City of Columbia, Missouri

Meeting Minutes

City Council

Tuesday, January 21, 2020 7:00 PM	Regular	Council Chamber Columbia City Hall 701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 21, 2020, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was led by Cub Scout Pack 992, and the roll was taken with the following results: Council Members TREECE (arrived at approximately 7:16 p.m.), TRAPP, SKALA, THOMAS, PITZER, and PETERS were present. Council Member RUFFIN was absent. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of January 6, 2020 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Pitzer.

Mayor Pro Tem Skala stated the board and commission appointment to be made solely by Mayor Treece would be delayed until later in the meeting since he would not be present during the beginning of the meeting when they got to that item.
The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Thomas.

II. SPECIAL ITEMS

SI1-20 Swearing in of Andy Woody as Fire Chief of the City of Columbia.

Mayor Pro Tem Skala asked Andy Woody to join Mr. Glascock, the City Manager, and Ms. Amin, the City Clerk, at the podium.
The City Clerk administered the oath of office to Mr. Woody as the Fire Chief for the City of Columbia.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC1-20 Board and Commission Applicants.

Mr. Skala stated the Columbia and Boone County Library District Board appointment would be delayed until later in the meeting when Mayor Treece arrived.
Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

FINANCE ADVISORY AND AUDIT COMMITTEE
Richards, Thomas, 407 Russell Boulevard, Ward 4, Term to expire December 31, 2022

PARKING ADVISORY COMMISSION
Knoth, Nick, 2811 Lynnwood Drive, Ward 5, Term to expire February 1, 2023
Moyes, William, 4209 Fritz Court, Ward 2, Term to expire February 1, 2023

TREE BOARD
McMains, Jacob, 3507 Zinnia Drive, Ward 2, Term to expire January 31, 2023

Stroh, Esther, 807 Leawood Terrace, Ward 4, Term to expire January 31, 2023

IV. SCHEDULED PUBLIC COMMENT

SPC4-20 Katie Bowes - Show Me Hope Missouri.

Ms. Bowes explained she was involved with Show Me Hope Missouri, a program that was located at Burrell Behavioral Health, 3401 Berrywood Drive, and with her was Alberta Blair, the Team Lead at Burrell Behavioral Health. She noted the program involved the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Mental Health (DMH), and the Federal Emergency Management Agency (FEMA), and they were trying to reach out and provide resources to those that had been impacted by the 2019 floods, to include counseling and stress relief. She pointed out these services could also be provided to the general public located in Boone County so one did not have to be directly or indirectly impacted by the flood. She noted they were in attendance to inform the public of the services they provided and to explain those services were free and anonymous. She pointed out they also provided emergency preparedness classes for individuals.
Mr. Trapp asked how the public could reach them. Ms. Bowes replied Burrell Behavioral Health could be contacted and they would get the person in touch with them. In addition, they had placed flyers around the town with contact information.

SPC5-20 Rev. Sarah Klaassen - Public Transit as a community value; the formation of a Transit Task Force.

Ms. Klaassen stated she was the Pastor of Rock Bridge Christian Church and a member of Faith Voices of Columbia, and noted she also worked with CoMo Transit Justice. She explained she wanted to speak about the value of public transit, and public transit as an expression of community values. She commented that access to healthcare, education, healthy food, etc. was something they wanted everyone in the community to have, including those who, due to income, ability, or other commitments, did not drive personal vehicles. In addition, sustainable relationships with the Earth and responsible uses of resources were also things of value they wanted for the community. She believed a robust public transit system was one way to express both values at the same time, but understood the community had not been able to move forward with transit in a meaningful way. She understood there were many complicating factors and many right ways to move forward. She felt they had the responsibility to continue to search for ways since it was an expression of their values. She commented that in her congregation they spoke about treasure as not only money, but also as time, talent, and energy. The advocacy efforts of Faith Voices and CoMo Transit Justice had not yet yielded the money they wanted applied toward public transit. She asked the Council to consider applying some of the other treasures, i.e., time, talent, and energy, through the establishment of a transit task force. She explained they had successful models within the Fair Housing Task Force and the Mayor's Task Force on Climate Action and Adaptation Planning. Both showed what time and energy could yield when various sectors came together to think outside of the box and beyond the status quo. During the budget discussions, many on the Council had indicated a transit task force was something they would support when they did not have a consensus on money and other funding ideas. While she understood it would not solve all of their problems, she believed a task force was a way forward to clarify and better express the values they all shared.

Mayor Treece arrived at the meeting.

V. PUBLIC HEARINGS

None.

VI. OLD BUSINESS

B348-19 Amending Chapter 29 of the City Code to establish use-specific standards governing the operation of short-term rentals (Case No. 31-2019).

The bill was given third reading by the Clerk.

Mayor Treece commented that he had about fourteen amendments based on emails and conversations, and asked if anyone had a sense of what the objective should be for tonight.

Mr. Skala suggested they be provided a brief staff report and then allow anyone present to make comments with the caveat of not being allowed to speak at the February 3, 2020 Council Meeting, which was when they intended to vote on the bill, if they commented tonight. Mayor Treece explained this would essentially be the first opportunity the public had to provide input to the Council on the issue, and since any amendments made could materially change the proposed ordinance, he thought they might want to allow public comment again. Mr. Skala stated he thought the Council would benefit from the input of the public prior to voting on any amendments.

Mr. Thomas suggested they obtain public input first.

Mr. Pitzer agreed they should obtain public input and then discuss any potential amendments. He was not sure whether they should vote on them tonight, but felt the potential amendments should at least be known.

Ms. Peters stated she wanted to hear public comments and consider amendments. She pointed out she was not sure she would be ready to vote at the February 3, 2020 Council Meeting. She thought they might want to obtain more public comment on any amendments at that meeting, and delay the vote to the February 17, 2020 Council Meeting.

Mayor Treece asked Ms. Peters if she would be comfortable voting on amendments tonight. Ms. Peters replied it would depend on the amendments.

Mayor Treece commented that he had tried to triage the amendments so they were not amending previously amended material, and listed some of the potential amendments.

Mr. Teddy provided a staff report.

Mr. Thomas asked for the rationale for considering short-term rentals as less intensive than traditional bed and breakfasts. Mr. Teddy replied a bed and breakfast would rent up to five rooms and would do it by separate bookings whereby there might be five different parties staying at the same bed and breakfast on different schedules. In addition, there were additional services offers, such as meal services. He noted he would not say there was a great gradation or distinction between them.

Mr. Teddy continued the staff report.

Mr. Pitzer asked if the conditional use permits would expire or lapse at any point. Mr. Teddy replied the conditional use permit would not follow a new owner so it would terminate with the operator that attained the permit, which the Council would grant after a hearing by the Planning and Zoning Commission (PZC). He noted timing conditions could also be imposed via either a recommendation of the PZC or a decision by the Council. Mr. Pitzer asked if this would be done on a case-by-case basis. Mr. Teddy replied yes. Mr. Pitzer asked if the permit would still be valid if the home was not used as a short-term rental for a year or two years. Mr. Teddy replied yes, if the use was discontinued and depending on the period of time it was not conforming. He could not recall if that was six months or a year. Mr. Zenner stated he thought it was a year, and explained a use discontinuance time frame could be established by potentially creating a standard within the code or requiring an annual licensure similar to business licensing. Mr. Pitzer asked if that would be like an annual renewal of the conditional use permit. Mr. Zenner replied they could say the initial approval expired if it was not renewed. He noted it could be a trigger within the conditional use. Mr. Pitzer asked if conditions could be attached to the conditional use permit. Mr. Zenner replied conditions were within the purview of the Council and the PZC based on the unique circumstances associated with

the property.

Mayor Treece listed potential amendments that could be made based on the comments he had heard or received, and asked what he might be missing. Mr. Skala replied a suggestion he had received was to disallow unhosted short-term rentals in R-1 and perhaps R-2, but to allow hosted short-term rentals in R-1 and R-2 and the option for conditional use permits for special circumstances. Mr. Thomas commented that another combination might be to allow hosted short-term rentals to proceed while asking staff to continue studying unhosted short-term rentals while applying the rental conservation laws that applied to long-term rentals immediately to short-term rentals, whether hosted or unhosted. Mayor Treece asked Mr. Thomas if he wanted to allow hosted short-term rentals with these regulations and regulate unhosted short-term rentals like any other rental. Mr. Thomas replied that in the short-term, he thought they should regulate unhosted short-term rentals like long-term rentals while having more consideration and deliberation with regard to additional regulations for unhosted short-term rentals.

Ms. Peters asked about the difference between short-term rentals and long-term rentals because it appeared to be the same inspection. She wondered if it was due to the taxing of short-term rentals since they did not tax long-term rentals. Mayor Treece replied it had to do with the transient guest tax. Mr. Teddy stated that was the key difference. In terms of the actual inspection, three items were suggested to be added with regard to short-term rentals, to include posting the certificate and occupancy limits. Ms. Peters understood they did not require the posting of occupancy limits for long-term rentals. Mr. Zenner stated that was correct. Mr. Teddy explained the listing platform also needed to be provided for short-term rentals. Mr. Zenner reiterated the three things that would be required as the listing platform, the posting of the occupancy limits so guests knew whether they were in compliance or not, and the rental certificate. He explained long-term rentals had leases that had the occupancy limits within them. Mr. Teddy noted the rental certificate essentially indicated it had the City's seal of approval as of a certain date.

Mr. Skala understood Mr. Thomas had indicated they should consider allowing hosted short-term rentals to proceed pending some consideration by staff, and asked if that was not the circumstance now. Mr. Thomas clarified he was suggesting to allow the regulations that had been proposed for hosted short-term rentals to proceed, but to not provide regulations for unhosted short-term rentals other than requiring the inspection. Mr. Skala understood it had to do with the regulations since the hosted and unhosted short-term rentals existed now without regulations. Mr. Thomas stated that was correct. He was suggesting they apply the recommended regulations to hosted short-term rentals but to not apply them to unhosted short-term rentals because that needed more work, and to apply the same requirements of long-term rentals in terms of a license and inspections.

Mr. Skala commented that they might decide at the February 3, 2020 Council Meeting to send the issue back to the PZC for more work.

Peter Yronwode, 203 Orchard Court, commented that at the January 6 work session, Mr. Teddy had indicated the objective of the short-term rental ordinance was to reduce neighborhood impacts of short-term rentals that were run by investors, long-term renters, and lodging companies. He did not believe the proposed ordinance accomplished its ostensible objective because it treated all short-term rentals almost identically whether operated by investors, companies, etc., or property owners with one short-term rental. He felt the most critical ordinance provision was the arbitrary occupancy limit of three or four transient guests. He noted prior versions of the ordinance under consideration limited occupancy to no more than two adults per bedroom and felt that simple common-sense limitation should be reinstated. Without that change, a small house with three bedrooms would be under-occupied and its owner would be subject to a real market disadvantage. He understood staff had contended the occupancy limits could be revised under the conditional use permit process, which he felt was hopelessly complex and

expensive. He suggested the proposed occupancy limits be amended to reflect the actual capacity of the short-term rental of two adults per bedroom. He commented that equally relevant to occupancy limits was the definition of transient guest, which currently included minor children because staff felt it would be simpler to administer. He explained that was a reverse of earlier drafts which specifically excluded minor children. He believed counting minor children penalized short-term rental operators that catered to family groups, and felt the transient guest definition had to be amended to exclude minor children under the direct supervision of an adult guest. He reiterated the conditional use permit process was an unfair trap for potential short-term rental operators seeking to comply with the ordinance. He understood it required adjacent property owners to be notified of their intention to request a higher occupancy, but did not know if that meant the next door neighbors, entire block, or the neighborhood association as that was not specified. He pointed out the minimum fee for a conditional use permit was $300 plus $125 for the public notice advertisement. In addition, it would take at least six weeks due to a review by staff, a hearing by the PZC, and final approval by the Council. He commented that it would almost certainly require an attorney, which would add more to the cost and was a real hardship to a small short-term rental operator. He reiterated the amendment of occupancy limits would eliminate the vast majority of conditional use permits. He stated he also thought the ordinance should be amended to explicitly exempt owner-hosted short-term rentals and no more than two unhosted short-term rentals owned by a single individual from the occupancy limits, the conditional use permit requirements, and perhaps a few other provisions. It would simplify implementation of the ordinance, remove its most obvious inequities, and reduce the burden on staff, the PZC, and the Council. He noted that such a deminimus exemption was a common regulatory mechanism for matters too small to merit regulatory concern. He asked the Council to reject the ordinance as proposed and to send it back to staff with instructions to include the amendments suggested by him.

Mayor Treece understood Mr. Yronwode wanted an exemption of two short-term rentals. Mr. Yronwode explained that had been his suggestion, but he felt Council could chose a number. If he had one small short-term rental, he did not believe he should be subject to the same regulations that applied to a person that owned six or ran them via a limited liability company strictly as a profit making enterprise. He provided a copy of his comments to the Council.

Peter Norgard, 1602 Hinkson Avenue, commented that fourteen amendments along with the others mentioned indicated this regulation was not ready at this time. He stated he had considerable concerns with the way it failed to provide protections to neighbors and neighborhoods. He noted he also had concerns about the existing failure of providing protections for short-term rental tenants. The regulations the City currently had did not define short-term or long-term. They only defined rental. As a consequence, the short-term rentals they were considering were actually rentals, and should be subject to the same rental conservation laws by which every rental was subjected. He stated he was frustrated that City staff failed by decree to regulate or at least administer rental conservation inspections as the inspections were intended to provide protections for the renter. They were not intended to be punitive to the rent provider. He believed they owed it to the people visiting Columbia to provide them with the basic level of safety a rental inspection incurred. He commented that he had a problem with a lot of this ordinance and did not particularly like the allowance of unhosted short-term rentals within residential districts as he felt that was a commercial use. They did not permit any other commercial uses within residential districts, and had mixed-use districts for those situations. In addition, the conditional use permit process was intended for development and not necessarily for rental occupancy. He pointed out there were a lot of shortcomings within the existing code, which would make this particular regulation difficult or impossible to enforce and would create a condition that would have negative impact for neighborhoods. He felt it would create a lot of animosity, and suggested taking a pause on the

regulations, obtaining more public input, and asking the PZC to reconsider it.

Mayor Treece explained one of his goals was to strengthen the protection of neighbors with respect to all rentals regardless of whether they were long-term rentals or short-term rentals, and asked Mr. Norgard if he agreed that was a good goal. Mr. Norgard replied he felt that was a worthy goal.

