



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-243

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| File ID: ID 19-243 | Type: PH-Special Use Permit | Status: Draft |
| Version: 1 | Agenda Section: | In Control: Planning Commission |
| Department: Community Development | | File Created: 08/05/2019 |
| Subject: STR 165 New York Avenue | | Final Action: |
| Title: Consider a request from Orange Sky Investments LLC for a special use permit to allow short-term rental at 165 New York Avenue. | | |

Internal Notes:

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| Indexes: | Agenda Date: 10/09/2019 |
| Sponsors: | Agenda Number: 6.d. |
| Attachments: Memorandum SUP (165 New York Avenue), Extract, Applicant's updated email dated August 28, 2019, Site maps, Application, applicant letter and supporting documents, Public comments received as of August 8, 2019, Surrounding property owners, Public Hearing notice, PowerPoint presentation | Enactment Date: |
| Contact: | Enactment Number: |
| Drafter: thanh.dang@harrisonburgva.gov | Hearing Date: |
| | Effective Date: |

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|----------|---------------------|---|-----------------------------|--------------|------------|--------------|---------|
| 1 | Planning Commission | 08/14/2019 | recommended to full council | City Council | 09/10/2019 | | Pass |
| | Action Text: | A motion was made by Ford-Byrd, seconded by Whitten, that this PH-Special Use Permit be recommended to full council to the City Council, due back by 9/10/2019. The motion carried by a voice vote. | | | | | |
| | Notes: | Chair Way read the request and asked staff to review. | | | | | |

Ms. Banks said that the Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment

must be designed so as to be compatible with the desired character of the neighborhood.

The following land uses are located on and adjacent to the property:

- Site: Single-family detached dwelling, zoned R-2
- North: Single-family detached dwellings and duplexes, zoned R-2
- East: Single-family detached dwellings, zoned R-2
- South: Single-family detached dwellings, zoned R-2
- West: Single-family detached dwellings, zoned R-2

The applicants are requesting approval of a short-term rental (STR) operation at 165 New York Avenue, which is located approximately 175-feet east of South High Street. The applicant desires to rent for STR a whole home, seven-bedroom, single-family detached dwelling to a maximum of 14 STR guests during the lodging period. The applicants explained to staff that accommodation spaces will be offered within each of the seven bedrooms. There is a large parking area in the rear of the property, which can accommodate five vehicles and an additional three vehicles can park within the driveway, for a total of eight off-street parking spaces.

The property is not the applicant's primary residence and there will be no STR operator present during the lodging period. The applicant states in their letter that the property is professionally managed by Evolve Vacation Rentals and while they are not present during the lodging period, Evolve Vacation Rentals are on call 24/7 to accommodate any guest requests or concerns. The applicants also describe that they reside in the City, less than one mile from the subject property.

Allowing whole home rentals where it is not an operator's primary residence, such as this request, decreases the housing stock available for long-term rentals and decreases the number of homes available for owner-occupied homeownership. While some applicants may not consider themselves investors who are purchasing multiple homes to operate STRs, this home could be sold to an investor and the SUP and associated conditions would convey.

At this location, and based upon previous approvals in other areas in the City, staff believes a STR could operate in one of two ways. The first is to have the STR be owner-occupied, where at times the whole home could be rented, and the operator briefly resides at another location. The second option is when the operator is a tenant, who would be present during the lodging period. These scenarios are consistent with previously discussed positions, where the belief is that if the STR is owner-occupied, this person has a greater interest in maintaining the property. Since this property is known to not be the owner's primary residence, and because there will not be a tenant to provide on-site accountability, there is a greater chance of nuisance activities occurring on the property and negatively impacting neighbors.

When someone purchases a home in a residentially zoned neighborhood, there is usually a degree of confidence that, although properties within the neighborhood could be rented to different people every month, such a residential situation is not likely to occur. Thus, there is some certainty that residents of the neighborhood will be relatively permanent, which in turn offers stability and community building. Staff believes if a whole home STR where the property is not the operator's primary residence is approved within this neighborhood at this location, there is a greater chance that there would not be long-term permanent neighbors (either homeowners or long-term tenants) residing on the property, which could result in community instability because STRs introduce high turnover of people who are unknown to the neighbors or could leave a house vacant for periods of time while the home is not being rented as a STR.

