

Planning and Zoning Commission Work Session Minutes
January 23, 2025
Conference Room 1A & 1B - 1st Floor City Hall

Call to Order

Commissioners Present – Brodsky, Geuea Jones, Loe, Ortiz, Placier, Stanton, Walters
Commissioners Absent – Williams, Wilson
Staff Present –Craig, Orendorff, Palmer, Zenner

Introductions

None

Approval of Agenda

Meeting agenda adopted modified to add discussion on IPMC occupancy determinations as related to STR dwellings.

Approval of Minutes

The January 9, 2025 work session minutes approved with Commissioners Brodsky and Ortiz abstaining

Old Business

A. PZC Recommendations & Authority – Discussion/Follow-up

Mr. Craig provided an overview of the topic and noted that after performing research it was concluded that the Commission’s recommendation authority was restricted such that they could not apply conditions on standard rezoning requests as was questioned by Commission members after reviewing the provisions of Sec. 29-6.3(e) of the UDC. He noted that while the written text within the UDC would appear to allow for this, after reviewing case law and the Chapter 89 of the Missouri Statutes pertaining to Planning and Zoning, Commission actions on such matters needed to be applied uniformly within the zoning district with respect the zoning standards established in the UDC. The standards in the UDC establish minimum requirements for ensuring that the public health, safety, and welfare are being met. Furthermore, the language within Sec. 29-6.3(e) states that conditions can only be applied if those conditions are “**required**” to bring the development proposed **into compliance** with the Comprehensive Plan. In the context of rezoning actions, compliance with the Comprehensive Plan is subjective and often focuses on land use compatibility, as illustrated on the Future Land Use Map, and competing Plan goals and objectives.

The Commission is authorized discretion and the ability to apply conditions where that power is expressly stated within the UDC. Such power is typically associated with conditional use permits (CUPs) or planned development (PD) requests. It was noted that aside from these specific processes the Commission’s authority must be uniform with the adopted regulatory provisions generally applicable to that zoning district. Mr. Craig noted that if the Commission believes revisions to standard provisions within a specific zoning district are needed to provide added protection to the public health, safety, or welfare or to assure greater compliance with the Comprehensive Plan, then a formal amendment to the UDC would be required. Such an amendment would need to follow the standard process to amend the UDC which begins with seeking Council direction first.

Commissioner’s thanked Mr. Craig for his follow-up on the topic. There was limited discussion and it was recommended that should there be a future UDC amendment proposed, the language of this section may be ripe for modification to provide clarity.

B. IPMC Occupancy Determinations

Mr. Zenner distributed an except from the adopted IPMC (International Property Maintenance Code) relating to how occupancy within a structure is determined. He noted that the purpose for discussing this matter was to add clarity to how the Housing and Neighborhood Services (HNS) staff are interpreting these provisions and applying them with respect to **maximum** occupancy of short-term rentals.

Mr. Zenner noted that HNS approached him seeking clarity on how occupancy was to be evaluated and determined given the regulatory standards included both bedroom and “sleeping” spaces. HNS staff explained that they determined occupancy based on **bedroom** floor area only not sleeping space areas (i.e. generally living or dining rooms). The portion of the IPMC that addressed minimum required area of living and dining rooms exists to ensure “over-occupancy” of a dwelling does not occur. Mr. Zenner noted that HNS staff indicated that the two tables within the IPMC work in tandem – not independently.

As an example, Mr. Zenner noted that if bedroom area within a dwelling was determined to permit a particular level of occupancy, but there was insufficient area in a living, dining, or combination living/dining room to support the level of bedroom occupancy the dwelling’s final occupancy would be restricted to whichever occupancy was most restrictive. In some instances, this could be less than what a Council approved CUP stated was allowed. Mr. Zenner noted that since beginning regulatory inspections in June/July of 2024 there have been no instances where occupancy determinations were questioned based on the regulatory standards of allowing both bedrooms and “sleeping” spaces to be given. HNS staff told Mr. Zenner that the homes inspected to-date all had sufficient living, dining, and/or combined living/dining areas sufficient to accommodate the CUP approved occupancy limitations with the exception of the one triggering their inquiry.