Mayor Treece asked for clarification regarding rentals being defined as commercial activity. Mr. Norgard replied that when looking at the conditional use permit table, they would not find rental under the commercial heading. He was not sure rental could be found anywhere within the conditional use permit table. Mayor Treece understood it was a residential use as had been indicated by the courts. Mr. Norgard commented that with unhosted short-term rentals, people came in from out of town, stayed a night, and then left, which he felt was a hotel use as that was the purpose of a hotel. As a result, it had characteristics of being a commercial use similar to a hotel, but it was also residential in a sense because the people that came could participate in the neighborhood if they chose. He felt it was a very fine line and that they needed to decide what was and was not a commercial use. As had been mentioned by Mr. Yronwode, he believed this ordinance was intended to prevent them from being overrun by corporate entities that wanted to operate each lot as an individual limited liability company. Mayor Treece commented that nothing would prevent someone from renting a unit 365 times per year under the existing code. Mr. Norgard stated that was true, but from a neighborhood protection standpoint, one would then be able to get to know their neighbors and be allowed the opportunity to inform them that they were violating nuisance regulations, which provided them a chance to change their behavior. With short-term rentals, a person was here today and gone tomorrow, and unless the police showed up, there would not be any official record or official action taken.

Mayor Treece asked if there were higher incidents of neighborhood complaints or police calls related to short-term rentals versus long-term rentals. Mr. Teddy replied he would say there were not higher incidents for short-term rentals, but noted he had not reviewed the data. It was only his feeling anecdotally. They occasionally received a complaint on a particular property of a large group staying for a football weekend or just a concern when a particular property had a continuous churn of guests as opposed to a family, couple, or individual they could get to know. Generally speaking, their office did not receive a lot of calls on short-term rentals.

Mr. Skala commented that the issue with short-term rentals had first come to his attention in the Wellington Estates area near Mexico Gravel Road. Those were upscale condos purchased by mostly retirees, but some that had not been sold or rented had been converted to constant short-term rentals and had created problems in terms of nuisances. He understood staff might not have received any calls, but noted he had. Mr. Teddy commented that since they had started this process a couple of years ago, a lot of people had come forward with concerns as to what the rules might involve, which indicated there was some concern about short-term rentals in some neighborhoods. He noted they had also heard testimonials at the public meetings by people indicating they had been woken up in the middle of the night by guests of short-term rentals. Mr. Norgard invited them to live at 1620 Hinkson Avenue during the summer months.

Ms. Peters explained that since this was a complaint driven system and people were not quite sure how complaints for short-term rentals were addressed, people were not complaining. She noted they had run into that with long-term rentals when there were issues in the evenings or over the weekend. The police did not have the time to deal with those issues and staff from the Office of Neighborhood Services (ONS) was not around then. Some felt there was not a reason to complain because nothing would change. She suggested they look at enforcement as a part of this.

Ron Rowe, 2201 UMC Drive, stated he and his wife operated one unhosted short-term rental and had been operating it since 2018. He noted they had served over 100 people in that time period. He commented that they were in favor of some form of regulation for

these units, but wanted to ensure it was not overbearing on their ability to deliver this service. The things that worried them the most were the restrictions on the number of tenants and the hoops they would have to go through to operate an unhosted short-term rental. He commented that he did not want to minimize problems mentioned by Mr. Skala and others and believed the Council should consider and work towards stricter regulations to curb those situations. He stated they worked hard in their unit to not have those situations and felt it was not profitable to have those kinds of guests. He asked the Council to not take those comments as the whole as they would not hear about the successes. On any night, including tonight, there were likely tens if not hundreds of units that were occupied, and the Council was not hearing anything about them. He explained they had a 3-bedroom unit so they could have up to six people per the ordinance. They sometimes had families who were in town for a medical procedure, families that were moving their parents into a smaller place, University medical residents that had stayed with their families while they were in town for a few weeks, residents of Columbia that were remodeling their home, etc. He agreed some sort of registration process, taxes, and fees made sense at it would help them all, but what was proposed was a bit too restrictive, especially with regard to the number of occupants and unhosted rentals.

Mayor Treece asked Mr. Rowe if his property had been a rental property before it had been converted to a short-term rental or if it had been a former house. Mr. Rowe replied they had a unique situation as they were in an apartment complex so they rented the unit and then sublet it as a short-term rental.

Mayor Treece asked if that situation would be prohibited under the proposed ordinance. Mr. Teddy replied it was not hosted. Mr. Zenner agreed, but noted it would not be prohibited provided the property owner of the multi-family structure was a petitioner and assigned a responsible party, i.e., Mr. Rowe, and the conditional use permit was approved. Mayor Treece understood it would not be any different from the University leasing the entire rise for twelve months and subleasing each unit for nine months. Mr. Zenner stated they would be limited to 25 percent of the total number of units with the way the ordinance was structured. In addition, the property owner would have to be the applicant and the individual leases associated with those tenants could be authorized for those units to be utilized as short-term rentals.

Randy Minchew, 2416 Kays Pointe Drive, commented that their neighborhood had one rental unit with six cars but only three tenants, and every car would be moved every day. There was not any way to enforce the situation even though they felt strongly that six people were actually living there. He noted they could add rules, but if the rules could not be enforced, there would not be any relief.

Mayor Treece understood Mr. Minchew was referring to three tenants plus their roommates. Mr. Minchew stated a man had purchased the property, but had moved out of the State and had rented it to supposedly only three students, but there were six cars there every day. Mayor Treece understood that situation involved a long-term rental. Mr. Minchew agreed, and pointed out all they could do was pressure the man that owned the property, which they did via an email group. He commented that there was a need for enforcement.

Mr. Minchew noted there were short-term rentals they did not know existed, and explained he owned one at 818 Broadway, which was above Maude V, next to Tellers. It had a high end 2-bedroom loft and two 3-bedroom units. He stated they had purchased the building for college rental units, but when the number of college rental units had increased, they had been unable to rent them. They then invested more money into furniture and made them into short-term rentals. It was not for everyone since it had stairs, but it provided for a good atmosphere since it was in the downtown. He commented that he was not opposed to paying the hotel/motel tax, but his fear was that his business that was providing a cool service would be swept up in the proposed ordinance and hurt by it. He noted they provided a service to the University as doctors

sometimes stayed with them.

Mayor Treece asked if strengthening the complaint mechanisms would provide any comfort. Mr. Minchew replied he was not in favor of extra regulations because he would be regulated. He suggested they figure out a way to tax them because he did not want to drive out hotels. Mayor Treece understood that could potentially be seamless as it could be collected from the platform. Mr. Minchew stated he was not opposed to that.

Mayor Treece asked Mr. Minchew if he provided off-street parking for his short-term rental tenants in the downtown. Mr. Minchew replied no, and pointed out they potentially brought in parking or ticket revenue as well.

Mr. Minchew asked the Council to consider his situation as he did not want to be swept up in the proposed ordinance or any overwhelming regulations that would affect his business.

Clint Brinkley, 214 St. Joseph Street, explained he was in support of regulations on short-term rentals as there had been proven track records of issues, such as limiting access of housing options for long-term residents and the lack of respect from short-term rental guests in residential neighborhoods. He commented that he ran a short-term rental so he was advocating for them with sensible regulations. He stated he was not a homeowner. He rented a house, and with landlord permission, he rented the guest room as a short-term rental. He understood that would be considered unhosted per the proposed ordinance since he was not the property owner. Mr. Teddy asked if it was a single-family home. Mr. Brinkley replied it was zoned R-MF. Mr. Trapp explained it was boarding house. Mr. Brinkley agreed there were multiple renters for the structure. Mr. Teddy stated the owner of the structure would have to take responsibility for it. Mr. Brinkley noted the owner did not live on the property. Mr. Teddy explained it would have to be the owner's residence to qualify as hosted. Mr. Zenner stated it would be considered unhosted. Mr. Brinkley understood that was the case even though he would be there every day the guest was there, and asked the Council to consider some sort of amendment to allow for a tenant run short-term rental.

Mayor Treece stated he would add that amendment to his list for consideration.

Mark Anderson noted he lived on Hope Place and did not feel the proposed ordinance was ready to be voted on at this time. He suggested it be tabled. He commented that this was a multi-layered situation. He felt those that were already in existence at the end of 2019, whether hosted or unhosted, should be regulated through one cycle of the University of Missouri football and basketball season and other events to work out the particulars and know of all of the numbers, etc. He stated commercializing it would affect affordable housing as one person could own twelve different limited liability companies and that person could pay someone to reside in the home while meeting the regulations. Those twelve homes could be the equivalent of half of a neighborhood causing the neighborhood to be non-existent. Most low-income people resided in duplexes and fourplexes, and he believed those would be purchased for short-term rentals displacing more low-income people. This would then affect the schools as the boundaries would need to change again. He stated they had to think of the long-term implications. He also felt they should not punish those that had hosted or unhosted short-term rentals in 2019, and reiterated they should be allowed so they could be used as a blueprint going forward while they worked on the affordable housing issue. They could then come up with proposed regulations.

Zandra De Araujo, 304 West Boulevard North, explained she was the President of the West Ash Neighborhood Association and asked those from the neighborhood to stand. Approximately four people stood. She commented that they were okay with the hosted regulations because they would still be preserving the neighborhood to some extent, but they had concerns with regard to the unhosted regulations in the ordinance as written, and suggested the process be paused. She also noted that some of the amendments mentioned made sense, but others were problematic. She pointed out that there were racial and political issues involved with differing regulations for R-2 and R-1 neighborhoods

as many of the neighborhoods that were listed as R-2 were the marginalized and underserved neighborhoods. She suggested more outreach to neighborhoods regarding the issue. She explained more outreach had been done in their neighborhood when the City was considering the weed ordinance than they had with this one, and felt this one would affect the community a lot more. She asked the City to do more to reach out to underserved communities for more of a public dialogue. She stated the West Ash Neighborhood was also concerned about the affordability of the housing stock. She felt short-term rentals would disproportionately impact central neighborhoods, which were by and large underserved and marginalized in terms of infrastructure and those that lived there, so they needed to be careful as they moved forward if they were committed to preserving affordable housing in Columbia. She noted they were also concerned about the capacity of City staff to regulate issues with short-term rentals. There was not adequate staff on Friday or Saturday nights, and there was not a systematic way to record issues and complaints. She felt that needed to be addressed. She reiterated they would be in favor of moving the hosted short-term rentals forward and asked for a pause on the unhosted short-term rentals. She also stated short-term rentals should be regulated and inspected like long-term rentals.

Mayor Treece commented that if the Council did nothing, short-term unhosted rentals would continue to operate the way they were, and asked Ms. De Araujo if she would want them regulated under the rental unit conservation law. Ms. De Araujo replied yes. Mayor Treece asked Ms. De Araujo how long it should be paused, i.e., six months, a year, etc. Ms. De Araujo replied she thought the pause would provide an opportunity to engage the stakeholders in the neighborhoods and the communities that would be impacted. She commented that she believed regulations and inspections for the protection of those that were staying in such places was important, but her concern was that once they regulated it, the impetus to revise it would be paused and there would not be a sense of urgency to revisit it.

Mr. Thomas asked if the current proposal required the rental unit conservation law regulations to be applied to either hosted or unhosted short-term rentals. Mr. Teddy replied yes. The proposed ordinance involving Chapter 22, which had been introduced tonight, would subject those to the rental conservation law. Mr. Thomas understood it would consist of some kind of inspection and license. Mr. Teddy stated it would result in a certificate of compliance, which essentially certified that the property met the property maintenance code. Mayor Treece asked if that had occupancy limits. Mr. Teddy replied occupancy limits would be a feature of the inspection. If it was known four individuals were residing in a place and there were not adequate sleeping rooms to accommodate the four, it could be a part of the inspection report. Mayor Treece understood it would not exceed the limitation within R-1 or R-2. Mr. Teddy stated that was correct.

Ms. Peters understood duplexes by nature were rentals already and they were being inspected. Mr. Teddy stated that was correct if it was a rental property in the program. He noted there were about 25,000 dwelling units and 10,000 buildings in the program now.

Alice Leeper, 2015 Ivy Way, stated she was representing the Board of Realtors, and commented that the Board had accepted the fact there should be some sort of taxation for short-term rentals to make it consistent with the hotel situation and noted they supported regulations through the rental conservation program. She pointed out the courts had identified that rental of a residential property was still fundamentally a residential operation, not a commercial operation, and trying to add short-term rentals into the current zoning system was essentially trying to define the user of the property as opposed to the property use of the land. She explained the distinction between hosted and non-hosted seemed to focus primarily on the approval process and the occupancy limits. It was clear from those that spoke before her and the various situations described that even what had been proposed tonight would not cover most of those situations. She stated another issue the Board had was the inconsistent use of occupancy standards

between long-term rentals and short-term rentals, particularly with regard to family. A lot of people that used short-term rentals and the Airbnb model were families. They were families trying to cut back on what they spent on a vacation. To limit occupancy to just three transient guests was unnecessary and inconsistent with what they regulated in long-term rentals. She commented that they also found the limit on the use of multi-family properties was arbitrary and needed more study. She reiterated a short-term rental was not the use of the land. It was a characterization of the users of the land.

Mayor Treece asked for clarification regarding the description of Ms. Leeper of the courts holding that rentals were still a residential use and that the property being rented did not make it a commercial use. Ms. Leeper replied it was still a residential property in a residential neighborhood. They were only talking about the duration of time a person was spending in that residential property.

Mayor Treece understood the Board of Realtors supported taxation and inspection. Ms. Leeper replied they supported taxation and felt there needed to be some reasonable rental ordinances since long-term rentals had to go through a process. The Board just felt it should not be a part of the zoning ordinance and should be treated as an individual independent entity. She understood a lot of people had cited the fact there was a lack of people to call on the weekend to complain about noise and other ordinances, and pointed out that did not get fixed by putting it in the zoning code. It was fixed by someone deciding they needed to have personnel available, whether that was more police or City staff that could take the complaints and deal with them. They should not overzone the situation.

Mr. Skala understood Ms. Leeper was saying the rental units, whether short-term or long-term, were residential users, but noted he felt they could be reflective of a commercial purpose. He stated the rental industry was a commercial enterprise. He understood the courts had suggested these were residential uses and residential users, but felt they could still be considered a commercial use due to the rental industry. Ms. Leeper asked if they would then say people that were renting their property for a year or two years were also involved in a commercial use. She asked how they could differentiate between the two. She pointed out they could take a short-term rental compliance certificate and convert it to a long-term rental compliance certificate. She wondered how there was a difference. Mr. Skala commented that he was not trying to resolve the issue at this point. He understood there was the distinction that the user was residential, which the courts had upheld, but noted there was a piece that did not seem to fit, which involved institutional players using it as a commercial enterprise. Ms. Leeper understood there were 300-700 short-term rentals in Columbia while they had about 28,000 long-term rentals. It was a small problem on which they were trying to place a lot of regulations.

Mark Abbott, 2517 Highland Drive, explained he was a short-term rental host and had been doing it for about two years with more than 100 stays. It was done in a home he owned and lived in, and he was sometimes there and sometimes not there. It was a shared basement space, which slept 1-5 people. The types of people that stayed with him were families, traveling nurses, people being interviewed by the University, grandparents coming in for the births of grandchildren, etc. He commented that as the Council was considering implementing changes and doing it quickly, they needed to also consider the realities of how short-term rentals operated. He noted he had reservations made 3-6 months in advance. Others might have some up to twelve months in advance. If regulations were implemented that essentially prohibited certain types of operators, it would be detrimental to their ability to operate because the platforms were review-based and canceling reservations could significantly impact the ability to get business in the future. He asked the Council to consider that any changes made immediately might have an impact on the operators currently operating in the City.