Given the size and nature of the request, staff believes that a STR at this location would have adverse effects on other residents in the neighborhood and recommends denial of the special use permit request.

If there is a desire to allow a STR at this location where the property is not the applicant's primary residence, then staff recommends the following conditions be placed on the SUP:

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than seven STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to 10 people.
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the Pre-Operation Form when short-term rental guests are present.
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Condition #1 prevents the ability for the STR operator to convert or construct an accessory building into space for a STR that was not previously vetted for impacts to the surrounding properties. If the applicant later wishes to create living spaces within an accessory building for a STR, they must return to Planning Commission (PC) and City Council (CC) with a new SUP request. Condition #2 limits the total number of guest rooms and accommodation spaces on the entire property to seven. ("Accommodation spaces" means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) Condition #3 limits the total number of STR guests to not more than 10. Condition #4 requires that prior to beginning operations that the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form and shall maintain compliance with the form when STR guests are present.

Condition #5 provides flexibility for the property owner to maintain the residential

appearance of their property by not requiring them to create and delineate additional off-street parking spaces. Section 10-3-25(28) of the ZO requires STRs to “provide one parking space for each guest room or accommodation space, or as may be more or less restrictive as conditioned by a special use permit.” With a request to rent seven accommodation spaces within the dwelling for STR, the property would be required to provide seven off-street parking spaces unless conditioned otherwise. It should be acknowledged that in addition to the off-street parking spaces required for the STR, the ZO requires off-street parking spaces for the non-transient dwelling units. It appears that all the required off-street parking could be provided on the site in the existing driveway areas. Regardless, staff believes the applicant should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveway or other area of the property without delineating parking spaces.

Condition #6 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

It should be acknowledged that while the applicant has explained their plans for using this property, the SUP is not restricted to the applicant or operator and transfers to future property owners. If the applicant sold the property, future property owners could operate a STR so long as they meet the conditions for the SUP. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

Chair Way asked if there are any questions for staff. Hearing none, he opened the public hearing and invited the applicant or the applicant’s representative to speak to the request.

Wesley Smallwood, 930 Turkey Run Road, Orange Sky Investments LLC, came forward to speak to the request. The property, located at 165 New York Avenue, is across South High Street and parallel with Maryland Avenue, between South High Street and the Roosevelt Street corridor. This house was built in 1942. The gentleman who built the house, Mr. Morris, had fourteen children, therefore made seven bedrooms. It is a unique house. We have off-street parking. Dionne Jones is co-owner of the property. We have the property in an entity and run it as a business. The property had been in disarray. Since becoming owners, we have received many compliments from the neighborhood for cleaning up the property and improving the neighborhood. We have been doing this for two years. I submitted a handout from Evolve Vacation Rentals with 25 reviews, all of them A+ and five-star ratings. Before starting the Airbnb, we informed our neighbors and had an open house. A neighbor approached Ms. Jones and thanked her for improving the neighborhood. Another neighbor was concerned that it would be rented to college students, which is not our intent. Our guests have included families accompanying their children to camps and orientations to JMU, as well as alumni, providing them with the space to reunite. We have also provided lodging for multiple families staying together who were attending ball games, weddings, and other activities. While we do not live there, our residence is 0.63 miles away from 165 New York Avenue. We have partnered with Evolve Vacation Rentals who are the industry leading rental company for Airbnbs. They market our property

on Airbnb, VRBO, Homeaway and other platforms. They have strict rules. They vet guests. No one under 25 years old can book. There is a noise curfew. We have a neighbor who has a key. The property is usually rented on the weekend. During the week, Dionne or I are there cleaning and performing maintenance on the property. I think we have to revisit the non-owner occupied Airbnbs. Airbnb has evolved. They are more than just taking a room in someone's house. We are running a professional business. We would like to ask the Planning Commission to reconsider the recommendation. Airbnb provides opportunity for all individuals including those marginalized groups who have been socially excluded, disadvantaged, and often at the fringe of society. This arena should be one that does not give preferential treatment to some while discriminating against others. It is an opportunity for all people to earn an income and a living.

