



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, March 5, 2020

7:00 PM

Regular Meeting

Council Chambers

Columbia City Hall

701 E. Broadway

I. CALL TO ORDER

MS. LOE: I'd like to call the March 5th, 2020 Planning and Zoning meeting to order.

MS. LOE: Ms. Burns, may we have roll call please.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: Here.

MS. BURNS: I am here. Ms. Carroll?

MS. CARROLL: Here.

MS. BURNS: Ms. Loe.

MS. LOE: Here.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Present.

MS. BURNS: Mr. Stanton.

MR. STANTON: Also present.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: Here.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Here.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Here.

MS. BURNS: We have nine. We have a quorum.

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

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

MS. LOE: Thank you, Ms. Burns. Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you. Mr. Toohey, I'll take a motion to approve the agenda.

MR. TOOHEY: I will make that motion to approve the agenda.

MS. LOE: Thank you.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. I'll take a thumbs-up approval on the agenda.

(Unanimous vote for approval.)

Approved Agenda.

IV. APPROVAL OF MINUTES

February 20, 2020 Regular Meeting

MS. LOE: Unanimous. Everyone should have gotten a copy of the February 20th, 2020, regular meeting minutes. Were there any changes, edits, additions?

MR. STANTON: I move to approve that.

MS. LOE: Thank you, Mr. Stanton.

MR. TOOHEY: I'll second.

MS. LOE: Thank you, Mr. Toohey. That is the motion to approve the minutes. I'll take a thumbs-up approval on that motion.

MS. LOE: Unanimous. Moving right along here. All right. Our first public hearing of the evening is Case 61-2020.

(Unanimous vote for approval.)

Approved Minutes.

V. PUBLIC HEARINGS

Case # 61-2020

A request by Crockett Engineering Consultants (agent), on behalf of On the Ninth LLC (owner), for approval of a major amendment to the *On The Ninth PUD Plan*, located on PD (Planned Development) zoned property, to permit the replatting of Lot D2 into 5 single-family lots as well as approval of an associated design adjustment to Section 29-5.1(d) of the Unified Development Code to waive sidewalk construction on the west side of Bunker Loop. The 5.68-acre property is located on the east side of Old Hawthorne Drive West, approximately 1,300 feet north of Route WW.

MS. LOE: May we have the staff report please.

MR. SMITH: Yes. Thank you, Ms. Chair. As you stated, this is a major amendment to an existing PD plan. In addition to that there is a request for a design adjustment. Part of the major amendment is that they are resubdividing an exiting lot within that PD plan. The design adjustment is addressing a request to waive the sidewalk construction along the west side of Bunker which is a requirement of the

subdivision regulations. This is a public hearing. Public information meeting was held and the hearing information was advertised as shown there on the bottom of the screen. It's kind of the aerial view of the site. As you can see we're kind of located generally northeast of Rolling Hills Road and Highway WW. That would be the intersection there in the kind of bottom left-side corner. This is the Old Hawthorne development as a whole with a specific PD plan for On the Ninth as the highlighted area there in the center of the screen. And this is a little bit closer-up view so you can kind of see a little more of the detail of the site. So a lot of the site has been developed already. It is generally developed as a single family attached development alongside the golf course on the east side of its boundary. The piece we're discussing most specifically in the plan is the area in the center there of the Loop Road. It's generally undeveloped at this time. As you can see, generally there's -- you get the single family attached along the eastern side of it which was originally proposed for the kind of inner loop there as well. The proposal here would basically eliminate the single family attached design and replace it can with single family attached. So on the left of the existing current plan, as you can see again, the middle loop, we've got two sets of buildings, four units each, similar to what we had on the east side. So those would be removed and replaced with the configuration on the right side of the screen, which is basically five freestanding lots, single family detached lots, so one unit on those lots with a common lot in the middle. As you notice on the left side of the screen too, the plan was approved with no sidewalk on the west side of Bunker Loop. The proposed plan is requesting basically to continue that feature on the new revised plan as well. And that is the design adjustment that's required. And that is required because as a major amendment to the PD, they are required then to come fully compliant with UDC standards. So really, in essence, we're reviewing it as it's a new plan. So waiver of the sidewalk would be considered a design adjustment, so they need to further justify the design adjustment through the design adjustment standards as per typical. Again, I kind of went through this already. They're subdividing that lot into five single-family lots. This is generally going to go down from eight units, eight single-family attached units on the site down to the five really that would be permitted afterwards. The design adjustment again is for the sidewalks on the west side of Bunker Loop. Just to kind of quickly go through the standards. Generally with sidewalks as we've kind of consistently said in the past, three of those standards generally revolve around does this design adjustment cause safety or impact pedestrian travel. Generally when sidewalks are asked to be waived, we're going to say yes, that does impact them. There is a -- there is a safety issue. It does make getting around more difficult. The other kind of substantial design adjustment standard there is the design adjustment being proposed to

address some kind of unique situation or a design element to the site. There's no clear design element here that's being addressed. So after reviewing all the standards, there doesn't appear to be clear evidence that design adjustment is warranted in this case. So Staff is recommending denial of the design adjustment. And since the sidewalk is not shown on the plan, we're also recommending denial of the plan itself. I would say alternatively another recommendation that might be appropriate is approval of the plan with an condition that the sidewalk be added as well. So just to keep that in mind. So with that, just to paraphrase again, we are recommending denial of the request. I'd be happy to answer any questions.

MS. LOE: Thank you, Mr. Smith. Before we move on to questions for staff, I'd like to ask any commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of this case in front of us. Seeing none, are there any questions for staff. I see none. Oh, Mr. Strodtman.

MR. STRODTMAN: Mr. Smith, can you -- do you have any information as to when it was approved before without sidewalks? Was that a -- due to a design factor, or is it just something that --

MR. SMITH: That's a fair question. So we did -- I did go back and review the case from 2014. There was very little to no information on the decision not to have that sidewalk on the west side. Generally the standards at that time were sidewalks should be constructed on both sides of the streets as if it was a public side-- a public street and it should -- I don't think I -- I kind of didn't mention that specifically; it's in the staff report, but this is considered a private street, I should note that. So it's not necessarily clear why that was approved. There's not a lot of information in the review or the minutes of the meetings, so it may have just been something that was overlooked at that time. It's not clear that it was specific design element. There's nothing in the plan that would address it either.

MR. STRODTMAN: Thank you.

MS. LOE: Additional questions for staff? Seeing none, we will open it up to public comments. If anyone does have any comments they'd like to share on this project, please give your name and address for the record. You'll have three minutes to speak. If you're speaking for a group, you'll have six minutes.

MR. CROCKETT: Madam Chair, members of the commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I'm here tonight representing Ben Galloway, the developer of the On the Ninth project in Old Hawthorne. And again, just a real quick overview. This is a PD plan that was originally approved in 2014. It originally had 32

attached single-family units on that property. I think the revised plans contains a mix of 28 -- I think it's actually 27 attached single-family and detached single-family units. So it does conform to the original statement of intent, and we are asking for this variance tonight, design modification due to the sidewalk. This is the original plan that was proposed, that was approved back in 2014. And I think Mr. Smith is correct in the fact that there wasn't a lot of discussion with regards to sidewalks on both sides because really it wasn't -- it wasn't an issue at that time. Additional units as shown here, the center portion has eight residential units. And it really wasn't an issue, wasn't a topic in 2014 with regards to not having that sidewalk on the west side of Bunker Loop. Bunker Loop is a private drive. It isn't necessarily the main thoroughfare through there so it is private, it is small, doesn't have a lot of traffic; the volumes on that are relatively small. And it wasn't an issue at that time. These right here, the green lines illustrates the sidewalks that are out there at this time. Of course we have them along Old Hawthorne Drive and we do have them along the east side of Bunker Loop as it circles the private drive. This is the proposed plan we're coming back with. You have seen this before. Mr. Smith showed you this plan. We're taking out the eight internal units and replacing them with five single-family residences. Those residences are very similar in nature to the multi-family attached, it's just a little different product out there in the same type of development. So Mr. Galloway's got some interest in that, so he's decided to propose that at this time. Going back to the sidewalk just a little bit, it's not really uncommon for Old Hawthorne to have sidewalks on one side. Several of the smaller PUDs similar to On the Ninth have sidewalks on one side. One of them doesn't have sidewalk at all internal to their development. So it's not really uncommon in this location for that to be the case, so -- and when the staff says it's not a unique situation, I'd agree with that. It's not unique, particularly for this, but it's certainly not unique in the development itself. So this map right here again, we're going to show the existing sidewalk. All of those five residences have direct access to the sidewalk across the street. They also have access to the sidewalk behind their house. It's not that we're asking for sidewalk variance that's dislocated or disconnected altogether from residential development. It is right there; it's just simply right across the street. We're looking at a smaller product line in this location with two-car garages, and we're trying to minimize the amount of concrete, just amount of -- just the physical appearance, the aesthetics of the lots themselves. And so we feel that the sidewalk that's there is ample, it suits the area well, and it's -- it will work for the proposal. And with that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Mr. Toohey.

MR. TOOHEY: So with that being a private road out there, is that road more narrow than what's typically out there?

MR. CROCKETT: It is a little more narrow, yes. I can't recall off the top of my head. I believe it's -- I believe it's 24, it maybe 28, Mr. Toohey. I can't recall. But if it is narrow, it's not by much. It's maybe a little bit. I can't recall off the top of my head. I apologize.

MS. LOE: Additional questions? Ms. Carroll.

MS. CARROLL: You may have mentioned this already. The units that are going in, those are facing the circle drive --

MR. CROCKETT: That is correct.

MS. CARROLL: -- with the shared property?

MR. CROCKETT: That is correct. They will have access. They'll have their driveway access off the private drive and not on the public street that's to the west.

MS. LOE: Additional questions for this speaker?

MR. CROCKETT: Thank you.

MS. LOE: Mr. Crockett, which streets don't have any sidewalks?

MR. CROCKETT: There's a development to the south of here and the name escapes me, but there -- and Mr. Smith could go back.

MS. LOE: In Hawthorne?

MR. CROCKETT: In Old Hawthorne, yes.

MS. LOE: In Old Hawthorne.

MR. CROCKETT: I can show you I think in one of those schematics. I believe the development there to --

MS. LOE: But Trellis has sidewalks on both sides.

MR. CROCKETT: I believe they do. The development that's the two-unit development that's further to the -- straight south and to the west just a little bit, that development doesn't have sidewalks.

MS. LOE: With two units on it.

MR. CROCKETT: With -- well, they're two-unit buildings, but they're -- it's a development of two-unit buildings.

MR. STANTON: Mr. Crockett.

MS. LOE: Mr. Stanton. Sorry.

MR. STANTON: I vaguely remember a similar case to where we had an issue with the sidewalk butting up against that easy back curve and a big issue. Is this the same development or is this --

MR. CROCKETT: No.

MR. STANTON: Wasn't that in Old Hawthorne too?

MR. CROCKETT: No. This is -- I believe, Mr. Stanton, the -- I believe the development you're referring to is one on the other side of the two holes further to the east.

MR. STANTON: Okay.

MR. CROCKETT: I believe that location is the -- is that development I believe that you're referring to. Certainly not this development.

MR. STANTON: Okay.

MR. CROCKETT: We haven't had a sidewalk issue in this development.

MS. LOE: Additional questions? Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public hearing. Commission discussion.

MR. TOOHEY: I'll go ahead and say something. I know we've been trying to approve more sidewalks recently, but I feel like this one might be a little bit different since there actually is a sidewalk across the street where some of the other projects there wasn't any sidewalk at all. And is it really worth adding that much more concrete for just five more lots when there is sidewalk already there essentially. And there wasn't a sidewalk required before when there was even more dense application for it.

MS. LOE: Ms. Burns.

MS. BURNS: My comment would be that in 2014, the City had engaged Clarion & Associates to overhaul the development code. And I think that anyone who had projects that would be coming forward probably was aware that there would be changes to the development code and that would include sidewalks and connectivity and walkability. So I guess I'm inclined to support staff on this because I see us passing development code, and I want to support that development code.

MS. LOE: Any additional comments? Ms. Rushing.

MS. RUSHING: Well, I walk a lot and I am very much for sidewalks, but there are some areas where they don't really seem to be necessary. And to me, I agree with Commissioner Toohey. There is a sidewalk all along one side of this street. These five houses are not going to be adding much to the pedestrian traffic. It's an enclosed area. It's not a through street. And I believe that without the sidewalk on the other side, on this side, that it's still going to be a quite walkable area in through there.

MS. LOE: Additional comments?

MR. TOOHEY: I'll go ahead and make a motion.

MR. ZENNER: Before we do that, Mr. Toohey, let me advise the Commission.

There is a design adjustment here and pursuant to procedures that we've been asked to follow with our law development for purposes of ensuring Council's complete understanding of the actions taken by the Commission as it relates to development, we will need two motions. The first being on the design adjustment as it relates to the waiver of sidewalk construction, and then the second as it relates to the development plan. In relationship to the development plan should you recommend denial of the sidewalk adjustment, you will also need to recommend denial of the development plan as it is inconsistent then with the development requirements. If you should choose to approve the design adjustment, you will need to approve the development plan subject to approval of -- Council approval of the design adjustment as well. Otherwise the development plan is not consistent with the development regulation, so should it fail at Council, the development plan would then likewise fail as well.

MS. LOE: Mr. Toohey.

MR. TOOHEY: So should we vote on the design adjustment first?

MR. ZENNER: Yes, please.

MR. TOOHEY: Okay. I'll go ahead and make a motion, or at least I'll try. In regards to Case No. 61-2020, I'd make a motion to approve the associated design adjustment to Section 29-5.1, Section D of the Unified Development Code to waive sidewalk construction on the west side of Bunker Loop.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? Seeing none, Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is no. Ms. Carroll?

MS. CARROLL: No.

MS. BURNS: Ms. Loe.

MS. LOE: No.

MS. BURNS: Mr. MacMann.

MR. MACMANN: No.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: Yes.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: Five to four. Motion carries.

MR. TOOHEY: Okay. I will go ahead and make another motion. In regards to Case No. 61-2020 I make a motion to approve the request by Crockett Engineering Consultants on behalf of On the Ninth, LLC for approval of a major amendment to the On the Ninth PUD plan located on PD-zoned property to permit the replatting of Lot D2 into five single-family lots.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? Seeing none, Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is no. Ms. Carroll?

MS. CARROLL: No.

MS. BURNS: Ms. Loe.

MS. LOE: No.

MS. BURNS: Mr. MacMann.

MR. MACMANN: No.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: Yes.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: Five to four. Motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

MS. LOE: This brings us to our second case for tonight. Case 62-2020.

Motion #1 - In regards to Case No. 61-2020 motion to approve the associated design adjustment to Section 29-5.1, Section D of the Unified Development Code to waive sidewalk construction on the west side of Bunker Loop. (Voting Yes: Stanton, Strodtman, Rushing, Russell, and Toohey. Voting No: Burns, Carroll, Loe, MacMann)

Motion #2 - In regards to Case No. 61-2020 motion to approve the request by Crockett Engineering Consultants on behalf of On the Ninth, LLC for approval of a major amendment to the On the Ninth PUD plan located on PD-zoned property to

permit the replatting of Lot D2 into five single-family lots. (Voting Yes: Stanton, Strodman, Rushing, Russell, and Toohey. Voting No: Burns, Carroll, Loe, MacMann)

Yes: 5 - Rushing, Russell, Stanton, Strodman and Toohey

No: 4 - Burns, Loe, MacMann and Carroll

Case # 62-2020

A request by A Civil Group (agent), on behalf of Adam and Heather Plues (owners), for a PD (Planned Development) Plan major amendment to revise the Development Plan and Statement of Intent for the Taylor House PD Development Plan at 716 W. Broadway. The plan revision includes an 800 square foot addition to the front of the existing carriage house, internal sidewalks, and a pickleball/basketball court. The approximate 0.7-acre property is zoned PD (Planned Development) and HP-O (Historic Preservation- Overlay).

MS. LOE: May we have staff report please.

MS. BACON: Yes, Madam Chair.