Mayor Treece asked staff for clarification. Mr. Teddy replied the original thought was to phase this in so as to not immediately create a situation where there were non-compliant

short-term rentals. He pointed out testimony by this gentleman and others had indicated bookings several months out and understood they did not want to lose face with customers by saying they could not operate or could only have a certain number of guests.

Shawna Nuener, 401 Tiger Lane, stated she was representing the Columbia Apartment Association (CAA) and believed there was a general consensus to keep the community safe while being welcoming to visitors. The debate came in the way they felt best addressed those concerns. As the President of the CAA, she was familiar with the common argument that rental property or people who rented were less desirable as neighbors. In a town where more than half of the population rented their homes, this myth had created a culture where people who rented were second class citizens and landlords were treated as greedy and selfish with little regard for their investments and residents. She asked that stereotypes be set aside and for people to acknowledge that homeownership did not automatically make a person a good neighbor, and that renting, regardless of the length of the rental, did not make one a bad person. She noted many of the very people that complained about rental property had at one time or another been renters, and the same was true of short-term rentals. She commented that the majority of the recommendations before the Council were expensive and burdensome on property owners and managers. She felt they were unnecessary as there were already laws to regulate parking, noise, and trash, and those laws applied equally to rental property or owner-occupied property. She suggested they look at ways to better enforce the existing regulations rather than adding more regulations. She stated she was also concerned with creating a subclass of rental properties as she believed a future Council would lump all rental properties together causing all rental properties to face these costly and burdensome regulations, which would have a huge impact on affordable housing in the community. She pointed out rental property for most property owners was a form of passive income and not their business day in and day out. The majority of people with rental properties had day jobs and only rented 1-2 properties. In addition, the use impact was significantly different than a hotel where there might be hundreds of guests in the building. A short-term rental or long-term rental would only have those living there or visiting there. She provided a copy of her comments to the Council.

Patrick McCollum, 1409 Windsor Street, commented that there seemed to be a lot of unique situations. He noted he and his wife operated a short-term rental they lived in, but it was a multi-family home. They were in the Benton Stephens neighborhood and the structure was originally a fiveplex. They occupied two of the apartments, had one long-term tenant, and operated the other two as short-term rentals. He was not sure how they would be classified in terms of hosted or unhosted because they lived in the building, but each apartment had its own bathroom, kitchen, and bedroom, and asked for clarification. Mr. Teddy replied it would count as hosted operation if he lived in the building, but it would be limited to one unit. If he had multiple units, a conditional use permit would have to be sought. Mr. McCollum stated he thought the conditional use permit process would be burdensome as they did not make a lot of money on short-term rentals. By the time they paid their mortgage, insurance, taxes, etc., it was a pretty slim margin. Asking them to go through that process just because they were renting a few units would be a burden on them. He felt most people were just operating one or two rentals and suggested a provision for allowing a certain number of units. He noted he agreed the rentals should be taxed and placed in the rental conversation program as he believed that would solve most of the issues. He explained their guests tended to be people traveling to Columbia and spending money here. He pointed out that they had not had any issues with any of their guests.

Valerie Carroll, 13 West Boulevard, stated she was a member of the PZC and had the task of assisting in crafting the proposed ordinance. She explained the evidence linking short-term rentals to a decrease in the availability of affordable housing had been particularly compelling, and noted owner-hosted short-term rentals had been shown to

mitigate that situation since the owner-hosted model did not remove a property from the rental market that might otherwise be available for long-term rental. She commented that she appreciated the fact the current draft included owner-hosted as a definition, but noted it did not have anything preventing the investor-style listing, i.e., the management of multiple listings. She stated she would much rather see an expansion of what could fit into owner-hosted, i.e., situations where people were renting their primary residences, and the allowance of only owner-hosted short-term rentals. She noted seventeen other U.S. cities had limited short-term rentals to some definition of owner-hosted in their zoning laws. When looking at the Airbnb listings, the vast majority tended to be some version of an owner-hosted rental. She suggested they determine how they could allow that while preventing the investor-driven markets as that would not hurt the current market or decrease tourism. It would also allow current owner-occupied short-term rental managers to operate.

Mr. Skala asked Ms. Carroll if she saw any possibility for unhosted short-term rentals in R-MF zoning districts or if she saw that as impacting affordable housing. Ms. Carroll replied it was her belief that residential was residential, and that renters within R-MF were still taxpaying citizens and deserved equal protections. She felt the R-2 and R-MF properties were most likely to have an increase in short-term rentals because they were within areas that were close to the city center, which was desirable for short-term rentals, and that the effects to all residential districts were the same.

Mayor Treece asked Ms. Carroll if she had a sense of where the PZC would have been had there been a full panel. Ms. Carroll replied that was hard to predict. Mayor Treece asked Ms. Carroll if she would like to have it back. Ms. Carroll replied she was the newest addition to the PZC and had worked on it for approximately six months while others had worked on it for a longer period of time. She stated she felt they had not talked about the availability of affordable housing as much as they could have and that there were other City commissions that should look at the issue and discuss it. She understood that was not the purview of the PZC, but thought it was an aspect of the legislation that should be considered as it was an aspect of the use. She suggested other commissions be allowed to weigh in on the impacts before it was passed into law in terms of affordable housing since that was not within the wheelhouse of the PZC. She commented that she would not mind having it back, but thought others might dislike her for that.

Teresa Maledy, 215 W. Brandon Road, stated she appreciated the time and energy the PZC had spent on this issue, and noted she had attended several meetings and had focused on security concerns for some neighborhoods along with the impact on affordable housing. She understood the PZC and Council had spent a lot of time on this issue, but believed there was a real wisdom in taking their time. At the PZC meeting, they had touched upon Tuscaloosa as they viewed short-term rentals as a business and required business licenses, inspections, proof of insurance, safety ordinances, etc. They had also limited the number of rental units in a specific area to protect the character of neighborhoods within the City. In looking at cities that had started out with more relaxed ordinances or restrictions, such as New Orleans, she understood they were now going through a process of tightening those restrictions significantly and were being sued by investors that had purchased property due to those changes. She also understood the restrictions were in response to complaints of noisy, inconsiderate visitors disturbing residential areas and the fact thousands of long-term residents had been pushed out changing the character of neighborhoods as property prices and rents had increased. She noted the new rule would restrict short-term rentals in residential areas to owner-occupied homes in order to prevent investors from purchasing multiple homes or apartments in neighborhoods solely for short-term rentals and would restrict rentals to one unit per property. She understood New Orleans believed they were on firm ground even though there was a lawsuit as there were similar laws across the country. She suggested the City of Columbia adopt a more restrictive approach initially to see how that

went. They could relax the rules in the future. She commented that she supported the amendments that were proposed by Caleb Colbert, and noted she was focused on homeowners and the value of rentals for long-term citizens of Columbia. She believed this needed to be done correctly as it was an evolving and complex issue, and appreciated the Council taking the necessary time to make the best decision.

Martha Brownlee, 701 S. Greenwood Avenue, stated she wanted to amplify the comments of Mr. Anderson, Ms. Carroll, and Ms. Maledy with regard to concerns about the impact on affordable housing, particularly in Ward 1, which was proximate to the city center. It was an area where people were able to purchase properties cheaply, which would further decrease the availability of needed affordable long-term rentals. She provided Boulder, Colorado as an example in that one could not find an affordable apartment if one planned to live there for any period of time. She asked the Council to consider affordable housing.

Alyce Turner, 1204 Fieldcrest, commented that she had a hosted Airbnb, and in March she would be traveling to Rio de Janeiro as she had been invited by one of her Airbnb guests. She explained her guest had decided to extend the same graciousness she had extended to her when orientating her to Columbia for several weeks. She believed owner-hosted short-term rentals and those that only had 1-2 short-term rentals extended a service. She explained she had 105 reviews and only two were negative. In those situations, the guests had not been aware of the checkout time. She stated people enjoyed obtaining feedback about the City as she would make guests aware of the weather and other things. She thought Council should consider allowing those that owned just 1-2 short-term rentals as they had made an investment, and to go through the conditional use permitting process would be tough and expensive. She commented that she had a 2-bedroom, 1,000 square foot private apartment and had invested considerable money in safety railings, a washing machine, etc., and to only allow three people would split up families. She sometimes had families with two toddlers, families of an athlete that brought siblings, etc. A rule of only three people would be limiting, especially for those that had the space, which she did with 1,000 square feet. She noted families liked to stay with her because she had a kitchenette and a lot of space for them. She stated she had previously worked in the public and non-profit sector, and had never had to defend how she earned a living. She pointed out she was now a retired empty nester and had turned to Airbnb as a way to earn money after becoming tired of renting to college students. She explained she enjoyed it other than the cleaning, and reiterated that she felt they contributed by adding low-cost housing for families, professionals, etc. She noted she had not had problems and her guests parked in her driveway. She stated her neighbors even felt she was keeping her lawn and exterior neater, which she was able to do since she could afford to hire someone to assist with the work. She commented that there were a lot of really large houses in her neighborhood, and many had graduate students living with them in order to meet the cost of living. She understood there had been complaints in the Grasslands and in Mr. Skala's ward, and explained she would not want partying in her neighborhood.

Mayor Treece asked Ms. Turner if her house was zoned R-1. Ms. Turner replied yes.

Ms. Turner explained she thought all short-term rentals should be required to be inspected, and that limited liability companies, multi-city investor-owned properties, etc. go through the conditional use permitting process to determine if they were affecting neighborhoods.

Mr. Skala understood Ms. Turner had a hosted short-term rental. Ms. Turner replied yes. Mr. Skala asked Ms. Turner if she had an opinion on unhosted short-term rentals. Ms. Turner replied if people had invested in 1-2 properties and closely supervised them, she did not feel they should have to go through the conditional use permitting process. Mr. Skala understood Ms. Turner felt a distinction should be made between people that might have a short-term rental next door and other institutional players that were not on the premises. Ms. Turner thought the issue should be studied further, but pointed out there

were some small players that watched over their properties very closely, and those situations were different than those that might own over 100 rental homes that were all used for short-term rentals. Those with that many properties should go through the conditional use permitting process. She commented that she had always liked Airbnbs, which was why she had tried the model, and noted she disagreed with those that felt there should not be short-term rentals in residential neighborhoods. She had one and it had been a win-win situation for her and her guests.

Caleb Colbert, 827 E. Broadway, explained he was an attorney present on behalf of the Grasslands Neighborhood Association and noted he had submitted some proposed amendments in writing. He commented that he believed Mr. Norgard was accurate in his comments. The permitted use table had been a part of the agenda packet, and when looking at the commercial section of that table, one would see that the R-1 column only had one proposed commercial use, which was short-term rental. There was no other commercial use that would be permitted in the R-1 zoning district. As a result, he felt allowing this commercial use in a residential zoning district was out of place and inconsistent with how the City had traditionally treated commercial uses. It would be an exception to the rule that they did not allow commercial uses on R-1 zoned properties. He understood per the testimony tonight that one gentleman had rented from an apartment complex and then subleased the apartment. That essentially took long-term rental housing out of the supply available for long-term renters and converted it to short-term use. For a community that talked a lot about affordable housing, it was a perfect example of rental property that would otherwise be available being converted to a short-term use. As mentioned by Ms. Maledy, he felt this was an area in which they should proceed cautiously as there could be potential issues. If the City allowed a commercial use in a residential zoning district and later decided to either prohibit it or regulate more restrictively, they would likely be met with claims of a taking. He explained there were several types of taking claims under the law, and one was a regulatory taking. The test for that kind of taking was whether the government regulation defeated reasonable investment back to expectations of the property owner, i.e., did the government regulation prohibit all economically beneficial use of the property. In an R-1 zoning district, they would look at the permitted use table and the only commercial use was for short-term rental. He asked what other commercial use the property could be used for if the Council took away the ability to use the property as a short-term rental in the R-1 district. There would not be any so it would defeat the reasonable investment expectations of someone that had purchased an R-1 property with the intention of using it as a short-term rental. He understood Mr. Thomas had asked about the distinction between a bed and breakfast and a short-term rental, and stated he did not believe the number of bookings was a sufficient justification to prohibit a traditional bed and breakfast that had to be owner-occupied by definition. He noted it was prohibited in R-1, conditional in R-2 and conditional in R-MF, and reiterated he did not believe the number of bookings was enough to justify the disparate treatment.

Mayor Treece asked Mr. Colbert if he drew a distinction between hosted and unhosted short-term rentals under the definition of commercial use in the permitted use of R-1 property. Mr. Colbert replied he did not because he felt a hosted short-term rental was comparable to a traditional bed and breakfast. Mayor Treece asked how that compared to a long-term rental. Mr. Colbert replied he thought the duration of the stay could convert a residential use into a commercial use. Mayor Treece asked about a person that rented their basement to a college student in R-1. Mr. Colbert replied he felt that would be considered a commercial use. It was not any different than if it was a home occupation. Mayor Treece understood Mr. Colbert thought that should be prohibited. Mr. Colbert stated that was correct.

Mayor Treece asked Mr. Colbert what he thought about the contrary opinion of the Columbia Board of Realtors that the act of a rental did not change the use and that it was still a residential use regardless of the length of the lease. Mr. Colbert replied he had not

seen that opinion, but would definitely look at it and provide commentary. He stated he did not feel that the fact someone had put their head on a pillow at the end of the night made it purely residential because people spent the night at hotels for a short period of time and there was no question that was a commercial use.

Mayor Treece understood one of the proposed amendments suggested by Mr. Colbert would prohibit the City from issuing a certificate of compliance if there was a restrictive covenant on the property, and asked how that communication would happen as the City was not in the business of enforcing property covenants. It had always been a civil tort between the homeowners association and the property owner. Mr. Colbert replied he would compare it to the owner occupancy requirement. If a property was in a trust or a limited liability company, the City would have to do some background work to determine the actual owner and occupant. He commented that there had been some testimony indicating the City should consider exempting people that only had 1-2 short-term rentals, and stated he was not sure how the City would be able to examine all of the operating, partnership, trust, etc. agreements to determine how many short-term rentals one had. He wondered how many would be tied to someone that had a 25 percent interest in a limited liability company that owned four short-term rentals. He thought it would be very problematic.

Ms. Thompson commented that the draft regulations for short-term rentals under the rental conservation law would require a limited liability company to disclose its members, and that would be before the Council at its next meeting.

Mr. Skala understood Mr. Colbert was suggesting the differentiation between a residential user and a residential use did not matter as it was a commercial use. Mr. Colbert stated that was correct. He felt it was a commercial use nonetheless.

Mayor Treece asked Mr. Colbert to explain how his suggested amendment involving an overlay district would work, and why it would be an opt in situation versus an opt out situation. Mr. Colbert replied he thought it was easier to start with a prohibition and allow neighborhoods that wanted it to opt in as opposed to getting a neighborhood to opt out of a particular zoning classification. In terms of the overlay process, they would have to get 50 percent of the property owners within the geographic boundaries of the proposed overlay either in number or size to petition the Council to consider the overlay. Under the Unified Development Code (UDC), an overlay essentially took priority over the other zoning regulations. If the overlay allowed a short-term rental for R-1 properties within that overlay, it would trump the default rules of the UDC. He stated they were trying to create some sort of flexibility or compromise that would allow short-term rentals for those subdivisions that wanted it via that mechanism.

