

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 10, 2025

Case Number 208-2025

A request by Nick Timberlake (agent), on behalf of OneFrisco LLC (owner), to allow 1 Fyfer Place to be used as a short-term rental for a maximum of six transient guests and up to 210-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The 0.1-acre subject site is zoned R-MF (Multiple-Family Dwelling), is located at the east Broadway and Fyfer Place intersection, and is addressed 1 Fyfer Place.

MS. GEUEA JONES: May we please have a staff report. And I believe this is a combined staff report for our next several cases?

MR. HALLIGAN: Yes. That is correct. So we'll go through this presentation and the information presented in this will serve as the information going forward. The other request for the subsequent request for Three, Five and Seven Fyfer will each have their own title card and recommendations after this one.

Staff report was made by Mr. Ross Halligan of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 1 Fyfer Place to be operated as a STR subject to:

1. The maximum occupancy permitted within the dwelling shall not exceed six transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC),
2. One parking space within the attached two-car garage be made available while the dwelling is in use as short-term rental,
3. A maximum of 210-nights of annual rental usage.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with parties to this case outside of the public meeting, please disclose so now. Commissioner Ortiz?

MS. ORTIZ: I haven't had any contact with the applicant, but this is in my neighborhood and I'm a part of a Google Group that has talked about this, but I am not engaged in conversation.

MS. GEUEA JONES: Thank you for that disclosure. Anyone else? Seeing none. Are there any questions for staff? Commissioner Walters?

MR. WALTERS: Well, I just thought it might be worthwhile for staff to comment a little bit about the aspect of the ordinance which deals with ownership and limitations on ownership. I see that in the

next four cases, each of these units is owned by a distinct LLC that are probably all related to the same person, but -- so anyway, I think it would be useful for the audience or anyone watching to get more familiar with the aspect of the ordinance relating to ownership -- maximum ownership of the STR units.

MR. ZENNER: So in the development of the regulations that were adopted in February, a license is available to a single entity within the community, and the single entity is defined as -- it could be an individual, it could be an LLC, it could be a trust. These particular properties are all individually owned as single-member LLCs. Yes, they are owned by one member of the same family. That is not illegal in the context of the City's adopted short-term regulations. A married couple who has two properties could deed each of their individual -- each of their properties to one or the other, and as long as they are a single LLC, each member of that family, the husband or the wife, could obtain a license. That is legal and that is -- that was discussed at great length as it related to the adoption of these regulations. So what has been presented is a legal manner by which to seek licensure. However, the regulations also, as a result of short-term rentals being within 300 feet of each other and not being the primary residence of any of the owners does require the conditional use and does require the additional evaluation of concentration related matters which is what the 300-foot separation standard was designed for. The ordinance has attempted, to the best that it can, to ensure that the number of licenses to an entity, so if this was an LLC with all four members of the family in the LLC, there would have never been the ability for the applicant to submit for all four of those dwelling units because they would have then had more than one application being submitted for licensure. So what they've chosen to do is to divide this condominium building into the four separate ownerships, One, Three, Five and Seven Wyer -- OneFrisco, LLC, and have single-member LLCs associated with each member of the family, legally permitted by the adopted Code.

MR. WALTERS: Thank you.

MS. GEUEA JONES: Are there any other questions for staff?

MS. ORTIZ: I do.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: Sorry if you addressed this already, but is the One Wyer Place, as it relates to noise, is there, like, units above and below?

MR. HALLIGAN: No. They're -- they've got them completely vertical, so --

MS. ORTIZ: Okay.

MR. HALLIGAN: Yeah.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Are there any other questions for staff? I have one. We've got four of these. Right?

MR. HALLIGAN: Yes.

MS. GEUEA JONES: Are there -- is that the entire development or are there more?

MR. HALLIGAN: It is these four.

MS. GEUEA JONES: That's what I thought. So this is -- this would be an entire development?

MR. HALLIGAN: Correct.