MR. ZENNER: You'll hear this evening as part of the staff report that there are a series of design exceptions that are associated with this request. The design exception is different from the design adjustment in that design exceptions are dealing with zoning-related matters embedded within a planned zone district. Design exceptions do not require a two-vote process because they are being considered as a part of a planned zone. Therefore, when Ms. Bacon completes her staff report and we have completed the public hearing, we will only need a single vote of the Commission to approve the modification to the Taylor House plan at this point. Not a design adjustment, a second vote on those design exceptions because they are, again, rolled into the zoning land use entitlements. That is how the code is structured. In a planned district, you can ask for modification to the zoning standards, whereas when you're dealing with a planned district that's asking for a modification to the platting requirements as we had in our prior case, the platting requirements are what drive the necessity for the design adjustment. Here we don't have any platting; therefore, you don't have a design adjustment. With that being said, I'll turn the floor back over to Ms. Bacon and she can give you the staff report.

MS. BACON: Thank you, Mr. Zenner. So this is 716 West Broadway. In 1999 the property was rezoned to HP Overlay as well PUD-3, now PD or planned development. The HP Overlay designations designated the main house, which is the John and Elizabeth Taylor House, as a local landmark. Furthermore that zoning also specifies which aspects of the home, both on the exterior and the interior were subject to that landmark status. Tonight's request for revision does not require what we would call a certificate of

appropriateness because no modifications to the historic structure are being requested at this time. However, the request does require a major amendment to the plan itself and then associated statement of intent revision to match the PD plan as revised. The area is about seven-tenths of an acre. We had a public information meeting on February the 11th. We also put an advertisement in the Tribune on February the 18th. I sent 22 postcards for the public information meeting and sent 22 property owner letters to let them know of tonight's public hearing. So to orient ourselves to the site, this is a section of Broadway which generally does have pretty good sidewalk connectivity versus other parts of Broadway. We've got the Christian Science Church here is the near neighbor on the west. And then the rear of the property with the drive has the ability to access off of Lindell Drive as well. And so the primary improvements that we're talking about this evening will mostly be in this area of the property and then an extension to the carriage house kind of in this area of the property. There's also a pergola right here presently. So looking south from Broadway, you can see the existing five-car carriage house. This is not a historic carriage house, but it was designed with the intent to match the historic structure here. Looking west, you can see that the carriage house serves as both a garage and then it does have an existing one-bedroom apartment above it. So the 800 square foot addition would be both to the garage and the apartment, but primarily it's to provide additional living space for the Plues' parents to live in. The original SOI did approve this as a living space for the Tucker's family members and so that use is continuing. There is not a change in the SOI regarding the density or the proposed uses on the site. And this existing apartment was never allowed to be rented out individually and it still is not allowed to be rented out individually. The same goes for there's a bit of an apartment in the main structure for the purveyors of the bed and breakfast. That was original SOI from 1999 that is not being proposed to be changed with this revision this evening. And as noted in the staff report, there's only one electric and water meter to the property to reflect that it can be used either as a single family home or a bed and breakfast with operators living in the apartment and then family also living in the apartment above the carriage house. Looking north from Lindell, presently this is a gravel drive. This area will be paved over with the pickleball, slash, basketball court right here. You can see the existing kind of arbor and landscaping sort of off into -- up there. Here it is up here. You can see there's quite a bit of landscaping screen on the property, but not everything that's on the approved 1999 landscape plan is presently in place. And so we're seeing some updates and modification to reflect the current conditions of the property. You know, over time it is typical that property owners may replant some things as things die or change over time. And additionally kind of in this area, there was a pond

that was taken out due to some safety concerns thereof. So looking at the revised PD plan here on the left and the landscaping plan on the right, the darker gray areas are areas that are new, so we see that there's an existing paver patio here and then generally to the same extent we'll have a new poured patio. This is an internal walkway system to connect the pickleball, slash, basketball court here to these other amenities. And then right here is the extension of the carriage house, the apartment of about 800 square feet. The pickleball court is about 1,800 square feet in addition and then this would be a new shed right here on the property. This is an existing pergola type of structure. Then you can see the main house as well through there. Okay. So the -- as Mr. Zenner mentioned, the property or the PD plan is requesting three design exceptions to the zoning code, what would otherwise typically be permitted for an R1 or an R2 or R3 property. So the existing SOI already permitted a couple of exceptions. We generally had site-specific setbacks to allow for some of the site features to otherwise encroach on what would be the rear and western side setbacks. Additionally the historic home is 37 feet, which is two feet taller than what would be permitted in a residential zone. So there are already some exceptions on the approved PD plan from 1999. With this plan we see three that are also triggered when, you know, analyzing what they're asking for for the PD versus what would otherwise be permitted. The first is an exception from 29-4.4. Typically we would require a level two buffer which would be a four-foot landscape buffer and a six-foot tall screening fence on the rear of the property. So that would be buffering the home from 116 Lindell Drive right here. Here though I do want to note that there is a six-foot wood privacy fence on the Beckings' property already which is probably serving somewhat of a buffer purpose. And then additionally there is an existing landscape bed through here that the applicant is proposing to use in lieu of a formal level two buffer. Section 29-3.3(ii) which is the Use-Specific Standard for customary accessory uses and structures only permits such customary accessory uses in buildings to equal the first floor of the primary home. So in this instance the primary home is about 2,300 square feet on the first floor. The plan revision this evening has 1,600 square feet, so 1,800 square feet and 800 just between the pickleball court and the addition to the garage. So there we've already got 2,400 square feet which is already, with just the new addition, exceeding this requirement, not even taking into account the existing pergola, the patio paver, and then also there's a proposed shed on the site. So overall this site is highly amenitized. There's a lot of things that we don't typically see in a residential area so that is, I think, why we're seeing the gross square footage of all of these accessory structures are really exceeding that section of the code. And then the third exception is that those site-specific setbacks to accommodate the existing and proposed amenities. There is

some encroachment on what otherwise would be allowed to the rear or western side. So in looking at all of these factors, we do have a letter of support from the Beckings at 1116 Lindell, that property I just pointed out, in support of the plan as presented, and those are the property owners that are probably the most impacted by the present condition of the property and then any proposed revisions. Additionally, as I said, they have a six-foot tall wooden fence on their property already providing some screening and buffering between the properties. The permitted use on the site is either a bed and breakfast or a single-family home or sort of a combination thereof and that really makes sense as to why the property is so highly amenitized. You've got a multi-generational family situation and then if there are being used as guest quarters as well, there's lots of folks who are able to use things like a pickleball/basketball court, pergola, patio, et cetera. Additionally this is a fairly large lot, seven-tenths of an acre and with all of these improvements greatly exceed what we normally see on a lot, they're still able to retain 60 percent of the property in landscaping. Finally, the accessory features are generally to the rear of the primary structure or the carriage house. And other neighbor within the area, from the neighborhood meetings, the public information meeting, and phone calls that I received have generally been in support of the plan as presented with no concerns noted. As Mr. Zenner said, PD zoning allows a site-specific modification from the standard regulatory provisions. In this case the request does seem to be tailored to the site. There are unique uses and situations going on and it generally fits the neighborhood context. So this evening we are recommending that you make one vote to approve the Taylor House PD and landscaping planned revisions with the associated revised statement of intent.

MS. LOE: Thank you, Ms. Bacon. Before we go to commissioner questions for staff, I'd like to ask any commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of the case in front of us. Seeing none, are there any questions for staff. Ms. Rushing.

MS. RUSHING: A couple of questions for clarification.

MS. BACON: Uh-huh.

MS. RUSHING: The additions to the carriage house.

MS. BACON: Uh-huh.

MS. RUSHING: My understanding is just the addition is 800 square feet?

MS. BACON: Correct.

MS. RUSHING: And is that one floor or two floors?

MS. BACON: It's two stories.

MS. RUSHING: Okay. And the pickleball court is not going to extend south

past the fence, the neighbor's fence?

MS. BACON: Yeah. So the neighbor's fence goes here. So it's screening the pickleball fence there and then also the amenities to the north. So it kind of wraps around. I might have a better picture.

MS. RUSHING: And are there any plans to light the pickleball court?

MS. BACON: None that I am aware of.

MS. RUSHING: Okay. And will the carriage house, once it is enlarged, meet the City's requirements for accessory dwelling units as far as setbacks and?

MS. BACON: Well, so the SOI does not permit that. They'd have to have a planned revision to have it as a dwelling unit that could be used other than for family members. So they couldn't rent it if that makes -- I did not run it through the use-specific standards for an accessory dwelling unit. That's something that we could look at it.

MS. RUSHING: Okay.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the floor to public comments. Please give your name and address for the record.

MR. GEBHARDT: Good evening. My name's Jay Gebhardt. I'm a civil engineer with A Civil Group and I'm here representing Adam Plues tonight who's the owner, him and his wife own this property.

MS. LOE: Mr. Gebhardt, may we get your address as well.

MR. GEBHARDT: Oh, sorry. 3401 Broadway Business Park Court, Suite 105.

MS. LOE: Thank you.

MR. GEBHARDT: I also just want to tell you that in January, we held a neighborhood meeting at Adam's home. And we had several neighbors -- it was pretty cold and snowy, but we had several neighbors show up. And throughout this process I've tried to keep them completely informed what's going on. And I feel like we've had a really good response from the neighbors on this. I think some of the neighbors are here tonight and will speak. And also Adam is here tonight to answer any questions about like lighting of the pickleball court. I don't believe he has plans on that, but he can that answer that for you, Ms. Rushing. But if you all have any technical questions about the plan or anything like that, I'd be happy to answer them.

MS. LOE: Ms. Rushing.

MS. RUSHING: I just have a basic concern in your client's reliance on the neighbor's fence to meet their obligation with regard to a buffer.

MR. GEBHARDT: I understand. And --

MS. RUSHING: Because if someone were to buy the property to the south and that fence were to deteriorate, there's no obligation at that point for your client to create a

buffer. Is that correct?

MR. GEBHARDT: The fence does belong to the Beckings. It's not my client's fence.

MS. RUSHING: That's my point.

MR. GEBHARDT: Right. The only thing I would say to that is it's a known condition. If the Beckings, who do support this, sell their home, the people that buy it, the pickleball court won't be a surprise; it'll be there and they'll know it. They have a choice of whether to buy the property or not based on the existing condition. That's -- I'll let Adam address that more.

MS. RUSHING: And you said you would talk about whether it would be -- there will be lighting on that pickleball court?

MR. GEBHARDT: I'll have Adam address that because -- I don't believe there is, but I'll let him.

MS. LOE: Any additional questions for Mr. Gebhardt?

MR. GEBHARDT: Thank you.

MS. LOE: I see none. Thank you, Mr. Gebhardt.

MR. PLUES: Good evening, Commission. My name is Adam Plues. I live at 716 West Broadway. I will -- Ms. Rushing, I -- the lighting, no, we will not be having any lighting in the house. Now, I think about these things all the time. I don't want to make anyone angry in that neighborhood. I'm actually very good friends with everyone in that neighborhood and so it's very important to me. And also people actually moving in, I thought about that, if the Beckings leave and they come and all of a sudden there's a pickleball court next to them and they don't want to be looking at a pickleball court, I'm going to be more than happy to build something. I could either put bushes up there or trees or whatever it may be to block that if that's the case. I hope that never comes to that. But as far as I know now, the Beckings are okay with everything. And I am using hopefully the best types of materials to make this thing look as nice as it possibly can, to answer your question.

MS. LOE: Any additional questions for Mr. Plues? I see none. Thank you.

MR. PLUES: Thank you very much.

MR. WILSON: Hello, Commission. I'm Louis Wilson; I live at 404 West Broadway which is about two and a half blocks east of the location. I serve as communications director for the Historic West Broadway Neighborhood Association. I'm probably in contact with maybe 55 to 60 households, mostly single-family households that are in the two historic districts on West Broadway. This house, the Taylor House, is in its own historic district and then there is the West Broadway Historic District. I've

been emailing them everything that Jay Gebhardt has produced and all that City Staff's produced, I email that to all the residents. They've had a chance to look at it, and other than a few inquiries -- people rely on me, trust me for my judgement and they may be making a mistake doing that, I heard no negative inquiries about this. And people are generally supportive of this project and so am I and I recommend you support this project. Thank you.

MS. LOE: Thank you, Mr. Wilson. Are there any questions for this speaker? I see none. Thank you. Any additional speakers?

MR. CAVANAUGH: Good evening. My name is Matt Cavanaugh. I live at 403 West Broadway. I am the chairman of the Historic Broadway Neighborhood Association. I actually owned that house in 1998, so I -- I know the parcel in the back of the house you're referring to was sold off; that was an original parcel of that house. But I started the rehab on it. I sold it to Rob Tucker. Out of all the houses on Broadway, that is probably the single nicest house on Broadway without exception. It is an incredibly beautiful house. And I don't think that anything that Adam is intending to do would do anything to detract from the neighborhood or from the integrity of the structure or the historical nature of the house. I have not heard anything negative in regards to his plan from any of my neighbors, and I know most of them. And I would highly recommend that you support his plan. It's an incredible asset to the value of Broadway as a historical neighborhood. Thank you.

MS. LOE: Thank you, Mr. Cavanaugh. Any questions for this speaker? I see none. Thank you. Any additional speakers?

MR. JENSEN: Good evening. My name is Curtis Jensen. I live at 119 Lindell Drive; that's directly across from the street from the Beckings' house. I'm here tonight in support of Adam. And I can personally say that when he says he's going to use the highest level of materials and design, there's no doubt in the integrity of his character that that's what he's going to do. And I have not heard, again, any neighbors with any negative comments. Everybody's very support and excited about it.

MS. LOE: Thank you, Mr. Jensen. Any questions? I see none. Thank you. Any additional speakers? Seeing none we will close the public hearing on this case. Commission discussion. Ms. Carroll.

MS. CARROLL: I'd only like to say that recommendation of neighborhood groups carries a lot of weight with me. And if the neighborhood groups support it, then I would likely do the same.

MR. TOOHEY: I'll go ahead and make a motion.

MS. LOE: Mr. Toohey.

MR. TOOHEY: In Case No. 62-2020, a request by A Civil Group on behalf of Adam and Heather Plues for a PD plan major amendment to revise the development plan and statement of intent for the Taylor House, PD development plan as 176 -- or 716 West Broadway.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. We have a motion on the floor. Any discussion on that motion? Seeing none, Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is yes. Ms. Carroll?

MS. CARROLL: My vote is yes.

MS. BURNS: Ms. Loe.

MS. LOE: Yes.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Yes.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: Yes.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: Nine to zero. Motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

MS. LOE: This brings us to our third case for the evening, Case 31-2019.

In Case No. 62-2020, a request by A Civil Group on behalf of Adam and Heather Plues for a PD plan major amendment to revise the development plan and statement of intent for the Taylor House, PD development plan as 716 West Broadway move to approve as submitted with design exceptions.

Yes: 9 - Burns, Loe, Rushing, Russell, Stanton, Strodtman, Toohey, MacMann and Carroll

Case # 31-2019 (REMAND)

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 [Definitions], 29-3.2 [Permitted Use Table], and 29-3.3 [Use-Specific Standards] of the City Code relating to revision of the definitions for "hotel" and "bed and breakfast", creation of definitions for "short-term rental", "short-term rental hosted", "short-term rental un-hosted" and "transient

guest", and creation of new use-specific standards governing the establishment and operation of short-term rentals inside the City's corporate limits.

MS. LOE: May we have a staff report please.

MR. ZENNER: Yes, you may. We are back --

MS. LOE: Kind of Déjà vu, isn't it.

