officer Elections. Ballots were distributed to the Commissioners. The Chair called for nominations for the officer positions. Commissioner Loe nominated Commissioner Geuea Jones as Chairman which was seconded by Commissioner Placier. Commissioner Geuea Jones nominated Commissioner Stanton as Vice-Chair which was seconded by

Commissioner Loe. Commissioner Geuea Jones nominated Commissioner Williams for Secretary which was seconded by Commissioner Stanton.

Nominations were closed and Mr. Zenner requested that Commissioners indicate their votes on the distributed ballots. Following Commissioners casting their votes, the ballots were returned to Mr. Zenner for tallying the vote count. Mr. Zenner announced that following voting the Officers for the 2024-2025 session of the Commission were Commission Geuea Jones as Chair, Commissioner Stanton as Vice-Chair, and Commissioner Williams as Secretary by unanimous election.

### **C. Short-term Rental Application & CUP Evaluation Criteria**

Mr. Zenner introduced the topic and explained that the purpose of the discussion was to ensue that the process of delivering staff reports on STR CUP requests was made more efficient. He noted that depending on the outcome of the Commission's discussion it was possible that the current application form for a STR CUP would be modified to collect "general" information that Commission was presently asking for as part of the public hearing. Having this information up-front and included in the staff report would reduce time spent asking questions.

Mr. Zenner also noted that there was a desire to gain clarity on several of the provisions that were within the regulations such that their application to a specific CUP request could be accurately communicated. Specifically, there were questions relating to the issue of ADA accessibility and how the supplemental CUP review criteria seeking information on STRs within 300-feet of the subject site were to be applied. Mr. Zenner noted he would first seek input on the ADA accessibility matter.

Mr. Zenner stated that when STR CUP requests were initially brought forward to the Commission, staff commentary on this requirement was more generalized and referenced compliance with the standards would be determined following additional review of the specific dwelling by Housing and Neighborhood Services and Building and Site Development staff. However, as additional applications have been received and several of the dwellings seeking CUP approval were observed to have stairs, the staff reports began to express the ADA requirement more strongly and noted that not only exterior and interior accessibility was required.

In discussion with Housing and Neighborhood Services and Building and Site Development staff, a question arose as to if this provision was actually triggered based on the requirements of the Building Code. The applicability of the ADA provisions was discussed at great length during the STR regulation adoption process and the opinion of staff offered at that time was that the ADA provisions were not applicable given the Building Code did not recognize a "change in use" had occurred with the structure simply by approving a CUP to allow the dwelling to be used as an STR. Since this opinion was first offered, the Building and Site Development Division's leadership has changed; however, the new leadership still contend that the opinion previously offered is correct.

Upon being provided this opinion and in efforts to not upend the progress made in adopting the regulations, Mr. Zenner explained that he asked Building and Site Development leadership if there were any options available to facilitate the intent of the regulations as they presently exist. The recommendation offer was that an independent ADA Assessment be prepared by a "third-party" that would be submitted with the application to seek an STR Certificate of Compliance. Mr. Zenner noted that this recommendation would appear to make sense given that the ADA accessibility standards are only applicable to dwellings seeking STR approval that are not the applicant's "principal residence". Mr. Zenner asked what thoughts the Commission had.

There was general discussion and concern expressed with respect to the staff's response that no change of use has occurred. A question was asked if the City had a procedure by which it officially determined "change of use". Mr. Zenner noted that he was informed that there; however, it often as other factors associated with it and that he would prefer to have Building and Site Development leadership provide its rationale for its position. There was discussion with respect to the recommendation that an independent "third-party" ADA assessment be required as a part of the STR Certificate of Compliance process. Commissioner generally supported that concept as a means of assuring that existing regulatory provisions were being considered in the approval process and when required would be triggered.

Given the Commission's general acceptance of the recommended compromise with respect to the ADA accessibility requirements, Mr. Zenner noted that the CUP staff reports for STRs would return to how they were initially prepared with more general language requiring compliance subject to review by the Housing and Neighborhood Services and Building and Site Development staff.

Given time constraints Mr. Zenner noted that the Commission would return to this topic at a future work session meeting. Following completion of the discussion official changes to the STR application process would be facilitated.

### **Adjournment**

Meeting adjourned at 7 pm.

### **Actions taken:**

Motion made to approve the agenda as submitted by Commissioner Loe and seconded by Commissioner Stanton. Motion made to approve the September 5, 2024 work session minutes as presented by Commissioner Loe and seconded by Commissioner Placier with Commissioner Loe abstaining.

Planning Commission Officer elections were held with Commissioners Geuea Jones, Stanton, and Williams being unanimously elected to Chair, Vice-Chair, and Secretary, respectively.