MS. GEUEA JONES: Okay. Thank you. Any other questions? Last call. Seeing none. We will open the floor to public comment. Please come forward.

PUBLIC HEARING OPENED

MS. GEUEA JONES: State your name and address for the record. We do six minutes for the applicant or a group, and three minutes for an individual.

MS. MITCHELL: Thanks. My name is Laura Mitchell; I live at 209 Ridgeway in Columbia, and I'm here to hear a specific case about a neighbor who is going to have a hosted STR, like a part of her home. But I was talking to a couple of people I know who served on Planning and Zoning in the past. And when they were telling me about the development of the short-term rental code, I said how are you going to be -- how are you going to be sure that people just aren't going to do it under different names and stuff? And one person said to me, well, we have ways of figuring that out. And I think even though this person from the City says that this is okay, that this is one of the things that we were trying not to have happen with the short-term rental regulation, and I don't know if other people see it that way, but it -- it looks shady.

MS. GEUEA JONES: Glad you brought it up.

MS. MITCHELL: Thank you very much.

MS. GEUEA JONES: Thank you. One minute, please, ma'am. Hang on. Hang on, just a minute. Any questions for this speaker? Mr. Darr, go ahead.

MR. DARR: Yes. I don't know if you read the next three reports, but staff does -- it seems to me from the way they wrote their conclusions, they are not necessarily supportive of this. So while you said there was a report of -- or I think it's okay, to me, I'm not reading it that staff is okay with all four of these being short-term rentals.

MS. GEUEA JONES: Any --

MS. MITCHELL: That's what I understood from him, that it was okay.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: And in response, legally and technically, as staff said, they can do that, but there's -- you have to look -- we have to look at the case in its entirety and there's other things we're looking at in relating to an STR. So get your popcorn, have a seat, and watch -- and watch the process work.

MS. MITCHELL: Uh-huh. Yeah. Thanks so much.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you. Please come forward. Name and address for the record.

MR. MEHR: Thank you. David Mehr, 714 Ingleside Drive in Columbia, and I'm also here in my capacity as Chair of the East Campus Neighborhood Association. And I don't think -- personally, I have no objection to one of these units being a short-term rental, but the neighborhood association is definitely against all of these units. I realize that you're taking these one at a time, and I understand that staff has

not recommended the other units for approval, but just wanted to be clear what our position as a neighborhood is.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you for being here tonight. Anyone else to speak on this case? And just as a point of information, we will be opening the floor to public comment on each of the four that are in Fyfer Place.

MR. TIMBERLAKE: To clarify, do I have three minutes?

MS. GEUEA JONES: Name and address.

MR. TIMBERLAKE: Do I have three minutes or --

MS. GEUEA JONES: Well, who are you?

MR. TIMBERLAKE: Yes. Okay. I am Nick Timberlake --

MS. GEUEA JONES: Okay. Please continue.

MR. TIMBERLAKE: -- and I'm the designated agent for all of these. So should we split my comments up into three-minute sections?

MS. GEUEA JONES: Just speak right now. You're good.

MR. TIMBERLAKE: Okay. I don't want to --

MS. GEUEA JONES: Just speak about the first one, One Fyfer Place.