Mayor Treece pointed out he lived in the neighborhood being represented by Mr. Colbert, but did not believe he had any financial interest in the consequence of the amendments proposed by Mr. Colbert.

Mr. Skala commented that only a few overlays had been successful in Columbia, and asked if the suggestion of that process was intentional as it would be a rigorous process. Mr. Colbert replied he did not believe there was a minimum size requirement so he imagined an opportunity for an overlay to be successful, but agreed Columbia only had a limited number of overlays in existence.

Mayor Treece noted the overlay concept really put the onus on the neighborhood to obtain signatures for over 50 percent of the area. With respect to the neighborhood Mr. Colbert represented, he asked if the restrictive covenants applied to only those that had signed the covenants or if it would apply to everyone in the area identified in the property description once the over 50 percent threshold had been achieved. Mr. Colbert replied the overlay would apply to everyone in the property description, and any restrictive covenants would only apply to those properties where someone in the chain of the title had signed for the restrictive covenants to be included.

Dee Dokken, 804 Again Street, commented that she felt there were weaknesses in the conditional use permit system in terms of protecting neighborhoods. The minimum

notification was a postcard to adjoining neighbors of 185 feet and a notice in the newspaper, which not many people read, so most ordinary neighborhood people would miss it. As a courtesy, the Community Development Department might put a sign in the yard and notify the neighborhood association. She pointed out they almost always did that, but understood it was not a requirement. She believed it had to be a requirement or people would not know what was happening in the neighborhood. She noted a person living on one end of the block could be unaware that someone was requesting an unhosted short-term rental via the conditional use permit process on the other end of the block or a block over. She stated cumulatively, multiple requests could have a big effect on a neighborhood while most people did not know it was happening. She thought requiring signs in the yard, notifications to neighborhood associations, and a wider postcard area would help. She understood there was also a burden on a smaller operator to go through the conditional use permit process. She commented that even with improved notification, a neighborhood getting an influx of unhosted short-term rentals would put an unreasonable burden on busy working residents to repeatedly make their concerns known to the PZC.

Mayor Treece understood, generally speaking, Ms. Dokken supported conditional use permits for unhosted short-term rentals in R-1 zoning districts. Ms. Dokken replied no. She stated she would prefer the conditional use permit process not be allowed at all except in the downtown and mixed-use commercial districts. She wanted to ensure people understood the conditional use permit process would not protect neighborhoods as it was burdensome and lacking in terms of notification.

Katie Otto explained she lived at the corner of Crawford Street and Green Meadows Road and noted she had loved the vacation rentals she had utilized for 30 years until one had been established across the street from her last year. She thought it was great until truckloads of construction workers started arriving on Friday nights and their families then showing up on Saturday as they would sit on the porch and drink beer all day. It had become a party venue for weddings, graduations, etc. There had been younger people that had driven a truck with a pool in the back onto the grass and were jumping into it at 2:00 a.m. She stated she was not going to call the police because they were busy. Even if she had called, those people would soon be back to their respective communities. She felt short-term rentals needed to be handled correctly from the beginning. She did not believe they should pass an ordinance and then backtrack. She asked the Council to proceed cautiously and noted she was in favor of hosted short-term rentals because someone would be responsible. She noted she was concerned about unhosted situations because she did not know who to complain to and did not want to contact the police. She commented that she lived in a wonderful neighborhood with five rental properties across the street. A year and one-half ago, they had been sold and the one they had difficulty renting had been turned into a short-term rental. Her concern was that the others would become vacation rentals in the future if the Council allowed unhosted short-term rentals. Those in the neighborhood had purchased their houses thinking they were in a residential neighborhood.

Mr. Skala asked Ms. Otto if she would favor an unhosted situation under any circumstance. Ms. Otto replied no because the burden was on adjacent property owners or the police if there were issues. In her experience, a few of the visitors were nice and considerate, but the majority utilized it as a party venue. Mr. Skala understood Ms. Otto was not making a distinction between R-1, R-2, or R-MF. Ms. Otto replied she did not see any problem with short-term rentals in an R-1 zoning district as long as they were hosted. She noted the house she had mentioned had been more disruptive than the crack-house down the street. She reiterated she did not feel these types of issues should have to be dealt with by the police, and pointed out the person who she thought was the manager of the property would not even speak to her when approached.

Pat Fowler, 606 N. Sixth Street, commented that her focus was on the preservation of healthy neighborhoods and the inventory of affordable housing. Whether one had

affordable housing depended on how much money one earned. If one's home was in good repair and safe for occupants, having an income stream from renting bedrooms in the house or an efficiency apartment in the basement to visitors was a sound strategy that enabled an owner-occupied home to remain owner-occupied. She stated healthy neighborhoods had a mix of owner-occupied homes and homes with long-term renters who cared for their homes and their neighbors. She explained they depended on each other when they were sick, recovering from surgery, when the power was out, etc. She asked the Council to think about how much they knew about their immediate neighbors and how their radar was attuned to any circumstance that caused them sadness, harm, or concern. Neighbors knew each other and cared for each other because they occupied their homes year round. Unhosted short-term rentals would not be occupied full-time, and their radars would not be attuned to the needs of their immediate neighbors. She felt they would see more of the same hostility described by the previous speaker when property owners were approached about the conduct of their tenants, and they would not be able to seek the protection of City ordinances because the tenants would already be gone. She pointed out it would drain already overstretched resources to include first responders. She asked the Council to pass an ordinance that would enable owner-hosted short-term stays along with a process for business licenses and inspections. She suggested the home only be rented to as many people as there were bedrooms for and to remit the bed tax to the taxing authority so the City could collect its share. She believed the process should be as straight forward and easy to comply with as possible. Owner-occupied homes allowed for year-round residents and year-round neighbors, and healthier neighborhoods. Immediate neighbor concerns could be discussed with those neighbors face-to-face. She asked that the Council pause on the rest of the ordinance and bring together the frontline City staff and neighborhood representatives to discuss the practical impacts and limitations of regulating unhosted short-term rentals, which should include research on the displacement of affordable housing, the toll additional calls for service would take, and successful models for regulating unhosted short-term rentals. She commented that she had been delighted by the approach and tone of the City Manager on Thursday in bringing forward the frontline staff during the strategic planning meeting. She felt the person that answered the complaint calls had wisdom and experience to share. She stated City staff members and immediate neighbors that had experienced an unsupervised short-term rental could tell them what worked and what did not work, and asked the Council to allow them to participate in a meaningful way so they could minimize the adverse consequences cities across the country were currently experiencing.

Mayor Treece thought unhosted short-term rentals would continue to operate unregulated if an ordinance was adopted for hosted short-term rentals and a pause was put on unhosted short-term rentals. Ms. Fowler stated she shared the concern of Mr. Norgard in that they had not been holding them accountable to the same public health and safety standards as all rental properties. She realized the Council had a predicament as they had an industry that had started without permission and the negative consequences of that had brought many people forward. By enabling and giving a process for hosted short-term rentals, they would take the burden off of year-round residents, and they could then focus in a broader way with more research and input from frontline staff with regard to how to manage unhosted short-term rentals.

Mr. Skala understood the staff had proposed some protections for unhosted short-term rentals in R-MF zoning districts, such as a limit of 25 percent of the units, and that Ms. Fowler was not satisfied it had been sufficiently thought through and had suggested it be considered in more depth. Ms. Fowler stated she was not in favor of any different treatment between any of the residential zoning categories when it came to unhosted short-term rentals. A neighborhood was a neighborhood, and her ability to enjoy where she lived was the same whether she lived in R-MF or R-1. She commented that she wanted the City to remove that distinction and treat them all alike as they all had the

same goals every day when they went home. She asked the Council to not hold a different standard for R-MF or R-2 that they held for R-1. She reiterated they should all be treated equally. Mr. Skala asked Ms. Fowler if she saw an opportunity under any circumstance for unhosted short-term rentals. Ms. Fowler replied she understood Mr. Minchew had mentioned having a couple of unhosted units in a commercially zoned district and they had not even discussed that situation. She stated she had not heard any opposition tonight to hosted short-term stays even in commercial districts, and felt they only wanted to be careful not to take the business out of the business district. She pointed out there were so many layers to unhosted short-term rentals in residential neighborhoods and believed more people needed to be brought to the discussion to determine the real impacts and the real ability to respond to those impacts.

Mayor Treece understood Ms. Fowler was encouraging them to not differentiate between R-1 and R-MF when it came to the safe enjoyment of one's home, and asked if she felt the same would apply to short-term rental versus long-term rental versus owner-occupied. He stated they already had ordinances that prohibited parking on the grass, but it was not enforced. In addition, they had noise ordinances that prohibited audible noise within 200 feet after 10:00 p.m. but it was very difficult to enforce or people did not want to burden the police to enforce the ordinance. He wondered how they strengthen those laws to ensure everyone was protected. Ms. Fowler replied she thought they should start by asking the frontline staff that received those calls. She explained she did not go out on nuisance or enforcement calls, but had gone across the street to talk to her neighbors if a party was too loud or if one of their guests was blocking her driveway. She reiterated those that went out on those calls could tell them things they would otherwise not know.

Mr. Skala asked if Ms. Kottwitz with ONS had been involved from a nuisance perspective when this was being discussed at the staff and PZC levels. Mr. Teddy replied yes. He explained the initial public forums had included staff from the Convention and Visitors Bureau along with staff from ONS.

Mayor Treece asked Ms. Kottwitz if her staff was ever on call on the weekends. Ms. Kottwitz replied no. She stated the ONS staff worked regular business hours, 8:00 a.m. to 5:00 p.m. Mayor Treece asked if someone was experiencing a nuisance and contacted them between the hours of 8:00 a.m. and 5:00 p.m. whether staff would look at it right then and there. Ms. Kottwitz replied it depended on the nuisance. If it was a noise complaint, the proper response would be to contact the police. She stated a police officer was assigned to their unit and that officer could access police reports and help connect calls to service to an address, which was sometimes helpful. Other issues, such as parking on the grass, could be acted upon by her staff during regular business hours if observed by those staff members. She explained ONS staff looked at structural issues, trash in the yard, and other issues that could be observed. The human behavior type problems, such as parties and noise, were better handled by police because they could visit the property after hours to address it.

Jeff Galen, 3603 Topanga Drive, stated he was representing the Columbia Missouri Real Estate Investors Association and explained he had contacted the Council via email. He noted the Association supported the idea that they should treat all rental property the same, whether a long-term rental, short-term rental, owner-occupied rental, or non-owner-occupied rental. They felt the current conservation law would cover all of the problems as the certificate of compliance could be pulled. It would also require the inspection of things, such as smoke detectors, carbon monoxide, etc. He commented that they did not want bad actors in short-term rentals or long-term rentals. He understood some had suggested signs in the yards, but by doing so, they would identify which properties were vacant, creating the potential for someone to break into the home.

Mayor Treece asked if a certificate of compliance had ever been rescinded or had not been renewed based on neighborhood complaints. Ms. Kottwitz replied they had issued provisional certificates that had requirements for additional inspections when there had been violations of the zoning occupancy. She did not believe they had revoked a

certificate in their history. The threat was in the ordinance so whenever there was a nuisance party or nuisance property issue it allowed them to get the attention of the owner to come into compliance. Mayor Treece asked if it would give more confidence to staff if the Council adopted an ordinance that said staff shall rescind the certificate of compliance for two substantiated complaints within a 12-month period. Ms. Kottwitz replied she thought they would have define what that meant, i.e., if it meant a conviction. Mayor Treece understood it was difficult to get a conviction in 12 months. Ms. Kottwitz stated she thought it would need to be more than just a complaint.

Rick McGavock, 601 Arbor Drive, commented that he had heard a lot of discussion regarding whether short-term rentals were a commercial or residential use, and believed it was a residential use. He understood some had suggested short-term rentals should be considered commercial guest accommodations and grouped with hotels and traditional bed and breakfasts. Having stayed at many short-term rentals and having hosting one, he could provide many ways they did not fit into that category. Meals were not served, there were not any employees, there was not any advertising, signage, or marketing outside of the online property listing, there were no monetary transactions that took place on the property, there were not any property granted gift cards, memorabilia, credit cards, etc., and there was not front desk, concierge, or housekeeping services. Hotels and traditional bed and breakfasts had an outward appearance and character of operation that was readily distinguishable from a short-term rental in a single-family dwelling. He believed an owner-hosted short-term rental was much closer in nature to a long-term rental, and felt long-term rentals tended to be more commercial than short-term rentals in that they were often owned by a corporate entity, owners did not occupy the property, monetary transactions could take place on the property, property tours were scheduled for prospective tenants, they were held purely as investments, yard signs might advertise the property, and commercial loans were often required to purchase the properties. Investors might also purchase properties and flip them, a commercial endeavor, without having ever lived on the site or knowing their neighbors. Both house flipping and long-term rental was allowed in every residential zone despite having many commercial qualities. He assumed it was allowed by the City because the end use was for a residential purpose, which he believed was the same for short-term rentals. People ate, slept, and gathered with family and friends. He did not feel renting a home, either short-term or long-term, changed the essential character of the home as a residence. He commented that if they continued down the path of taking a look at affordable housing, they should compare Columbia with similar communities, and not with larger, more visited locations, such as New Orleans because their real estate market was very different.

Michael MacMann, 607 Washington Avenue, noted New Orleans had 3,117 short-term rentals that they were aware of and had five permanent staff assigned to supervise those, i.e., one staff person for every 600 rentals, and they could not keep up. He suggested Columbia have at least two dedicated staff persons. He felt they could address everyone's concerns equally if they had dedicated and responsive staff as that would allow for a level playing field. He pointed out the police did not have the time to deal with the issues associated with rentals. He commented that no one had an issue with someone renting their basement for extra money as it was not a commercial enterprise and they were not making much money. If someone had ten short-term rentals, he believed it was a commercial enterprise. He understood there was someone with 17 short-term rentals who did not make a vast amount of money, but felt that was a hotel with 17 different locations and a commercial enterprise. He explained the PZC had drawn the line at one and the Council could consider changing it. He stated the issues of where they drew the line of a commercial enterprise and a responsive staff would address many of the concerns.

Mayor Treece commented that he did not disagree with Mr. MacMann, but wondered how they reconciled the ability of staff to manage 25,000 rental duplexes and their inability to

handle 250 short-term rentals. Mr. MacMann suggested the five percent in taxes go toward dedicated staffing for it. If someone was in a hotel causing an issue, the hotel staff would kick that person out.

Mr. Skala stated he thought most of the circumstances resulting in horror stories could potentially be alleviated by additional staff. He understood a few years ago they had discussed the ONS taking a look at peeling paint and the physical problems of homes, and they had run into some belligerence resulting in the necessity for a police officer to accompany the ONS staff. He asked Mr. MacMann if he anticipated belligerencies with short-term rentals. Mr. MacMann replied he expected 80-90 percent of people when exposed to a law would be good, but there would always be people that had difficulty following rules and regulations or had a different interpretation of them. He thought they might need officers to go with ONS staff for 5-10 percent of calls, and felt it was better than officers having to go to 100 percent of the calls.

