

**Planning and Zoning Commission Work Session Minutes**  
**November 7, 2024**  
**Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**Call to Order**

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

**Introductions**

None

**Approval of Agenda**

Meeting agenda adopted unanimously

**Approval of Minutes**

The October 24, 2024 work session minutes were approved unanimously with Commissioner Loe abstaining.

**Old Business**

**A. Short-term Rental Application & CUP Evaluation Criteria**

Mr. Zenner noted that prior to jumping into the further evaluation of additional STR application questions he desired to address a concern/observation made by Commissioner Williams in an email with respect to the STR regulations and potential error in a cross-reference. The alleged error, Mr. Zenner noted was correctly observed and was made with respect to the waiver of supplemental on-site/off-street parking applicable to Tier 2 & 3 STRs. He clarified that the availability of parking on-site/off-street governed the amount of occupancy within an STR and noted that provision of more parking on a site did not permit a greater level of transient occupancy. The STR regulations placed a “hard-cap” of 8 transient guests per dwelling. Commission Loe provided clarification on how the 8 guests limit was arrived at.

Mr. Zenner noted that the errant cross-references within Secs. 29-3.3(vv)(1)(ii)(A)(2) and (B)(2) as well as 29-3.3(vv)(iii)(B) would be addressed when amendments to the STR regulations were next processed. In the interim, the staff would address questions with respect to the error as they arise.

Having explained how Mr. Williams observation would be addressed, the meeting’s focus returned to additional application questions that may be appropriate to ask as part of the initial application in-take. Mr. Zenner reiterated, the purpose of seeking this input was to hopefully make discussion on each application during the public hearing shorter. He noted that several new evaluation elements were already added into the last batch of staff reports. Commissioner Geuea Jones asked if Commissioner’s had any additional questions that they’d like to have added to application.

Aside from the previously discussed application questions relating to the number of nights of prior rental in the past year, the distance that a designation would be from the dwelling if they were the “long-term” resident and not on-site during STR usage, and updating the application to ensure it clearly conveyed that the STR Certificate was not transferrable there were no additional application specific questions offered. Mr. Zenner noted that staff was presently reporting out on “violations” associated with the subject property, referencing potential “accessibility” requirements in more general terms, and had begun to make comments relating to occupancy based on the stated bedroom/sleeping space square footages stated on the application.

There was general discussion with respect to the potential of including more expansive information on surrounding land uses adjoining STR properties as well as being more deliberate with respect to the evaluation criteria that sought information about STRs within 300-feet of a subject property. Mr. Zenner

again desired to seek clarity on how this standard would impact future STR decisions and expressed concern that consistency would be necessary following the first potential denial of an STR based on this criterion.

In the ensuing discussion, the Commission expressed concerns about STRs near schools as they may inadvertently offer opportunities for persons that are classified as “sexual offenders” the opportunity to rent such properties. This concern was expressed given that several applications previously before the Commission were across from schools; however, was offered more as an observation than a desire to specifically restrict or have a default “denial” position when such applications were to be considered. Several Commissioner spoke with respect to this concern and much of the discussion focused on who was responsible monitoring and reporting the locations of such individuals. The general Commission consensus was that it was the sexual offender’s responsibility to comply with the Sexual Registry laws of the State and that attempting to require an operator of an STR to do something may be inappropriate via the STR CUP process.

As discussion continued, Mr. Craig advised the Commission that based on prior questions asked about what the Commission could reasonably ask staff to research or utilize as part of their consideration of a CUP he noted that those elements had to conform to what they were authorized to do by their enable legislation and the provision in the legislation that they were authorized to administer. He noted that the present discussion was likely beyond the scope of authority established or granted to them at this point; however, if a text change were proposed that established criteria for evaluation the distance and spacing of STR from several of the protected land uses discussed that could be a legal manner in which the expressed concerns could be addressed.

Mr. Zenner noted that the staff would continue to provide land use analysis of the surrounding conditions as part of the staff reporting process. Based on this information the Commission could hopefully have sufficient information to may informed decisions.

Having completed this discussion and given limited remaining work session time, Mr. Zenner summarized what he understood the STR application and report changes would be moving forward. These changes included:

1. # of STR rental nights in the prior year
2. Location of the designation agent, if also the registrant, when the dwelling was in STR use
3. Complaint/violation history of the property
4. More clarity on “non-transferability” of STR Certificate
5. Evaluation of “tentative” occupancy based on bedroom/sleeping space square footages

Commissioners acknowledged that these criteria/issues/elements were what they desired, at this time, to see within future staff report on STR CUP requests. Mr. Zenner thanked the Commission for their input and noted that the application would be updated to reflect these changes.

### **Adjournment**

Meeting adjourned at 7 pm.

### **Actions taken:**

Motion made to approve the agenda as submitted by Commissioner Loe and seconded by Commissioner Plaicer. Motion made to approve the October 24, 2024 work session minutes as presented by Commissioner Loe and seconded by Commissioner Wilson with Commissioner Loe abstaining.