MR. ZENNER: We are back again. I didn't bother to change the graphics; I just thought that they fit the evening. We are looking at an amendment to the Unified Development Code in order to create standards for the administration and regulation of short-term rentals with inside the city's corporate limits. This evening this is a remand action, and the remand, which is a rarity that we get to the commission, is an item that has gone to the City Council with a recommendation of this body and then determined to have not maybe been fully considered with all of the relevant facts and asked to be reconsidered by the Planning Commission. In this particular instance the remand is coming back with not the same ordinance that you had voted on on October 10th, 2019. It is coming back with what is generally referred to as a consolidated ordinance, incorporative of 9 of 15 amendments -- I should say 6 of 15 amendments that Council made to Chapter 29 and then three additional amendments that were made to Chapters 22, 13, and 26 of the City Code. Chapter 22 is our rental conservation provisions, and that is in essence where the regulatory, nonzoning regulatory provisions for short-term rental would be housed. Chapter 13 is our business licensing regulations which would be applicable to short-term rentals as a business operation. And then Chapter 26 deals with taxation as it relates to the collection of taxes for lodging purposes. We did do public notice on this particular item on the February -- within the Tribune on February 18th, and this item has previously been heard before City Council at the January 20th meeting and then February 3rd and as a report item on the February 16th council agendas. Little bit of background because we've covered a lot of ground on this ordinance previously, I wanted to just summarize this for those that may be joining us late in this process. This, the whole discussion of short-term rental began in May of 2018. We completed our discussions and actions after a multitude of iterations and listening sessions in October of 2019. And November of 2019 regulations were forwarded to City Council with a recommendation, tied recommendation three-three of the Commission, which, pursuant to the Commission's rules of procedure is a no recommendation. The ordinance was, at that November 18th meeting tabled to the January 20th meeting. On January 6th a council work session was held to allow Council to ask questions of myself and Mr. Teddy as it related to the ordinance and the history behind the regulatory development of the

standards that the commission reviewed initially. January 20th the Council held a public hearing, received approximately two and a half hours probably of public comment, directed Staff to prepare amendments sheets based on both the public and the council comments, and tabled that item or continued the item to the February 3rd, 2020, council meeting. On February 20th, Council initially started with 14 amendments. One amendment was added during the February 3rd meeting, so we had a total of 15. As I just indicated, 9 of those 15 were adopted and asked to be incorporated in a consolidated draft. And when we refer to the consolidated draft, we're referring to not only Chapter 29 but Chapter 22, 13, and 26. That's why it's consolidated at this point. And the ordinance was then further remanded to the Planning and Zoning Commission for a new public hearing. The consolidated ordinance as I've indicated includes all four of the chapters of the city code, 13, 22, 26, and 29. However, the focus of the Commission's action this evening really are to beyond Chapter 29. That is the Unified Development Code and the zoning regulations, and that where your purview as through your enabling legislation is focused. Thirteen, 22, and 36 have been provided solely for the purposes of context and not necessarily to be discussed at length unless questions are asked this evening, nor voted upon as to I believe the Commission's thoughts. Now, you're more than welcome as part of the public process to offer comments or observations as it relates to those additional three chapters; however, again, the focus of this evening on 29. Of the nine amendments, six actually are relative and relevant to Chapter 29's provisions and we'll summarize those here in a moment. Again, pursuant to the provisions within the Unified Development Code, the Commission's recommendation is required. It is not an option. It is a requirement prior to Council taking any action to amend the Unified Development Code's content. And therefore, that's why the recommendation based on the Chapter 29 requirements is so important here this evening. And again on the February 3rd council agenda, Council asked for the Commission's specific recommendation on the regulatory changes that they have amended, they have proposed amendments. I would like to point out that this is an amended consolidated ordinance; this is not a product of the staff. It is entirely a product of Council's discussion to address the public comments that have been made. The amendments' sole purpose generally have been to streamline the approval process by expanding options for administrative approval. This has generally been based upon the commentary and the comments that have been offered either via the public meeting that they had on the January 20th or through correspondence received. And has also proposed removing the guest occupancy variations that were in the original ordinance that were based on the zoning classifications. As we have talked in the past, our zoning districts currently through the definition of family make variations between the

number of unrelated occupants per structures. In the R1 zoning district you are only allowed to have three and then R2 and RMF above, you are allowed to have more than -- up to four unrelated individuals. The original transient guest occupancy limits as we are all aware were originally structured utilizing those variations, three transient guests in an R1 zoning district, no more than four in R2 and above. The ordinance is proposing simplification of that. And further the ordinance is offering several amendments which vary slightly from what you have received in your staff report and what was published. And the purpose for this this evening is basically to try to create a little more of a streamlined presentation in grouping things together. So the Chapter 29 revisions, the six that are relevant that have been proposed by Council and relevant in the consolidated ordinance are as follows. The ordinance eliminates owner-hosted presence when a transient guest and transient guests are using a hosted STR. This has been lovingly referred to by some as the get out of jail or the house arrest provision. So we have basically through this amendment it's the get out of jail card, if you play Monopoly or Life. So owners, however, still must designate an agent. And if you recall correctly, this was a component that was offered by the Commission, but it was tied also to the owner/host having to be present during nonworking hours of the day when they had guests. So in essence that house arrest piece has been removed but the designated agent's been retained. And that is of course to allow for an individual to be on call 24/7. There have been certain changes made to that provision as well, that they have to live with inside the city of Columbia, not just have an address. So they are meant be to readily available. Furthermore the ordinance proposes to establish a maximum of two transient guests for bedroom in all districts. So we have -- the ordinance now does not draw any differentiation between the zoning districts. And it is -- that is again through the process of trying to simplify how does one determine how many transient guests they may have. And that is per bedroom and it's very important that we remember that that is how it was originally proposed. It was bedroom based; it was not based on square footage or sleeping rooms. It is based on the bedroom. And it is still tied to our International Property Maintenance Code and how we define what a bedroom is. So there are criteria that still must be best. The occupancy limits may be increased with a CUP which does so exist within this revised ordinance. However, you cannot ask for an increase in the occupancy limit above two per bedroom in any of our residential zoning districts, R1, R2, or RMF. So what that means is that if you sought the conditional use, you could potentially achieve an increase in the occupancy in the remaining zoning districts, MOF, MN, MC, and MDT. Here's where probably one of the most significant changes in the ordinance is captured, and it has to deal with the administrative approval provisions. As

you all may remember, the administrative approval provisions were -- they were somewhat complicated to maybe follow. These have basically attempted to consolidate and simplify that, but they also expanded the administrative approval option. Administrative approval which would be granted by the director is offered when a short-term rental is hosted by the property owner. And for clarification, our definitions of owner hosted and unhosted remain unchanged. It's still greater than 270 days is an owner and can qualify as an owner hosted. Anything less than 269 days is considered unhosted. Short-term rental the second administrative approval option which is new is a short-term rental is hosted or unhosted in the MC or the MDT zoning districts, districts where we allow hotels today. And it is very important to note that that applies to unhosted units. That was not previously in our last version that you had reviewed. So nor was the option to allow administrative approval on these districts either. Another new provision is that a short-term administrative approval be provided to short-term rental that is unhosted when it is adjacent to the primary residence of an owner that is also operating their personal residence as a short-term rental. There's a maximum of only one which means you can't buy all four sides of your property, side to side, front rear, and attempt to operate four unhosted units just because they're adjacent to you. You're limited to one, but there is no limit on the total number of nights that are offered for transient accommodation. So the idea here is you're living next to the property that you may own, you can't live in two places at once, and therefore, you have the opportunity to seek approval for an unhosted unit in which you are also renting, you live primarily, and you have a short-term rental. It's the eyes-on-the-property concept. And finally the third or fourth administrative approval option for short-term rental is unhosted when it is operated no more than 95 days a year provided the owner/operator only owns or operates no more than one short-term rental within the city and cannot hold more than one short-term rental certificate of compliance. Backing this particular provision, which is new, has a couple of implications associated with it. If you are an unhosted -- if you have multiple properties inside the city of Columbia and you seek to get a conditional-use approval, you would have potentially already one short-term rental certificate. You could not come back and utilize this provision and say, Well, I'm only going to use my second one for 95 days. You could only have one. You would likely then -- what that would require is that individual who may have a second dwelling unit to go through the conditional-use process again since it would be unhosted. Furthermore, the amendments that are proposed at this point require the conditional-use approval process for short-term rentals that do not qualify for administrative approval, the four types that we just discussed, such as an unhosted short-term rental not adjoining the owner's primary residence, or an unhosted short-term

rental being used for transient guests for more than 95 days a year, an owner who has multiple unhosted short-term rentals within the city, or an owner -- or an owner of a hosted or unhosted seeking to increase the occupancy per bedroom where permitted. And as I noted earlier, you cannot seek an increase in the total number of transient guests in our residential zoning districts. The ordinance further has been modified to provide some clarity to nonconforming bedrooms. Many of you that are real estate agents know that, you know, you can market a home as four bedroom, but you only have three conforming rooms and if the buyer decides that they want to use that fourth bedroom as nonconforming, they can do that personally, but you can't market that property as a four-bedroom home. But we are further clarifying that you cannot have a nonconforming bedroom counted in your maximum occupancy calculation. And as far as for other changes that have been made to the ordinance, as we've reviewed the ordinance, there are no other changes made within the supplemental use-specific standards with deal -- which deal with how the property can be used, the number of rental reservations that can be made with the house, all of the other provisions that basically went beyond the zoning district differentiations that previously existed. So none of those standards have changed since the ordinance that you reviewed at the end of -- or the beginning of October. There are three other revisions, however, that were made and they -- two of them fall within Chapter 22 of the proposed consolidated ordinance. And the first piece of that is an annual attestation of compliance with the requirements of both Chapter 29 and Chapter 22 by the operator. And those are related to provisions addressing eligibility for platform listing, which is a new section that has been added to Chapter 22 since it was originally introduced to City Council. And basically if you failed to comply with Chapter 29 or Chapter 22's requirements, this eligibility to -- for platform listing would allow the intermediaries to remove or we would notify the intermediaries of the licensure being revoked and then obviously having those listings taken off of the intermediary platform, Airbnb, VRBO, or the others that exist. It'll also help us in regulatory compliance and keeping the public informed that the licensure of that property is no longer valid. The second revision to Chapter 22 is provisions authorizing revocation of a short-term rental certificate with two or more substantiated complaints. And again, this provision is new to Chapter 22 and would in essence result in the director notifying the platform of any such revocation of that permit and with the expectation that they be removed from being able to advertise and have that unit available for market occupancy within the city. And finally the ninth revision that was made to the ordinance is the revision to Chapter 13 which is the business licensing component and that is to deal with the collection of a nuisance enforcement fee of \$2 per night and per Council amendment, the platform, what are

referred to as intermediaries, would be collecting and remitting that fee to the City per reservation that has been made. The recommendation that we would have for you this evening is one of conducting the requested public hearing by Council, voting on the consolidated ordinance as it has been presented and as it relates to Chapter 29. As we have previously discussed in work session this evening, the vote is not to amend the ordinance that has been placed before you or been published for the public's consumption. It is to make a vote on the ordinance as it exists. If you so desire after that vote has been completed to offer recommendations for revision to the consolidated ordinance, we will be more than happy to capture those and provide those recommended changes to Council for their consideration with the council report that will be forthcoming and considered at their March 16th council meeting. With that, that is our recommendation we provide to you and I am more than happy to answer any questions. If I can't, Mr. Teddy will be here to fill in for me.

MS. LOE: Thank you, Mr. Zenner. Before we move on to staff questions -- do we do ex parte? I would like to ask any commissioners who have had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of this case in front of us.

MR. TOOHEY: I have a point of clarification. This is not related to a particular case, so I don't see how we could disclose any conversation, every conversation we've had on this for the last two years.

MR. CALDERA: If there's information you believe would be -- could be useful for your colleagues to have, I definitely recommend that you go ahead and convey that to the group. But since this is legislation, it is not a public hearing case, I don't think it's necessary for us to go through the whole ex parte process. However, I do encourage you to disclose any information you think your colleagues might benefit from.

MS. LOE: I had a discussion -- I would just like to disclose I had a discussion with Mr. Skala after our vote commenting that we had a tied vote at the last meeting and did not make a recommendation. Any additional? Ms. Carroll.

MS. CARROLL: Likewise I have sent comments to Council and I've spoken at the podium at the city council meetings on this as well, just to share where I was -- to share where I was coming from on the vote so they would understand some of that background.

MS. LOE: Ms. Burns.

MS. BURNS: As I have stated before, I served on a short-term rental committee for my neighborhood association about two years ago.

MS. LOE: Any additional ex parte? Any questions for staff? Mr. Toohey.

MR. TOOHEY: So with regards to the \$2 fee, how was the City able to collect that \$2 fee if the transaction isn't occurring in the city of Columbia without having some type of usage tax?

MR. ZENNER: As a Chapter 13-related question, it's not something that we're prepared to answer this evening.

MS. LOE: I --

MR. TOOHEY: Why it was a part of the report then?

MR. CALDERA: Well, so you all have a context of the other elements because you had -- one of the issues that we had the first time around is that you all hadn't seen the 22 or 13 language and so there was a lot of questions about that. So this was to give you a comprehensive, you know, example of what it looks like, not to just briefly answer and touch on that question. No, avoid it. That is a Chapter 13 issue and it's not within the purview of P&Z, so.

MS. LOE: We are going to keep questions and comments, this is for public also, to Chapter 29 only tonight. Is that the only thing this commission has purview, only? So any questions or comments on Chapters 22, 13, or 26 should be saved for council meetings. Mr. Toohey.

MR. TOOHEY: So where did the 95-day rule come from?

MR. ZENNER: It was from the Kansas City ordinance. And it was proposed by William Shoehigh (ph), representative of the one of the intermediary platforms.

MR. TOOHEY: So with that though, Kansas City isn't -- it's just not just 95 days; they have a seasonal and nonseasonal, so.

MR. ZENNER: They have a far more complex short-term rental ordinance than we have. This was a component that was pulled out of it as a means by which you allow an individual that may live in a different location to have a property here that they make available when they are possibly not living here. It could be for a professor that may live here in Columbia during the school year and may move back to their private residence in a different location, but not wanting to have it open for a short-term rental the entire year, but only time when they may be gone.

MR. TOOHEY: Another question I have with regards to two major complaints, if you have two neighbors who issue a complaint in the same night about something, does that constitute two complaints and you're done, or I mean, how does that -- I guess I need more detail on how that's supposed to work.

MR. ZENNER: Again I would suggest that that is a Chapter 22-related question, not a Chapter 29. It deals with enforcement. We need it to be addressed by Council. Two substantiated complaints is just that, they're substantiated, and that is again

something that has been brought forth.

MS. LOE: Any additional questions for staff?

MR. TOOHEY: I have more, but I'll refrain.

MS. LOE: Mr. Strodtman.

MR. STRODTMAN: I've got a question about Chapter 29. One of your earlier slides related to amendment four regarding if you -- your slide showed or said -- so in order for amendment four to make -- to work, I have to be an owner that I'm already hosting my own STR in my own home?

MR. ZENNER: That is how --

MR. STRODTMAN: Or I can do it -- I can still do this amendment four if I didn't host in my own home, or that would exclude me?

MR. ZENNER: If you are not -- the way that it is written, it is written such that if you want an unhosted adjoining your property, you have to be operating in your principle residence a short-term rental. That is how it is written specifically. So at that point, you only get one. If you wanted to operate your primary residence and only -- if you wanted to operate a unhosted unit not adjacent to your primary residence and you wanted to operate your primary residence as one as well, you would -- you'd be able to get your administrative approval on your primary residence. The unhosted one that is not adjoining your property, you would need to go through the conditional-use process on, because it would already have one short-term rental certificate of compliance which automatically eliminates you from having the unhosted short-term rental up to 95 days. That is -- that's how revision -- or amendment number four reads.

MR. STRODTMAN: So I kind of took it that I didn't have to be an owner hosted STR in order to make amendment four work, but you're saying I have to be an owner hosted STR in order to take advantage of this administrative approval?

MR. ZENNER: And I believe, Mr. Strodtman, what was originally intended with the amendment, not what is written --

MR. STRODTMAN: Right.

MR. ZENNER: -- was just what you just stated.

MR. STRODTMAN: Right. Okay.

MR. ZENNER: You could have -- you do not -- you were not obligated to operate a short-term rental in the primary dwelling. That unfortunately when we -- when you look specifically at the language, that is not what that language reads or how it is interpreted by me and I believe -- it surprised us as well. I have --

MR. STRODTMAN: I think I understand. I just want to make that -- I just want to clarify because in my -- in our notes, I didn't see that owner hosted part and it just kind of

caught me so I wanted to make sure I understood it.

MS. LOE: Any additional questions? Ms. Carroll.

MS. CARROLL: Yeah. So I had a question on the 25 percent in dwelling multi-family structures containing four or more, 25 percent of dwelling units must be operated -- or may be operated, not more than 25 percent. I'm curious how many of our large multi-family structures are actually zoned mixed use or commercial which would now be allowed by administrative approval anyway?