David Thomas explained he had a hosted owner-occupied short-term rental in a suburban neighborhood, which had been operating for three years. He commented that he had a large place, which included two rooms in the basement that could host 6-8 people as it involved 1,700 square feet. If he was limited to three people, he would have to obtain a conditional use permit to expand it to 4 or 6 people or a family, which was an onerous process and involved the PZC. He stated he did not understand the issues of commercial versus residential, the use versus the user, etc. He explained he was also a landlord so he was used going to ONS for inspections and thought they had the potential to manage small operations such as his. He pointed out they had procedures to follow-up and check compliance. In order to address the issue of affordable housing and gentrification while economizing staff, he thought people of wealth that were purchasing lots of properties for short-term rentals and dislocating people that had been living those homes should have to go through the conditional use permit process and offer the same type of service he provided to his guests. He noted he was available if there was a need for something like an iron or if something needed to be repaired. This might not be the case for someone with 10-20 properties. He commented that for him it was the predatory capitalism and the negative entropy that occurred when so much money bought up so much property that it impacted the community in an adverse way, and pointed out that was not the situation he or others that were only renting a couple of units or only had a couple of properties were creating. They were providing a service and enhancing the character of the community along with the quality of life. He did not believe anyone had noticed he had renters in his neighborhood except for his immediate neighbors, and they were not impacted so there were not any complaints since he monitored his tenants.

Ms. Peters suggested a five minute break prior to going through the amendments Mayor Treece had mentioned previously.

Mr. Skala stated he concurred with the five minute break and suggested they also discuss the general themes rather than taking up each and every amendment as the amendments would need to be put on paper at some point. He did not feel he was sufficiently prepared to vote on specific amendments.

Ms. Peters asked if it would be helpful to go through the amendments as a way to focus the conversation.

Mr. Pitzer commented that his concern was that so many of the ideas that had been brought forth at the beginning of the meeting and during public comment were dependent upon each other, and felt to not be able to understand all of that by going through them one by one might lead to a short-sided decision.

Mr. Thomas stated he had not heard a lot of divergence on what they should do with hosted short-term rentals and suggested they start there to determine if they could find some areas of consensus. Mayor Treece commented that the unhosted short-term rentals seemed to be the cause of concern for everyone. Mr. Thomas stated he thought they could communicate clearly that they were not just walking away from unhosted short-term rentals as they could have a vigorous discussion about it as well. He thought

it would be simpler to separate the two and treat them separately. Mr. Skala thought the problem with separating the two was that one of the incarnations was a hybrid situation in that the short-term rental was next door to an owner-occupied home. He did not feel that was the same situation as an institutional player that had a number of properties. He was not sure there was a clear distinction.

Mr. Trapp thought it would be helpful if each of them briefly explained their positions as themes might emerge so they knew which amendments they might want to bring forward.

The Council took a break at approximately 9:49 p.m., and the meeting resumed at approximately 9:58 p.m.

Mr. Trapp stated he hoped he had included qualifiers to those he had communicated with via email that his position might evolve as he did more research on this issue. He explained that through his research he had learned it was not just the high tourist areas where the affordable housing footprint was impacted by short-term rentals as it seemed to be fairly universal in its phenomenon. Since people had to rent, even small changes in the availability of rental housing would have large impacts on renters, and the benefits people gained from having an affordable place to live were far higher for them than for transitory guests traveling. He felt the conditional use permit process was onerous and clumsy, and might not be the best tool to address the issue, but they did not have a lot of tools to address affordable housing. He stated he had come to support hosted short-term rentals as that did not take away from the affordable housing footprint and would add vitality without subtracting potential rental units. He felt the occupancy limit might be onerous and suggested matching it with the definition of family they had for long-term rental housing. He did not want to see families not be able to participate in short-term rentals. He also did not want to limit short-term rentals by zoning classifications as most of the City's affordable housing was within R-2 or R-MF. He reiterated he had not meant to mislead those he had communicated with via email during this process and hoped he had always included the caveat that he would continue to explore and look at the information. He stated he had reviewed the information of which there was a lot, and it all said the same thing about short-term rentals being an existential threat to affordable housing.

Mr. Thomas suggested they separate the hosted and unhosted situations, and proceed with finding an area of consensus with hosted short-term rentals in an effort to set that system up to start collecting the hotel tax on that business enterprise. He thought they should discuss all of the input received along with the different suggestions for how to regulate unhosted short-term rentals and set up a process involving staff and potentially the PZC for R-2 and R-MF neighborhoods where there might not have been adequate outreach and the gathering of community feedback on the impacts in those neighborhoods. He explained he would lean toward prohibiting unhosted short-term rentals in all residential areas and believed all categories of residential zoning should be treated the same. He also felt everything should be as simple as possible but not simpler as had been stated by Einstein.

Mayor Treece asked Mr. Thomas if he would prohibit unhosted in all residential areas or subject to a conditional use permit. Mr. Thomas replied he did not want the Council to rule on unhosted short-term rentals at the present time. He wanted more public discourse. He explained he would also be interested in imposing the same requirements on unhosted short-term rentals they had on long-term rentals. In addition to the inspection, it would allow them to start a catalog of unhosted short-term rentals so they knew where enforcement might be needed as they potentially developed stricter regulations.

Mr. Skala stated he saw this as a dichotomy between two competing issues. One was hosted versus unhosted and the other was residential versus commercial even in residential areas. He felt that issue seemed to be defined by the number of units. He commented that his goal was to allow short-term rentals for those that had them in their own homes. He noted he was not sure he was satisfied with the numbers the staff had

provided in terms of 270 days and having to live in the house. He thought it was reasonable at this point, but it was something that could be reconsidered. He felt the occupancy numbers might need to be reconsidered as well. He tended to agree with Mr. Thomas in terms of the dichotomy of hosted and unhosted and leaned toward allowing only hosted short-term rentals in residential areas. He pointed out he had planned on making an amendment to disallow unhosted short-term rentals in residential areas although he was open to it in R-MF. He explained he did not want to drive the institutional players out of business, but wanted to make sure to protect the neighborhoods, and the way to do that was to emphasize the hosted aspect in residential areas while deemphasizing the unhosted aspect. He commented that he believed there were profound effects of short-term rentals on affordable housing and gentrification. He agreed Columbia was different than New Orleans, but New Orleans had been the hotbed of the short-term rental issue. It had started incrementally by units, but then blocks had been purchased by institutional players. He understood the City of New Orleans had been sensitive with regard to its culture in some of their old and historic neighborhoods, and that was something Columbia was somewhat sensitive to as well. He commented that he liked the idea of the standardization of long-term and short-term rentals, and believed they needed the protections of inspections. He also felt it would be necessary to increase staffing as had been suggested by Mr. MacMann. He suggested they put the amendments on paper and consider them at the next meeting and revisit the issue with PZC, particularly as it came to the dichotomy of hosted and unhosted.

Ms. Peters thought they should move forward on hosted short-term rentals since people seemed to think that was reasonable. In addition, she felt all rental units, whether hosted, unhosted, long-term or short-term, should be inspected for compliance. She pointed out they tended to have difficulty enforcing issues involving rentals currently and noted she was not sure what they needed to do better in terms of enforcement. She wondered if it was the number of problems within a certain time frame or a massive fine, and asked if that had been researched along how short-term rentals were being handled in other communities. Mr. Teddy replied that although this was an original ordinance, they had looked at the ordinances of other communities in terms of short-term rentals. He pointed out there had not been as much comparative work on enforcement.

Ms. Peters wondered if staff would be able to come up with an ordinance based on their comments for the February 3, 2020 meeting versus going through the amendments tonight.

Mr. Pitzer stated the suggestion of Ms. Peters made sense as he was not sure of the path to reach a consensus in the form of amendments. He noted it seemed as though everyone thought short-term rentals should be brought under the current rental code and that made sense as it would address a lot of health and welfare issues. He explained he was not as comfortable and was becoming less comfortable with introducing the concept of a short-term rental use in the permitted use table. It seemed as though that could have some unintended consequences down the road. He reiterated he was not prepared to take the step of introducing that precedent, especially in light of them saying a rental was a rental, as there were not any other rentals in that permitted use construct. He commented that it did not feel it was appropriate to introduce that into the discussion. He stated he was not opposed to the unhosted concept and believed there were benefits to the City of being able to offer that as an amenity or an option for people that chose it. He noted he had taken advantage of it in other cities and it had affected how they viewed and experienced the city. He commented that all of the horror stories seemed to involve enforcement or the lack thereof. He pointed out they had a lot of the laws on the books already and it did not seem as though they needed too many new laws to enforce items they were not enforcing, but he did not know what that enforcement mechanism was or what that structure would look like. He wondered if it should involve the ability to revoke a license after a certain number of complaints, a steep fine, an escalating series of consequences for problems not cured, etc. He understood there were a myriad of

different options, and that having that in place would go a long way in addressing the horror stories of unhosted short-term rentals. He suggested bringing short-term rentals under the rental code and utilizing common sense for occupancy limits rather than going with some of the more restrictive ones that had been proposed. He also suggested not requiring any off-site parking in the downtown for any short-term rentals if that was to be required.

Mayor Treece commented that he had tried to synthesize the proposed amendments, the public testimony, and the comments of Council into a policy framework that was fair, predictable, and consistent, and it had been hard. Some of the amendments totally contradicted one another. He believed one of the key takeaways from the public testimony was that everyone loved staying in short-term rentals but no one wanted them in their neighborhood. He thought a healthy byproduct of this discussion and ordinance was trying to find a way to strengthen neighborhood protections for all property owners in R-1, R-2, and R-MF whether it involved a short-term rental, a long-term rental, or an absentee property owner. He believed the ordinance currently in front of them seemed to be too elaborate, and if they were going to proceed with it, he would want several amendments, such as the occupancy limits. He suggested the occupancy limits in R-1 if they allowed it in R-1, or in R-MF, whatever it might be. He explained he was still going back and forth on the conditional use permit process, i.e., whether to allow it, ban it completely, exempt people with 1-2 short-term rentals from that process, accelerate the process or allow a bulk conditional use permit for those currently operating, etc. He understood several people had suggested moving forward on hosted short-term rentals in the short-term, but if they were to move forward on the hosted short-term rentals and not the unhosted, the unhosted short-term rentals would remain unregulated. He wondered if the best stopgap was to regulate all short-term rentals under the rental unit conservation law so they were all inspected and had a maximum occupancy limit set for each. They could also incorporate fines for any noise, off-street parking, etc. violations for the property owner and the tenant as had been done in another community. He suggested this be done at the February 3, 2020 meeting and they could then refer the issue back to the PZC.

Ms. Thompson explained the problem with the rental conservation piece was that currently short-term rentals were not allowed in residential zoning districts so staff would not have the capacity to issue a certificate under the rental conservational law to a hosted or unhosted short-term rental. Mayor Treece asked about treating them just as a rental. Ms. Thompson replied rentals were not for transient guests currently. For the purposes of short-term rentals, a transient guest was someone who was in the rental for less than 31 days. Once someone was there more than 31 days, it was a long-term rental. She commented that if the Council authorized staff to issue certificates under the rental conservation law, they would have a very difficult time regulating it under zoning and pulling back on it because they would have issued a certificate under the rental conservation law as an allowed use. The position of staff currently was that short-term rentals were not an allowed use in a residential zoning district as a matter of right. She pointed out the decision had been made to not enforce this until Council had the opportunity to review the zoning regulations.

Mayor Treece understood it was unlawful to operate within the City any apartment house, rooming house, two-family dwelling, or single rental unit without a current certificate of compliance, and asked why they would not just interpret a short-term rental as a single rental unit. Ms. Thompson replied they could if that was the direction of Council, but once that was done, they would not have the ability to regulate them under the zoning code because they would be allowed as a matter of right within all zoning districts. She explained it was a conundrum they were placed in if they started to actually issue certificates of occupancy under the rental conservation law without having zoning in place because staff at this point could not determine in which zoning districts they would be allowed for issuance of that certificate.

Mr. Zenner understood if the Council authorized these under the rental conservation code without drawing the distinction between transient guest accommodations, which was the reason it had been identified as a land use, they would forego or make very difficult the opportunity for taxation at a later date because they had covered them with the same cloth as long-term rentals. Ms. Thompson explained the point was that there would be unintended consequences if it was done in a piecemeal manner.

Mr. Skala understood if it was done in the way the Council was suggesting it be done, they would foreclose on the ability of the zoning code to identify geographical areas in which they could apply other instruments like taxation. Ms. Thompson stated they would be giving up zoning control if they were allowed as a matter of right. Staff would no longer have anything to base in which zoning districts to allow the rental conservation certificates to be issued for a short-term rental. Mr. Zenner commented that from a zoning perspective, they would look at it like any long-term rental or single-family home in terms of parking standards, etc. In addition, there would not be any additional notification processes for the renter to know whether the home was compliant with any other standards. He noted there were a lot of things in the supplemental use list that was providing information to the public that was staying in the structure in terms of inspection and the number of individuals it could accommodate.

Mayor Treece asked if staff could bring back an ordinance for the next meeting that only dealt with hosted short-term rentals. Mr. Zenner replied that would be an extreme challenge given the deadline to produce documentation for public consumption as that was Friday of this week. Mr. Pitzer asked if staff could come back with thoughts for a possible framework at the next meeting. Mr. Teddy replied they could respond to the request of Council in some fashion. If they moved forward with an ordinance that only dealt with hosted short-term rentals, he wondered what they would do with the unhosted short-term rentals. He asked if they would go after them as an illegal use. Mr. Zenner explained he was still unclear as to the standards the Council wanted staff to retain from the hosted portion of the ordinance. He wondered if they wanted the 270 days as the minimum to be considered hosted and whether they wanted to allow an opportunity for a designated agent. He stated it would be helpful to have a better understanding of what they might want simplified in order to draft something.

Mr. Trapp commented that when he had first read this, it had seemed overly cumbersome and critical, but now that he fully understood the issue they were wrestling with, the proposed ordinance might be the least inelegant way to address the issue. He stated he had become more impressed as he had dug into it and looked at the research. He was not sure they could bifurcate this as it was not logistically possible to deal with just part of it. He was also not sure what it would gain to send it back without clearer direction. He thought they had a basic framework by which they could vote on some amendments. A theme he had heard was for the occupancy limits to match those for long-term rentals. Banning unoccupied short-term rentals might not be a position he took, but it was something they could consider. He felt there would only be about 5-6 amendments. The other feedback provided by Council of only dealing with part of it or coming forward with another conceptual framework was not actionable. He thought they should try to amend what they had and see what came out of that process.

Mayor Treece asked Mr. Trapp if he wanted to vote tonight or in two weeks. Mr. Trapp replied he did not mind waiting. He asked staff if they had heard enough of the actionable items suggested by Council to draft amendments for the next meeting.