Dionne Jones, 930 Turkey Run Road, came forward to speak to the request. We asked for a limit of fourteen guests. It is usually one booking. We do not rent seven rooms to seven different people. It is usually a family. It was ten, but we increased it because when we would greet and check in the families they would ask to add babies and toddlers. Even though they booked for ten, they would have two or three babies that they never told us about. It is just one booking per weekend.

Gay Summers, 725 Roosevelt Street, came forward to speak in opposition to the request. My property adjoins Mr. Smallwood's property on the south side of his yard. He has done a terrific job upgrading that property. My family has been in this house since 1974. It is a quiet, quaint community adjacent to the Sunset Heights area. Most of the people on Roosevelt have been there long term. The property on the opposite side of New York Avenue from Mr. Smallwood's property has deteriorated over the last ten or fifteen years. I spoke with the gentleman who has a key to the property, who is not here tonight, and he said that he does have concerns. He said he would be here tonight, but he is not here. I was actually taken aback when I got the letter that said that there was a request for a permit. I had assumed that because there had been guests on the weekends that there was already that type of document in place. I was surprised. Has that always been the case that it is just now that it is part of rental agreements?

Chair Way said that it is a new initiative. It has been happening previously, but it had not been allowed to exist before.

Mr. Fletcher said that STRs were illegal beforehand. Unless they had been self-regulating and paying a lodging tax, then they were not paying lodging taxes to the City. It would still have been considered an illegal operation.

Ms. Summers said that she is concerned because it is a lot of people in an area where there is no continual oversight of the renters. There is no one living with them. It is a concern. It is not truly an opposition, but there are concerns. Is the permit fee stipulated by City Council or the Planning Commission? The reason I ask is because it is a one-time fee. It seems like it would be like anything else, for example you have a driving permit and you have to have

that renewed. You do not just get it for a lifetime.

Chair Way said that the SUP is a onetime thing, but there is an ongoing business license.

Ms. Summers said that it is a onetime fee and that is a good deal.

Commissioner Finnegan said that the SUP would convey with the property as opposed to remain with the applicant.

Ms. Dang said that they would have to continue paying lodging taxes as long as they are renting.

Ms. Summers asked how that is monitored.

Mr. Fletcher said that they apply for a business license. Then that is monitored like any business where it on record and they know to collect taxes from that business.

Ms. Summers said that it is a concern because that is a lot of people week in and week out that are strangers to a quiet neighborhood. I guess it would be different if it were long-term rentals, like six months or a year lease. Like I said, he has put a lot of work into that property. The reason it became that way, is because the children of the previous owner took the property over and did not maintain it. Now it does look much better. It is a concern when there are that many people in a neighborhood that already has issues with some of the houses across the street.

Ms. Jones said that Ms. Summers is worried about the three homes across the street, not our house.

Chair Way said that what she is saying is that if there are already others there, does this tip the balance of the neighborhood in some way?

Ms. Jones said that the same element was living in our house before we took it over, so now it is only on one side. That has nothing to do with us.

Mr. Smallwood said that with the improvements and the positive impact we have made in the neighborhood, other parts of the neighborhood are starting to improve. I have security cameras outside, so I am able to observe and know what is happening on the property. I am within walking distance of the house. I am there every day.

Commissioner Whitten asked if the applicants had considered renting the house as a family home.

