

**Department**

Community Development Department

**Staff Contact**

Clara Chaffin

**Recommendations**

Consider adopting Resolution #2022-19.

**Update:** Consider tabling the Short-Term Rental CUP until second reading of the proposed ordinance. Approval of Resolution #2022-19 should be conditional on adoption of the ordinance.

Consider approval of first reading of Ordinance 1013.

**Executive Summary**

Justin R. Winney submitted an application for a Conditional Use permit for a Short-Term Rental in an R-1 Residential Zone at 406 S. 6<sup>th</sup> Street. There is an accessory building on the property which includes a detached garage with ADU (Additional Dwelling Unit) on the 2nd floor. The current owners wish to operate the ADU as a short-term rental through Airbnb year-round. It is within 1,000 feet of a daycare. (520 feet to daycare located at 302 S. 5th Street)

This application was the first short-term rental application under the newly adopted code. In processing the application, it was discovered that none of the existing, pending, or applied for short-term rentals meet the requirement that they be located 1,000 feet from a school or day care facility as shown on the attached map. Reducing the buffer to 500 feet would only allow three of the short-term rentals to operate.

The Planning and Zoning Commission discussed the code at the July 18<sup>th</sup> meeting and recommended that Council consider an amendment to the code removing the buffer requirement. The Commission's reasons included:

- The restriction did not provide the intended safeguards given hotels do not have the same restriction;
- The restriction limited short-term rentals to a very small portion of the community;
- Short-term rentals provide a needed accommodation for visitors to our community;
- The restriction was considered to be "over-reaching" property rights;
- Short-Term Rentals have considerably more oversight and vetting of the occupants by company (e.g. Airbnb) and the operator than in the case of a hotel as the host of the Short-Term Rental is able to research, meet, and deny applicants; and
- Children at daycares are supervised by adults when outside and schools have security elements in place.

Other communities have addressed short-term rental concerns by requiring the owner of the short-term rental either live on-site or within a certain distance of the rental.

**Update:** After Council discussion at the work session on July 25<sup>th</sup>, and the Council meeting, staff has prepared an ordinance with recommendations along with a map for Council to view



## Agenda Item Report City Council - August 8, 2022

different buffer distances. These documents will be reviewed and discussed at the August 8<sup>th</sup> Council work session.

### Alignment to Strategic Goals and/or Other Plans

The property is designated as part of the Downtown Neighborhoods subarea of the Central Douglas District. "This area can be considered an extension of Downtown. Its future desired condition combines the preservation of adjacent historic neighborhoods with new medical facilities. Existing buildings should be redeveloped in a manner that compliments this emerging medical and downtown residential district." The request conforms to the Douglas Master Plan as a complement to the existing residential and commercial uses.

### Budget/Fiscal Impact

There are no Budget or Fiscal Impacts associated with this Conditional Use Permit.

### Responsible Staff

Clara Chaffin

### Action Requested

Adopt Resolution #2022-19.

### Reviewed/Approved

- Community Development
- Law Enforcement
- City Administrator

- Public Works
- Legal
- Finance

### Recommended Motion

I move to approve Resolution #2022-19 with conditions as presented and conditional upon passing Ordinance 1013 on third and final reading.

### Attachments

- Attachment #1: Resolution #2202-19
- Attachment #2: Staff Report
- Attachment #3: STR Map with Buffer Options