



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
February 25, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

1. Roll Call Meeting called to order at 6:06 PM

Present at roll call were Commissioners: Amber Wissing, Ingrid Wussow, George Shaver, Kathryn Grosscup, Tim Malloy, and Sumner Schachter,

Absent: Marco Dehm

Also present were: Jenn Ooton, Director/Asst. City Manager
Gretchen Ricehill, Assistant Director
Terry Wilson, Police Chief
Anna S. Itenberg, City Attorney's Office
Hannah Klausman, Senior Planner
Jimmy Uvodich, Planner 1
Dean Kinkel, Alternate
Carolyn Cipperly

Vice Chair Sumner Schachter assumed chair as Marco Dehm was absent from the meeting.
Motion to seat alternate Carolyn Cipperly.
Motion approved by voice vote.

2. Comments from citizens appearing for items not on the agenda.
None.

New Items

3. 2-19 – Consideration of text amendments to Vacation Rental regulations in Municipal Code Title 070.030.030 Use Specific Standards (7) Accessory Tourist Rentals and (9) Short Term Rentals.

Applicant: City of Glenwood Springs
Location: City of Glenwood Springs
Zone: Citywide

Ms. Klausman provided a powerpoint presentation summarizing information included in the staff report. Ms. Klausman discussed -

- Number of vacation rentals in the city and the increase that occurred prior to the moratorium going into effect;
- Responses, demographics and results of the on line survey;
- Response received from the public open house;

Ms. Klausman reviewed the policy areas for which direction or recommendations are requested.

- Permit fee
- Application Fee
- Building inspection and occupancy limits
- Multifamily building limitations
- Numerical cap for vacation rentals

In addition to the staff report, Ms. Klausman explained about the research materials that were provided to the Planning and Zoning Commission as part of the staff report.

Building and Fire departments provided comments that were included in the packet of materials as did the Housing Commission. Ms. Klausman also indicated that the Police Chief provided data regarding police calls and requested that if the commission had additional questions that they ask

Reviewed each of the four action items.

Questions of Staff

Commissioner Malloy discussed the following with Ms. Klausman, Ms. Oton and Mr. Wilson:

Clarification of the application current fee; administration of applications; collection of lodging tax; business licensing; number of short term rentals in multifamily buildings; regulations from other communities; police calls to short term rentals and nature of calls.

Commissioner Grosscup – there are a number of alarm calls – many do not seem to involve people and misbehavior. Wilson indicated that this results from people not familiar to operating the particular alarm system. For the police it is more of a nuisance call. Very few were serious incidents. Overall very few calls rise above a minor incident.

Commissioner Wussow – The program has been in place for about 6 years. Have you noticed a fluctuation in calls through the years or is there a concentration in the location of calls?

Most calls taken care of with a warning.

Commissioner Malloy – Commission will be discussing enforcement and considering fines and revocation of the permit. Asked police chief's opinion. If revoke the permit raise the possibility of the owner operating the premises without permit. Compared it to revoking a driver's license.

Commissioner Wussow – process for communicating the violation. How will community development know that something has occurred. Wilson – first time that the departments have been looking at the calls.

Commissioner Malloy – asked about compliance

Ms. Klausman clarified about the generation of some of the Code Compliance calls out of Community Development. Hannah and Jimmy spend approximately four hours per month checking on compliance with current regulations.

Discussed contact with a private company which would monitor the vacation rentals. Cost for set up was about \$15,000

Commissioner Grosscup – 134 represents 3/2 of the existing housing stock.

Commissioner Schachter suggested adding the permit fee to the Commission's list of considerations and asked staff for comment.

Ooton explained that fees are handled by resolution and are not contained in title 070.

Public Comment opened at 6:55 PM

David Bolton – 915 Colorado Ave – operates a Bed & Breakfast. He commented about

- B&Bs have to have off street parking. It is not a requirement for vacation rentals. Vacation rentals and guests smoke marijuana
- Changing character of the community
- Will eventually see an evolution of commercializing our residential neighborhoods.
- People will not be prohibited from operating

Rachael Windt – 728 Bennett Ave

Has been renting a room in her home for past 7 years; allows her to remain in Glenwood Springs; no complaints received from neighbors; AirB&B allows the owner to review the guests; is not an easy way to make money; don't like out of town owners who purchase homes just to rent them out as vacation rentals

Nathan Moffatt – 509 Maple

Rental in their home since 2012; do not agree with limiting the number of vacation homes; believes it will be self-limiting; operating a vacation rental causes owners to keep up their properties;

Public comments closed at 7:08 PM

General Comments to the commission about broader roles –

Carolyn Cipperly: community security; addressing fees should be addressed; consideration of higher fees to promote affordable housing

Commissioner Malloy: not in favor of drastically restricting vacation rentals. Discussed Aspen and the impact of second homes; does not agree with a cap because it is not attached to any location consideration such a limit per block; number of police calls associated with vacation rentals is higher than normal residences; seeing turnover of homes to be used specifically as a short term rental; believes that there will be a rise in non-owner occupied rentals.

