



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Final Planning Commission

Thursday, August 16, 2018

8:30 AM

Council Chambers

1. Call to Order

Present: 6 - Scott Hente, Jim Raughton, Vice Chair Reggie Graham , Chairperson Rhonda McDonald, Samantha Satchell-Smith and Carl Smith

Excused: 3 - Jamie Fletcher, James McMurray and John Almy

2. Approval of the Minutes

2.A. [18-0375](#) Minutes for the June 14, 2018 Planning Commission Special Meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

Postponed

2.B. [18-0376](#) Minutes for the June 21, 2018 Planning Commission Special Meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

Postponed

3. Communications

Peter Wysocki - Director, Planning and Development

Resolutions of Appreciation

Ray Walkowski - Six Years of Service

John Henninger - Six Years of Service

Jeff Markewich - Six Years of Service

4. CONSENT CALENDAR

4.A. [CPC ZC](#)
[18-00074](#) An ordinance changing the zoning of 5.54 acres from PUD/AO (Planned Unit Development: Single-Family Residential, 40 foot maximum building height, and a cumulative density of 7.99 dwelling unit per acre with an Airport Overlay) to PK/AO (Park with an Airport Overlay) located south of Dublin Boulevard and west of Banning Lewis Ranch Parkway within the Village 3 development.

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Motion by Hente, seconded by Vice Chair Graham, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. This item is being referred to City Council with a recommendation to approve.

The motion passed by a vote of 6:0:3

4.B. [CPC CM1
18-00081](#)

A Conditional Use for a Commercial Mobile Radio Service (CMRS) installation of a freestanding 60-foot tall clock tower for a concealed mobile telecommunications facility with associated supporting ground equipment located at 3771 Bloomington Street.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Hente, seconded by Vice Chair Graham, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Hente, seconded by Vice Chair Graham, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

Aye: 6 - Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith and Smith

Absent: 3 - Fletcher, McMurray and Almy

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

5. UNFINISHED BUSINESS

5.A. [CPC CA
18-00063](#)

An Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

Staff presentation: Ms. Herington gave a PowerPoint Presentation discussing the scope and intent of the Ordinance for Short-Term Rental Vacations

Questions: Commission Graham asked who completed the safety inspection and if it doesn't pass what's the penalty. Ms. Herington stated the property owner completes the self-safety certification. The City can't inspect every short-term vacation rental. The owner will fill out the self-safety certification and signed it at the bottom attesting that they've complied with all the safety elements on the checklist as well as code requirements.

Commissioner Smith asked what the difference from an apartment was for month to month rental and how do you know it's a Short-Term Rental. Ms. Herington stated they'd rely on the owner to complete the short term rental permit and that staff would work with community groups and business leaders to spread the word of the need for a permit. Staff would only know if the short term unit exists without a permit if a complaint was filed with Neighborhood Services.

Mr. Wysocki asked if Commissioner Smith was asking how the city would know in a 300 unit apartment complex that tenants are renting or subleasing their apartments. Commissioner Smith said no. There are complexes that lease on a 30-day basis. He didn't think it was significant but the larger question is the rental by owner where people are gone for a longer time than 30-days and are renting their place for 4-6 months. How does that time frame fit into this ordinance?

Mr. Wysocki stated anything over 30-days would be considered a rental unit. A short-term lease and short term vacation rental are the same type of rental. Short term leases in apartment buildings are limited to 4 per property. Individual contracts or lease agreements between a tenant and a management company or owners may or may not regulate subleasing. The apartment management may consider that renting an apartment as a Short-Term Rental as a sublease but that would be independent from the city.

Commissioner Smith agreed. But regarding longer leases, would they be subject to sales tax. Mr. Wysocki said no. Ms. Herington stated that was brought up at some citizen meetings and if you rent longer than 30-days it's

a different type of rental.

Fire Marshall Lacey was called for questions. Commissioner Hente confirmed when building a commercial structure there's a mandatory fire inspection. Fire Marshall Lacey stated that was correct. Commissioner Hente asked at what point the Fire Department goes on site to complete the inspection verses something like this where you trust a home owner to do the inspection. Fire Marshall Lacey stated it depends on the degree we want to consider this is an active business. It's residential even though there's a business transaction. They're comfortable leaving it as a self-inspection that is very similar to small businesses. It's not possible to inspect the 25,000 plus businesses they believe are in town therefore Fire often relies on the business to complete the inspection following the small business checklist. Planning is making sure the owner signs off all on all the items on the checklist. If an incident happens they know the owner is responsible for the property and if those items on the list weren't actually done, it could be considered negligence. There are checks and balances throughout the process.