MR. ZENNER: Our whole -- our entire downtown which is where we have the majority of our student housing, which is what this was -- the original amendment of up to 25 percent was focused at, that is mixed-use zoning. All of our outlying development is either zoned planned district or it is in -- it's actually all zoned planned district. We don't have anything in the outlying areas that are mixed use.

MS. CARROLL: So how many -- I don't have a good idea of how many more than four-unit multi-family exist outside of downtown. Do we have lots?

MR. ZENNER: That information, I don't have it specifically, but we have Aspen Heights which is on the south end of town. All of our collegiate housing that is existing on the periphery of our city is the multi-family housing where you would potentially have more than four units. Old 63, Providence, West Broadway. We have multiple locations where traditional multi-family zoning exists. Now, and again, I want you to understand that an unhosted dwelling unit would still require -- an unhosted complex would have to have application for multiple units to be handled for the purposes of short-term rental. Our downtown, again, you'd potentially require some type of additional review because the owner of the property, which should be the conglomerate where they manage a downtown student housing project is the one that's going to have to petition.

MS. CARROLL: Right. So for an MDT-zoned multi-family structure, could they get by administrative approval more than 25 percent? No? So that rule still applies in the MDT zone, not just multi-family zoned. It's multi-family structured, not multi-family zoned?

MR. ZENNER: I'm reviewing that right now --

MS. CARROLL: Sorry.

MR. ZENNER: -- Ms. Carroll.

MS. CARROLL: Thank you.

MR. ZENNER: I'm not avoiding you. Ms. Carroll, that particular provision that you're raising of the 25 percent maximum only appears within the ordinance under the conditional-use provisions itself. So the limitation as it exists in the ordinance for option number two, if am I correct, under administrative approval, should it be the Commission's

desire to potentially provide qualification of that within the MC or the MDT, it may be that we have to pull the percentage maximums from the conditional-use provisions and apply them to Item II under administrative approval.

MR. MACMANN: Madam Chair, could I follow up on that just real quickly.

MS. LOE: Mr. MacMann.

MR. MACMANN: Ms. Carroll's showing me words in the CUP refer to structure only. Shouldn't it say structure and zoning or only structure and zoning? I'm not -- are you with me on that?

MS. CARROLL: Or should -- what he says is just move this to both sections.

MR. MACMANN: In toto, that to here?

MR. ZENNER: That would be correct, Mr. MacMann. If we took --

MR. MACMANN: It should say zoning also, should it not?

MR. ZENNER: I don't believe so. I think probably just -- by structure I think we are -- we capture more broadly any building structure containing four or more units in the zoning. In the zoning, in the R1 and R2 zoning districts for example, you're not going to have a structure that has more than four, so it's really applying to those mixed-use zones or the higher --.

MR. MACMANN: Will you look at me and say that again.

MR. ZENNER: In the R1 and the R2 --

MR. MACMANN: All right. I just want -- all right.

MR. ZENNER: -- we don't have more than four units in a building, a structure containing more than one or two units.

MR. MACMANN: I disagree with that assessment.

MS. CARROLL: Yes.

MR. MACMANN: Strongly and repeatedly. I don't want to jump completely down that rabbit hole, but.

MR. ZENNER: We have structures within the built environment, sir, that probably do not conform to the zoning that is currently applied to them. So I will -- I can basically say that yes, we have situations where we may have multiple USE --

MR. MACMANN: That's why I wanted both of those things in there, just because that, THE struct-- the structure gives you a grandfather forward. That was my concern. Because I have -- I can -- on University there are 8 and 12 and 14 cuts, I know there are. Are we extending that to them in the CUP? Do I qualify? That's my concern.

MR. ZENNER: Thank you.

MS. LOE: Additional questions, Mr. MacMann.

MR. MACMANN: I did have another question besides the follow up to Ms.

Carroll. Three and four, maybe you can help me understand how these came to the fore. They seem very specifically needle threading, like some guy needs something and we're getting it for him. That's what it looks like. Tell me I'm wrong.

MR. ZENNER: So the page we're looking at right now is up on the screen in front of the commissioners. The short-term -- the option for the adjoining property owner provision was born out of what was discussed as part of the January 20th meeting. It was part of an undercurrent as I would say from our commission process that we went through. And it was a way of allowing the -- a local resident that may have a primary residence that they live in, but they have had the opportunity to acquire an adjacent property to them. That was part of the long-term rental process had they bad fortune with the long-term rental and they decided they were going to put into a different use. And this was -- this was born out of actually Staff listening to some of other material, listening to the January public comment and identifying this as a potential option to address public comments made during that meeting. The fourth bullet on this particular page dealing with the 95 days directly came from correspondence that was sent to Council and that asked to be incorporated into this consolidated draft.

MR. MACMANN: And just correct me if I'm wrong, that correspondence was written by a nonresident who's a -- who represents a platform?

MR. ZENNER: I'm unaware of his relationship. What I can tell you is is this is provision similar to what Kansas City has.

MR. MACMANN: Well, it certainly has some elements that are the same. I'm little bit with Mr. Toohey on this. I think it's a little -- I think it's -- standing free, I have a lot of trouble with it. All right. Thank you for some of that clarity.

MS. LOE: Ms. Carroll.

MS. CARROLL: I also have troubles with this standing free. I understand that it was based on Kansas City's ordinance; however, Kansas City's ordinance also doesn't allow STRs, hosted or unhosted in their R7.5 or R10 zones. That's kind of like our R1s, depending on how you apply their density, unless it's grandfathered in. Basically they approve that they have existed prior to the passage of the amendment or they happened to be on a landmark. Those are the only criteria. Hosted and on a landmark. And I don't think that we can pluck one part and seamlessly fit it into ours because there were other protections existing in Kansas City that interlaced with this.

MS. LOE: Mr. Toohey.

MR. TOOHEY: I guess have I question with regards to the owner hosted and have to be occupied by the owner of the primary residence for 270 days. So I mean, you're essentially saying that with that, that short-term rentals are a residential use. So

then how do you say when it's unhosted, now it's commercial?

MR. ZENNER: We're not saying that.

MR. TOOHEY: But you're put-- you're adding short-term rentals as a commercial use in the user's table.

MR. ZENNER: We're putting it under transient accommodations in the land use table. It fits under where hotels and bed and breakfasts are located. We're defining it as a land use. We draw the distinction through the regulations as to the procedure of obtaining administrative approval for a hosted unit. We provide an option for an agent to act in the stead of the host. And then we define what an unhosted unit is in order to address the issue of ownership characteristics that do not generally relate to a primary residence participating within the community. That's in a nutshell really what the differentiation is. Investor property versus those who live with inside the city's corporate limits and contribute on a regular basis for two-thirds of the year.

MR. CALDERA: Just to add to what Pat just said there, and I agree with everything he said, we are still con-- we are permitting commercial uses. We're just creating two different work-- two different levels of the commercial use if you will. Think of it that way. It's not ever saying one is residential, one is commercial. They're both commercial, but one has just different constraints versus the other one.

MR. TOOHEY: So I if I have a long-term tenant -- if I have a roommate, that's not commercial?

MR. ZENNER: That is a -- you have a long-term rental contract for over 31 days and therefore, that is, under the laws that we have in place, considered an, equivalent to a residential, a permanent residential structure.

MR. TOOHEY: What if that long -- what if that roommate's on a month to month lease?

MR. ZENNER: It's still over 31 days.

MR. TOOHEY: But it's still -- I still think of it as residential use, so. All right.

MS. LOE: Any additional

MS. LOE: Mr. Ironwood, we did receive your comments.

MR. IRONWOOD: Well, good. I'm very glad.

MS. LOE: You've used three minutes on one --

MR. IRONWOOD: Okay.

MS. LOE: -- so I just wanted to let you know that.

MR. IRONWOOD: Okay. The second one is what Mr. Strodman had brought up. I know from hearing other people's testimony at previous events that this was added simply to accommodate, as far as I know, one single person who has an STR in his

house and wanted to have another one next door. That's ridiculous also. It seems to me that the point of favoring a hosted STR is to ensure that the host has considerable oversight over their short-term tenants. If the property is adjacent, that should be sufficient oversight as far as I can see. And to require that they operate an unhosted STR in their own house before they be permitted to operate another one next door as an unhosted STR is absurd. You know, if you -- if you own two houses adjacent to one another and you live in one and want to operate the other one as an STR right next door, that seems like more than adequate oversight, and I think that should be sufficient. Finally, and this is a very complicated one as I can see, it's the definition of an owner. And I'm going to read it. It says, A property owner shall include any single individual who is a member, manager, officer, director, trustee, shareholder or has other ownership interest in the business entity that owns or operates a short-term rental. As far as I can see, if you're trying to privilege small operators, mom-and-pop operators if you will such as myself by defining ownership that way, you've just defeated that purpose completely. Because a person who is a member, for example, of an LLC could easily say, Well, I, you know, in my LLC, I only own Property A and another member of the LLC only owns Property B and so on. And I know that there's a lawyer who will figure that out. So what I suggest is if you want to really limit a single unhosted STR to administrative approval, only one, that you define the owner as a single person, not a member of any sort of institution such as I listed there and that they live within the city limits of Columbia. I think that would be a very simple way to get it done. It's already there in the provisions that are required for the designated representative of a hosted STR when the owner is out of town, that they live in the city of Columbia. And if you allow me to have a single unhosted STR near my house that I own and nobody else in the -- in the large entity owns it, just tell me I have to live in the city and I'd be very happy with that. So those are the three concerns that I have. I think that they are fatal to the current ordinance as it exists and I would really like to see you recommend that it not be passed without some change to those three provisions. I'd be happy to take questions.

MS. LOE: Thank you. Questions for this speaker? Ms. Burns.

MS. BURNS: Yes. What category, what residential category is your short-term rental?

MR. IRONWOOD: R2.

MS. BURNS: R2. And how many do you advertise can stay in it?

MR. IRONWOOD: Excuse me?

MS. BURNS: How many do you advertise --

MR. IRONWOOD: It's a three-bedroom and we advertise as many as six.

MS. BURNS: Okay.

MR. IRONWOOD: And we specifically direct it to families, and we have primarily had family renters.

MS. BURNS: Thank you.

MS. LOE: Any additional questions?

MR. IRONWOOD: Oh, come on.

MS. LOE: I see none. Thank you.

MS. LEEPER: Alice Leeper representing the Board of Realtors. My address is 2015 Ivy Way. And I'd like to start with a question to Staff if I could. Mr. Zenner, I'm looking for clarification. On your slides you indicated that in that special case we've just been listening to that if an owner had a property next door that was unhosted, that they were not limited by the 95 days. Where is that written in this document that we've been provided because I do not see that.

MR. ZENNER: There is -- well, in item number three, Ms. Leeper, which is the unhosted, there is no -- in the absence of having any restriction on total number of days that one could occupy the structure as a short-term rental, it is unlimited.

MS. LEEPER: Yes, but where does it state that? Because what I'm reading is that everything short-term rental unhosted is 95 days because it follows under IV that says, Any short-term rental unhosted in any district which is allowed as a permitted or accessory use is limited to 95 days. So where, in fact, do you put the unlimited part?

MR. ZENNER: The -- it is not applying to IV; it is applying to III which is above that. It's a separate subsection that deals specifically with the issue of an unhosted -- the ability to have an unhosted rental adjacent to your primary residence.

MS. LEEPER: Yes, but where does it say that it's not limited?

MR. ZENNER: By the fact that it is not stated within any of the provisions of III, it is, ergo, not restricted. Not unlike there's no restrictions of your ability to rent or to have transient guests in the MC or the MDT district. It is not listed there and it is not listed under Item I. I, II, and III3 do not have any restrictions. No restrictions under transient guest occupancy. It is only when you have an unhosted and you are not an adjacent owner or you have not gone through a conditional use process, you have a limitation.

MS. LEEPER: Okay. Well, that's not the way reading we've been reading it. We've been reading it that this was the limitation that was placed on all unhosted.

MR. ZENNER: No. That was an incorrect interpretation.

MS. LEEPER: Okay. All right. Well, we stand firm in our belief that this legislation does not belong in the zoning code, that if you look at your guest

accommodation conditional use, commercial uses, those, in fact, are properties where they're unique. A bed and breakfast is not a residential home. A hotel is not a residential home. A travel trailer park is not a residential home. A short-term rental takes place in a residential home. It's not a different property and shouldn't, therefore, fall under this as a specific use in the -- in the zoning code. And that's the position that we have. I know that many of you disagree with that, but that is the case that we feel. Additionally I think that Section C, the supplemental use-specific standards, the bulk of what's written here really relates to things that should be covered in Chapter 23, which is the rental compliance chapter. It regards things that have nothing to do with zoning ordinances and so I'm not sure why we're cluttering zoning ordinances with property registration which takes place in rental compliance. The -- the dual rental designation, the certificate of compliance, the hanging of the license information in the home, I think all of that should be moved into Chapter 23; it's not a zoning ordinance issue. And I think those are my specific issues related to -- to Chapter 29 at this point, so I thank you. Do you have any questions?

MS. LOE: Thank you. Any questions for this speaker? Ms. Burns.

MS. BURNS: Do you yourself operate short-term rentals?

MS. LEEPER: I do not.

MS. BURNS: Thank you.

MS. LEEPER: There is one in my neighborhood however and we're perfectly happy with it.

MS. LOE: Any additional questions for this speaker? Mr. Stanton.

MR. STANTON: So you feel like these need to be regulated; you just feel like they shouldn't be specified in the code? How do you solve that? What's the --

MS. LEEPER: We don't feel like it's a zoning code issue. We've already stated that we're -- we find the applying of the hotel tax to be reasonable. The issue that Mr. Ironwood brought up before me about the 95 days having unintended consequence of guaranteeing that you have vacant homes in residential neighborhoods is -- I mean, it's absolutely silly to me that we would limit it in that way. Because, you know, there will be people who cannot make enough money renting it \$95 a night for 95 days, but then there's going to be properties that are closer to more desirable areas that are going to rent for much higher than people may, in fact, leave them in the 95-day section. Then you've got vacant properties, so, you know.

MS. LOE: Any additional questions? I see none. Thank you, Ms. Leeper.

MS. LEEPER: Thank you.

MS. LOE: Additional speakers on this.

MS. MALEDY: Hello, my name is Teresa Maledy, and I live at 215 West Brandon road. My looking at the document, I would recommend no as far as a vote and suggest that the City of Columbia maybe hire a consultant to work through this. I do appreciate the amount of work and time the Commission and also the Staff has spent on that, but I've been at most of the meetings that were listed tonight and I don't feel that we're gaining clarity. But I did make to take a higher 30,000-foot view tonight and talk about long-term view for our city. In prior meetings I have heard that we estimated 350 to 450 STR operators that we knew of. In contrast it's my understanding that we have about 23,000 owner-occupied housing units in Columbia. Although it's ubiquitous, Airbnb has only been around in its current form for about ten years. We know that there will always be disrupters in different industries, but the city of Columbia and our community needs to think long term. In this case we need to respond carefully and intentionally and not just react to this new shared economy that we hear about. Disrupter life cycles can be sometimes very intense with a high peak but they can come down very quickly. During the series of meetings, we've heard about how somewhere, as I said, 350 to 400 short-term operators have been -- and I don't mean this in a mean way, but we -- it was identified that they were being hosted illegally outside of our existing zoning regulations. I feel like P&Z and also the City Council have a responsibility to all of our property owners, not just a relatively few STR operators. Why should Columbia be forced into an expensive experiment to try and accommodate and anticipate the regulatory requirements of 350 to 450 operators. I realize that volume could go up depending on our regulations, but we're comparing that to the 23,000 owner-occupied housing units. In my calculation this is 1.5 to 1.9 percent of the population of houses, and I feel like we're twisting our self into a pretzel as one other woman commented last time, to change our ordinances to meet their demands. In stark contrast to this, our city and REDI, we, through the hub, encourage and have wonderful support system for entrepreneurs, but to my knowledge when they move out of the hub, we don't change our existing business requirements and regulations just because they are start-ups and we should hold ourselves accountable in the same way with STRs. An individual or family's largest investment is frequently their home. When many Columbians including some of the current STR operators bought their homes, they knowingly and intentionally bought a home in an R1 zoning actively seeking the associated benefits and also the restrictions. With the changes you are proposing to address STRs, you are now expecting the vast majority of single-family homeowners to acquiesce and roll over on the issue. You are asking the 1.5 to 1.9 percent to drive the long-range residential housing strategy for the city. In the process you are creating a costly administrative process to try and manage

and meet the needs of a few STR businesses while ignoring the majority of your constituents. We need to keep our eye on the long-term health of our city and -- I know; I'm almost done -- and protect our 23,000 owner-occupied housing units. We also need to protect family-oriented long-term rentals and properties. We need to support the city's long-term strategy of affordable housing and your decisions you make are very significant and important but they have long-term unintended consequences. Thank you.