MR. TIMBERLAKE: Okay. Thank you. Sorry for the confusion. I'm Nick Timberlake, address 5605 Abercorn Drive. Been a resident of Columbia my whole life. To clarify some of the things that were said, myself, my wife, my mother, and my father are the owners of all four of these condos. It's always been owned by our family under one LLC, but we've changed ownership so that each condo is owned individually to comply with the STR regulations. I've personally been the operator of the short-term rentals at this location since we finished building them two and a half years ago. I have a deep appreciation for the impact that buildings can have on the culture of a community. I witnessed it firsthand as my dad, Mark Timberlake, sitting back there, saw a need in the city, and turned an abandoned building into Orr Street Art Studios, what is now a vital member of the North Village Arts District. We specifically designed and built these condos to serve the City of short-term rentals. Even before the short-term rental regulations were in place, we were considerate of the impact of this specific use on the character of the neighborhood. When selecting a location for the development, this is why we chose a location that is not in the East Campus Conservation District, and surrounded by multi-family rentals and Boone Hospital, not in a primarily owner-occupied neighborhood. We've taken great pride in running this in such a way that we impact neighbors, guests, and community in a positive way. This is evidenced by the fact that we have hosted guests for over 1,000 combined nights since they were built. We've had zero complaints from our neighbors. In fact, our neighbors have stated that they fully support the approval of a conditional use permit for our building, and that we've done an excellent job managing it as a short-term rental and about their satisfaction with the current situation. You should have this e-mail in your report, as well. The guests -- the guests that we host are not throwing parties. We host guests like the people that were here a few weeks ago, Korean nuclear physicists that stayed in town to collaborate with professors at the

University's nuclear reactor. We've opened our doors to a family that wanted to share a home and a meal together as they mourned their father's final days in Boone Hospital. We donated our space to a single mother that needed a temporary place to stay after leaving an abusive relationship. Right now, the four units operate in harmony with each other and with the character of the neighborhood. If we're forced to stop operating any of these as STRs we'll be -- we will open these up as student rentals. My fear is that in denying our current use, things will get worse for the direct neighbors and the community. The City will receive more noise and party complaints, and there will be more parking issues. It's my understanding that these ordinances are written to limit the negative impact on neighborhoods, and if you reject these conditional use requests, you will be doing so in direct contradiction of the support of our adjacent neighbors right now and, in effect, contradicting the underlying intent of a short-term rental ordinance. With that, we just -- we humbly ask for your approval to continue to serve the community in all of these units.

MS. GEUEA JONES: Thank you. I'm sorry. Did you just indicate that you would not be as good of a landlord if we don't give you a short-term rental certificate?

MR. TIMBERLAKE: No. That's -- I think the way it's set up currently as a short-term rental actually gives me more control over who is staying in -- in my condo, and I clean it every single time they leave, we maintain the site. These are not things I'm going to be able to do if I -- if I open it up to a long-term rental, specifically, of students.

MS. GEUEA JONES: Okay. Are there any other questions for this speaker? Commissioner Stanton?

MR. STANTON: Timberlake, as in the engineering firm, architecture firm family?

MR. TIMBERLAKE: My dad owned an engineering firm for 20 years, but he doesn't own it anymore.

MR. STANTON: Okay. So highly intelligent family, from my personal experience. I'm in construction, so I know the family.

MR. TIMBERLAKE: Thank you.

MR. STANTON: So in saying that, I definitely have confidence that you can adjust your business model if we don't give you all these in STRs. I'm confident, just like you're -- just like I'm confident when you guys throw us a set of plans in the field, and I've got to adjust them a little bit, I'll call you up and say, hey, this ain't going to work in the field, I'm sure that you're going to be able to adjust your business model if we don't give you all these STRs. The -- what you just explained to us, those could definitely be, like, 60- to 90-day rentals, you could go long term and still benefit the same customer base that you're acquiring right now. I'm genuinely in support of what you've got going on except I almost felt threatened. I almost -- I almost felt like you said if you don't, I'm gonna --

MR. TIMBERLAKE: That was not my intention.

MR. STANTON: I don't like to feel threatened up here.

MR. TIMBERLAKE: No, that was not -- that truthfully is very likely what we will end up doing.

MR. STANTON: Okay.