Commissioner Hente stated there is a significant difference in the building codes for residential and commercial properties such as egress. It's a commercial property although in a residential area so was Chief Lacey comfortable with them having the same amount of egress. Chief Lacey stated the building code does not address the occupant load. In a single-family home you can have about 16 people in the home, but homes differ in sizes. To figure out the number isn't something they usually do. They will handle this on a complaint basis and respond accordingly.

Mr. Wysocki clarified there are differences in the IRC (International Residential Code) and IBC (International Building Code) and Fire Codes that apply to commercial sites and to a single-family residential home. However there's still a building permit required if there's new construction or if there are modifications to the home that require inspections. There are assurances built in under the IRC review even though not a commercial property. Chief Lacey agreed. The fire codes have areas that are applicable to single-family dwellings but we typically do not inspect those unless there's a complaint, or a substandard reason for them to go to the residence.

Commissioner Raughton stated boarding houses are restricted to higher residential zones and brought up bed and breakfasts. Are these uses limited to zoning ordinances? Ms. Herington said yes and showed the definitions of a boarding house and a bed and breakfast. A bed and breakfast is allowed only in the R5 residential district and in commercial zones.

Commissioner Raughton asked if we limit the number of unrelated adults in a single-family residential home to five unrelated persons. Ms. Herington said yes.

Supporters: Martin Pamaz Director of a Sport Non-Profit in town. He commented how this could affect affordable housing in the city and how this could affect how the city grows in the future.

Sarah Vass, Assistant Director at CONO and stated she was there to support the process. CONO helped facilitate public meetings. She felt staff listened to the public and adjusted the ordinance the best they could. CONO appreciated having the local emergency contact piece because the largest problem is knowing who to call if something needs addressed.

Amy Stevens representing the Short-Term Neighborhood Alliance. She appreciated the process. There's been good education and they tried to reach a middle ground. They want to make sure the good neighbor issue is not overreaching and how it is tied together and make sure that if you establish these guidelines they're followed. Section 6 of the Ordinance referenced the tenants complying with all safety and fire ordinances. Most people will not know those so that needs to be clear. The other item is the 24/7 phone number which they agree with but there needs to be a reasonableness about the hour response and when the clock starts. In the remedies part in Section 7 & 8. These are duplicative. Group that is represented feels remedies are too harsh i.e. \$2500 fine and 180 days in jail.

Brian Reggit owns a Short-Term Rental. He's in support and in line with what he needs to do as an owner anyway. They want to be good neighbors and protect their property. There is a legitimate concern about the housing rates and we're not the sole cause of that. We have a part to play and we'd like to propose that the revenue collected from the sales tax and the permits be allocated for housing or a voucher system for assistance for that.

Matt Wingert has one Short-Term Rental and has taken good care of the property. We take pride in our efforts, want to maintain a low profile, and maintain a positive experience for all the renters. He supports the ordinance as written and will comply with everything. This has been a good starting point and a good way to begin to move in the right direction.

Renee Behr stated she's a business owner in town and the city is a business friendly community and pro property rights. But as the ordinance is written it is against that. We also want to be a good neighbor. At their

duplex downtown, they've spent a lot of money to improve it, they've helped homeless people, and they've mowed the lawn next door for those who don't mow their lawns. So they're providing a helping hand and thus their short-term rental has beautified the corner on Boulder. She'd like the ordinance to be relooked at for some of the small things like extension cords for example. Some things need to be revisited.

Brandon Behr discussed the intent of the ordinance. They've worked through some of the more restrictive items and what they have now is almost a great ordinance. But there are some things that are overreaching and not within the intent of the ordinance. It's not about collecting taxes or knowing where we're at it about putting undo restrictions on us and calling us a business. We're not businesses. He wants to use his property however he sees fit. With only 15 complaints for the approximate 1200 short-term rentals you're enacting all these rules for a small minority. His hope is the Planning Commission will not overregulate this. Consumers want great choices. They don't want to come to this area and have to stay in a large hotel from old school days. He doesn't feel you can experience the city the way they need to at a hotel, you only get that from a short-term rental. Don't close the door to other innovations. We want growth and investment in the town to invite younger people and increase the livelihood which leaves people with only two choices - a hotel or bed and breakfast.