Mr. Smallwood said that it was a consideration. What is happening in that neighborhood is that of the single-family homes that are available, most have been encroached by the

students moving out into the residential sections. Looking at the single-family homes that face South High Street, every house from Maryland Avenue down to Greenberries is student housing. We did not want to put students back in there, for several reasons. We did not want to fix the place up every year. I did not want to disrespect the neighbors. We have entertained big groups, ten to fourteen people, just about every weekend. With the exception of about six weekends, we have had guests there. There have been no complaints. If the issue is the size of the group, we can put less people in. That is not a problem.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that we heard earlier in the evening concerns about property values. Here is an example of a property that has been fixed up because of this. My biggest concern is that if we approve this, that opens the door to other neighborhoods for out of town property companies to buy up properties in the City where we already have a limited housing stock. I do acknowledge that when families were bigger, a seven-bedroom house was common. Seven bedrooms is a lot for this housing market. I would have a hard time saying yes to this simply because of the precedent that it would potentially set by opening the door to property rental companies and investors buying up houses, fixing them up and taking them off the single-family market.

Commissioner Ford-Byrd agreed. I think the staff summarized my concerns nicely on page two, paragraph one of the application. I move to recommend denial of the SUP.

Chair Way said that to echo these points, it is an interesting neighborhood, however one of the main concerns is that there is already a threat to the single-family homes there and the concern is that this would aggravate that threat. Something that was mentioned is running a business here and that is the exact thing that we do not want to happen in an R-2 neighborhood like this. That is a concern.

Mr. Smallwood said that taking available housing stock off the market is becoming a catch phrase. The City needs to look at the designated opportunity zones that has been granted by the Federal government and look at utilizing these zones. There is one at the end of North Main Street and one on South Main Street that are big tracks of land.

Commissioner Whitten seconded the motion. This is the situation that we talked about when we started into the conversation about STRs in the beginning. This is an example of what we would not want to see in the City of Harrisonburg. I think it is unfortunate that he did not go to the zoning office and have a conversation. I hope that others will learn from this experience that before you launch into a business, you need to know that you have the appropriate zoning.

All members voted in favor of recommending denial of the SUP (6-0). The

recommendation will move forward to City Council on September 10, 2019.

Commissioner Finnegan said that at some point we need to look at some of these properties. If we are taking options off the table, like this for investing and fixing up properties, we need to revisit the duplexes and multiplexes in R-1 and R-2 neighborhoods so that we are not saying no to everything, but that we are opening another door to the possibility of increasing density or allowing more people to buy and own.

Chair Way said that we need to find that balance of not just fixing up homes, but fixing up neighborhoods, as well, and trying to keep that sense of community. Hopefully our conversation here tonight is reflective of those intentions.

1 City Council

09/10/2019 referred

Planning
Commission

Action Text: This PH-Special Use Permit was referred to the Planning Commission

Notes: Adam Fletcher, director of Planning and Community Development, presented the request for property located at 165 New York Avenue. He stated the original request from the applicant was looking to have seven accommodation spaces and up to 14 STR operators, however since the Planning Commission meeting the number has been reduced. He stated another change was this was not originally the applicant's primary residence, however that has since changed and indicated they Mr. Wes Smallwood will now be making this his primary residence and staff will work with Mr. Smallwood that it does become his primary residence if approved by council. He stated the applicant was made aware by staff that during the STR permit process they were not to operate as an STR, however, upon investigation, the STR was still in operation. He stated they were issued a civil penalty for this violation.

He reviewed the long-term planning for the area, the surrounding properties and their zoning districts. He stated the plan is for seven accommodation spaces for a total of up to 12 guests and off-site parking is available and will not need to be delineated.

He stated staff originally recommended denial as it was not the primary residence of the operator, and the Planning Commission recommended denial (6-0), however with the change in the application as mentioned earlier, staff believes it makes the application very similar to other applications that have been approved throughout the city and now offers a recommendation of approval of the request with the below conditions:

- The site shall be the operator's primary residence;
- If the operator is not the property owner, then the operator shall be present on the site during the lodging period within any dwelling unit.
- There shall be no more than seven accommodation spaces;
- There shall be no more than 12 guests at one time;

- Minimum off-street parking spaces do not need to be delineated.

Mr. Fletcher noted that due to the changes from the original application reviewed by Planning Commission, Council has the opportunity to refer back to the Planning Commission for further review and recommendation.