Mayor Treece stated he believed one amendment that was needed was to change the occupancy limits so they matched the zoning characteristics if they were to work off of this ordinance. Ms. Peters asked for clarification. Mr. Zenner replied the occupancy limits matched the definition of transient guest at the State taxation level. It did not differentiate between minors or adults. The occupancy limits within R-1, R-2, and above had utilized the term of transient guest. Mayor Treece commented that people could vote against the amendment, but he wanted it brought forward. He believed another potential

amendment involved the conditional use permitting process in terms of whether they exempted small operators or someone that owned the home next door or if everyone was treated the same. Another factor was whether to allow it all with or without a conditional use permit in R-1. Mr. Pitzer commented that there was an entire section on conditional use permits that addressed hosted and unhosted short-term rentals, and asked Mayor Treece if he was suggesting amending the conditional use permit process as it applied to both. Mayor Treece replied he was referring to the conditional use permit for unhosted short-term rentals, and whether they would exempt a situation where the person owned the house next door or still owned their starter home. Mr. Pitzer understood a criterion for needing a conditional use permit was if one wanted to go over the occupancy limit, and felt how that amendment was disposed of could influence another amendment. Mayor Treece stated the latter situation described might involve someone having a 5-6 bedroom house and the occupancy limit chosen. Mr. Zenner displayed a slide that provided guidance as it related to occupancy.

Mr. Skala commented that what was important to him was the distinction of trying to accommodate long-term and short-term rentals under the rental conservation rules while maintaining the definition of transient in order to accommodate the capacity to tax. He wondered if they could craft an amendment that allowed them to follow the rental conservation code in terms of inspections while still maintaining the definition so they had a taxing entity that worked. Ms. Thompson replied the definition of transient guest traveled throughout the zoning code and in the rental conservation code proposed amendments the Council would consider at their next meeting. Mr. Skala understood there was a potential solution. Ms. Thompson stated that was correct. She noted it also traveled to the transient guest tax as well.

Mayor Treece commented that he wanted to use the revenue from the hotel/motel tax to enhance the ONS, but understood that guest tax was limited to promoting tourism and economic development. He was not sure it could be used for regulating hotels and short-term rentals. Mr. Teddy stated he understood that tax would be dedicated to the promotion of tourism and some effort would have to be made to promote short-term rentals. Ms. Schneider agreed. Ms. Thompson pointed out there would be sales tax revenue in addition to the guest tax so some money would be collected for the general fund.

Mr. Trapp asked if they could treat the operator of one short-term rental like a hosted short-term rental or if they had to make the distinction. Mayor Treece replied he thought Kansas City had determined an unhosted short-term rental could be granted administrative approval if the residential dwelling was not occupied by a transient guest in excess of 95 nights per year, if the owner had designated a responsible agent 24/7, and if that owner was limited to only one certificate to operate a short-term rental in the City. Ms. Thompson commented that she would consider that a limited-impact unhosted short-term rental. Mr. Trapp thought that was something they should consider.

Mr. Trapp stated he felt they should also consider an amendment to what had been referred to as the “house arrest” proposal as he believed it was onerous since there was a review process that provided additional safeguards.

Mr. Thomas commented that he thought he understood why they could not separate the hosted and unhosted short-term rentals by bringing both under the rental unit conservation law and go back later to impose restrictions. He wondered if it was theoretically possible to regulate hosted short-term rentals within residential districts and prohibit unhosted short-term rentals in residential areas while allowing them in mixed-use or commercial districts subject to specific requirements.

Mr. Pitzer asked if off-street parking would be required for an unhosted short-term rental in the downtown district as the proposed ordinance was written. Mr. Teddy replied no. He explained there was not an off-site parking requirement in the downtown. It was only required for residential of a certain size.

Mayor Treece asked Mr. Glascock to obtain recommendations from ONS on how they

could better enforce the proposed ordinances along with the nuisance ordinances they already had, whether that involved an inspection process, complaint process, fine process, or revocation of a certificate of compliance, regardless of whether it was a short-term rental, long-term rental, or a nuisance property in R-1, R-2, or R-MF. Mr. Glascock replied he would.

Mayor Treece made a motion to table B348-19 to the February 3, 2020 Council Meeting. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

B2-20 Granting the issuance of a conditional use permit to TKG St. Peters Shopping Center LLC to allow the establishment of a drive-up facility (restaurant) on property located at 201 S. Providence Road in the M-DT (Mixed-Use Downtown) zoning district; providing a severability clause (Case No. 06-2020).

The bill was given second reading by the Clerk.
Mr. Teddy provided a staff report.
Ms. Peters asked why the PZC had recommended denial of this request. Mr. Teddy replied there were likely several reasons. He explained a lot of the questions involved the City's planning of the area and looking at the site as a potential redevelopment area as it did not quite fit the vision for the area. He noted there had also not been a traffic study that indicated whether there would be a problem with the proposed development. He thought the PZC had wanted a little more expert testimony and a completed report.
Ms. Peters asked what the City and MoDOT planned to do with the intersection of Locust Street and Providence Road as it was a problem for pedestrians as there was not a sidewalk on the north side of Locust Street to get to Lucky's. Mr. Teddy replied he could speak on the needs, but could not speak on what MoDOT might do on its own to mitigate the situation. In terms of needs, he agreed with the comments of Ms. Peters. He understood the traffic study had called for the need for pedestrian activated signals with countdown timers. He thought there was also a recommendation for accessible traffic signals.
Ms. Peters asked Mr. Glascock for his thoughts. Mr. Glascock replied he had not discussed it with MoDOT, but noted it could be discussed. He understood they were replacing existing sidewalks in the area. Ms. Peters understood Locust Street was a City street. Mr. Glascock stated that was correct. He pointed out it was not a street up to Lucky's. It was a private driveway. Mr. Teddy noted the streets were vacated on the west side of Providence quite a number of years ago. Mr. Glascock stated the east side belonged to the City. Ms. Peters understood there were not sidewalks on the north side of Locust Street and asked if there were plans to address it. Mr. Glascock replied he did not know of any. Ms. Peters asked who would be responsible for it. Mr. Glascock replied the Public Works Department.
Mr. Pitzer noted Providence Road was a major road, and asked if the area west of Providence Road had always been a part of the downtown district. Mr. Teddy replied it was a part of the original town so the same block pattern had actually been platted there, but those streets were not in evidence today and the street rights-of way had been mostly vacated. The one that wrapped around Walgreens was still a public street. The area had existed as a 60s-70s era shopping center for a while. The space in between the existing buildings and the buildings south of it tended to be single-use buildings. It was a different pattern.
Mr. Pitzer asked if there had been any discussion about taking this area out of the downtown when the Unified Development Code (UDC) had been adopted. Mr. Teddy replied it was the reason for the urban general west designation. It was a step down from the more rigorous urban program of pushing the majority of building fronts up to the street that they had east of Providence Road. It was a percentage and there was also an

allowance made for private streets. As a result, through a master development plan, they could introduce some private streets and push buildings up to those streets. He commented that the Charrette provided some vision and the building did not have to be as massive as it was. He pointed out there was a market issue in terms of what the market could support. He stated it was an issue of character of place and felt that had been the dilemma for the PZC.

Mr. Pitzer noted there was a drive-through across the street, to the north, and to the south, and asked if they were grandfathered. Mr. Teddy replied there had been a recognition in the UDC, and pointed out they had addressed the nonconformity rules since concerns had been expressed. Mr. Pitzer understood if any of those sites changed their use and gave up the drive-through, they would have to go through this same process to get it back. Mr. Teddy stated that was correct if they were torn down or something.

Mr. Pitzer commented that they were often told that zoning and conditional use permits ran with the land and were not subject to changes in ordinances, and asked how the prior conditional use permit for this property had gone away. Mr. Teddy replied it had been a conditional use permit for surface parking. In the prior code, there had been a prohibition on surface parking as a right in the C-2 zoning district with the idea of discouraging people from flattening buildings and only constructing parking lots or establishing uses that would be surrounded by parking. He understood there had been concern about some redevelopment that introduced parking lots a number of years ago, and it was not the kind of downtown environment the City had wanted, and it had prompted that conditional use permit rule in the old code. He pointed out drive-through uses had not been addressed then. He explained that had kind of been reversed as parking could be built as a right as long as it met design criteria but drive-through uses needed extra consideration because they involved cars that were moving, crossing sidewalks, etc. He stated they also wanted to consider how many drive-through facilities they wanted to intrude on the short downtown blocks.

Mr. Pitzer asked if every conditional use permit that was granted before the UDC was adopted had gone away if they were not currently being used. Ms. Thompson replied conditional use permits did not run with the land in all instances. There might be instances in which they did. She explained a conditional use permit was an authorization to use a parcel of property subject to certain conditions. As long as the conditions were met at the point in time the conditional use permit was granted, it was an authorized use of the land which was otherwise contrary to the underlying zoning. Once a conditional use permit was no longer used for the purpose for which it was granted, it was subject to conforming or nonconforming uses. If the use that had been granted via the conditional use permit was never established, the property would not be grandfathered since it had not been established. Mr. Pitzer asked if every conditional use permit that had been granted before the UDC was adopted but had had not been utilized for the purpose granted by the permit had gone away. Ms. Thompson replied that should happen. Mr. Pitzer asked if they were being reviewed individually to determine if they still applied when an issue was brought forward. Mr. Teddy replied yes.

Mr. Pitzer asked if criteria had been attached to the original conditional use permit. Mr. Teddy replied he would have to look at it as he was not sure, and pointed out his argument was that it was not the same as what was being sought here.

Mr. Pitzer asked if the conditions that were attached to the ordinance for the conditional use permit involved standard language. Ms. Thompson replied by its very nature, a conditional use permit allowed one to do something in a zone that was not otherwise authorized so conditions were normally attached to it. The largest concern with a drive-through was typically traffic and staff had developed conditions for Council consideration in trying to determine whether this would be an acceptable use under a conditional use permit. She noted the noise and lighting issues had been seen in former conditional use permits. Mr. Pitzer thought those items had already been covered by existing laws or would be covered by review of the site plan. Ms. Thompson agreed they

were, but pointed out they were not specifically tied to the issuance of the conditional use permit. If the Council wanted to keep it tied, they could, but they did not have to do that. It provided the extra enforcement of being able to revoke the conditional use permit if they were violated. She explained it was identifying what was most important to Council when it came to going outside of what was normally allowed under the zoning code at a particular location. Mr. Pitzer stated he was trying to think of the practical effect if those conditions were not included in the ordinance. Ms. Thompson noted the Council would not have the ability to revoke the conditional use permit for violation of those conditions. Mr. Pitzer understood that even if the applicant broke the law, the conditional use permit could not be revoked. Ms. Thompson stated that was correct. She explained they could enforce the law under the code via the normal mechanisms, but they could not necessarily revoke the conditional use permit for a violation.

Mayor Treece asked if there was a requirement for four-sided architecture in the UDC since this property abutted a cemetery. Mr. Teddy replied he did not believe there was anything that specifically referenced the cemetery. He commented that four-sided architecture basically meant the same quality of finish that would be present on the front. Mayor Treece asked if that would occur here. Mr. Teddy replied he did not believe there was anything to require it adjacent to, abutting, or within a radius of a cemetery.

Mayor Treece understood the total acreage was 1.3 acres. Mr. Teddy stated that was correct. He displayed a diagram showing the property, and pointed out the entire area was over three acres. Mayor Treece asked if the rest of the parcel been platted. Mr. Teddy replied it had been platted as one lot. He pointed out they were showing stub-outs on the site plan to future development. They also had the concept of carrying the driveway to an adjacent property line to potentially share it with the neighbor to the south. Mayor Treece asked if the neighbor to the south was Custom Complete Automotive. Mr. Thomas replied he thought the lot to the south was vacant. Mayor Treece understood the vacant lot was contemplated as an additional use. Mr. Teddy stated that was correct and pointed out it was also zoned M-DT so it would include additional commercial buildings. He felt this would also set the tone, but each additional drive-through would be required to go through this process. Mayor Treece asked for clarification. Mr. Teddy replied he believed this would set up a situation for a combination of fast food restaurants and strip commercial. This was before the Council so they could look at the existing developed environment along with the more ambitious vision in terms of what they favored and what might be in the public interest beyond mere preference.

Mayor Treece understood there would not be a curb cut on Providence Road under this plan for egress or a right-in/right-out. Mr. Teddy stated they were not proposing to additional breaks in access. They would be served by the signaled intersection and the internal drive system that had already been established into Lucky's along with a future connection to the off-site driveway.

Mayor Treece understood a traffic plan had not been submitted in time for the PZC meeting. Mr. Teddy stated that was correct. Mayor Treece asked if it was required. Mr. Teddy replied it would be required as part of the building permit process because anything that produced a peak of greater than 100 trips in either peak hour had to submit a traffic study for review. He explained that since staff had taken a position against the proposed development, they had not pushed the applicant to absolutely provide them a complete traffic study. In retrospect, they probably want to advise applicants to put their best foot forward with the PZC.

Mayor Treece asked if the traffic study that had been submitted anticipated or contemplated the potential development to the west of this and the parcel to the south. Mr. Teddy replied that would be a question for the traffic engineer.

Mayor Treece asked whose responsibility the access road was where Locust Street crossed Providence Road. He wondered if the City would ever build Locust Street to the cemetery property line. Mr. Teddy replied he understood the right-of-way had been vacated. As a result, it was a three legged intersection in terms of the public street. The

west leg was the driveway into Lucky's, which was a shared situation, so there would be a connection to it within the site. He understood really long stacking would be available.

Mayor Treece asked if the traffic study or this plan had contemplated a sidewalk along the access road going down to Providence Road or up to Lucky's. Mr. Teddy replied there had been mention of pedestrian markings, but not necessarily an internal sidewalk system. He understood Mayor Treece was asking if the internal road would be retrofitted with a sidewalk and did not believe that had been a recommendation. Mayor Treece stated he understood the pedestrian access to the grocery store would not change, but the traffic coming out of this development had the potential to impact that access. Mr. Teddy commented that he thought the main concerns in terms of traffic were the need for slight retiming of the signal, using permissive and protected left turn signal sequences along with the blinking caution turn arrow, the aforementioned pedestrian heads, and some striping to make stops internal to the site a little more distinctive to the motorist.

Mr. Skala understood the Providence Road policy resolution from 2005 and the Charrette, which came later, were nonbinding documents. He recalled staff originally asking the applicant of the possibility of locating the drive-through on the rear of the building, and asked if that request had been rejected by the applicant. Mr. Teddy replied yes.

Robert Hollis, 1103 East Broadway, provided a handout and explained he was present on behalf of the applicant. He commented that the certificate of decision for the conditional use permit that had been granted 2014 had not included any conditions. It had just granted the conditional use permit for off-street surface parking, which included a drive-through per the definition at the time. In terms of connectivity, he understood Mayor Treece had asked if there would be a sidewalk on the south side of the private street going to the west, and noted there would be a sidewalk, which the engineer would discuss in more detail. He stated that regardless of the zoning designation, they were talking about a shopping center. He thought the modifications on the regulating plan helped, but they did not change the fact it was a shopping center, and it seemed odd for a drive-through to require any additional approvals. He pointed out there were other drive-through businesses in the vicinity and in the shopping center to the south. He commented that there was recently a drive-through on Providence Road that this Council had approved and it had required a change in land use from R-2 to commercial as well.

