

**ITEM NO. 3 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 1500 RHODE ISLAND ST (BJP)**

**SUP-18-00571:** Consider a Special Use Permit for a non-owner occupied short-term rental, located at 1500 Rhode Island St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Jones Group LLC, property owner of record.

**STAFF PRESENTATION**

Becky Pepper presented the item.

**APPLICANT PRESENTATION**

Barbara Jones was present for questions.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Willey asked if the Special Use Permit was for the main dwelling or detached dwelling.

Pepper said the property contained a single-family residence. She said the detached dwelling was the main structure.

Commissioner Sands said with guidance from the City Commission would staff's assessment of the golden criteria be included for short-term rentals.

McCullough said the staff report would not change much. He said staff's intent was not to tip the scale to the industry. He said neighborhoods would have valid issues that should not be discounted just because the program was adopted. He said many of the short-term rentals would be fairly similar in context. He said staff was looking for homes and areas where the context may be atypical, such as a large house or too many short-term rentals in a neighborhood. He said there wasn't criteria for that but it could be an evolution of the discussion.

Commissioner Carpenter asked for the long-term rental licensing map to be shown on the overhead. He said the character of the neighborhood should be discussed.

McCullough said over time Planning Commission may need to create a portfolio of typical short-term rental Special Use Permits. He said short-term rental Special Use Permits were a new use and unique. He said it was similar to a Home Occupation or Bed and Breakfast in terms of its impact from a zoning perspective.

Commissioner Carpenter said short-term rentals were making some properties more attractive to purchase and convert because of the increase in generated income. He felt that would put more pressure on housing stock in neighborhoods. He said 1500 Rhode Island was one of the most kept houses on the block. He appreciated seeing the positive reviews from past users and the occupancy restrictions listed by the applicant on Airbnb.

Commissioner Struckhoff appreciated the reviews and information provided by the applicant. He wondered about properties being used for short-term rental and complaints on Airbnb.

McCullough said it would have to be submitted to enforcement staff as a complaint. He said there were multiple platforms that facilitate the short-term rental use, such as Airbnb. He said testimony could be considered but the Code was not seeking that information.

Commissioner Struckhoff said 1500 Rhode Island was one of the best kept houses on the block but the appearance of a house does not necessarily mean it was suitable every time for short-term rental. He said he was inclined to support the Special Use Permit. He liked the idea of using a map to track where the non-owner occupied short-term rental Special Use Permits were located. He asked staff to encourage applicants to submit additional information, such as Airbnb reviews, with their application.

Willey said short-term rentals already exist but their impact on the community was unknown. She said the only way to learn about the impact to the community is to know where the short-term rentals are located and monitor them. She felt issuing Special Use Permits was the first step in that process. She said she understood the City Commission comments about not giving too much weight to the industry but it was what would further the gain of information about what impact they have. She said there were concerns about them harming hotel uses and affordable housing but that impact would not be known until data could be put toward it. She said she would vote in favor of this Special Use Permit.

Carpenter said it would be helpful for applicants to provide reviews from the platforms they advertise on.

### **ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Carttar, to approve the Special Use Permit, SUP-18-00571, for a non-owner occupied *Short Term Rental* use located at 1500 Rhode Island Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RS5 (Single-Dwelling Residential) District, which allows a maximum number of 3 unrelated occupants per dwelling unit.
2. Per Section 20-901 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is 2 spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is 2.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.