MR. TIMBERLAKE: And that -- I didn't -- that was not intended to come off in the form of a threat in any way. I -- I -- right now, based on my conversations with neighbors and the e-mail that was sent, I take pride in stopping by this place every single day making sure that it's in good shape. We, you know -- we -- we can filter our tenants to make sure that they have great reviews on their end before we accept them as tenants to make sure that they're not throwing parties, they're not disturbing the neighbors, and that's evidenced by the fact that we haven't had one complaint in the last two and a half years from any of the neighbors. Very likely -- it's very likely that to keep this place rented consistently, we're going to rent it to students. And it just -- for me to be able to pay the mortgage, that's going to be a requirement on my end. And I don't -- I don't like the idea of impacting the neighborhood in a negative way if we -- if we need to do that just to -- just to make our payments on the property is really what I was getting at. I apologize if that came off in a threatening way. It just hurt -- it hurts me to think that maybe we do rent to students that seem like good people, and next thing we know, they end up throwing a party in the neighborhood or having a bunch of people over and the parking gets impacted negatively. You know, I know these neighbors. I've gotten to know them, and I just don't want to put them through that. That's -- but that's a very likely outcome if we -- if we -- you know, lease these out, given the -- especially given the location on Broadway next to the University.

MS. GEUEA JONES: Commissioner Ortiz.

MS. ORTIZ: I -- I guess it's two questions. So for OneFrisco, you are the agent and owner of -- of the LLC?

MR. TIMBERLAKE: Well, I've been managing these as an Airbnb for our family.

MS. ORTIZ: So you're the agent, you're not the owner of one --

MR. TIMBERLAKE: I am the owner.

MR. STANTON: Of one.

MS. ORTIZ: Of OneFrisco?

MR. TIMBERLAKE: Yes. Now we -- we paid attorneys to make sure that we all split up our ownership legally, but it is 100 percent -- one is owned by me, one is owned by my wife, one is owned by my dad, one is owned by my mother.

MS. ORTIZ: Right.

MR. TIMBERLAKE: That's actually been the case the entire time, it's just been under one LLC. And so to come within compliance of the STR regulations, we wanted to do everything we could. You know, I -- coming into this meeting, I -- I very much understood there was a chance that that money could be wasted, but I just -- we thought it was worth having the conversation, given that it seems like it's been working well for the neighborhood up to this point. And so that may very well have been a waste of time and money, but we wanted to make sure to comply with the STR regulations. And as he said, I understand that it can appear to be odd, but we have always been -- it's always been owned by me and my wife, my mother, and my father, and it just happened to be that we have four of them, and so now it's

-- it is officially at the State level, they -- each LLC. Now we couldn't own them -- we didn't want to own them personally because -- because these are rentals, we don't want to expose ourselves to liability, so that's why we decided to go the LLC route.

MS. ORTIZ: Okay. Cool. I just wanted to make sure I was speaking to the right person.

MR. TIMBERLAKE: Yes.

MS. ORTIZ: But I'm just looking at this one right now. As -- have you ever lived in East Campus?

MR. TIMBERLAKE: I have not.

MS. ORTIZ: Okay. So you mentioned earlier and -- while you were reading that most of the neighborhood is multi-family and that it's not really R-1. And that's representative of a lot East Campus. I'm an East Campus resident. I'm a good person. I think students make Columbia great and especially it's part of living in East Campus, it's part of being a part of that community. And so I would just keep that in mind. And being a landlord is a responsibility, whether or not you have short-term tenants or long-term tenants. So I would just keep that in mind in the character of the neighborhood, that you have invested a lot there.

MR. TIMBERLAKE: Yes. Yeah. We will absolutely do everything in our power to continue to be good -- good landlords no matter what happens tonight. Yeah. I just -- I feel as though I will have less control over trying to continue to be a good neighbor in that scenario.

MS. ORTIZ: Uh-huh.

MR. TIMBERLAKE: Maybe I very much should have reworded that, because apparently it didn't come off the right way, and I apologize.

MS. GEUEA JONES: Commissioner Brodsky, did you have something? Okay. Commissioner Gray?

DR. GRAY: You made a statement about this not falling in line with the spirit of the ordinance, and I was wondering if you could say more about that.