MS. LOE: Thank you. Any questions for this speaker? Mr. MacMann.

MR. MACMANN: Thank you, Madam Chair. Ms. Maledy, thank you very much. I'm leaning no and you've encouraged no. And you ask for -- this is going to be a practical question. This is going to be like Commissioner Stanton would ask. Right now -- well, two things. My guess is six to seven hundred, but --

MS. MALEDY: Okay.

MR. MACMANN: -- to quibble over numbers.

MS. MALEDY: We've been at this a long time.

MR. MACMANN: We have. You said a consultant. You said 6 to 12 months. What do we do in the interim?

MS. MALEDY: I would try to encourage folks to comply with our current ordinances just like we do for anything else in the city of Columbia.

MR. MACMANN: Well, okay. Along those lines, and I want you to help me here.

MS. MALEDY: Okay.

MR. MACMANN: Mr. Ironwood talked about his insurance company has a very unique view of what that is. And we kid ourselves if we did not think the insurance company's going to eventually tell us what exactly they are. State of Missouri leans towards hotel. You can't operate a hotel in a residential area. Along -- along your lines.

MS. MALEDY: Well, and --

MR. MACMANN: It's a -- here's -- what do we do in the interim? We're encouraging people to be the best they can. Is that your --

MS. MALEDY: Well, my --

MR. MACMANN: -- quest forward?

MS. MALEDY: My concern -- I've done a lot of research or reading on this. The trend is for many of the cities that were fairly flexible and open to begin with, they're moving back to more restrictive codes. They are being sued by investors for that very reason.

MR. MACMANN: And for all kinds of -- and I've -- if you've been watching, you know I brought this up.

MS. MALEDY: Yeah.

MR. MACMANN: These cities who open broadly to begin with hoping to take advantage of the economic tide are in court now.

MS. MALEDY: Right. And so I guess in my belief that our citizens should be following the ordinances as they are currently written until a decision is made. Related to insurance, I think it's important -- I'm confused a little bit because it's my understanding that Airbnb offers insurance through their program, but I think it's important that the City of Columbia, especially if you're inspecting these businesses, that you are also can have benefit of that insurance proceeds.

MR. MACMANN: We're not inspecting anything right now.

MS. MALEDY: Correct. But you also have not given them the blessing because they're not following the regulations.

MR. MACMANN: Right. Well, I'm just -- that's my conundrum.

MS. MALEDY: It is tough.

MR. MACMANN: That's why I'm saying you said consultant. Six to 12 months easy when you said consultant. Easy. What do we do in the interim? That's -- exactly what do we do in that -- because I'm going to say 12 months, every bit of it. Because people are -- people are breaking the law technically.

MS. MALEDY: Right. That's true.

MR. MACMANN: And we are -- and it's no -- no one has a consequence right now because we're not -- no governmental entities are enforcing those laws. I just want us to ponder the practicality of it. I don't have a good answer either. I thought maybe you --

MS. MALEDY: Yeah. I understand what you say, but I -- or I hear what you're saying, but I also think then what -- if -- I guess if I were in your shoes probably what I would do is say we are following -- and this is from the very first meeting -- we should follow our existing bed and breakfast regulation until we can work through this. That would be my position.

MS. LOE: Mr. Toohey.

MR. TOOHEY: So a property owner has the right of disposition, which is to transfer their property whether it be permanently or temporarily. So how is that illegal?

MS. MALEDY: I guess --

MR. MACMANN: I don't think we're going to win this philosophical debate, but.

MS. MALEDY: Yeah. Well, I guess what I'm seeing it, if you are identifying it as a business, and I think it's appropriate for us to have some type of tax for it, then it's a business and it wouldn't be eligible for that in R1. And it wouldn't comply with the other

scenario that we already have for bed and breakfast. And the other thing I would say, Mr. Toohey, I mean, we're in that situation right now where according to the way it's described, the only eligible option would be a bed and breakfast.

MR. TOOHEY: But we're not going to identify it as a business until we pass this ordinance. Correct?

MS. MALEDY: Right.

MR. TOOHEY: So without the ordinance being passed, then it's not a business and they still have the right to disposition.

MR. MACMANN: You're thinking money for services.

MR. TOOHEY: So is --

MS. LOE: Mr. Stanton.

MR. TOOHEY: -- a long-term rental.

MS. LOE: Oh, sorry, Mr. Toohey. Additional comments, questions? No? Mr. Stanton.

MR. STANTON: We're in this situation now because we left it to the free market to regulate itself and now it pushed the boundaries and the edges of those regulations. It did not self-regulate. They went wild, wild west. They're -- you know, we're seeing this -- we're seeing a core business model, I've said this from the beginning, the core business model has been morphed into something else. Now we have to address it. The free market did not regulate itself nor did it -- it -- now we must constrain it. So we can't just leave it alone because the free market has taken full advantage of there not being any regulation. And it's been promoted that way that unless you go to places where there's very little regulation and we have basically carpet baggers coming into the city, buying investment properties, making them Airbnbs, and there's no regulation here. And that's why we're here, because --

MS. MALEDY: Well, the --

MR. STANTON: -- the free market has run amok.

MS. MALEDY: It didn't come in front of the Planning and Zoning Commission, but it's a similar concept, but Uber and also the Birds when they come in, their philosophy is ignore the law and beg forgiveness. And then the City or the Council has to then figure it out. But that's just an approach and to some degree Airbnb is similar.

MS. LOE: Mr. Stanton, additional questions? Ms. Carroll.

MS. CARROLL: I agree with all of Mr. Stanton's comments about the mom-and-pop business model and about the unregulation leading to pushing the business model. I also tend to support the call for -- I'm going to blank on --

MS. MALEDY: Consultant.

MS. CARROLL: Consultant, thank you. Sometimes. I understand this is a lengthy process. I understand we've already gone through a lengthy process. I think it's important to have the maximum amount of information that we can have as we make this choice, especially given that cities that came out of the gate early regret doing so. And I can see that. I would like to point out on the what do we do in the interim, this has been going on for ten years and that was unregulated. I'm not saying that's a good thing, but why are we quibbling about 12 months in the perspective of 10 years of nonregulation? Maybe it's more important to be solid on the regulation that we start with than it is to act quickly.

MS. LOE: Ms. Carroll, do you have a question for this speaker? This is the --

MS. CARROLL: I'm sorry.

MS. LOE: We're in the public commentary right now. Mr. Toohey, do you have a question for this speaker?

MR. TOOHEY: Yes. So most of the compliance that you're talking about though, aren't most of those nuisance complaints?

MS. MALEDY: Not necessarily that I've talked about, but I have talked to quite a few people, not just in my neighborhood, I have other neighbors that have -- other neighborhoods, other subdivisions that have had nuisance problems, yes.

MR. TOOHEY: But, so we already have laws to take care of those issues, so.

MS. MALEDY: Well, yes.

MR. TOOHEY: And those aren't being enforced, so --

MS. MALEDY: Correct.

MR. TOOHEY: -- is that where the real problem is?

MS. MALEDY: No. I -- I don't believe it's the proper use within R1 zoning. I think as a city we need to focus on long-term rentals and a stable community with affordable workforce housing. I'm adverse to using our police, which are already overstretched, to handle this type of thing. It just doesn't seem like the appropriate use. But you're correct; it's very difficult to monitor that. And once again, you're putting it on the citizens and requiring them to come forward and persevere to get something done. And this is their investment.

MS. LOE: Additional questions, Mr. Toohey? Any additional questions for this speaker? I see none. Thank you.

MS. MALEDY: Thank you.

MR. ABBOTT: Hello. My name is Mark Abbott. I live at 2517 Highland Drive. I've spoken to the Commission before on this subject, so I'll try to be brief. I am a current short-term rental host. I host one out of my home, my primary residence at 2517

Highland Drive. All I really want to do is express to you, at least as far as the land use component of the restrictions that are in the proposed ordinances, I find them acceptable. I think they've come to a place, at least from an owner-hosted standpoint that I can -- I can agree with. They're, you know, not perfect and some of the conversations that you've had about hiring a consultant, you know, that seems like that would be a beneficial idea. But I want to also make the point that there are a lot of citizens of this city that are currently hosting STRs out of their home or maybe an unhosted from another place they own in Columbia. They're relying on that income to a certain extent. I know I have. I'm certainly not stretching myself, but it has come to be a supplemental income that I -- that I appreciate and that I have made certain decisions based on. And so I want to express to you all whatever decision that you recommend to Council or if this record makes its way back up to Council, that whatever choice or path or decision you make, that it takes into account the citizens that are currently operating and either would like to continue doing that on an interim basis so that they can continue seeing the benefits of operating short-term rentals that are, while maybe not in compliance with the letter of the code, are, at least with mine, are ones that are -- have not seen complaints, are operating inside a neighborhood with the neighborhood residential character.

MS. LOE: Thank you. Any questions? Ms. Burns.

MS. BURNS: Yes. So are you under the Highlands Neighborhood Association covenants?

MR. ABBOTT: No. I live -- my street is nowhere near the Highlands. It's over by Broadway and Stadium.

MS. BURNS: When you said Highlands, I was -- so it would be -- are you part of a neighborhood association?

MR. ABBOTT: I am not. I don't know if my neighborhood has an association. It doesn't have an HOA; that's for sure.

MS. BURNS: Thank you.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. GALEN: Good evening. I'm Jeff Galen, 3603 Topanga Drive. I'm representing the Columbia Missouri Real Estate Investment Association. We have a membership of over 670 as of right now and we are asking that you do turn this proposal down. We -- I mean, this process has been going on for a while. I'm sorry that we've -- it's taken this long. When we started this process, you know, the idea was that we had bad owners out there, we had individuals that were disrupting neighborhoods. We were worried about several concerns out there, but I think we've multiple times brought forward that those issues were things that could be addressed through our current codes and that

it was simply an issue of the City being unable to enforce those laws. And as this process has developed, we've kind of determined that we've failed in communicating our stance on this. In fact, there's yet to be anyone coming up here that has been against the idea of taxation, and, in fact, we've actually supported those individuals who have had problems in their neighborhoods. We've just felt that we should actually support the City via different mechanism and that we should use a Rental Unit Conservation Law. What we find now is there's, through several comments made by City Council and by staff members in testimony, was -- really part of the underlying concern was more of an affordable housing issue. And as we recognize, that when you bring short-term rentals in, it does affect affordability housing. In fact, the City has actually put those numbers out there. And yeah, we know that there's instances where it causes housing costs to go up by 5 to 6 percent or more. But when you look in the literature, and actually I have actually gone out and looked at the literature, the vast majority of neighborhoods where they go into, we see an increase less than 1 percent. In addition to that, what we also see, and this has been well-reported, that we have a decrease in violent crimes and rapes and murders in those same areas as well as a dramatic increase in economic impacts in the businesses around those areas. So our first concern is that yes, you know, short-term rentals are not bad; they just need to be regulated. We want safe housing. We want to have a mechanism for folks to be compliant with the City, but we don't want to make them illegal. And in fact, what the ordinance does right now is it's going to make it so that short-term housing is almost illegal for most of the operators out there today. Some things that are important to keep in mind is that as little as three years ago, we were looking at a 23 percent vacancy rate across the city of Columbia in housing. We were having a problem, and that's why a lot of the rent-- landlords out there went to short-term rentals, to try to accommodate those shortages. And just to kind of talk about the mom and pops out there, what we do know is that 61 percent of the landlords that are out there own only a single property. We also know that 51 percent of the people out there that are landlords have a full-time job. So this is just a way as a stop-gap, plus another 12 percent of the folks out there that are doing a short-term rental are retired and have a fixed income. So when we're talking about making short-term rentals illegal in Columbia, which I know we're not saying that, but that's what's happening, we're talking about putting folks out of business and actually causing a significant impact. It is the feeling that -- and consistent of our membership that the ordinance as it stands right now is nonviable and that it's going to have tremendous impact on being able to provide short-term rentals. And what it's going to do is it's going to have two effects. You're going to allow the large operators to work. They're going to have deep enough pockets to

go through that conditional-use process but you're going to put a lot of the mom and pops out of business or we're going to force them into operating a short-term rental illegally, which is what we have seen in other cities. If you go to New Orleans, this was just put out three weeks ago, about one-third of the short-term rentals in New Orleans are operated illegally right now, even with a \$2,000 fine. And that's what looking at here.

MS. LOE: Thank you. Any questions? Ms. Carroll.

MS. CARROLL: Yeah. I was just wondering, and I'm asking earnestly.

MR. GALEN: Sure.

MS. CARROLL: Would you be willing to share the source for your data?

MR. GALEN: I would love to and actually I meant to bring it with me. It depends -- I was pulling it all up, but I was kind of rushed tonight. I'll be happy to send it to you later. But I think enough of the folks here are also supporting that we do turn this down. We would love to actually come up with a little more smarter rule. And again, we support this coming under the Rental Unit Conservation Law because we do want to have inspections, we do want to let the City be able to tax these efforts, and we want to be able to have the City enforce the laws that are currently out there.

MS. CARROLL: So 61 percent --

MR. GALEN: Oh, that is actually from the National Apartment Association. That was released early last year.

MS. CARROLL: Okay. Within Columbia?

MR. GALEN: Okay. Within Columbia we're looking at our membership at roughly 600-some-odd members. Most of those members, more like 80 percent are single-unit owners. And that's within our organization of 600-some-odd plus.

MS. CARROLL: Okay. Thanks for sharing that. I look forward to seeing --

MR. GALEN: Sure.

MS. LOE: Any additional questions? Mr. Toohey.

MR. TOOHEY: So the 5 percent you said increase in housing costs.

MR. GALEN: Yeah, that actually --

MR. TOOHEY: Is that a local number or is that --

MR. GALEN: No. That -- that actually comes -- some of this data that came out, we were looking specifically in New Orleans, we were looking at several of the neighborhoods in the Cal-- around Los Angeles. We looked at Brooklyn. So there's -- I mean, there's a whole bunch of reports out there. And yes, it is well-supported that it increases housing costs. I mean, it does because you're going to remove some housing from the market. But again, in Columbia and this is data that -- the 23 percent number actually came from the, oh, my gosh, the name of the company, the Shryrock report that

came out, it comes out every year. We're looking at 23 percent vacancy across Columbia in as little as three years ago. Now, that's actually rebounded a lot because the student housing has gone up. But it doesn't mean we're not going to go back down. So if you're talking about taking supply away and you've got a 23 percent vacancy rate, that's really a very small impact.

MR. TOOHEY: So, but that report only looks at large apartments.

MR. GALEN: That's not -- that's not --

MR. TOOHEY: It doesn't look at -- it doesn't look at single-family rentals.

MR. GALEN: No. It actually does look at small, small housing units also. They are for -- they're traditionally large families; they also look at other markets too. So they have smaller units in there also in residential areas.

MR. TOOHEY: So it says in that report that it increases housing by 5 percent --

MR. GALEN: No, no, no.

MR. TOOHEY: -- housing costs by 5 percent.

MR. GALEN: The 23 percent vacancy is what I'm referring to on that report.

We're talking about the vacancy rates. We had --

MR. TOOHEY: Okay. Then where did the 5 percent increase in housing come from?

MR. GALEN: The 5 percent came from a series of reports that were looking specifically in the New Orleans area and some of those neighborhoods we were looking specifically at.

MR. TOOHEY: So none of it's in Columbia?

MR. GALEN: None of it's in Columbia, that's correct.

MR. TOOHEY: Okay. That's what I'm hearing as well.

MR. GALEN: Exactly.

MS. LOE: Any additional questions? Ms. Carroll. Can we go to Mr. MacMann first?