Commissioner McDonald clarified if he was in support or against. Mr. Behr stated he's in support that you're creating a rule but he's not in support of the regulation as is and would recommend you don't push it forward and review it more.

Ed Sawyer kind of a supporter. This is all about money. He's not heard anything about stability of neighborhoods or the people who live in the neighborhood. These are business. He'd suggest limiting this. He and his neighbors have spent lots of money and they have pride of ownership which will be destroyed because of this. What about the rights of the people who've live and owned their own homes for years.

Frank Hibits stated he's in support. He likes the process and the way it's written

Jeff Thomas stated he's in support and in support of Air B&B's in general. There needs to be some tweaks that could be made but it's a good process that's been put in place.

Michelle Hertado she runs several short-terms rentals and has operated them with all the permits required. She's supportive of the ordinance as written. It's incumbent upon them as owners of short-term rentals to have

good relationships with the neighbors. Also paying the LART tax is good for the city. Once all the Short-Term Rentals pay this tax it will significantly help the city.

Tim Doland he supports the ordinance. It improves property values. A plus for individuals. He has concerns about commercial groups coming in as investors only and taking over an area. He'd endorse a restriction to keep it only to your own personal house or second house.

Jeremiah Erickson he's a supporter of the process. It's good to look at what other cities have ruled out he thinks we've done a good job. Regarding every property would be limited to one listing or one family group per building. He'd suggest if I own a house that allows me to rent out multiple rooms they many the short-term rental ordinances could read the same. So allow a couple of rooms to be rented out as the short-term rental. Overall he supports it

Ms. Ruska said she supports the ordinance but has questions as to the zoning because the number of the listings is dependent of the zoning. She supports the comment about investors coming from out of state. The impact of this kind of investment could be great for neighborhoods.

Autumn Wallace and Kelly said they're in support of the ordinance. Ms. Wallace doesn't want it to be overregulated. They wanted to mention the accessory buildings and travel trailers. One of the great things about Air B&B is the uniqueness with retro trailers, tree houses, and teardrop tents and the uniqueness the short term rentals can offer opposed to your standard housing unit. So take a closer look at a RV in the back but there could be an art to the way you're creating beautiful spaces. Ms. Ray wanted an amendment to the ordinance for the RV camper and if it complies with the long term standards why can't they do the short term standards such as have an RV in an RV park but rent as a short-term rental in the proper locations.

Commissioner McDonald asked Ms. Herington to clarify what zones are in the ordinance and how they apply the number of rentals you can have. Ms. Herington stated its one per lawful dwelling unit. R1-6, R1-9 are single-family residential so only one is allowed. An R-2 would allow up to two. In the multi-family zone districts it would accommodate all the different types of residencies up to 4 short term rentals per property. So whatever your lawful dwelling unit is that's how many you can have with a limit of up to four. It's not specifically tied to the zoning it's tied to the dwelling unit.

Mr. Wysocki provided a clarification that this is not only about the LART tax. This topic was raised to staff by former Executive Director of CONO, Dave

Munger, two years ago. Mr. Munger had communicated to staff at the time that CONO was fielding questions and concerns from neighborhood groups about short-term vacation rentals and asked the city to look into and research the topic. At the time CONO wasn't recommending a prohibition they just wanted staff to look at an ordinance. As a part of this process we asked ourselves, by the way do you think they're collection LART? It was initialed by neighborhood involvement. He doesn't want citizens to think this was only about collecting money and LART tax it is also about neighborhoods.

Opponents: Marie McGinness gave a PowerPoint presentation listing different city's that had problems with short-term rentals and stated they agree there needs to be an ordinance but a lot needs to be amended. We need to get it right the first time. This started out of home-sharing. However, the growth in short-term rental is by non-owner occupied rentals. This trend doesn't align with PlanCOS. PlanCOS talks about the importance of neighborhoods. Guests and short-term rentals have no pride in neighborhoods because they're only here a short time. All permits need to have an expiration date so we can control that. This how we protect our neighborhoods and preserve our quality of life.