Mr. Zenner noted that he wanted to inform the Commission of the HNS procedure such that they wouldn’t potentially not be caught off-guard if approached by an STR operator. Mr. Zenner also stated that he thought the Commission needed to have this information to help understand that the two provisions relating to dwelling unit occupancy were applied in tandem with the most restrictive applying. Given this clarification, Mr. Zenner suggested that simplifying the occupancy determination may be appropriate. Such a revision could propose a maximum occupancy of 2 persons per bedroom, subject to IPMC compliance, with a maximum dwelling occupancy of 8 transient guests. This change would be consistent with HNS administrative procedures and would reduce ambiguity to applicants

There was general discussion of the Commission and acknowledgement of the procedure used by HNS staff. The Commission did not state a preference to making any revisions to the current regulatory language. Mr. Zenner noted that minor revisions to the application form for STR submissions was being made to remove reference to providing “sleeping space” areas.

C. UDC Text Amendment – Small Lot Use-Specific Standards

Mr. Zenner provided an overview of the proposed additional use-specific standards that were created to address the topics of “lot diversity” and “transitions” within and between developments that would be using the small lot standards. He noted that these provisions were developed based on his understanding of prior Commission discussion seeking enhanced protections between existing development and new small lot development and a desire to ensure lot type variety was created that would accommodate varying building styles. Mr. Zenner also noted that several other adjustments were made to the prior “use-specific standards” draft from June 2024 to provide added clarity and reminded the Commission that what was being proposed was not in “correct” ordinance revision format, but shown for context purposes only.

Mr. Zenner provided some additional background of why and how the Commission and staff arrived at the stage of this project. Commissioner’s Loe and Geuea Jones also provided additional clarification on the scope of the project. Following this brief history, Mr. Zenner explained that the provisions relating to variations in “lot topology” would only be required when a development of more than 30 lots was being proposed. He noted that giving this provisions it would not necessarily be applicable to an “infill” development scenario, but rather apply to “greenfield” projects. He further noted that the purpose of the standards was to ensure that a developer of a “new” small lot development did not create lots of all the same size; thereby, reducing the potential for buyers to have options that may fit their economic situations. Additionally, by requiring lot size diversity it was believed that it would create greater potential to ensure housing style diversity.

There was significant discussion on this proposed use-specific standard. Several Commissioner did not think that this was necessary given the architectural diversity provisions that were being proposed. Concern were also expressed that the regulations were becoming too prescriptive which could reduce their usage. Finally, there was much discussion on the threshold at which these standards as well as others being proposed would triggered. Mr. Zenner was asked if there was another threshold that could be considered.

Mr. Zenner noted that the choice of a 30-lot development was chosen due to its relationship to other provisions within the Code. However, based on the current discussion, he noted that using the threshold that differentiates a “minor” and “major” subdivision would be an alternative. If this standard were to be used, it would reduce the total number of lots that could be created to no more than five (5) prior to the proposed use-specific standards being triggered. The Commission discussed this option; however, did not clearly express a preference on retaining either the 30-lot or 5-lot thresholds. It was further discussed that current provisions within the UDC applicable to “cottage” standards indicated that no more than 1-acre of land could be replatted for cottage use without first obtaining approval of a “cottage” subdivision. Given this provision and based on a 3,000 sq. ft. minimum lot, approximately 14 lots could be created prior to a full-blown subdivision action being triggered. It was concluded that additional discussion the “triggering” threshold would need to occur before a final decision was made.

Mr. Zenner then proceeded to discussion revisions to address concerns about transitions between existing development and new small lots. He noted that from prior discussion it was agreed that the same provisions that apply to multi-family development adjacent to single- and two-family development could be modified to address future small lot construction. Mr. Zenner explained that this makes sense from the perspective that small lot construction on narrower lots will likely result in taller structures such that building floor area is maximized. The current neighborhood protection standards were developed to mitigate the impacts that taller multi-family structures have on smaller single- or two-family structures.

Given the similarity of concerns relating to structural height differences between future small lot structures and their neighboring properties the proposed use specific standards were created. The changes modify when the neighborhood protections would become applicable for single-family construction. Mr. Zenner explained that single- and two-family are presently exempt from having to comply with neighborhood protections. As such, the amendment that is proposed seeks to have neighborhood protections only apply to newly created small lots in the R-1, R-2, or R-MF districts that are less than that base lot area for single-family construction (i.e. smaller than 7,000 sq. ft in R-1 or 5,000 sq. ft. R-2 & R-MF).

There was Commission discussion on these proposed changes. Given time constraints, discussion was not completed. The Commission noted that it would continue its discussion on the two proposed use-specific standards at its next meeting.

Adjournment

Meeting adjourned at 7:05 pm.

Actions taken:

Motion made to approve the agenda as submitted by Commissioner Loe and seconded by Commissioner Ortiz. Motion made to approve the January 9, 2025 work session minutes as presented by Commissioner Loe and seconded by Commissioner Placier with Commissioners Brodsky and Ortiz abstaining.