MS. CARROLL: That's fine.

MR. MACMANN: Just -- go to Ms. Carroll first. I'll wait till the end. That's a better idea.

MS. CARROLL: Follow-up question.

MR. GALEN: Sure.

MS. CARROLL: Just to get an idea of what information is how out there, 61 percent single unit owners and apartments. Do you have an idea of the 40 percent that may own more than one? Do you have an idea how much is multi-- like --

MR. GALEN: So let me clarify on that number. That 61 percent is a single

property that they own so that's going to --

MS. CARROLL: Right.

MR. GALEN: -- typically single family.

MS. CARROLL: So --

MR. GALEN: That other 39 percent is typically going to be multi-families; it's going to be much larger units, that's correct.

MS. CARROLL: Yeah. So it would be listing like more than two; they would be listing --

MR. GALEN: Absolutely.

MS. CARROLL: -- a package?

MR. GALEN: Yeah, absolutely. They're going to have -- they're going to have multiple houses, right.

MS. LOE: Mr. MacMann.

MR. MACMANN: Just real quickly. It's great to quote Moore & Shryock, but I don't think you can give it to us, number one.

MR. GALEN: No, I can't.

MR. MACMANN: Cannot.

MR. GALEN: I cannot.

MR. MACMANN: And that's -- and that may be correct.

MR. GALEN: Uh-huh.

MR. MACMANN: Something else, we really need to keep elasticity to demand which changes drastically from market to market. When we talk about, you know, 1.9 percent of the houses come off the market, the prices go up 5 percent, that may be true; it may be significantly higher. When a given market's sensitivity is determined by the market elasticity and without the Moore & Shryock, we can't determine it, but we can't get the Moore & Shryock. So when people come up and quote Mr. Shryock, that's fantastic. I think it should be struck honestly.

MR. GALEN: Okay. I'm --

MR. MACMANN: Because we don't have access to that data and then -- and also it's self-reporting.

MR. GALEN: That's fine. And I'm okay with that. But I think the reality is that the major point that we're pointing out there is that we feel that, one, the idea that we support taxing, we support the idea of having the oversight, but the problem is this makes it almost impossible for folks to operate a short-term rental. They're no longer profitable unless you're in a very small minority.

MS. LOE: Additional questions? Thank you.

MR. MACMANN: Madam Chair.

MS. LOE: Mr. MacMann.

MR. MACMANN: Might I share a point of information with our guests? Just the microphone, folks, if you could just put it up to where you are, it makes it easier for you and it makes it easier for us. Any additional speakers on this matter?

MR. NELSON: Hi. My name is Seth Nelson. I live at 3211 Shoreside Drive. I just want to kind of echo what the previous speaker said that, you know, we had a rental property; actually it was my home, I lived it. Got married and moved into a different house. We looked to rent it out. We started renting it out and then, you know, the student housing kind of, you know, blew up downtown. At the same time we had a drop in students and we just couldn't find anybody to rent anymore. So that's how we got started in short-term rental. Ended up -- I know a lot of people are concerned about fears of things they have with problems of short-term rentals but we actually ended up, after several years, buying a second property and we rent that one full-time in the same neighborhood. And we have way less problems with our short-term rental as we do our long-term rentals. We've had long-term rentals, you know, tear the carpet up, all this other kind of stuff. Coming with the short-term rentals, we have guest that come in, leave the house, you know, spic and span. They clean, you know. They take the trash out, you know. They take very good care of it. And I don't know if I've just been lucky, but I haven't had any problems with our short-term rentals. And we just started doing it, like I said, because we couldn't find long-term renters and we still kind of advertise year to year. It's a lot of work. I mean, we people to clean the places. When you just have one rental property, you can't pay minimum wage, you know, to have someone come in. So, you know, it costs a lot. We're providing, you know, good jobs in cleaning services and stuff like that that come in and do this, so. And we live right here in the community. You know, the money that we're making off these short-term rentals is going right back in to fixing up the property, you know, spending it here locally. And, you know, it just -- and plus, we're bringing more people in. Homecoming weekend, you can't find a hotel room in Columbia, so, you know, we're bringing more revenue into the city and that kind of stuff. So I appreciate the time.

MS. LOE: Thank you. Any questions for this speaker? I see none. Oh, Ms. Carroll.

MS. CARROLL: I have a question. I wanted to get an idea of your situation. So you have a single unit that is STR --

MR. NELSON: Correct.

MS. CARROLL: -- year round or?

MR. NELSON: Yeah. Well, by the definition that's proposed here -- we do have people that come for 60 to 90 days. Sometimes they come to work, you know, they're nurses that come to work at the hospital. We have a family that they live in New York and their kids moved here. They come every winter, they stay for three, maybe four months. And then they come back throughout the summer, stay a week or two here and there, you know, visiting their kids. They're retired so they just come down and visit. So we have some guests that are considered long term by the definition of more than 31 days and then we have guests that come for three days a week, something like that.

MS. CARROLL: And while that's listed as a short-term rental, do you also advertise it for long-term rental or have you given up finding a long-term lease for that?

MR. NELSON: We do sometimes. We were doing it every, you know, starting in May, trying to list it for August, trying to get on the cycle of every other rental property, you know. Because students come in August -- want to move in August 1st, move out July 31st. So we do that, try to get on the cycle. Because it's hard, you know, if you have a lease end in the middle of the winter to try to find somebody. There is some demand for that. Our other rental property, we got lucky and did that, but it is hard to do that. And we've tried lowering the rent and that kind of stuff too, but.

MS. CARROLL: Do you have a perspective on the 95-day clause? Would that help you connect long-term leases given that some of your three-month ones could maybe be a month-to-month long-term lease and not have to fall under this at all?

MR. NELSON: I think that would probably make it worse. I don't think we could do that. Even though we have people that come stay for, you know, three months at a time, we're paying the utilities, we're paying the cable bill, we're paying the internet. So there's a lot of added costs that you don't have with a normal rental property, unless you, you know, include that in the package. So we have a lot of additional costs. And like I said, it's a lot of work. You know, it's a lot more managing, you know, getting people in and out of there, you know, coordinating cleaning schedules and that kind of thing. And then when we can't get cleaning schedules, like end of July is always hard because everyone is busy flipping all the long-term rentals, so any stays we have in that time frame we end up cleaning ourselves and stuff like that.

MS. CARROLL: Thanks.

MS. LOE: What don't you support about the proposed ordinance?

MR. NELSON: I agree with the tax and that kind of thing, just kind of concerned with it -- let me look at my notes real quick. Like the -- on the hosted, one of the concerns I had was -- because we also -- we also do our own home; I don't know if I did that too. We do our home; we rent it out for six weekends a year. So we're not in and

out all the time. And I feel like renting our own home, you know, I know people are concerned about their neighborhood, but when you're renting your own home, I feel like you're taking on a lot more risk. You're allowing people inside your home, you know, where you have, you know, your office and all that kind of stuff. So, you know, if you're willing to allow people to come into your home, the risk outside of your home is minimal compared to that. So the hosted thing, I'm kind of concerned. Like, so we have to be in town, like 30 minutes? Is there a time? I haven't seen anything like that. Like, do I need --

MS. LOE: That's been removed.

MR. NELSON: Yeah. So --

MS. LOE: There's no -- out of jail card; this has an out of jail card. You don't have to be home.

MR. NELSON: So the agent -- like, so if you're -- that's the only part I don't understand, I guess, understand it.

MS. LOE: As long as there's someone identified as an agent who lives within the city of Columbia --

MR. NELSON: So if I'm two hours -- if I'm here and I can be there in two hours, I'd be considered --

MS. LOE: You can be out of the state; you can be out of the country.

MR. ZENNER: You have to have -- if you are hosting -- if you are an owner-hosted unit, you have to designate an agent for the periods of time when you are not there. The ordinance makes no assumption that you will be there 365 days a year. So it requires an owner-hosted designation on any owner-hosted unit which is defined as being there 270 days or more a year. That designated agent acts in your stead if you are on vacation, if you're out visiting family, whatever. You do not have to come back to the city of Columbia. They are the individual that would be contacted. You will probably be the first point of contact and you'll indicate, I'm not around. Our enforcement officials will be contacting the designated agent.

MR. NELSON: But if I am around, I mean, is there a time frame for how long I have to --

MR. ZENNER: Your designated agent -- you do not have a choice to not have a designated agent. So if you're in St. Louis, we're not going to wait for you to come back. We're going to call your designated agent.

MR. NELSON: No, I understand. But I mean, like, if I'm out to dinner. That's like, you know.

MR. ZENNER: No. Well, yeah. We're going to tell you to drop your fork and get

over to your property. I don't believe so. We have not gotten to that point as yet.

MR. NELSON: That's the only thing I didn't see that was clear.

MR. ZENNER: That's more an administrative role that we'll have to create if we get any further.

MR. NELSON: Yeah. I don't -- I don't know. I haven't -- I mean, I haven't had a chance to really look through everything closely. I just, I wanted to really make sure that -- you know, I think short-term rentals is a positive for the community as a whole, and so I don't want -- I definitely want -- you know, I think they should be inspected, the taxes and stuff, I'm not asking for that. Just that when we make recommendations to Council, that they're fair to everyone because I think they're a good benefit.

MS. LOE: I think the ordinance would allow what you have. It may be through both administrative for the hosted and conditional use for your unhosted, but it would allow what you have. Mr. Toohey.

MR. TOOHEY: So since you operate -- since you've operated long term and then also short term, do you feel like all the concerns that people are having could be alleviated with the current rental code without adding this to the zoning code?

MR. NELSON: Yeah, I believe so. I mean, you know, anytime you have a problem with a long-term-- I feel like the same problems you're going to have with a long-term rental, you could have with a short-term rental. And we already have rules that regulate that, so. I don't -- I can't think of any specific -- and I haven't heard any from the few meetings I have been to -- cases of things that would come up that wouldn't be already addressed by prior laws or ordinances that we have.

MR. TOOHEY: Thank you.

MS. LOE: Mr. Stanton.

MR. STANTON: Do you feel the current ordinance that we're putting together, do you feel that it's easy to use, it could be easily applied to your business? Do you feel it's user-friendly at this point?

MR. NELSON: Like I said, I haven't had a lot of time to look into it.

MR. STANTON: Just off the top of your head. Does it look easy --

MR. NELSON: I don't --

MR. STANTON: Does it look easy --

MR. NELSON: No. I've had a little bit of problems going through it. As -- you know, I found out once I was here listening that the 95 days doesn't apply to my short-term rental that I have with the apartment. It sounds like that would not apply to me because it's not right next to my property, so I'd have to do the conditional use. So that was a concern I had and it wasn't clear to me when I read it originally.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. NELSON: Thank you.

MS. LOE: Any additional speakers on this? Seeing none, we're going to close the public speaking. Commission discussion. Mr. Toohey.

MR. TOOHEY: So I'm going to again vote against this. I feel like --

MS. LOE: Before we go into this, can you -- what -- how do you want us to -- we need -- we're working toward a motion to approve what was provided to us?

MR. ZENNER: What I would suggest that you do --

MS. LOE: Sorry, Mr. Toohey. I just want to -- I think we're going to be going through a couple of steps here.

MR. ZENNER: What I would suggest that you do at this point now that we have closed the public hearing, you obviously have heard testimony. I think you need to react to that testimony through a discussion of the ordinance as it is written. Please refrain from talking about potential amendments at this point to the ordinance. Discuss the merits of the ordinance based on public comment that you have given -- been received, that you received, and make a motion to either vote the ordinance as submitted up or down based on that. And when you are -- when you have wrapped that up, should the Commission desire to further offer recommended changes to the ordinance as written, please at that point then have that discussion. I want two separate sets of discussion so we have captured clearly in the minutes the Commissioners' position on the ordinance as submitted and then Commission on discussion as it relates to amendments. And amendments then that are made need to be motioned, seconded, and voted up or down. Those that are a majority supported by the Planning Commission will be placed in the council report. Those that do not receive majority support will be captured in the minutes. And because the minutes are segregated by a vote on the ordinance as submitted and on the recommended changes to the ordinance, Council will have the ability to read those minutes and have the full transcript. We're trying to make this clear for staff as we have to produce the report for council for potential amendment sheets for the March 16th meeting. So one vote on the ordinance, up/down. And then we'll probably have multiple amendments and votes on those amendments.

MS. LOE: All right. So we're not going to show -- talk about options now. We're just going to talk about the ordinance as presented. Ms. Carroll.

MS. CARROLL: It was my understanding from our last discussion that we were going to try to address this in sections, discussing and voting on each section that was new so that the council could have our comments --

MS. RUSHING: That would be --

MS. CARROLL: -- on those.

MS. LOE: Let's see how the discussion --

MS. CARROLL: Do we want to do that? I guess that's my question.

MS. RUSHING: No, no. That's more the amendment.

MS. LOE: Yeah. I mean that would be in the amendment. Right now we're just doing the whole thing in total.

MS. RUSHING: Do you like it or not.

MS. LOE: Yes. Mr. MacMann.

MR. MACMANN: Then why not vote? If there's nothing to discuss, call -- I call the question.

MS. LOE: You can call the question. We're going to have discussion on the motion, so you can call the question.

MR. ZENNER: Call the question, there is no discussion, ma'am.

MS. LOE: Oh. Well, you can have the motion.

MR. MACMANN: I, in the matter -- what's our number?

MR. ZENNER: 31--

MS. LOE: 31 --

MR. ZENNER: -- 2019 --

MS. LOE: -- 2019.

MR. ZENNER: -- remand.

MR. MACMANN: In the matter of 31-2019, as this is affirmative, I move to approve.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. We have a motion on the floor. Any discussion on that motion? Mr. Toohey.

MR. TOOHEY: So in hearing the discussion tonight, with the idea of bringing a consultant, I'm not sure how well that idea would work. In April the Supreme Court ruled that when a case is brought up against violating property owners' rights, it can now be brought up in federal court. There hasn't been enough time for that to happen or go through the appeal process to see what some of those decisions will be going forward. So if we were to bring in a consultant, any advice they might give might not be valid after some of those decisions have gone through federal court. Second of all, I feel like this ordinance is still so convoluted and difficult for a person getting into potentially rental property as a way to supplement their income. I feel like I have an easier job of shaking a Magic Eight Ball to answer my questions on how to get through this thing to try to figure it out. And so I don't know why we would add all these additional regulations when

they're already inside the code. We've had other property owners talk about how everything that has -- the complaints that have been risen can actually be remedied with our current rental laws. So why add something more complicated for short-term rentals. And then also the right to disposition is a basic fundamental property owner right. So tenancy shouldn't -- the length of tenancy shouldn't matter if someone wants to sell or rent their property. And courts around the country have ruled that. None of that has happened in the state of Missouri, so we can't use that rule here, but it's only a matter of time before that's ruled upon in federal court and it will apply here. That's all I have to say.

MS. LOE: Mr. Stanton.

MR. STANTON: We can't keep -- can't keep operating in fear of litigation. We just can't. But I've got other issues and I went to the city council meetings when they were discussing this, and like I said, this is almost like writing code, computer code. It's if-then-else logic statements. If-then-else, then that. And it's -- it's just not simple to enforce it. That's what I think our problem is here. And if we have laws that already exist that cover this issue, that's one thing. But in construction, you know, we use blueprints and it's terrible when you have to like flip through six and seven different pages to get the answers to what you need. We either A, refer or put them in one place or we address it in one document so that somebody in this situation can find the answers they need to see if they're in compliance or whatever they need to be compliant with, they need a clear way to know if they're in compliance. This is not clear. This is not clear. And the stuff I see come up at city council was crazy. I mean, it's -- this 95-day stuff I do not agree with. The -- it's this -- it's just not simple. We need to get back to the essence, and I've been saying it from day one. We need to get back to the essence of the business model and make this simple. Mr. Toohey's correct. I have a right to use my property, but again, the business model has morphed in so many different ways, we have to address it now. We let this go on, the free market -- we let free market free. We let it happen. It did not police itself in a way that we can continue to let it go on as it was. We have to do something about it now because if it was working perfectly, we wouldn't be here talking about it. That's the bottom line. Whatever the litigation says about that, whatever, we cannot let this be the wild west. Because litigation will also come back to the abuses of the law. I mean, so we're going to be in court either way, so let's -- let's make a stance, get some intestinal fortitude, and make some decisions.