Council Member Jones asked what the thoughts were from Planning Commission on the violation. Mr. Fletcher stated the Planning Commission was not aware of the violation. Council Member Jones asked what the original cut-off date was for operating an STR without a permit. Mr. Fletcher stated it was August 1, 2019.

At 7:33 pm Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 26, 2019 and September 2, 2019.

Dionne Jones, one of the property owners, stated Airbnb did not allow cancellations of reservations without a \$500 fine as opposed to the \$100 fine issued by the city. She stated there were no provisions from the Planning Commission for those operations in limbo during the permit process if operations could continue. Council Member Jones asked what the dates were of the reservation. Ms. Jones stated the one they received the violation on was August 24, 2019 and could not be cancelled. Council Member Jones stated the city provided a warning when the ordinance was created. Ms. Jones stated this reservation was made last year and cancelling it would have cost a lot of money for all Airbnb owners. Council Member Jones stated the \$500 fine would be worth it to stay out of violation so that they could keep operating once approved versus risking how the violation from the city would be viewed by council. Ms. Jones stated there wasn't anything written or given verbally as to what operators are supposed to do during the permit process as far as continuing or discontinuing operations.

Wes Smallwood, 930 Turkey Run Road, applicant, stated he now resides at 165 New York Avenue. He stated the reservation for August 24, 2019 as well as the ones up through November 2019 were all made in advance and noted that Airbnb delayed taking the rental unit down on the website. He stated they already had reservations made well in advance prior to the August 1, 2019 deadline, he understands the fine, but feels reservations already made should be grandfathered. Council Member Jones stated one still needs to abide by the rules and regulations and reservations should have been cancelled as soon as the notice of the ordinance change was released. Mr. Smallwood stated it was not made apparent that all STR's had to cease and desist operations on August 1, 2019 if they were in the permit process. Further discussion took place regarding the ordinance and the requirements for STR's. Mr. Smallwood stated there was also concern that because the applicant was listed as a company rather than an individual that flipping would be occurring, and that is not the

case. He stated this is not an out of town company purchasing property to operate as a STR.

Council Member Hirschmann stated it is his understanding that everything is on the straight and narrow for this operation at this time, therefore wanted to know what the applicant needed to do now to move forward. Mayor Reed stated we either send it back to Planning Commission or council can vote on it. Vice Mayor Romero stated he thinks the concern from council is the fine. Council Member Jones stated his concern is that the applicant conscientiously put it online or left it online knowing that isn't the process. Vice Mayor Romero stated that he is not sure what difference it would make going back to Planning Commission because the application is very similar to many of the others that have been approved by Council, so at this point it is definitely a decision Council needs to make, and he believes it is not appreciated that the STR was left online and doesn't encourage anyone to violate the law, but at the same time there is a consequence and in this case we agree as a body the consequence is a fine, he should pay the fine and then Council votes on the application. Mayor Reed stated let's continue with public comment on this public hearing.

Jack Garmer, 155 New York Avenue, stated his house is next to the house in question. He stated the previous owner built the property in the 1940's, passed it on to a nephew, it has a disproportionate value due to the size, the house was not kept up well, previous tenants were problems, but the house is now up to par, it has been remodeled, there have been no complaints, and as a STR he hasn't had any problems with traffic due to the rental. He stated the traffic is heavy but not due to the rental and will be seeking a traffic study be done in the area. He stated out of curiosity, are there are any stipulations that the owner of a property be a resident of the city or county.

Rhonda Lentz, is a property owner, registered voter and lives in the city. She stated she provided a letter to all council members supporting this STR request, outlining the reasonings for her support. She presented an addendum to that letter to council and reviewed what the addendum consisted of. She noted one of the documents provided was a Surrounding Property Owners Notice, which reflected six addresses owned by non-resident owners. She asked Council would they rather have non-resident owners renting out property long term that don't deal with issues or would they rather have someone that is on the property every day maintaining the property to maintain their positive reviews on Airbnb and keep the property rented. She reviewed an extract from the July 9, 2019 Council Meeting from statements made by Mayor Reed and Council Member Jones. She stated this is America, land of the free, what does free enterprise mean to each Council Member. She thanked Council for their time.

