



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, March 21, 2019

5:30 PM

Work Session

Conference Room 1-B

Columbia City Hall

701 E. Broadway

I. CALL TO ORDER

Present: 9 - Tootie Burns, Dan Harder, Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman, Brian Toohey and Michael MacMann

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

Approve the agenda as presented.

IV. APPROVAL OF MINUTES

March 7, 2019 Work Session Meeting

No modifications to the March 7, 2019 minutes were offered.

Approve the minutes as presented.

V. NEW BUSINESS

A. February 2019 Building Permit Report

Mr. Zenner introduced the report and noted the new format. Trends are often seasonal based upon the building season. Planning had been processing a lot of plans and plats so building permit action may follow. There was general discussion on the timing of projects from the concept review phase to making application to building permits.

VI. OLD BUSINESS

A. Short-Term Rental Comments - Follow up

Ms. Rushing provided her comments to the commissioners and summarized her comments. She was concerned with the R-2 zone being treated differently from the R-1 zone. She provided research from other cities where their ordinances required the host to be on-site when hosting guests, not allowed to be gone so many days per year and still be considered owner hosted. She said some places based their regulations on the building type, not the zone. Being on site was her definition of hosted. She had concerns about the special use and conditional use permit process. She commented that R-1 areas may be more hospitable to STRs in terms of size, design, parking availability, etc.

Mr. Toohey had concerns with requiring the host to be on-site all the time. He also didn't think there should be any conditional use process under any circumstance. He cited concerns about the right to rent being infringed upon by the burden of a conditional use process. He thought the rental conservation law should be followed.

Ms. Russell supported the 270 day time frame for owner-hosted. She asked Mr. Caldera to look in the potential to modify the "owner-occupied" definition such that it could be limited to someone who lives in Columbia or Boone County. Mr. Caldera said he was not comfortable with that limitation and would do additional research. Mr. Russell said the testimony was passionate. She noted the benefits of neighbors having access to the cell phone number to reach the owner or property manager if there were issues and asked that contact information be a part of the registration process. She did not support a conditional use process noting similarities to long term rentals. She supported that the owner actually own the property and not allowing a sublease situation to be permitted. She wanted neighbors to be notified if their neighbors were operating a STR.

Mr. Zenner noted land use processes including the conditional use process have a built in notification process. Without a land use process, there would be a GIS database available to the public. There was general discussion of notification processes.

The definition of family as applied to traditional rentals and used in the rental conservation law and limits based on transient guests and guest rooms was discussed. The challenges of using the definition of "family" in lieu of the proposed transient guest occupancy limits was discussed in terms of enforcement and how it could become more complicated by owner-hosted models. Mr. Zenner provided some scenarios and said land use related components such as parking and behavior such as noise and trash were part of the consideration. To prosecute violations the city needed evidence.

Mr. Harder said he was in the long term rental business. He had been considering the public testimony and the challenges for enforcement. He said he would hope neighbors would talk to one another if interested in having a STR; he would want his neighbors to talk to him. He preferred hosts being in the house. He saw the negative impacts of not knowing new people in the neighborhood and the impacts that a few bad cases have had on their neighbors. He said there needed to be a way for neighbors to have say if it was too much.

Ms. Loe said there were no guest accommodations in the R-1 zone

presently, not until the R-2 zone (Bed and Breakfasts as a conditional use). She was not in favor of overturning the existing ordinances without due diligence and review. She was not in favor of eliminating the conditional use process and was not sure there shouldn't be an out-right ban in the R-1.

Ms. Burns said she had looked the public comments and thought the Commission was not considering their role in planning to the table. She said one of the planning functions of the Commission was to protect neighborhoods and the community. She said she was concerned about STRs in the R-1 and R-2 zones and she had heard both sides. She could see the impact of the owner not being there and the challenges of enforcement. She noted the work load of additional conditional use permits. She said it was a new use that could open up overburdened residential neighborhoods to additional commercial uses. She said they needed to get it right.

Mr. Strodman asked for clarification on what types of structures were held to residential versus commercial building codes as it related to determining sleeping rooms offered. Mr. Zenner discussed that multi-family construction was governed by the commercial building codes. Single and two-family were governed by the residential building code. Mr. Strodman voiced concerns with enforcement and burdens on the police as they had other issues to address. He thought it should be conditional in the R-1 and R-2 zones so that the neighbors would know what's going on.