MS. LOE: Ms. Rushing.

MS. RUSHING: Well, I have agreed all along with Mr. Stanton's argument about the business model. And I believe this ordinance regulates a whole lot without protecting

people very much. And I agree that it's convoluted and so I'm going to vote against it.

MS. LOE: Ms. Russell.

MS. RUSSELL: This is going to be hard. I don't agree with the 95 days at all. I'm going to vote it down. I think there are entirely too many conditional use requirements. It needs to be simple so someone can actually read it and understand it one time. I think I've read this thing four or five times and I get more confused every time and we're supposed to know what we're doing. So I'm going to vote no.

MS. LOE: Ms. Burns.

MS. BURNS: Yeah. I'm not going to support this either. I think that these amendments have made it more difficult and heavier than what we had sent to council, which I did not support either. I'd like to see this incredibly simplified, if at all possible. I'd like to go back to looking at our residential structure and what we value as a community. As a very wise commissioner said, I think this and the previous ordinance has taken the neighbor out of neighborhood, and it's allowed us to commercialize our homes in a way that negatively impacts our neighbors. I'd like to go back and look at matching zoning codes and keeping this out of R1 and R2.

MS. LOE: Ms. Carroll.

MS. CARROLL: I also plan to vote no. I don't support non-owner hosted in residential zones, especially not under administrative approval. I do think this is too complicated. And I am concerned about multi-units for a large scale profit taking away from the neighborhood feel. I did take to heart Peter Ironwood's comments about perhaps requiring the operator to have a local address. I know that's just another thing, but I thought that was a unique idea. And I'm prepared to vote.

MS. LOE: Mr. Stanton.

MR. STANTON: The only problem with voting this down is I'm scared to death of what Council is going to do with this. I'm scared to death. The reason why it went the way it went is because we did not make a stance on what -- you know, we were like in the middle; we split the hairs and so they were like on our backs about it. So, Staff, I'm looking for guidance. What happens if we vote this down and it goes to Council? What is their next step?

MR. ZENNER: Let me first point out, you had a vote. You had a tie vote which is a no -- it's no recommendation. That is a vote. So Council wanted to know throughout this process what were the other three commissioner's opinions. Council has chose to offer up six direct amendments to Chapter 29 and three additional to address issues within Chapters 22, 13, and 26. You vote this down, you vote this up, it is Council's decision to take that recommendation, to take whatever public comment is provided to

them at their March 16th meeting and act on the ordinance. You know, it's at this point that the Commission is uncomfortable with what is before them. As I said when we discussed this matter in work session on the 20th of February, you need to vote on what's presented in front of you. That is the duty of the Commission. That's what the Council is requesting you to do. The transcript of this meeting clearly will indicate where your concerns are. If you want to influence potentially an outcome that is more favorable given the commentary that's been made here this evening by our public, you need to offer recommendations of changes. The ordinance is not ideal. All nine of you have said that this evening. So the ordinance may be able to be improved if you are willing to take that responsibility and offer recommended changes that you believe improve it. If you choose not to, that's also fine. But then I think, Mr. Stanton, your concern as to what Council does with it is left fully in their hands to take a recommendation of no and take the ordinance as it is submitted and do with it as they see fit based on the public comment that they may receive on the 16th of March.

MR. STANTON: But if we vote in affirmative, which is on the table now, it's -- I'm feeling like we're saying, This is cool and this is what we support, and this is not -- that's not where we're at.

MR. MACMANN: Mr. Stanton, just a point of clarity, I made a motion in the affirmative because that is required.

MR. STANTON: Yes.

MR. MACMANN: Just an FYI, in case you could not tell, I am voting no, just to - - just to make that clear.

MR. STANTON: And if we push it forward, we're saying -- if we're pushing it forward, we're voting in affirmative of this, we're pushing this forward and saying, City Council, we agree with what was presented to us and now you --

MR. ZENNER: No. I would suggest that you are being asked to make a vote up or down. Your comments that you will set for the public record, as you have all just established, are you are voting yes because you may believe in the fact that regulations are necessary, but not yes that you support all the regulations that are there. And part of what our role is as the staff is to identify the discussion and the discussion points that have been had here this evening and convey those to Council. I will tell you that it will not be very difficult for our staff as we compile all of this to basically convey to the council members that there was great concern as it related to the 95-day provision, there is great concern that the two guests per bedroom is a concern. There is a concern that we have taken neighborhood out of neighborhoods. I mean, all of that is what it is. Your recommendation is a recommendation you are unfortunately saddled with making a

choice. Is it worth creating regulations, or are the regulations just not right and no, you're not going to support what's before you.

MR. CALDERA: And if I could add from an advisory standpoint, I notice it has been a common theme of we should simplify this somehow. But I think you all need to have a frank discussion of the fact that your definition of simplifying are polar opposites. Some of you want it to be more lax. Some of you want it to be more restrictive. So what you have before you, in my opinion, and I'm biased because I helped draft this thing, is kind of a compromise given these polar positions. If you disagree with that, that's fine, but we need to have a discussion about what framework do you want. Because right now it's a lot of punching at what we put forward, but we don't know exactly what you're looking for this thing to look like.

MR. ZENNER: And to further add, Council has not asked that you consider this and not take action. Council wants this back. They do not want it tabled here this evening. They would like a vote. And, therefore, whatever you discuss after your vote may provide the framework that Mr. Caldera just expressed as to how do you want to simplify. I, as a professional and dealing with regulations on a daily basis, to the individuals that don't deal with this and don't understand sometimes the concepts, the content that is within this can be explained. Now, the 95 days that has been brought up today and how it was assumed to be applied to everything other than the unhosted short-term rental was never brought to our attention as a staff. We would have been able to have very easily described that no, that is not applicable in I, II, and, III; it only applies to item number four, IV. And I think that the question is that we as a staff are here for. We are to help the individual that is trying to get into the rental market to understand that they are legal. The reason we have all of the additional, the supplemental requirements is so somebody understands what the restrictions are once they begin. It relays and directs every applicant to the other applicable codes that they are going to have to comply with. The zoning ordinance is meant to be the initial guide. You're going to go to the short-term rental ordinance because you have to apply to the short-term rental licensing process with ONS, Rental Conservation, to get your certificate. You're going to have to go to the Business License Department for Chapter 13 to get your business license. We're not going to lay out all of that in the zoning code and we're not going to generally lay out from a code-construct perspective all of the zoning requirements in nonzoning-related ordinances. So that is why in parts that seem disjointed are in the zoning code; they are to provide information. So, you know, with that, we're here more than happy to answer questions, but I -- we just need to know what you want. And I think Council wants to know what you believe is appropriate or not.

MS. LOE: And I'm just going to go down the line. Ms. Rushing.

MS. RUSHING: Well, I don't see this as a compromise. And I guess I'm kind of seeing it from Michael's point of view. It appears to me that if you go through all of these hoops that look like they're really serious, you can do whatever you want. You can have a short-term rental in a house you don't live in. You can have a short-term rental in a multi-family residence. You can do what you want; all you have to do is go through these steps. And I don't think that's what any of us want. We don't want to make somebody just jump through hoops for the sake of jumping through hoops. I mean, I think we all want some protections somewhere, and I don't see that in this ordinance.

MS. LOE: Mr. MacMann.

MR. MACMANN: Given the parameters under which we're operating, I will again state, I call the question. This debate is after.

MS. CARROLL: I did not have a debate. I just had a comment on simplification.

MR. MACMANN: Oh.

MS. LOE: Ms. Carroll.

MS. CARROLL: I like Staff's comments regarding simplification. I agree that this zoning law is hard to read for people looking for information. I do think that Staff exists to help make that accessible to someone wanting to understand what applies to them. If you look at Kansas City's law, ordinance on STR, it's complicated too. Super complicated. Maybe more complicated than ours. They have on their website a questionnaire that you click, click by click, yes or no questions. And it tells you what applies to you and what doesn't apply to you. It's very user-friendly, and it didn't have to be part of their ordinance. And that's a staff thing. That's not part of the ordinance, and I think that that could go a long way to making it accessible for the public.

MR. ZENNER: Thank you very much. We have not gotten to that point. And as I have repeatedly said, we will not expend additional staff resources to develop documents that will lead people to understand what may be adopted until it is adopted. So this is part of a much broader roll-out program that we will have to engage in with our staff once we know what the regulations are. Fully agree with you, Ms. Carroll. It is something that we have tools and technologies by which people can get the information provided to them through that method. We just have not developed that and we, quite honestly, we've spent almost two years sitting and trying to develop a set of regulations that we can't agree on. I don't want to develop a set of criteria that people can click on that we've expended our resource toward that is constantly in flux.

MS. LOE: Any additional comments? Mr. Stanton.

MR. STANTON: I gag when I say this, but I'm going to say it. We have to play

chess with this, Commissioners. I think we -- I suggest that we move this forward so that we can move this process forward. I think the vote that the motion is called in the affirmative, I think we need to vote it up so we can get to the next level and we offer our recommendations after this vote. Because I'm really scared if we vote this down, it goes back to city council. It's just like saying we can't make a decision. You guys, I mean, I know Mike was here, that city council meeting was madness because they did not really have our position and really hear what's going on. And just for the sake of process, we've got to move this forward or it's --

MS. LOE: Mr. Stanton, I believe City Council is asking whether or not Planning Commission agrees with their changes. And I think we should have the courage of our convictions to say yes or no, we agree with the changes they have made. I plan not on supporting this because I believe there's been too many permeations introduced, and to me that's part of the complication. I don't think we should be dovetailing this to fit every possibly thing. That's what the conditional-use permit option is for. And I believe it's introducing requirements that aren't in the best interest of our communities and neighborhoods. Requiring a house to sit vacant for 270 days is, I find, not conducive to neighborly behavior. So I plan not to support it. Any additional comments? I would like to call -- we're going to call this to motion. Sorry, Ms. Carroll, you've commented on this multiple times.

MS. CARROLL: Okay.

MS. LOE: Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is no. Ms. Carroll?

MS. CARROLL: No.

MS. BURNS: Ms. Loe.

MS. LOE: No.

MS. BURNS: Mr. MacMann.

MR. MACMANN: No.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: No.

MS. BURNS: Ms. Rushing.

MS. RUSHING: No.

MS. BURNS: Ms. Russell.

MS. RUSSELL: No.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: No.

MS. BURNS: Eight to one. Motion is --

MR. ZENNER: Fails. Motion fails.

MS. BURNS: Motion fails.

MS. LOE: All right. We have a decision that we can forward to city council; they should be pleased with that. Now, second part, are there any recommendations we would like to make on the revised consolidated ordinance for Council's consideration?
Mr. Stanton.

MR. STANTON: May I offer a suggestion?

MS. LOE: Yes.

MR. STANTON: Should we just go through amendment one, up or down, and then amendment two, up and down, or make decisions? How would Staff like us to do it? I want to send a clear picture --

MS. LOE: Yeah.

MR. STANTON: -- to the next body.

MS. LOE: That would be nice.

MR. CALDERA: And Pat might disagree with me, but I actually like Ms. Carroll's suggestion of going through the sections. So that way if there's no debate on the definitions, we need to know that, you guys are comfortable with the definitions and so forth. Just work your way through it.

MS. LOE: Mr. Zenner, would you like to lead this effort?

MR. ZENNER: This is why --

MS. LOE: Mr. Caldera, maybe you would like to?

MR. ZENNER: This is why I get paid the big bucks I guess. Okay. And I do agree with Mr. Caldera and Ms. Carroll's approach. This was what was discussed at our meeting by handling these in bulk. So as it relates to the ordinance, the consolidated ordinance, and we are speaking directly to those provisions that deal with Chapter 29 captured in Bill 348-19, the first section in which we would making amendments is pertaining to Section 29-1.1, the definitions and rules of construction by adding definitions for bed and breakfast, modifying the definition of hotel, adding definition for short-term rental, adding definition for short-term rental hosted, adding a new definition from your October 10th former hearing for short-term rental intermediary --

MS. RUSHING: These aren't the changes that are shown in our --

MR. ZENNER: Yes, they are.

MS. RUSHING: -- in our drafts.

MR. ZENNER: They are changed -- well, I'm just articulating what is in the draft

in the definitions section.

MS. RUSHING: Well, but the only thing that's underlined as being added is short-term rental intermediary.

MR. ZENNER: That is correct. However, what I want to make sure of, as Mr. Caldera has pointed out, as a section as a whole, you are all comfortable with all of the definitions that would be added to the code. Short-term rental, short-term rental hosted, the definition change for hotel, those currently do not exist. So what the amended version of -- what the consolidated version shows you are changes that were made to the public hearing draft of the October 10th ordinance that you all acted on. The only change that was made to that October 10th draft is the introduction of short-term rental intermediary. But we want to make sure that we don't have a change of heart of all the other definitions. Because if you do, I need to be able to convey to Council what that was. And so that's why I'm reading all of these.

MS. RUSHING: Could we have a study session to do this?

MR. ZENNER: No.

MS. LOE: No. We're doing section by section. So I move --

MR. ZENNER: I got short-term rental intermediary was added, short-term rental unhosted remains unchanged, and the definition of transient guests concludes the definitions that would be added to Chapter 29, Section 29-1.11.

MS. LOE: I move to approve definition and rules --

MR. MACMANN: Second.

MS. LOE: -- on construction, Section 29-1.11. Second by Mr. MacMann. Any discussion on that motion? Ms. Burns, may we have a -- are we going to vote on each one?

MR. ZENNER: Yes please.

MS. RUSHING: Well --

MS. LOE: Ms. Rushing.

MS. RUSHING: Let's say that I am against having unhosted short-term rentals. You know, by objecting do I then say, I object to that definition. I just see this as an attempt to kind of shove us through -- shove us through this without actually talking about the issues.

MR. CALDERA: So, Ms. Rushing, I would recommend that you vote no and state the reason why you're voting no, that because you want unhosted eliminated.

MS. LOE: And let's do that. So if you're going to vote no on anything, state -- let's do it during the comments on the motion.

MS. RUSHING: But it --

MS. LOE: We're doing this as an effort to provide commentary --

MS. RUSHING: I know, but it's an entire ordinance. And so you're asking me to sit here and redraft an ordinance.

MS. LOE: No.

MS. RUSHING: But it's like --

MS. LOE: Joy, we're not redrafting. We are simply going through each section and providing commentary. We've already turned the ordinance down.

MS. RUSHING: But we are. That is what's being asked, and I --

MS. LOE: If you remember when we did this previously, there's going to be different votes for every section.

MS. RUSHING: I understand that. But it's not a section-by-section ordinance. It's an ordinance in its entirety.

MS. LOE: I understand.

MS. RUSHING: So we could go section by section and come up with something that's meaningless.

MS. LOE: Yes. And it's not our job to put it back together.

MS. CARROLL: Can I --

MS. LOE: Ms. Carroll.

MS. CARROLL: Sorry. Just for clarity. For example in this section-by-section manner that we're going to. I also might not approve of non-owner hosted; however, I approve of the definition of what non-owner hosted is. So I don't see the conflict in this section.

MS. RUSHING: Well, I think that's the problem. You don't -- I see us ending up someplace we don't want to be.

MR. ZENNER: You have already -- you have already stated however, Ms. Rushing, in an eight-one vote to deny the ordinance as presented. You've already sent that message forward. And I think what we are looking for here as part of a section-by-section vote is what components of the ordinance now do you or don't you support so Council has a better understanding of how they may salvage the ordinance that you have just recommended denial of.

MS. RUSHING: Well, I'll, you know -- I know I'm a voice in the wilderness and so I'll have to go through this process, but I don't think that's the result they're going to get.

MS. LOE: Mr. MacMann.

MR. MACMANN: I agree almost 100 percent with Commissioner Rushing. And I -- may I please finish. I believe the process that staff -- that Council wanted, I was present. They wanted resolution and investigation and we have not done that. And Mrs.

Rushing's point -- we have not done that. Ms. Rushing's point is that if we're going to do through something that we did not do and yay and nay it and send it back, I don't think that's helpful.

MS. LOE: The alternative is to send it back and tell them we need -- if they want us to provide recommendation, we need additional time to review it.

