



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 position as Marco Dehm was absent from the meeting.

Motion to seat alternate Carolyn Cipperly by Commissioner Grosscup seconded by Commissioner Malloy.

Motion unanimously 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 online 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 regarding that document to direct them to Chief Wilson in attendance.

Questions of Staff

Several Commissioners asked for clarification as to the nature, origin, location and concentration of the police calls as well as Chief's opinion on revoking permits and fine structure. In addition, Commissioners asked how the complaints get resolved. Would Police consider a larger number of these units to be problematic?

Chief Wilson indicated that

- Most alarm calls results from guests unfamiliar to operating that alarm system.
- Most calls are more of a nuisance call and very few are serious incidents.
- Very few calls rise above a minor incident; most are taken care of with a warning.
- Calls and frequency is more typical of business frequencies.
- There are many permit holders that have never had a complaint.
- The Police department has not taken special notice of this industry and has not identified it as a problem at this time.
- More calls in the downtown area mainly to do with bears in trash and parking.
- Distinct possibility that revoking a permit will only result in operating without a license. Financial penalty more efficient and lends itself to compliance.
- A considerable increase in units will have an impact on volume of calls for service. Large percentage of increase in calls may need a review in regards to staff time but due to the low-impact nature perhaps not.

Commissioner Malloy discussed the following with Ms. Klausman, Ms. Ooton: 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;

Ms. Klausman clarified that some of the Code Compliance calls come out of Community Development department. Staff spends approximately four hours per month checking on compliance and issue violation letters that sometimes escalate to code enforcement citations from the Police Department. Discussed contact with a private company which would monitor the vacation rentals. Cost for set up was about \$15,000

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

Jenn Ooton explained that fees are handled by resolution and are not contained in title 070, however the Commission could make a recommendation if they chose.

Public Comment

Commissioner Schachter opened the hearing to public comment at 6:55 PM

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

- Sees B&B regulations are stricter than vacation rentals such as parking.
- Changing character of the community and commercializing our neighborhoods.

Rachael Windt – 728 Bennett Ave

- Has rented a room in her home for past 7 years;
- Allows her to remain in Glenwood Springs;
- She has had no complaints received from neighbors;
- Doesn'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;
- Disagree with limiting number of vacation homes; believes it will be self-limiting;
- Operating a vacation rental causes owners to maintain their properties.

Public comments closed at 7:08 PM

Commissioner Comments:

Commissioner Cipperly:

- Concerned about community character;
- Application fees should be addressed by P&Z;
- Consideration of higher fees to fund affordable housing

Commissioner Malloy:

- Not in favor of drastically restricting vacation rentals.
- Disagree with cap if not attached to any location consideration, limit per block;
- Concerned about number of police calls for vacation rentals
- Concerned about turnover of homes used specifically as a short term rental;
- Believes that there will be a rise in non-owner occupied rentals.
- Impact on affordable housing;

Commissioner Grosscup:

- Not opposed to a hard cap number;
- Favors a balanced response;

Commissioner Wissing: Favors a balanced approach

Commissioner Wussow:

- Some of the best cared for homes on the street are vacation rentals;
- Understands that people need extra income to remain in the City;
- Recognizes a negative impact on the neighborhood;
- Has an issue with second home owners;
- Wants 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

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.

Action 5 Commission discussion

Commissioner discussed staff time involved in inspections and application processing in arriving at the fee recommendation. Commissioners discussed “up to” in the fee language, or “not less than” however decided on flat fee. Comments on the fee being used for an affordable housing fund, similar to Crested Butte, as an idea.

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 Commission Discussion

Clarification of percentage as a percentage of “eligible housing stock” including those that are already vacation rentals. Eligible meaning no deed restriction, no properties

granted fee waivers, no properties that are HUD/Section 8 or restricted affordable properties.

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 to 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