Ms. Peters asked where that was located. Mr. Hollis replied he thought it was the coffee shop across from Hickman High School.

Mayor Treece pointed out he had voted no on that development and asked how this was different than that. Mr. Hollis replied that was actually a rezoning so the Council actually changed the land use. In this situation, the land use was permitted and on the list for a conditional use permit if they met the criteria. It was substantially different because the other situation did not have criteria to meet since it had been zoned R-2. He thought this development should be looked at even more favorably since that one had been approved.

Mr. Hollis listed the standards, and explained (A) and (B) within Section 29-6.4(m) of the Code of Ordinances were the two standards with which staff had taken issue. He believed standard (A) was met by the fact that drive-through facilities were permitted as a conditional use within the UDC. It had also been identified as eligible as a conditional use within the C-2 district previously. In terms of it being consistent with the Comprehensive Plan, he felt it was designated as city center, which permitted commercial uses. He pointed out (B) referred to the Comprehensive Plan, and not the Charrette, Providence Road Corridor policy, etc. He suggested condition (f) be removed if the Council chose to approve the ordinance because it was repetitive. He understood the goal of staff was to allow for a process to revoke the conditional use permit, but that only made sense if they tied it to violating the existing code. He commented that he did not know what "negative impacts on neighboring properties and rights-of-way" meant, and if that was the standard, the City could go through the process of revoking the conditional use permit if they violated the code with regard to lighting, excessive noise, or stormwater. He noted he had attempted to discuss this situation with Mr. Caldera in the

Law Department, but it had been too late to make any changes. He stated he would like the conditions modified as shown on the screen displayed.

Mr. Skala asked what kind of accommodation they had come to with respect to those conditions. Mr. Hollis replied he and Mr. Caldera had not reached an agreement as to any changes. They had a conversation about it, and he understood the concerns of Mr. Caldera and relayed what he thought would be a legitimate way to address those concerns. Mr. Pitzer asked Mr. Hollis if his suggestions on how to address the concerns were any different than had been shown on the screen. Mr. Hollis replied they were different. He explained he had initially suggested deleting all of (f), but after talking to Mr. Caldera, he thought it could be revised to state "in the event the code was violated with regard to lighting, excessive noise, or stormwater impacts," the applicant was subject to the remedies under these conditions. If they violated the code, they should pay for it by losing the conditional use permit. He did not know what creating a negative impact meant or how it would be interpreted and had concerns about it.

Mr. Skala asked Mr. Hollis to provide a brief comment about (d) and the additional sentence provided in terms of access. Mr. Hollis replied the concern was that (d), as a condition, would limit access from the intersection of Providence Road and Locust Street. Although that was their only access point, if one interpreted the condition as saying that could only be the access, it would create a problem because connectivity would be required if the property to the south developed. As a result, there would be access from the Elm Street and Providence Road intersection for the property to the south, which would connect to the subject property. He suggested adding verbiage stating "however access from that intersection would not be prohibited." He stated they could add to it verbiage indicating "only in the event of development of the south site would access from the Providence Road and Elm Street intersection be permitted."

Mayor Treece asked what was operable if the conditional use permit was approved in terms of the additional conditions. He understood an agreement on the suggested changes had not been met. Mr. Hollis explained staff had presented the conditions as they were in the UDC, and he was suggesting changes. He noted (e) was likely the most problematic as it indicated they had to comply with the zoning laws unless a variance was received. He believed that was problematic because they could not comply with the zoning regulations in other ways, such as a design adjustment. He pointed out that if they received approval of a conditional use permit, they would go to the Board of Adjustment (BOA) to ask for a design adjustment, which meant they would immediately lose their conditional use permit. It only permitted variances.

Mayor Treece asked Mr. Caldera if the purpose of the negotiations had been to generate the recommendations of staff. Mr. Caldera replied no. He explained Mr. Hollis had some objections and concerns with what staff had prepared, and their conversation was to determine the details of those concerns. The discussions were conditioned upon whether staff would be amenable, and ultimately they thought the best course was to provide to Council what staff had recommended. Mr. Hollis could then advocate for his client by recommending the changes. Ms. Thompson pointed out the conditions and the conditional use permit only applied to the 1.13 acres, i.e., the site of Raising Cane's. It did not apply to the entire site. The portion Mr. Caldera and Mr. Hollis discussed with regard to the Providence Road access at Elm Street was outside the boundary of this particular discussion. She commented that she did not feel it would hurt to include it, but it was outside of the boundary.

Mr. Skala asked if (e) created a conflict. Ms. Thompson replied that was the piece having to do with the variance versus the adjustment, and asked if design adjustments went to the BOA. Mr. Teddy replied he did not believe anything had been filed yet. Mr. Caldera pointed out design adjustments went to the PZC, not the BOA. Ms. Thompson asked for clarification. Mr. Teddy replied he thought the applicant would ask for an exception to placing the building at the front property line and another exception would involve the floor level. He reiterated an application had not yet been received. He

explained the building would not be ready to go once the conditional use permit was approved. There were additional regulatory approvals needed. Mr. Hollis stated they would have to have a design adjustment, and there could be something else in the future. If they immediately lost a conditional use permit by obtaining a design adjustment they needed, they would not be able to develop the site. Mayor Treece asked if he wanted to work that out prior to moving forward. Mr. Hollis replied no, and explained he would prefer it be deleted. If it could not be deleted, there was not any reason for them to obtain a conditional use permit. Ms. Thompson stated the Council could add design adjustments to the ordinance as well. Mr. Skala asked if that would be an amendment. Mayor Treece understood that would require a two-thirds vote. Ms. Thompson explained she was not suggesting adding a design adjustment into the plan. They could just authorize the applicant to seek a design adjustment or variance as part of condition (e).

Shawn White stated she was with CBB and had offices in St. Louis and explained her company had been asked to do a traffic impact study in November. They had met with MoDOT and City staff to discuss the parameters and scope of work associated with the study. It had included the intersections of Providence Road and Locust Street and Providence Road and Elm Street, and the existing conditions versus the conditions with the Raising Cane's site along with a 10-year scenario, which added background traffic for the neighboring roads as well as the build out of the rest of the three acres. She explained the intersection of Providence Road and Elm Street operated at a level of service of B, and it would still operate at that level with the addition of Raising Cane's with a delay of less than two seconds more. The overall intersection of Providence Road and Locust Street operated at a level of service of C during the midday and the evening peak hours, and with the proposed development, it would still operate at that level of service with minimal changes in delay. She pointed out they had collected new traffic counts in November during the week prior to Thanksgiving and all of the information was based on that data. Some of the recommendations that had come out of the study were to provide improved pedestrian accommodations at the intersection of Providence Road and Locust Street and a designated pedestrian pathway from that intersection to get on to the Raising Cane's site, which could be striped. She noted they had also recommended some internal stop signs to provide better clarification for vehicles between Lucky's and Raising Cane's. Both MoDOT and City staff had provided comments on the traffic study and had agreed those items should be implemented.

Mayor Treece asked if the traffic study had contemplated development in the two remaining parcels. Ms. White replied yes, and explained that had been within the 10-year scenario, which had included background traffic as well as the build out of the rest of the site, which was assumed to be 20,000 square feet of retail. If that changed significantly, an updated traffic study might be required. Mayor Treece asked if the uses had anticipated a drive-through facility. Ms. White replied no. She noted the landowner had not anticipated another drive-through facility. They had only anticipated general retail-type shops.

Mayor Treece understood someone had mentioned the opportunity to add a sidewalk to the access road. Ms. White stated she thought that was a great idea, which ideally would have been constructed when Lucky's had opened. She commented that she had been focused on getting people to Raising Cane's which was the reason they had recommended a pedestrian pathway from the intersection of Locust Street and Providence Road to Raising Cane's, and having one up the side of the road to Lucky's was also a great idea. She understood they were willing to provide that as well. Mayor Treece understood it had not been included in the report. Ms. White explained it had not been a specific recommendation in the traffic impact study. Mayor Treece asked if it was a part of the plan. Ms. White thought it was, but noted someone would talk about that later.

Mr. Pitzer asked Ms. White if she had mentioned the left turn lane northbound on Providence Road. Ms. White replied the overall delay at the intersection would be

minimal, i.e., 1-2 seconds. The movement that would be worse was the northbound left turn movement because they would add more traffic to it and it was a pre-timed intersection. If they added three seconds to the northbound left turn lane, it would improve the northbound left turn delay. In talking with MoDOT, they had indicated they were always revisiting timings and re-evaluating how best to accommodate the existing traffic volumes. One option would be to consider protective plus permissive left turn phasing, but there was a tradeoff for that. They would end up with improved traffic operations, but there was also a potential safety concern. She stated more evaluations would be needed with MoDOT if that was something they really wanted to consider. On a busy roadway, it was sometimes better to make someone wait a few more seconds for the protective left versus allowing a permissive left since people might take chances when there were shorter gaps. Mr. Pitzer asked how much room was there to allow cars to stack up in that left turn lane. Ms. White replied it was a center turn lane so traffic could stack up all of the way to Elm Street. Mr. Pitzer asked if a dedicated left hand turn lane had been discussed. Ms. White replied there was one on Providence Road already. She explained the left turn lane already existed and the center turn lane went all of the way to Elm Street. Mr. Pitzer asked how long the left hand turn lane was that was there. Ms. White replied she would have to look at Google Earth to determine how it measured. Cars could stack out of the marked left turn lane by continuing to stack up in the two-way turn lane that existed. She did not believe there was an issue with stacking. The delay would only be increased by about 20 seconds for the northbound left turn movement. If they shifted the timing by three seconds, it would be similar to what it was today with a protected green situation. If it was changed to a protected plus permissive, it would drop by 50 seconds, but there was a tradeoff in terms of safety.

Melanie Bagley, 2348 Arezzo Lane, Allen, Texas, explained she was the property development consultant for Raising Cane's, who was known for their chicken fingers. She noted they had been referred to as fast food, but they were really a fresh food concept restaurant as the food was made when the customer was in the drive-through lane. Their stacking and queueing timing had been fined-tuned so that the time of the order to the time the customer arrived at the pickup window was approximately 2.5 minutes. She stated their employees would direct traffic for grand openings as they expected more traffic than normal. She pointed out they were willing to comply with the recommendations made in the traffic study, to include the striping and modifications to the signals to accommodate accessibility issues. She noted a sidewalk on the south side of Locust Street leading up to Lucky's had been a conversation during the PZC meeting, and that was something they all agreed would be a necessity given the amount of foot traffic there. She commented that the first iteration of the site plan that had been presented had been their test fit layout, and they had later been informed of the downtown districts standards. They had then tried to implement a design that was pedestrian friendly and promoted the downtown district ideals. She stated they would have an outdoor patio dining area with a roll up front garage door. They were proposing park benches and lighting up the walkway from Providence Road along with planters, trees, etc. to enhance the desired look. She explained they were also proposing bike repair stations and bike racks above and beyond the standard requirements. She stated they were really trying to accommodate the City's request and were looking forward to being a part of the community.

Mayor Treece thanked Ms. Bagley for considering Columbia for their investment, and asked if there was a commitment to build the sidewalk. Ms. Bagley replied there was a commitment to build the sidewalk. It had been discussed at the PZC meeting, and although they had not modified the plan yet, they would do so in subsequent submittals. Mayor Treece understood they were willing to construct that sidewalk even though it was not a part of traffic study. Ms. Bagley stated that was correct. Ms. Thompson explained that could be added as a condition if the Council wanted to ensure the developer followed through with it.

Mr. Pitzer asked if the pedestrian access was a part of the commitment as well. Ms. Bagley replied yes. She noted they would also have a landscape package in excess of $150,000. They planned to do this right as they prided themselves in making a beautiful space for their customers.

Mr. Pitzer asked Ms. Bagley if they had considered any other locations in Columbia that might not have required them to go through all of this. Ms. Bagley replied the real estate team had vetted the different sites, and this was the site they felt they could best serve their customers and be the most successful. She stated they were committed to this location at this point.

Bill Barnes explained he was a commercial real estate broker with NAI DESCO and had been working with Raising Cane's for the last six years. He had helped them open 12 restaurants in the St. Louis area. He noted his company worked with a lot of national retailers, and Raising Cane's had been a joy to work with for him because they operated completely differently than other national retailers with which he had worked. He thought it was partly because they were privately owned by Todd Graves, who had founded the first restaurant in 1996 in Baton Rouge, Louisiana, and now owned about 500 restaurants. He commented that Raising Cane's was a new brand to the Midwest and what many did not realize was the lengths they went to in an effort to offer a quality product. They utilized the tenderloin portion of the chicken breast and it was never frozen. In addition, everything was made in-house. He thought that was hard to understand since it was a quick serve, fast food restaurant, but it did not operate in that manner. He stated he had been impressed with their community involvement, which was driven by the owner. He explained they had a few main areas of focus, which included education, feeding the hungry, pet welfare, and entrepreneurship, and provided some examples. He noted Raising Cane's had committed over $2 million to charitable causes to date, and a few years ago, they had announced a goal of contributing 20 percent of gross sales and giving back $50 million to communities by 2025. In terms of the structure, it was a gorgeous restaurant. He stated each restaurant in the St. Louis area was a little different since each municipality had its own requirements, and provided examples of building materials used. He commented that this location had been chosen because it was across the street from the University of Missouri. He explained they had looked at a site at Nifong Boulevard and Providence Road and had felt it was nice, but they had really wanted to be across from the University as they wanted to be a part of the school and the community. He stated he believed they would be a great partner in the community, and was hopeful this proposal would move forward.

Eugene Elkin wondered why the subject property had always been empty and whether it needed a dirt study or fill dirt. He explained he mentioned that because it was adjacent to a cemetery. He commented that it sounded as though Raising Cane's was a good company, and only wondered if the ground should be reviewed. He asked why there was reference to a shopping center when it was a fast food restaurant. Ms. Peters replied the shopping center was next door. Mr. Elkin thought they had indicated it was a shopping center.

Jon Crisp, 609 Thilly Avenue, stated the Federal Highway and Safety Administration had recently indicated every driveway represented potential conflict points between motor vehicles, pedestrians, and bicycles. An expert at the University of Florida had indicated drive-through lanes were particularly dangerous in urban areas because drivers were not used to operating around bicycles and walkers. There was a tendency to look at traffic and not be aware of the pedestrian. He noted he was not opposed to development or Raising Cane's. He explained he had moved to Columbia specifically for the community and would not move back to a big city. He pointed out he and his children rode their bikes and walked a lot, and he wanted them to be safe. He stated he was concerned about the addition of another drive-through to a street that already had too many and a lot of traffic. It was not kid, pedestrian, or elderly friendly. He wondered if they really needed it, and questioned whether it would make the downtown something better. He also

wondered if this was the best site. He understood the desire to be near the University as that was the target market, but questioned whether it was really the right site. He felt approving this did not send the message of a long-term pedestrian friendly vision. If they wanted Columbia to continue to be special, he thought they should show they valued pedestrians and cyclists and not necessarily just cars and businesses.