MS. RUSHING: And that's my point. I mean, that's --

MS. LOE: Because I think we've identified that there are several holes in this, there's some inconsistent-- Mr. Caldera, no comment on the drafting of it, but.

MS. RUSHING: But he was doing what he was asked to.

MS. LOE: If they want a full perusal, we need -- it needs to be remanded back to us to be rewritten, not just voted up or down. Mr. Toohey.

MR. TOOHEY: Well, I watched that meeting also, and it was brought up that there were only six of us here the night that it was -- we voted on it last and they wanted to hear -- they wanted a vote from the entire body, which we've had tonight. I guess paradoxically they only had five people there that night when they made these recommendations. So I feel like what they asked is what we did tonight. They got a vote from the entire body. And I feel like when we went through our comments, we expressed the problems that we did have with the ordinance, which is what I thought they asked for.

MS. LOE: In addition, they didn't send back the original ordinance that we voted on as six. I mean, we could have tabled our vote, which is another option if we have a tie vote in the future on an ordinance and they want a recommendation. Though I'm not sure -- I mean, it needs to be made clear to us if we --

MR. MACMANN: Well --

MS. LOE: -- should -- Mr. MacMann, don't speak over another speaker.

MR. MACMANN: Okay.

MS. LOE: We've been through this. Then we should do that. I mean, this is starting to drag out quite a bit without clear instruction. Mr. MacMann.

MR. MACMANN: Sorry, my apologies. I'm trying to walk a very delicate line of those who are not present and those who are. I don't believe the course we are currently following will achieve what I thought Council wanted.

MS. LOE: Council should clearly express their desires. We are all here tonight.

MR. MACMANN: My interpretation of what I heard and other people's interpretation of what they heard are different.

MS. LOE: Let's take a -- shall we take a motion on what we want to do since there doesn't seem to be a clear idea of what Council wants? Okay. Do we have to rescind the motion that's on the floor or withdraw it? No? Should we vote on it? Or no, it

was the first section.

MR. ZENNER: There was a motion --

MS. LOE: We have a motion --

MR. ZENNER: -- on the floor --

MS. LOE: -- on the floor --

MR. ZENNER: -- to approve the definitions.

MS. LOE: -- to approve the definitions.

MR. ZENNER: Technically you should withdraw the motion.

MS. LOE: Let's withdraw it until we decide how we're going to move it forward. It was mine. So I'll withdraw that motion.

MS. RUSSELL: Second.

MS. LOE: Seconded by Ms. Russell. Would anyone care to make a motion on how to proceed? Are we done for the evening and would we care to take another action? Ms. Russell.

MS. RUSSELL: I would like to move that we request City Council send the entire ordinance back to us to be reviewed and revised, revoted on and submitted back to them. And what date do you want? I know you're --

MR. ZENNER: I will tell you, you can make that motion and I believe Council will receive that, and Council is -- Council will also have the prerogative to act on that motion as they see fit.

MS. RUSSELL: That's true. They will always do whatever it is they want to do. I think that we need to get this right, and this is the farthest thing from right it's ever been.

MR. MACMANN: I will say this in Mr. Zenner's defense, they did want this back.

MS. LOE: We --

MR. MACMANN: I'm sorry.

MS. LOE: -- don't have a second on the motion, so.

MS. RUSHING: You need a second?

MS. LOE: Before we can have --

MS. RUSHING: I'll second.

MS. LOE: -- any discussion. Second by Ms. Rushing. Mr. MacMann.

MR. MACMANN: They did want it. They wanted it quick also. The parameters laid out from Council I believe were unattainable, and I don't think this format helps attain what's not attainable.

MS. RUSSELL: At least we have -- sorry.

MS. LOE: Ms. Russell.

MS. RUSSELL: At least we are having a voice in it. And they can stamp on it

all they want, but at least we're having another voice at it since they sent this back to us.

MS. LOE: Our instruction was to vote on it in entirety.

MR. MACMANN: We did that.

MS. LOE: We've done that. Any further discussion? Ms. Carroll.

MS. CARROLL: I would vote yes on the current motion. My only fear that I share with something that Anthony mentioned, it goes back, Council does whatever they want with it. At least now we could have the opportunity to let them know where our thoughts lie on the things that are here, the individual amendments that they made. Because my concern is that we send it back to them without clear notes on the specifics and it gets random again. The reason I think it was random was not that our vote was three-three tie or they weren't sure; it's that they weren't sure what the specifics were that people disagreed with or agreed with. And I hope to alleviate the randomness by giving them that information. I understand that it's concerning to do this in a way that's quick, and that's why I support Lee's motion.

MS. LOE: Ms. Burns.

MS. BURNS: I think with Ms. Russell's motion, it's making a clear request of Council to send this back to us. If they choose not to, we can't control that. We are asking for it to come back so that we can thoughtfully go through it. That is being made abundantly clear. We want to have this back so we can thoughtfully go through it.

MS. LOE: Mr. MacMann.

MR. MACMANN: To that end, the history of those amendments, most council people did not see or hear all those amendments until right then and there on the dais. And some did, some did not. They came from different sources. Those were 15 thrown from the public in short time without much discussion. I don't think -- I appreciate the need for different bodies to move forward. And I appreciate the need for people to want clarity. I mean, these folks -- some of these folks have been sitting here for two years, just like us. I don't think that was the way to get it. And I believe Ms. Burns' comments and Lee's comments speak to that. I just, you know, here, paste these on and you guys vote on them. And they were -- most of those amendments were amendments that we didn't -- we didn't even say anything like that.

MS. LOE: Mr. Toohey.

MR. TOOHEY: So I'm going to vote against the amendment. We've voted on this the first time and it was a three-three tie. They added more things to it and it was a - - how many people do we have -- eight to one. I mean, obviously we don't like this thing at all. Us just arguing about it and bringing it back here for another two years, we're not going to get anywhere. We've all voted no against this thing for so many different

reasons, there's no way we're going to have a positive vote come out of this group. We've all voted no for very different reasons. Same time we voted three-three. The three people who voted against it, all three reasons were very different.

MS. LOE: Any addition-- Mr. Stanton.

MR. STANTON: Mr. Toohey, you are correct. We have made the statement, and I'm sure you've heard this before, you can say no, but what are you saying yes to. Are we just going to be no, no, no, no, no. Why are we no. I mean, this is what they want to know is why it's no and what it -- yes, we have different points of view, but it's just like the last issue we had about the trees. We just said the -- whatever -- where's our common ground, let's write that down and let's argue about what's different. We have common ground on a lot of stuff and we can, if it's just to forward the common ground, we can do that and we can argue about the difference. But we're not all opposed to everything here. We just -- we've got some common ground somewhere. We could present that maybe at a later time, but we've got to tell them something. I went to the meetings. It was -- I'm telling you, I'm traumatized. I don't want to be here any more that I have to be. I'm here enough. But I felt like I had to get out of my house after a long day working pouring concrete and come up here to defend our position as a Commission. I felt like I had to do that. I don't want to have to keep doing that. I really don't.

MR. MACMANN: Anthony was really well-dressed I want you guys to know. He was looking sharp.

MS. LOE: So we have a motion on the floor to ask Council to remand it back to us for additional time. If you think we need more time to work through this, you should vote yes. If you prefer to send this back to Council with additional comments or no comments, then vote no. All right. Any additional comments?

MR. TOOHEY: I do have one question for staff. So there was an ordinance proposed to Council about advertising short-term rentals. Correct?

MR. ZENNER: What do you mean by advertising?

MR. TOOHEY: I thought there was something about -- something having to do with advertising short-term rentals going forward for a period of time. Am I wrong in that?

MR. ZENNER: There -- the delay.

MR. CALDERA: Yeah. Are you referring to the administrative delay?

MR. TOOHEY: Yeah. I guess so.

MR. CALDERA: So that wasn't decided on until this process sorted itself out, so they're probably -- yeah, that wasn't decided.

MR. TOOHEY: Okay. I'm just making sure there wouldn't be any -- we wouldn't cause anyone to have an issue going forward because of that, because we can't make a

decision going forward. Does that make sense?

MR. TEDDY: That was introduced for first reading at the March 2nd meeting.

MR. TOOHEY: I just wanted to clarify before we voted.

MS. LOE: All right. Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is yes. Ms. Carroll?

MS. CARROLL: My vote is yes.

MS. BURNS: Ms. Loe.

MS. LOE: No.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Yes.

MS. BURNS: Mr. Stanton.

MR. STANTON: No.

MS. BURNS: Mr. Strodtman.

MR. STRODTMAN: No.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: No.

MS. BURNS: Five to four, motion carries. Motion failed. Failed. Well, it carried to fail.

MR. ZENNER: Motion passed. A vote for yes was to approve the motion to request Council to send the ordinance back for additional review. There was no date, time frame associated with that. Five people voted yes.

MS. BURNS: I counted right.

MR. ZENNER: Five people voted yes. She counted right tonight, so five yes, four no, motion passes. That will be -- I'll figure out how I put that into the council report when we send forward your primary motion on the ordinance plus the motion seeking additional time to review the ordinance should Council desire to respond to you.

MS. LOE: All right.

MR. MACMANN: Ms. Loe.

MS. LOE: Yeah. I was going to wait until commissioner comments.

MR. MACMANN: Oh, I just was -- we're moving on. Right?

In the matter of 31-2019, as this is affirmative, move to approve. (For full discussion of subsequent motions see minutes).

Yes: 1 - Stanton

No: 8 - Burns, Loe, Rushing, Russell, Strodman, Toohey, MacMann and Carroll

VI. PUBLIC COMMENTS

MS. LOE: We are moving on.

MR. MACMANN: For public comments.

MS. LOE: We're on to public comments.

MR. MACMANN: Rock and roll. Let's ram.

MS. LOE: Any additional public comments? Seeing none.

VII. STAFF COMMENTS

MS. LOE: Staff comments.

MR. ZENNER: You would think that I've been talked out by tonight, but I'm not. I do have another meeting. We have another meeting coming up; it'll be March 19. We do have a number of cases on that agenda, nothing nearly as complex as what we just went through, so you may be able to put your minds in park. We have three projects, one plan review, one permanent zoning request, and then conditional use approval attached to that permanent zoning request, so maybe you won't be able to go into auto pilot here. Your projects here today are the request off of Sexton. That is a planned district plan approval, an amendment to -- for the establishment of the new plan and then the development and the inclusion of some straight zone property that's here along the west -- north side of the property as part of the PD that is currently zoned MC. And due to the fact that the majority of the property is zoned planned district, we require all of it to come in. The second request in the next two maps will actually show the same thing. This is a permanent zoning request at the intersection of Route WW and Elk Park Drive for the purposes of being able to develop a fueling center and a drive-thru which will be accommodating a bank. And then the conditional use for the same property, but the conditional use will be dealing with the drive-thru use and the actual fueling center which are conditional uses within the MN zoning district itself. So those are your three items on the agenda for the 19th's meeting. And before we adjourn for this evening, many of you are aware or have been contacted by the Missourian in regards to an issue that was brought up at the March 3rd meeting as it related to the concern relating to the tie vote of the commission. And as a result of the inquiries that have been presented to us as it relates to commissioner attendance, we felt that it important this evening to provide you your attendance records as of this point in the current counting period that we use for attendance and to remind you of the responsibilities that are established within your enabling legislation, but in Chapter 29 of the municipal code which indicate, A

commissioner shall automatically forfeit their office if they have three unexcused absences -- or I'm sorry, three unexcused absences, three that are continuous, five absences, excused, or any combination of unexcused or excused absences that are over five. The attendance roll that I am providing you with this evening is based upon a counting period of June 1 through May 31 of every given year. And this was a topic that was discussed at our November 7th, 2019, meeting at which point we had discussed the idea that the way the ordinance is currently structured, it says that you cannot miss the aforementioned time frame for meetings in a calendar year. Calendar year was very broadly defined and the Commission discussed utilizing the month of 6 May as the starting point. After further conversation with our communications officer as well as with the legal department, it has been concluded that the counting period begins in June. That is the first meeting at which newly-appointed commissioners would attend their board or commission meeting. And before you are the attendance records indicating the absences. There is not yet a commissioner that has exceeded the five unexcused -- or excused absences or any combination of unexcused or excused. Our commissioners are currently in compliance with the current code. However, we are providing this to you for the purposes of your information. The City Staff is not responsible for tracking your individual attendance. That is a commissioner responsibility. We track it as a part of the minutes, and those minutes are publicly made available. If you are going to come to a point at which you are going to accrue your fifth absence, after that point you are to forfeit your position as commissioner. And that reporting of a forfeiture of the position is to be provided to the chairman, and the chairman is responsible in the way that our legislation is set up, to notify Council. At that point then Council would choose to fill that position. This evening what we have raised is what the regulation requires. We have also as part of the conversation in preparing for this evening determined that the Planning and Zoning Commission is a body that functions very similar to the City Council with the whole number of meetings that it has in a given year, which is about double of any other board or commission that is currently on the books and that the provisions potentially do not address the unique nature of the members of this commission as being individuals that are professionals or otherwise in other pursuits in their personal lives and occasionally do have to miss meetings. So what we would ask is if you would like to have further discussions as it relates to potential amendments that may need to be presented to City Council, that we schedule this item for a future work session meeting to which we can more vigorously debate the benefits associated with changing the current legislation. What I would suggest to you is if you change the legislation, you will likely need to change your rules of procedure which will also require Council approval. Should you

desire to do nothing, we need to make sure that you as commissioners are aware of what your attendance record is at this point and ensure that those that may be close to the five are able to make the attendance through the remaining portion of this counting period which would be the May 21st meeting. Any amendment that we will have to process through to Council obviously would have to come through this body, would need to be voted on in the regular rules and procedures for amendments to the text of the Unified Development Code. And we would then move forward in processing it. So I wanted to convey to you this evening, I know there are a number of commissioners on the commission that have been contacted by the press and we felt it important that all commissioners know the current status of their situation as it applies to this issue. That's all I have to offer. I thank you very much for your time.

MS. LOE: Thank you, Mr. Zenner.

VIII. COMMISSIONER COMMENTS

MS. LOE: Commissioner comments. Start at the end. Mr. Toohey.

MR. TOOHEY: Well, I'm heading to two areas that are in states of emergency, but I will be sure to attend my meetings when I get back from those areas. So good luck everyone.

MS. LOE: Ms. Russell.

MS. RUSSELL: I would like to see us discuss this in a work session. Two of mine were a surgery I could not avoid, so if we need to do something about a doctor's note for surgery. But I -- and expand that, that's -- it's ridiculous that you have to stay out six weeks and it counts against you for this. I think we should discuss it.

MS. LOE: Ms. Burns.

MS. BURNS: I too would like to discuss this and look at realities for the commission. I think -- I see the attendance here and want to recognize Ms. Loe for her perfect attendance in the top category there. But I have frustration. We'll discuss -- I'd like to discuss this further.

MS. LOE: I just wanted to comment that I voted no on the motion to remand the short-term rentals back to us simply because I was conflicted. I do think it could take more work or use more close work, but I also found it could be valuable to get comments back to Council and let them move forward with it. I do think it's a complex situation. I don't think we're ever going to have a perfect result that everyone is happy with. So it's just hard.

MR. MACMANN: I second Lee's motion.

MS. LOE: We are adjourned. Oh, Mr. Stanton, sorry. Did you -- comments or adjournment?

MR. STANTON: Well, I do want to make a comment.

MS. LOE: Okay. Comment by Mr. Stanton.

MR. STANTON: I think we can get it done. I think we use the formula that we do every time we're in this big conflict. Let's find our common goal, let's support the things that we agree upon, and get that forwarded. I'm been kind of discouraged with the work we do here and how it's perceived or how it's even used in council. I've really been discouraged and hopefully, you know, I gain my strength from you guys and we can get through this and do our part. And hopefully City Council can do theirs.

MS. LOE: We will stay the course. Back to Mrs. Russell.

IX. NEXT MEETING DATE - March 19, 2020 @ 7 pm (tentative)

X. ADJOURNMENT

MS. MS. RUSSELL: I move to adjourn.

MS. LOE: Her voice is gone. And --

MR. STANTON: I second.

MS. LOE: -- Mr. Stanton and Mr. MacMann seconded that. We are adjourned.

(Meeting concluded at 10:12 p.m.)