Commissioner Grosscup: Not opposed to a hard cap number; favors a balanced response;

Commissioner Wissing: Favors a balanced approach

Commissioner Wussow:

Has short term rentals on either side – are some of the best cared for homes on the street; understands that people need extra income to remain in the City; but there is an impact on the neighborhood – has no neighbors; does have an issue with second home owners; fees; quick response to violators;

Commissioner Shaver

Preserve neighborhoods; agrees that the issue is self-regulating; second home owners operating home specifically as a business is an issue

Commissioner Schachter

Feels that the moratorium should be extended

Commissioner Malloy

Turnover in homes for short term rental; impact on affordable housing; not looking for major code changes

Commission break at 7:56 PM

Commission reconvened at 8:08 PM

Action 5

Commissioner Malloy moved that Council consider implementing a \$300 initial application fee, a \$150 renewal fee and a biennial building inspection with the cost of building inspection covered by the application and/or renewal fee.

Commissioner Wussow seconded the motion.

Commission general discussion

Commissioner Grosscup recommended that the fee be “up to” \$300.

Commissioner Schachter indicated that it should be “not less than.”

Commissioner Grosscup felt that the inspection was key;

Commissioner Malloy reiterated that the recommended fee was based on discussion of actual staff cost.

Commissioner Cipperly: Takes off the table any fee that would go into an allocated affordable housing account. The desire to have this funding is based on Crested Butte model.

Commissioner Schachter: Does not believe that the Crested Butte model does not apply.

Motion carried unanimously

Action 1

Commissioner Grosscup moved to recommend to City Council that there be a biennial building inspection for all vacation rentals which allows the building department to assign a maximum occupancy. Commissioner Wussow seconded the motion. Motion carried unanimously.

Action 2

Commissioner Wussow moved to recommend that Council amend Municipal Code section 070.030.030 Use Specific Standards, to reduce the percentage of units that can be vacation rentals in a single-owner multifamily building from 25 to 10 percent of the total number of units in the building, with the findings that are on page 14 of the staff report.

Motion carried unanimously

Action 3 Discussion

Commissioner Schachter discussed percentage as a percentage of “eligible housing stock” including those that are already vacation rentals. By eligible he meant no deed restriction, no properties granted fee waivers, no properties with covenants.

Action 3

Commissioner Malloy moved to recommend that Council amend Municipal Code section 070.030.030(e)(9) Use-Specific Standards, to implement a numerical limit on short term rentals of 5 percent of eligible housing stock or 1 unit for every block, or every 500 lineal feet in areas where the block face standard does not/cannot be applied, whichever is less. Commissioner Wissing seconded the motion.

Commissioner Malloy amended the motion for clarification – 5 percent cap is on the total eligible housing stock citywide (free market units) and includes the valid permits that already exist.

Clarification regarding block face and linear distance requirements: Permits expire every two years – existing permitted units count towards determining block face and distance requirements. Permitted units are exempt from block face and linear requirements as long as the permit remains valid. Permittees are allowed to renew any number of times. “Grandfathering” expires upon sale of the property or expiration/lapse of the permit. Commissioner Wissing amended her second.

Commissioner Malloy amended his motion to establish a 10 percent rather than a 5 percent cap on the total number of units citywide. Commissioner Wissing amended her second.

Motion carried unanimously.

Action 4

Commissioner Malloy moved to recommend that Council amend 070.030.030(e)(7) and (e)(9) to include that any penalty for violation of this section shall be subject to a fine of \$250 for the first offence and a fine of not less than \$100 per day and up to \$1000 per day for subsequent offenses. Commissioner Grosscup seconded the motion.

Motion carried unanimously

Action 6

Commissioner Malloy moved to recommend that Council amend Municipal Code section 070.010.080(e) – “unless otherwise provided in the Code”.

Motion carries unanimously.

Commission decides to take no action on Public Notification item.

Encouraged council consider parameters for absentee ownership, notification and parking restrictions.

4. Commissioner Comments
Amber Wissing thanked Hannah and complemented her on her hard work.
5. Director Comments

6. Adjournment 10:44PM