MR. TIMBERLAKE: Well, I -- I -- yeah. So I remember during -- during the creation of these ordinances that one of the reasons that regulations need to be put in place was to make sure that there weren't short-term rentals impacting quiet neighborhoods in negative ways because people are bringing in guests that are having parties and disturbing and noise violations that these kinds of things. And right now, we don't have a history of that at all. And if I -- if we rent these possibly to students, I think the possibility of more disturbances to neighbors and the character of the neighborhood is probably going to increase. That's -- that's what I meant by that.

DR. GRAY: Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Commission, I apologize. I think this is a perfect opportunity for me to say these things. Being part of this whole process, I've been waiting for a case like this. I've been waiting. We haven't seen one yet, and we have to adjust some of the things that this case presents. I think it's an

opportunity to clarify this for the community, and there's too much, you've just kind of have to be a guinea pig today.

MR. TIMBERLAKE: That's fine. Yeah. .

MR. STANTON: So, Number 1, we're not discouraging what you've got going on. You got me on -- you got me, but, you know, like I say, I felt like you were kind of giving me a threat. So I'm still on the hook a little bit, so just keep me there. Okay. I support your right to use your property. You were very intelligent in how you broke the LLCs up and separated the ownership. That is what a good businessman does. A good businessman also allows himself the ability to pivot. And if you want to trade me, I'll jump in your shoes and I'll show you how to do this thing because you don't have to worry about renting to the right person. It's about your discipline and your business model and your business plan because I'm -- I'm seeing where you're at. There's traveling nurses all day. There's traveling professors. There's traveling everything just by the proximity of where you're at, you should not have a problem where you feel like you have to grant to an unfavorable demographic in your eyes. Ms. Ortiz, no offense. Okay. So I hope that you're the businessman and, you know, that your father in the engineering firm is that, hey, I think you've got the genetics to do it, so I think you're going to be okay.

MR. TIMBERLAKE: Yes.

MR. STANTON: So that's that point, so I want to encourage you, good job, keep it up. Just be smart about your business moves.

MR. TIMBERLAKE: Yes.

MR. STANTON: Two, it is not our responsibility, nor the City's or anybody else's to basically cover your risk in a capitalist system. You made a -- in your risk management assessment, you decided to build with the prospect, knowing that laws were coming down the pike, knowing there was no regulation with STRs, you decided as a businessman to build these within the intent of making them short-term rental, is what you said. Okay? Big kahunas, but that's not our responsibility to cover that risk as a businessman in a capitalist system. So that's the decision you made. So this body or any other body should not be responsible for hedging your bets. Okay. So I say this kind of talking to the public on how these are coming about, and responsibilities of being an STR world in the rental world. So we're just talking about this one, and there's criteria that I'm talking more to the public, but you'll understand the process. We have flags that we're looking at and there's things we've got to -- we've got to think a hundred to fifty years down the road, especially with this. We do not want especially -- I live in the First Ward, so I don't want my street to be full of STRs that are back to back, stuck together, and I've got, like, out of ten houses on my street, six or eight of them are STRs. We -- I've worked on this for four years, this very issue. So those are the facts we look at, proximity to other STRs, proximities to schools, proximities to -- you know, we have these flags that we hold dear and important in our process. All STRs will fall into the same scrutiny. So I just kind of want the public to know what we're looking at, and I want you, as a businessman, to take that information and adjust your business model.

MR. TIMBERLAKE: Sure.

MR. STANTON: I think you'll be okay. If we -- if we give you any or give you one, you're going to be okay.

MR. TIMBERLAKE: Sure.

MR. STANTON: Okay.

MS. GEUEA JONES: So let's talk about ownership. I understand that you have legally separated into four separate LLCs, each owned by a person of age of majority, totally legal, totally fine. There is something we do in the law called piercing the corporate veil where we say, yeah, we know who we think owns this on paper at the Secretary of State's office, but when we actually follow the money, there is common ownership. You are the common manager for these four properties and will continue to be. What happens if 2 Frisco Place, for some reason, gets rented out every single weekend, and 4 Frisco Place gets rented out once or twice a year? That means that whoever owns that one, prior to -- prior to you making the change, would have still gotten 25 percent of the profits. Now they're not, and these are going for \$1,000 a night or more. So I guess my question is, are you truly separated where you, as the manager, aren't going to go, hey, I know you said you wanted to rent 2 Frisco Place, but when I look at our books for the year, I actually need to move you over to this other property that is completely owned by somebody separate. Because if that's the case, then you don't have four separate owners, you have one owner that's still you and you have four shell corporations.