Michael Applegate gave a PowerPoint presentation. He's from the Holland Park but speaking on behalf of the Neighborhood Preservation Alliance. He's here to champion real neighborhood home-sharing. It's the non-owner occupied short-term rentals that are the problem. The owner needs to live in the home. This is a business. You need to occupy the home with a home occupation business so short-term rentals need to operate the same way. Limit it to primary residents, have mandatory permitting but cap it. Treat all platforms like this the same and have only permitted ones listed.

Tervor Deardorf stated he owns a long term rental. But why is it anyone's business whether I do it short-term or long-term. It's my property. The Air B&B and the VRBO phenomenon is part of the sharing economy that's new to the world today. He doesn't want some other organization telling him what he can do with his private property and why is it anyone's business what I do.

Mr. Phi owns some homes in town and uses them as Air B&B and VRBO's. He references the short-term rental review criteria where is discusses one listing per home. There are more than 1000 homes listed as vacation homes in Colorado Springs. The owners that live here use the revenue and put it back into the city. This proposal will cut off a significant amount of review for the city. Renting out per room rather than renting out the home generates more earnings. In response to the statement it's

destroying our neighborhoods is not true. Restricting the growth of short-term rentals won't stop the growth of Colorado Springs. Along with the previous speaker, what business is it of anyone else if I am renting my garage, or my tent or my RV. In Europe he rented out a tent and that was \$10 a night which was affordable for him at the time and allowed him to travel all over Europe. So if it's my choice to sleep in someone's garage that is a choice between me and the owner.

Catherine Applegate stated neighborhoods are important to her. But more and more neighborhoods are seeing the increase in short-term rentals and no one permanently lives there. If you don't live in the neighborhood you can't contribute to it. Investors say non-owner occupied rentals are just a rental because of technicalities and tax law. But they look like a lodging business they collect LART tax. Businesses in residential neighborhoods are subject to regulations designed to protect the people in the neighborhood. She is concerned about the growth on non-owner occupied short-term rentals within the city. To preserve neighborhoods the ordinance should have a cap on the total of permits issued, have permits that expire, required a primary resident within the home, and find a way to enforce the ordinance that doesn't use the honor system.

Mike Dilacheck gave an example of how people who live in the neighborhood bond with those neighbors. However, short-term rentals don't allow that because they move in and out all the time. We need to require the house be owned and lived by the owner and make the renters comply with the Air B&B rules. Limit the number of Air B&Bs to keep neighborhoods and not daily rental establishments.

Ms. Ruska stated after understanding the requirements of what is limited to home she's now opposed. It's not fair to the owners if they have more than one room to list in the house that you limit the number of people she can rent to. She lives in an R-5 zone and has 4 listings. No one wanted this home. It was used as student housing and offices. So there were more people occupying this house. If they follow this ordinance they can only have one listing in a house that has five bedrooms. We took the worst house and started an Air B&B that allows parents to come and see their kids while they're at school.

Mr. Wysocki reminded speakers they got only one turn to speak.

Deanna Poland came from San Diego. In San Diego the short-term rentals are very popular. She doesn't want Colorado Springs to end up like that. In their neighborhood where they just moved there is a vacation short-term rental so they are forced to live next to basically a hotel. We need stable people who are invested in community. The people who are just passing

through don't take pride in the neighborhood. Having a nice looking updated Short-Term Rental can drive up the cost of the surrounding housing and they moved here because the type of house they were able to get here would cost \$650,000 in San Diego. So if we want to beautify the neighborhoods then people need to actually live there. They don't mind Short-Term Rentals but they need to cap the number of permits available and have the city be in control, and limit it to primary residents only.

Carol Fitzerwald stated they've been landlords but they changed to a Short-Term Rental after fixing their place up after a long term rental. It's been a great investment for their property. They purchased their property as an investment and continue to own it. There needs to be some rules and go after the people who have complaints and not punish everyone because of a few.

Kyle Thompson stated regarding people not taking care of the place while there, there are checks and balances in place and we review the tenant. So if they aren't complying they don't get to go to the next property. Regarding increases in property - Air B&B hasn't been around a long time and house prices still go up. So whether Air B&B is there prices will still go up.

Questions of Staff: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith stated they've heard this ordinance will cause problems but we don't have anything now. He doesn't understand how the ordinance will be a detriment. Even with no ordinance people will still rent out their places as short-term rentals and we don't have any control of it at all. If we have an ordinance and it seems like most are in favor but with some tweaks most of the problems could be addressed. Therefore, because of that he's in favor of the ordinance.