Erin Bishop, 331 New York Avenue, stated she is a business owner in the city and operates within the law and zoning as required. She stated zoning is put into place very thoughtfully, we have the opportunity to speak and be

represented by commissions and ultimately Council. She stated those processes are things that she really appreciates being a part of and doesn't like to see these processes taken advantage of. She stated to hear people state they are operating a business in flagrant disregard to the zoning in place, that has been in place for a while, where there has been notifications through council, social media, news etc., she feels it is really concerning to have someone with such flagrant disregard to those processes to come before Council with contingencies in hopes that they will comply with the conditions. She asked if a seven-bedroom hotel something that is allowed by right on this property and she has concerns with that continuing.

Michele North, 718 South High Street, stated there is a lack of affordable housing, she never had problems renting out her property and she feels this request is more of a hotel accommodation in a residential neighborhood. She stated the original application showed it was a business entity running a business and was not a primary residence and she feels this is truly a hotel, there are not caps on how long a STR can be let, and even though many properties are rentals in the area it is remarkable of the longevity of the individuals that are renting. She stated originally the applicant wasn't going to reside in the property, however now he has changed his mind to move in to the property, she stated this is a bit unsettling, is he really willing to do that. She requests council deny the application and moving forward recognizing having unlimited STR days could be detrimental.

Pamayotis "Poti" Giannakaouros, stated with all due respect to Ms. Bishop, it is a delightful opportunity to agree with Ms. Lentz. He stated there are a few things on how this special use permit is designed that address the concerns that were said. He stated while it may be potentially possible that this particular building could be operated in a way that wasn't exactly envisioned the primary residence stipulation limits the extent to which these properties could be bought, it is a self-limiting process. He stated he has consistently stated his concerns as to how we came to this process, the rules are the rules, but it is useful to reflect on the process we have gone through and take note going forward. He stated on the eve of passing what was passed he observed in Planning Commission that a pretty reasonable consensus was starting to form around guidance that was scrolled on a paper napkin by former Council Member Byrd, which was going toward doing this by right, but the worst of the three, the least favorite option, was chosen. He stated we now see the impact of that decision who were operating. He stated we have meetings clogged up by special use permit requests and now cost problems. He stated when we think of what impact something is going to have on a business we anticipate these types of issues. He referred to his request to ban Polycyclic Aromatic Hydrocarbon Coal Tar parking lot sealant as an example. He stated a bill was presented to the State Legislature and when our Delegate wrote the language he wrote provisions in that for the businesses that were already operating to use up their existing

stock. He stated if we had been consulting hand in and with the prospective Airbnb owners the types of issues you see here might have come up and been resolved. He stated instead we have been concentrating on residential character, in which council has conveyed back to Planning Commission that should not be a deciding factor. He stated if someone is operating a business part of the reason for imposing fines if something is a profit-making situation is, so people stop breaking even. He stated the harshest aspect of this special use permit process is that it makes people beg and plead for special use permits and feel they have to make a personal case about their own character which shouldn't be entering into land use. He stated he hopes this gets better in the future.

At 8:09 pm Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Romero asked Council Member Baugh if he thinks this is something the Planning Commission would want to see back. Council Member Baugh stated he takes seriously that staff felt this was something they would recommend on, and we are now asked to vote on something that is very different from what Planning Commission made a recommendation on. He stated it was clear the applicant reacted and changed is application to reflect the concerns of the Planning Commission. He stated he thinks Council should kick it back to Planning Commission. Mayor Reed stated she agrees with Council Member Jones regarding the violation, if a council member advises someone they should listen. She stated she would like to see this go back to Planning Commission because it is different than the original application presented to them. Council Member Hirschmann stated he is under the general impression that if it goes back to Planning Commission it will come back with a more favorable recommendation. Council Member Baugh stated we have rules and regulations and even if number crunching shows the best action would be to break the rules, it's not ok and we don't have to accept that.

1 Planning Commission 10/09/2019

Action Text: [Click here to enter the action/summary \(insert the summary from the memo here\)](#)