MR. TIMBERLAKE: I was just trying to comply with the -- the letter of the law, the way it was -- was written with the expectation that very well one or none of them would get approved, but I am not trying to hide the fact that me and my wife and my parents have owned this together for two years. I just wanted to do what we had -- I mean, I'm trying to follow the letter of the law the way it was written, so that's what we did.

MS. GEUEA JONES: You understand that you're going to have to sign an affidavit saying that you have no ownership interest or financial interest in anything other than One?

MR. TIMBERLAKE: Yeah.

MS. GEUEA JONES: You understand that if you are, in fact, doing profit sharing between the four, you will have committed perjury if you sign that?

MR. TIMBERLAKE: Yes. Yes. We are personally going to have to put -- probably rearrange -- I don't know exactly how it's going to happen, depending on whatever you guys rule today.

MS. GEUEA JONES: Have you separated the finances on the four properties?

MR. TIMBERLAKE: Yes, we have. We were -- were -- I mean, we had to. They're four separate LLCs. I had to get four separate EINs. That's the only way that it would even work. So -- but, at this point, we've done what the City has requested of us, and, yes, we can sign any affidavit that we need to sign. You know, I'm not -- at this point, I believe -- it seems like it's going -- this conversation is going beyond the regulations of what the City --

MS. GEUEA JONES: Well, it's --

MR. TIMBERLAKE: -- what the City is requesting.

MS. GEUEA JONES: -- not, because what the City has said is that you cannot have any ownership interest, period, which would include profit sharing, not just whose name is on the LLC. So what we are trying to do is figure out, are you trying to clearly hide the ball.

MR. TIMBERLAKE: This was -- this was not an attempt to do that at all.

MS. GEUEA JONES: Okay. And then the second thing is, the reason that we are still, even after the changes that we recently sent to City Council, giving an extra scrutiny to things like exactly what you're trying to do, which is four units in the same building. The entire development is going to be, essentially, a hotel.

MR. TIMBERLAKE: Well, it has been for the last two and a half years, and then -- right. It's been operating under that. It was not the intention to -- we weren't -- we didn't have any idea that this was coming, so --

MS. GEUEA JONES: Well, I'm going to set that aside, but --

MR. TIMBERLAKE: I had no idea what -- I mean, I -- the 300 feet and all of these other things, I mean, I -- we couldn't have known that two and a half years ago.

MS. GEUEA JONES: I'm going to move past that, and just say that regardless of what you knew or didn't know, this exact scenario is why we put the 300 feet in place, is why we put the single ownership in place, is why we require people and will continue to require people to go through this process, because we don't want entire blocks essentially operating as unregulated hotels, because we -- once we give you this certificate, short of neighbor complaints, we don't have any control over what you do. And I do take exception to the fact that you come up here and you say, well, if you don't do this, I'm not going to have any choice but to rent to students, and that would be the worst thing in the world. The City lives and dies on students, first of all. Second of all, that, to me, says that what you are telling me is that if you don't get your short-term rental certificates, you're going to do a lot less vetting and a lot less property maintenance is what you just said. So I -- I kind of think that, you know, you're coming in asking for a lot, because you're asking us to set aside a lot of the principles that guided the strict letter of the law, and you're telling us, well, you have to give it to me because I'm following the very strict letter of the law. I'm going to tell you if we get a whiff that you are not following the actual letter of the law and that you are passing clients back and forth to make sure everyone gets an equal share, you're going to have a lot bigger problems than whether or not you have a CUP. And I -- I think that you are trying to get to a place where you can operate as if the ordinance doesn't exist, is what it feels like to me.