Commissioner Raughton commended staff and the process has been good. But he cannot support the ordinance as written based on his own experience of Air B&B. He has seen whole neighborhoods changing in character with vacation homes taking over entire streets along the coast in California. Where there is a home owner in the home - it works. But if it's opened up to just an investment community they'll convert residential uses into commercial uses. He'd urge it going back to staff to have it bifurcated for once set for commercial property and one for the residential. If it was a Bed & Breakfast or a boarding house they'd do that and most Air B&Bs are like a Bed & Breakfast or a boarding house.

Commissioner Hente said he was torn because there are no regulations

now and we need something. We're all citizens of Colorado Springs, we live in our neighborhoods and on his own street this is a source of strife. There's increased traffic and trash. Some of the speakers have eluded to the fact it's my property I can what I want - unless I wanted to put a night club next to your personal residence. Yes that's an extreme but that's what the zoning code is for. The zoning code is for our protection and our way to have certain expectations of what will be in that area. If I wanted to live in a commercial area or next to hotels I would buy a loft downtown. But I don't, I want to live in a residential area and that's the faith that I have with the city because of the zoning codes. Some of this will get pushed to city council but he cannot support it as written.

Commissioner Graham stated agreed with Commissioner Hente and Commissioner Raughton. He's torn between destroying the quality of neighborhoods and protecting individual rights. He feels an ordinance is needed - we have nothing now for any checks and controls. He also felt if homeowners who aren't present in the home it is really running a business out of the neighborhood and he's opposed to that. He supports refine to the ordinance somewhat but as it stands right now he is not in favor of it.

Commissioner McDonald stated we need an ordinance. It's not perfect to meet everyone's needs and it never will be. However by including the lawful dwelling units as a limitation it keeps it from being like a hotel being next to a single-family residence. The HOAs for each neighborhood will surpass this ordinance and they will put into their requirements what they will or will not allow as a short-term rental. So there's an extra step of protection there for the residents. So she will be in favor of the ordinance as written

Commissioner Satchell-Smith stated she was also torn because she thinks there needs to be some regulation around it and echoes Chair McDonald's thoughts. While this isn't a perfect ordinance there needs to be a standard to be set and feels this will continue to be a conversation and this is a necessary foundation.

Commissioner Smith suggested staff continuing the discussion with stakeholders to find a solution for what's been brought up i.e. - primary residence, the extension cords, the one hour response time and other issues. Mr. Wysocki stated staff has vetted all of that. One unit per property was brought to the original committee and short term vacation home renters didn't support that. Staff modified the ordinance a number of times and worked with both sides. Going back again won't solve anything. If the Commission wanted to make recommendations as far a as a motion that would be different but to go back and discuss the items that have been brought up those topics have been thoroughly vetted the last 3-4 months.

He wasn't sure how much more they could do to gain consensus either party because having only one per property was a non-starter for the short term vacation home renters. The extension cord doesn't apply to plugging in a lamp it's using them as outlets. Staff has done all we can.

There are six of you today. Legislative items go to council. A tie vote isn't a recommendation of denial or non-support - it is one of a neutral stance. The ordinance will continue to Council with an explanation that the Planning Commission was at an impasse and we'll go through this a City Council. Mr. Wysocki stated Councilwoman Gaebler is part of the committee and supports the ordinance as written, supports the process they went through, and was part of the entire vetting discussions over the last several months.

If you want to make some recommended motions, modifications is your discretion.

Motion by Commissioner Smith, seconded by Commissioner Satchell-Smith regarding CPC CA 18-00063 - **Recommend to the City Council adoption of an ordinance** amending Chapter 7 (Planning, Development and Building) defining and establishing standards for Short-Term Rental units.

Aye: McDonald, Satchell-Smith, Smith

Absent: Almy, Fletcher, McMurray

No: Hente, Raughton, Graham

Motion failed: 3-3-3

City Attorney Marc Smith asked Chairwoman McDonald if there were any other motions or recommendations that could be pushed forward to City Council.

Commissioner Graham stated he'd have voted for this if they it had it be homeowner occupied verses how it is now and that's his largest obstacle.

City Attorney Marc Smith said there could be a recommendation with that modification but he wasn't sure if there'd been enough discourse with that particular issue. You're merely forwarding a recommendation to City Council. Commissioner Raughton said he'd second a motion like that.

