

SUP19-316 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family dwelling and accessory dwelling unit in the “C-3” Commercial District, addressed at 676 S. Santa Clara Avenue.

(Applicant: Seals Family Properties, LLC)

Mr. Simmont summarized the request and stated Staff recommended approval with 3 conditions: a maximum occupancy of 6, the main structure and accessory structure must be rented as one unit, and the structure must retain its residential character.

Chair Edwards invited the applicant to speak.

Neal Linnartz, agent on behalf of applicant at 496 Comal Ave, stated that the applicant would like to change the request to allow for 6 adults rather than 6 total occupants.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (8-0-0).

Commissioner Meyer stated that there needs to be clarification for what constitutes a guest, occupant, or adult in the code language.

Chair Edwards stated that the occupant has stated the applicant is requesting the term adults to be used and not occupants.

Discussion followed regarding semantics of terminology between adults, guests, and occupants.

Mrs. Snell stated that the ordinance considers occupants to be anyone over the age of 17.

Mr. Looney stated that the reason for staff recommendation is from discussion at the ad hoc committee of City Council and Planning Commission regarding short-term rental occupancy.

Chair Edwards invited Mr. Linnartz back to the podium. Mr. Linnartz revised their request to a maximum of 6 adults with no more than 10 occupants total.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning to apply a special use permit to allow the short-term rental of a single-family dwelling and accessory dwelling unit in the “C-3” Commercial District, addressed 676 S. Santa Clara with staff recommendation and a condition to restrict occupancy to 6 people over the age of 3. Motion carried (5-0-3), Commissioner Gibson, Mathis, and Tubb in opposition.

Commissioner Meyer asked Staff if the motion would be enforceable.

Mr. Onion stated that it would be difficult to enforce the motion.

Mr. Laskowski stated he did not wish to change the motion.