Mr. McMann said he shared some of the thoughts expressed by Mr. Strodman and Ms. Burns. He thought the rules should be the same in the R-1 and R-2 zones. He noted that there was a difference between un-hosted versus hosted STRs. He said there were lots of scenarios here. He cited elements such as the right to rent, but also the right to enjoy property. He said a hosted scenario with two or four guests doesn't seem to be a problem but that enforcement was hard. He said they should limit the impact so that there would be a minimal impact on neighbors. Minimal impact situations might be administrative whereas non-minimal might need to be a conditional use process. He cited concerns that the City of New Orleans had when it approved STRs and is now stepping back to be more restrictive. He suggested that the Columbia's regulations should be more restrictive first.

Mr. Stanton suggested that the regulations should start tighter. He said the closer to the spirit of the original STR/Airbnb model one is (i.e. renting out a room in an owner-occupied home) the fewer regulations are needed. However, when the operation gets further away from this model the more regulation is needed. He thought STRs should be allowed everywhere and

administratively in the R-1 zone if less commercial in nature. He thought business should regulate its self.

Having heard from each of the Commissioners, staff sought to obtain additional direction from the Commission on what it should do to move forward with proposed draft. There was general discussion with the following comments being offered.

Mrs. Bruins noted that the regulations should limit impacts because those impacts would be felt in more vulnerable neighborhoods. She said not every neighborhood has covenants or the time to develop an overlay.

Mr. Toohey noted the example in the Grasslands neighborhood and that a lot of regulation had come about because of one bad property. He said the nuisance laws worked as the property was no longer in operation.

Mr. Zenner said the platforms could help to regulate based on complaints and that having a registration process would help to verify and prove violations. He said there were some benefits to using the rental conservation law but that it didn't take into account land use related issues like parking. This is why staff had proposed land use standards. Mr. Caldera noted they could not compel the platforms to provide information. Those seeking registration could be compelled to provide things like contact information but it would come from the operator not the website.

Mr. Toohey said that STRs were a path to affording a home and home ownership.

Ms. Russell said she agreed the regulations should start tighter. She supported owner-hosted.

Mr. Stanton said they could not obligate operators to join a platform. As such some of the benefits of the platforms wouldn't be released. If the city couldn't make them join a franchise, the city would have to provide the framework.

Ms. Burns said the police wouldn't respond if it wasn't an emergency. They needed to think critically about enforcement. Need clear rules about occupancy.

Mr. Zenner encouraged the Commission to look closely at the most current draft and past drafts to see what elements addressed their concerns. He thought there may be areas where the staff has already address the concerns expressed and that the current version could accomplish their objectives. He further noted that while a conditional use permit was a

process, the owner hosts that were doing well now and not having complaints or issues should not have no a problems getting through the conditional use process.

While the Commission offered several salient comments this evening, Mr. Zenner recommended that the staff and Commission come back and discuss this topic in the future before preparing any further edits to the March 1 draft. A question was asked regarding the ability to implement just the lodging tax component at this time.

Mr. Zenner said Amy Schneider of the CVB was in attendance. Ms. Schneider said they could not apply the hotel tax until the process had concluded. She answered several additional questions from the Commission. She said the Airbnb platform was collecting City sales tax but not the lodging tax. She said the platforms could have an agreement with the State and then the State would remit taxes to the cities and the counties.

Mr. Zenner said they would bring the discussion back to the Commission for a work session and hold off on a public hearing until the Commission was ready.

VII. NEXT MEETING DATE - April 4, 2019 @ 5:30 pm (tentative)

Prior to concluding the work session, Mr. Zenner said he had an administrative item to discuss. He said on March 7 the Commission had discussed medical marijuana. He said they'd been asked to produce an ordinance for Council consideration by May 20 to ensure regulatory standards were in place in terms of time, place and manner criteria for operators seeking licenses. He asked the Commission to consider a schedule to accomplish this need. He requested they schedule work sessions every Thursday from April 11 through May 2 from 6-8 PM. He said the regularly scheduled April 4 and April 18 meetings would start as normal at 5:30 as there were also regular meetings scheduled.

He said the work sessions would allow time to research and develop time, place and manner and then use-specific standards. He said time was short. He asked the Commission to consider a final vote on May 9 and they would need to run an ad on April 23rd. He said they'd need a quorum at the work sessions so to please let them know their availability. Ms. Russell said she would be done April 11, 18 and 25. Mr. Strodtman said he'd be gone May 2. Mr. Zenner said the state had rolled out some draft standards and the schedule would allow the City to be ready for the application period for medical marijuana. He said they needed to discuss the Capital Improvement Program (CIP) on May 9 and then could bring back STRs thereafter.

VIII. ADJOURNMENT

Meeting was adjourned at approximately 6:56 pm.

Move to adjourn