Mr. Wysocki stated that topic was discussed. As this moves forward to City Council we're forwarding your recommendations. If you vote to modify the ordinance and Council sees the ordinance based on the motion along with the changes you're requesting. If there was a motion and second to modify the ordinance then we'd red line the ordinance as recommend by the Planning Commission. Council always asks staff when your recommendation is significantly different from staff they ask staff's opinion.

We'd state the initial draft didn't include that change but whatever you decide is what we'll do moving forward.

Chairwoman McDonald stated she didn't believe that would solve the problem because there will be homes in locations where the owners are not going to want to live there and that could eliminate some properties such as a downtown loft because they don't live there. That property could be strictly a short-term rental. So if the motion got revised to include that terminology she would not be in favor of that. Commissioner Raughton offered tying to low-density residential which could help with something like a downtown loft. Chairwoman McDonald stated you can't generalize. Commissioner Raughton offered that they'd had a motion that was seconded and voted on so let the debate go to City Council.

Chairwoman McDonald stated since no other motions are being brought forward they'll leave it at a 3-3-3 vote.

Motion by Smith, seconded by Satchell-Smith, to Recommend to the City Council adoption of an ordinance defining and establishing standards for short term rental units.

The motion failed by a vote of 3:3:3

Aye: 3 - Chairperson McDonald, Satchell-Smith and Smith

No: 3 - Hente, Raughton and Vice Chair Graham

Absent: 3 - Fletcher, McMurray and Almy

6. NEW BUSINESS CALENDAR

- 6.A.** [CPC AP 18-00090](#) An appeal of a Notice and Order to Abate for zoning code violation of conversion of vacant land to use as equipment storage located at 0 Dublin Boulevard

Presenter:

Tom Wasinger, Code Enforcement Supervisor, Planning and Development

Staff presentation: Mr. Wasinger gave a PowerPoint Presentation discussing the scope of the reason for the Notice and Order to Abate for the property located at 0 Dublin Blvd.

Applicant Presentation: Mr. Mohl gave a brief comments and didn't understand why he couldn't have a trailer on the site when it's not doing anything. He'd like to request a delay to figure out what could be done as a compromise.

Chair McDonald asked Mr. Wasinger to respond to the appellant's request. Mr. Wasinger stated numerous conversations had been held with Mr. Mohl explaining the lot was annexed as a vacant lot. He's had opportunity to meet and set a pre-app with the planner discussing the use of the property and bring it into compliance.

Chair McDonald stated if Planning Commission were to deny the appeal how long would he have to remove the trailer. City Attorney Marc Smith stated there wasn't a specific timeline. Once a notice and order has been upheld, you have to comply with the Notice and Order but there's no set timeline within the code he's aware of.

Supporters of the Appellant: None

Opponents: Nancy Day stated she lives around the bend from the site. They've worked hard to clean up the appearance of their neighborhood and this is an eyesore. They would like to have this as an open space area and have the trailer removed

Questions and Comments of Staff: Mr. Wysocki provided clarification regarding how many days the appellant would have to remove the trailer if the appeal was denied they would refer it back to the original Notice and Order in which the appellant was given 10 days to remove the violation.

Rebuttal: Mr. Mohl stated he was given the notice and order but no one from Planning came to him with suggestions how to resolve the situation. The annexation date is wrong. The property is in a holding zone of Agriculture but residential in the county. Mr. Mohl wanted to know under what designation the trailer can remain there. It's very hard to move the trailer. The trailer was to store things from the warehouse there previously and when he got the Notice and Order it was a surprise to him and didn't know how to follow through.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Motion by Commissioner Hente, seconded by Commissioner Raughton, to deny the appeal and uphold the Notice and Order to Abate violation issued against 0 DUBLIN BOULEVARD on June 27, 2018, based on the finding that the appeal does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.1. and 7.5.1007.

Aye: Hente, Raughton, Graham, McDonald, Satchell-Smith, Smith

Absent: Almy, Fletcher, McMurray **No:** none **Passed:** 6-0-3

Motion by Hente, seconded by Raughton, to Deny the appeal and uphold the Notice and Order to Abate the zoning code violation issued at 0 Dublin Boulevard on June 14, 2018, based on the finding that the appeal does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.1 and 7.5.1007.

The motion passed by a vote of 6:0:3

Aye: 6 - Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith and Smith

Absent: 3 - Fletcher, McMurray and Almy

7. Adjourn