Mayor Treece asked Mr. Crisp if it gave him any comfort to know he would ask for a sidewalk as an additional condition. Mr. Crisp replied if it was approved, he hoped there would be a sidewalk. He thought the traffic study had indicated 120-200 vehicles during peak hours, which was a lot and would change the area. He hoped the sidewalk would be constructed and that cyclists would be considered. The trail terminated there and if they wanted to capture those people, he suggested it be made friendlier by including bike areas and regions.

Gina Rende, 2412 Bluff Boulevard, stated she had been marketing the proposed site for six years, and during those six years, she had only had drive-through interest. She noted she had marketed the property to local developers and national developers that did not have drive-through facilities, but unfortunately there had not been any interest in it. She explained she had been impressed by Raising Cane's and felt it did more than Chick-fil-A. She understood they had spent a lot of money to date, and pointed out that most retailers would not take on the task after finding out what it might involve if they were to develop at this site. She felt Raising Cane's had shown they cared about Columbia in terms of the time and energy they had put into trying to develop this site. She noted the retail market was tough and retail development next to other retail development tended to drive development. She thought this development would in turn help Lucky's stay in Columbia during a time in which some of their stores were closing nationwide. She reiterated she had looked into other concepts, but there had not been any interest.

Ms. Peters commented that it appeared as though there was a sidewalk with a ramp off of Providence Road. Mayor Treece asked for clarification. Ms. Thompson replied she thought it was along Providence Road.

Mr. Trapp stated he loved the stuff that had been shown in the Charrette, but it was not the kind of development that was coming to that site at this time. He noted he was not eager to add drive-through facilities, but understood there would be some nice pedestrian amenities with this development. He pointed out they needed places for people to go along with infrastructure in order to have walkability. Lucky's was able to draw people from the downtown to cross Providence Road, and this would become another pedestrian draw. He felt there had not been much interest other than this type of development. He commented that he would love to see downtown-style development across Providence Road and in this area, but believed it was more aspirational than what they could do. In addition, he felt this development was more good than bad, and thought they should consider it. He also suggested looking at the list of staff conditions to ensure they were more amenable.

Mr. Thomas declared ex parte conversations with the applicants, and noted he had learned a lot about Raising Cane's in that process and there appeared to be a lot to like about the company. It was an unusual company that invested in the community, but the purpose of the zoning code was to guide the community vision. He explained he had participated in the H3 Charrette process and had always held the vision of expanding the walkable area of downtown Columbia. He believed there were too many cars creating too much danger, noise, greenhouse gas emissions, and unhealthy lifestyles, which drive-through restaurants exacerbated. The code required developers to make the case for a special permit to have a drive-through and he did not feel it had been made. He stated he planned to vote against this request.

Mr. Skala commented that he had come into the meeting inclined not to support it and was not sure he was convinced otherwise. He noted it was a very difficult decision as he had been around when the Charrette was completed. He stated he appreciated the

comments about the company as it seemed to be a good fit for the community. He also liked the fact they were going the extra mile when it came to a sidewalk and pedestrian activated lights. He commented that he also wanted to give the decision of the PZC some consideration as it had been a 5-2 vote in opposition. He explained he was trying to determine the amount of weight to put on the nonbinding plans for this particular area versus the past difficulty of developing the property along with incremental commercialism as it related to drive-through facilities. He agreed this development had a better product and design concept than lots of other drive-through facilities. He stated he was waiting to hear what others had to say.

Mr. Pitzer thanked the applicant for considering Columbia and stated he hoped they would consider another location here if this site did not work out. He commented that believed others would have given up a long time ago. He pointed out they had spent an hour talking about a drive-through when there was a drive-through across the street, to the north, and to the south. In terms of process, he was uncomfortable with the fact that even if the Council approved this, the BOA could kill it for whatever reason they chose. He was not sure that was an appropriate process to go through. If they asked people if they thought this site was a part of the downtown core and a pedestrian area, he was not sure they would agree. It was more vehicle-based, and Providence Road was a major thoroughfare. He understood there were aspirational plans, but did not feel they meet the reality at this site. He stated he did not think this area should have been in the M-DT. If any one of them had polled their constituents, he believed the overwhelming majority would be in support of this development.

Mayor Treece stated he wished the PZC would have had the benefit of the traffic study. He commented that he was not sure how he would vote, but noted he would offer an amendment to require the construction of a sidewalk from Providence Road west and south of the access road.

Ms. Thompson asked Mayor Treece if he had a preference with regard to the width of the sidewalk. Mayor Treece replied five feet or the standard required by the ADA. He pointed out a lot of people waited for the bus in that area and pedestrian access would be complicated as they encouraged people to walk along with the number of cars anticipated.

Mayor Treece made a motion to amend B2-20 by adding a condition for a minimum five foot wide pedestrian sidewalk to be constructed along the northern boundary of the site adjacent to the entrance drive off of Providence Road heading west to the access road. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Skala commented that he would like to propose the change that had been suggested by the applicant for item (e) to include design adjustments in addition to variances. Ms. Thompson explained she had researched the issue during the discussion and the BOA would grant a variance, not a design adjustment. It was written correctly based upon the UDC. Mr. Skala understood there was not a conflict. Ms. Thompson stated that was correct and referred to Section 29-6.4(d).

Mayor Treece asked Mr. Hollis if they wanted the Council to vote on the bill as amended since only six council members were in attendance. Mr. Hollis replied they would like the Council to vote favorably on this item.

B2-20, as amended, was given third reading with the vote recorded as follows: VOTING YES: TREECE, TRAPP, SKALA, PITZER, PETERS. VOTING NO: THOMAS. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

B9-20 Amending Chapter 14 of the City Code as it relates to parking violations; repealing Section 14-616 and amending Chapter 15 to repeal and re-enact in place thereof a new Section 15-19 relating to Municipal Court

costs.

The bill was given second reading by the Clerk.
Ms. Thompson provided a staff report.
Mayor Treece asked if the item staff had missed in terms of the standard parking designation for a tow away zone could be addressed with an amendment. Ms. Thompson replied yes if the Council was comfortable doing so.
Ms. Peters understood if a car was towed there would not be a separate parking violation. It would be $15.50. Ms. Thompson stated it would be $15.50 plus a tow bill. When someone was in a tow away zone, they already had a sufficient penalty with the steep tow bill in addition to the fine. She thought the idea had been to have a higher fine so people would not park in those locations, but there was a similar effect due to the tow bill.
Ms. Thompson and Judge Noce continued the staff report.
Mr. Skala asked Judge Noce if he had a preference with regard to a standard or discretion. Judge Noce replied he was a firm believer in the separation of powers. He understood Ms. Thompson had made these changes based on the state statute, and that prior Councils had set those in separate ordinances so no one was paying too much or too little. He noted that had been the top parameter and could always be waived if someone was indigent. He pointed out he still had that option. Ms. Thompson explained in a different portion of the code, they still retained the $125.00 so those two would have to be read together. Judge Noce thought that would be acceptable.

Mayor Treece made a motion to amend B9-20 by including Section 14-304(c) of the Columbia Code of Ordinances in the ordinance and deleting "except that a fine shall not be less than one hundred dollars." The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Pitzer commented that he thought people were used to the idea of paying a parking ticket within 15 days before it doubled, and suggested the ticket be changed to ensure it was clear that the cost would still go up as an incentive for people to pay. Ms. Thompson stated the wording on the back of the ticket had already been changed, and parking staff was ready to start writing them tomorrow. She thought people had close to 30 days before the court date so they had a little more time to pay. She explained the current procedure involved receiving the ticket, obtaining a court date, receiving a letter from the Prosecution Division reminding the person payment was needed before the court date, and if that payment was not made, the person would receive another letter from Municipal Court. Judge Noce noted they would also send out a summons so there were lots of opportunities to pay.
Mr. Skala understood they were essentially deciding to provide the Municipal Court with more flexibility by providing ranges. Judge Noce stated they were providing more flexibility and an allowance to more easily adopt the Supreme Court rules. As those rules continued to change in meeting the needs of the State, his hope was that they would not have to continue coming to Council with changes. He understood that would happen occasionally, but hoped it would not happen on a regular basis.

B9-20, as amended, was given third reading with the vote recorded as follows: VOTING YES: TREECE, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

B1-20 Calling a municipal election for Council Members for Wards 1 and 5.

B3-20 Approving the Final Plat of "Ripley Street Subdivision" located on the northeast corner of the intersection of Ripley Street and Richardson Street

(300 and 302 Ripley Street); authorizing a performance contract (Case No. 236-2019).

B4-20 Approving the Final Plat of “Liberty Square - Plat 5,” located on the southwest corner of Penn Terrace and Creekwood Parkway (Case No. 11-2020).

B5-20 Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.

B6-20 Amending the FY 2020 Annual Budget by appropriating funds for the Share the Light Program for the purchase of smoke alarms and carbon monoxide alarms to be distributed to low income residents.

B7-20 Accepting donated funds for the Parks and Recreation Department’s Holiday Toys for Columbia’s Youth Program; amending the FY 2020 Annual Budget by appropriating funds.

B8-20 Accepting donations for various Parks and Recreation Department programs; amending the FY 2020 Annual Budget by appropriating funds.

R2-20 Setting a public hearing: voluntary annexation of property located on the south side of I-70 Drive SE and east of Upland Creek Road (5300 I-70 Drive SE) (Case No. 51-2020).

R3-20 Authorizing various Adopt a Spot agreements.

R4-20 Authorizing a memorandum of understanding with Counter Tools for technical assistance, training and software tools to facilitate data collection on tobacco retailers in Columbia.

R5-20 Authorizing an agreement with the U.S. Committee for Refugees and Immigrants for medical screening services.

R6-20 Approving and adopting revisions to the Transportation Regulated Employee Drug and Alcohol Use Policy for City employees.

R7-20 Authorizing Amendment No. 1 to the agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for construction phase services for remediation of surface gradients at the intersection of Runway 13-31 and Runway 2-20 at the Columbia Regional Airport.

R8-20 Authorizing CDBG grant agreements with Independent Living Center of Mid-Missouri, Inc. (d/b/a Services for Independent Living), Job Point, The Food Bank of Central & Northeast Missouri Inc., and the Housing Authority of the City of Columbia.

R9-20 Accepting unused funds received from Columbia Access Television (CAT).

R10-20 Authorizing a special event operations agreement with Ragtag Film Society for the 2020 True False Film Fest.

The bills were given third reading and the resolution was read with the vote recorded as follows: VOTING YES: TREECE, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. ABSENT: RUFFIN. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

None.

IX. INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B10-20 Rezoning property located on the southwest corner of the Lakeview Avenue and Poplar Street intersection from District R-MF (Multiple-family Dwelling) to District M-C (Mixed-use Corridor) (Case No. 21-2020).

B11-20 Granting the issuance of a conditional use permit to Jonalyn Siemer to allow for the construction of an accessory dwelling unit on property located at 103 Anderson Avenue (Case No. 22-2020).

B12-20 Approving the Final Plat of “Arbor Falls, Plat No. 3A” located on the southeast corner of the Ranger Drive and Old Hawthorne Drive intersection (Case No. 35-2020).

B13-20 Accepting a donation from Central Bank of Boone County for the 2020 Affordable Housing Summit; amending the FY 2020 Annual Budget by appropriating funds.

B14-20 Authorizing Amendment No. 1 to the agreement for professional engineering services with Weaver Consultants Group, LLC for the Columbia Sanitary Landfill Horizontal Expansion Permitting Project - Phase II; amending the FY 2020 Annual Budget by appropriating funds.

B15-20 Authorizing the City Manager to execute an easement for highway purposes and a utility easement for fiber optic cable purposes to the Missouri Highways and Transportation Commission for property located along State Route B and adjacent to Columbia Terminal Railroad (COLT) right-of-way.

B16-20 Amending the FY 2020 Annual Budget by appropriating funds for the replacement of street lights associated with the First Presbyterian Church sidewalk reconstruction project along a portion of the east side of Hitt Street between Locust Street and the alley south of Cherry Street.

B17-20 Accepting a conveyance for utility and drainage purposes; accepting Stormwater Management/BMP Facilities Covenants.

B18-20 Amending the FY 2020 Annual Budget by appropriating funds for outreach efforts related to the 2020 Census.

B19-20 Authorizing an agreement with Boone County, Missouri for public health services in 2020.

B20-20 Authorizing an agreement with Boone County, Missouri for animal control services in 2020.

B21-20 Amending Chapter 2 of the City Code as it relates to membership requirements and duties of the Downtown Columbia Leadership Council.

B22-20 Amending Chapter 13 and Chapter 26 of the City Code relating to bed and breakfast establishments and short-term rentals of residential dwelling

units.

B23-20 Amending Chapter 22 of the City Code to add short-term rental provisions to the City's Rental Unit Conservation Law.

X. REPORTS

REP3-20 Citizens Police Review Board Member Removal.

Mayor Treece commented that the Citizens Police Review Board (CPRB) had recommended Billie Jo Hill be removed for cause due to unexcused absences.
Mayor Treece made a motion to accept the recommendation of the CPRB to remove Billie Jo Hill from the CPRB and to ask the City Clerk to advertise the vacancy. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

REP4-20 Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.

Mayor Treece understood this report had been provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Skala commented that he had delayed making an appointment to the Columbia and Boone County Library District Board until Mayor Treece arrived since it was his appointment and suggested that be addressed now.
Mayor Treece appointed Brad Anderson, who resided at 2306 Ridgefield Road in Ward 4, to the Columbia and Boone County Library District Board for a term ending June 30, 2020.

Eugene Elkin, 3406 Range Line Street, stated he had been advocating for the homeless for 10 years and Wilkes Church had been hit with a structural problem.

Mr. Skala commented that a meet and greet would be held for Andy Woody, the new Fire Chief, on Wednesday, January 22 from 8:30 a.m. to 9:30 a.m. in Conference Room 1A/1B of City Hall. He hoped to see everyone there.

Mayor Treece stated he had been meeting with the mayors of Kansas City, St. Louis, and Springfield along with the Governor on the issue of violent crime, specifically gun crime. They had agreed on three main areas. One involved witness protection and the Governor's budget included $1 million when the current budget was only $10,000. Another involved a mental health pilot program that was happening in Springfield now for some emergency room diversions. The third involved closing the State loophole on possession of guns by minors, domestic violence abusers, and violent offenders. He commented that he was not sure he was asking for support from Council although he thought he would feel better if he had it. He understood a resolution would come forward with the City's legislative priorities, but in the meantime, there might be requests to testify on associated bills. He explained he could do it on his own in his personal capacity, but would prefer to have the imprimatur of the Council. He asked if there was any objection.
Mr. Skala stated he did not object.
Mr. Trapp commented that he appreciated the leadership of Mayor Treece on this issue as having the ability to work through the legislature could really help. He noted he was supportive of those initiatives.
Mr. Skala thought this was welcomed news for the community.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 12:37 a.m.