

PZ-18-039 Public hearing and recommendation to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District.

(Applicant: T. Savell; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Mike Savell, 1193 Gruene Road, stated he was the applicant. He explained the purpose of the rezoning was to eventually operate a short-term rental at the property to offset the cost of property taxes. He stated he does not intend to use the property for anything other than short-term rental.

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 Nolte, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District. Motion carried (8-0-0).

PZ-18-046 Public hearing and recommendation to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-1” Local Business District and the “R-3” Multifamily District, addressed at 842 Wall Street.

(Applicant: Gerald Dean Roberts; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended denial.

Chair Edwards invited the applicant to speak.

Dean Roberts, 842 Wall Street, stated he was the applicant. He stated he had not been aware of the City's short-term rental regulations and he removed his listing once he was aware the rental property was in violation. He stated no more than three cars were present on the property at a time.

Commissioner Meyer stated one response received indicated the subject property's HOA prohibits short-term rentals through its DCCR. He asked the applicant if he had received a copy of the DCCR and was aware of the restriction.

Mr. Roberts stated he likely received a copy of the DCCR but was not aware of the restriction.

Chair Edwards asked Mr. Roberts if he had paid a Hotel Occupancy Tax.

Mr. Roberts stated no.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Chris Weeks, 866 Manhattan, represented as property number 31 on the notice of public hearing, stated he was the president of the homeowner's association and wished to speak in opposition. He said the subdivision's DCCR stipulates no rental of a property may occur for less than one year. He further stated he believes a short-term rental would be inappropriate in the neighborhood.

Discussion followed regarding the DCCR.

Caitlin Johnston, 837 Wall Street, represented as property number 16 on the notice of public hearing, wished to speak in opposition. She stated the success of a short-term rental property is dependent on its surrounding environment and she believes a rental at this property would not be productive for the neighborhood nor the renters. She further stated the owner's lack of due diligence shows he will not take management of the short-term rental seriously.

Jason Roberts, 361 Fallen Oak, wished to speak on behalf of the applicant. He stated the applicant was trying to find the means for supplemental income and did not intend to violate the law. He stated residential rental properties have been around for a long time and it's the oversight over them that is new.

Discussion followed.

Lenore Edmonds, 826 Wall Street, represented as property number 9 on the notice of public hearing, wished to speak in opposition. She stated she has seen many cars parked at the subject property at a time and had concerns regarding loud music and disruptions.

Joselyn Flynn, 825 Wall Street, represented as property number 10 on the notice of public hearing, wished to speak in opposition. She stated there are many small children that play outside in the neighborhood and she was concerned with their safety due to renters speeding through the streets.

Karen Doyle, 846 Madison Avenue, represented as property number 7 on the notice of public hearing, wished to speak in opposition. She stated she believes a short-term rental is not an appropriate use in the neighborhood.

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

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend denial to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-1" Local Business District and the "R-3" Multifamily District, addressed at 842 Wall Street. Motion carried (8-0-0).

PL-18-069 Public hearing and consideration of the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R-1 through 1R-3.

(Applicant: Comal Creek Retail, LLC; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval with the following requirements:

1. Addition of the access easement on Lot 1R-3.
2. Payment of park fees, if applicable.

Vice Chair Reaves inquired if the alley access to Lot 3 will meet full access requirements.

Mrs. Mullins stated yes, the alley access will meet the requirements of the fire and solid waste departments.

Discussion followed.