MR. TIMBERLAKE: These are -- these are, technically, four separate residential homes. So as you mentioned before, if there's a husband and a wife that have two separate dwellings, regardless of whether they're next door or not, what you are saying, they're going to be in the exact same scenario as we are right now. And I -- I'm -- I know for a fact that that's happened many times. And so, really, you know, I understand what you're saying, and we're not in any way trying to do anything shady, as someone said before. We are very much doing our best to follow the regulations as they are stated. And we are willing to sign documents -- affidavits to say that. It's -- it's just a little different. It does appear different

because they're right next to each other, absolutely. But in -- in reality, it is no different than what he said before about a husband and a wife.

MS. GEUEA JONES: It is different because they're right next to each other. Any other questions for this speaker? Seeing none. Thank you for being here. Any other members of the public to speak on this case, please come forward. Again, as a reminder, state your name and address for the record.

MR. BENTLEY: I'm Clyde Bentley, and I live at 1863 Cliff Drive, which is in the neighborhood right behind this properties. As you saw, four adjacent properties seeking permission to operate as short-term rentals, my comments apply to all four of the applications, and really into some of the applications later this evening for other permits. I support the staff recommendation that only one of their applications be approved. However, I have several serious concerns about the granting conditional use permits for these properties as the -- as the applications are -- read right now. A conditional use permit, like a variance, seeks permission to use a property in some way different from what is allowed by the zoning and planning regulations. I strongly believe that in order to grant such a variance from the norm, the Planning Commission must clearly state the justification for granting this -- this exception. The City's regulations were drafted with considerable forethought, and should only be overruled with caution. The current STR ordinance and the proposed revision both recommend that short-term rentals be no closer than 300 feet from each other. The adjacent properties are much closer -- these adjacent properties are much closer than that, and we have made justification for ignoring the recommendation. Concentrating STRs is -- this closely violates the spirit and intent of the bed and breakfast concept. If approved, this application would create a hotel in a residential neighborhood. And maybe a simple way to look at this application is whether you would have even considered it at all if it had been brought to you as an application to establish a new hotel in this residential neighborhood. I think not. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you for being here tonight. Anyone else to speak on this case, please come forward. Seeing none. We will close public comment and go on to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Any Commissioner comments? Commissioner Stanton?

MR. STANTON: I love this case. We needed to air this out. I've been waiting for a case like this, and we've got a lot of stuff on the table about things that the public can see happening. Mr. Nick did a great job and I kind of feel like he got attacked. Hold strong. Tiger tough. Okay. So if my Commissioners don't have anything to say, I'd like to entertain a motion.

MS. GEUEA JONES: Oh, I think that -- anybody?

MR. STANTON: Okay. I'm sorry. I'm just saying --

MS. GEUEA JONES: I think we might have a few.

MR. STANTON: I'm just saying.

MS. GEUEA JONES: But I appreciate you being quick on the draw. Let's see. Who wants to start? Commissioner Brodsky, and then Wilson.

MR. BRODSKY: Yeah. And just speaking for myself personally, I definitely appreciate and understand your concerns, Commissioner Geuea Jones. But I guess for me, I do see this more as a husband and wife, you know, splitting things. It is arguably different because they are directly adjacent to each other, so I understand the concerns there. And I -- again, just speaking for myself personally, I have always struggled with this 300 foot buffer. I like it, but I think we should have just made that a rule instead of making it just this subjective thing that we decide every time, and I got the sense that we put that in the ordinance because we didn't want to pick winners and losers. But then, you know, we're just kind of -- we're forced to pick the winners and losers here instead of in the ordinance itself. So I'm -- I'm going to vote for one of these. I don't think I'm going to vote for all four of them, so that's where I stand.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: My concern is the precedent. It's not necessarily this specific case, but it's the precedent that gets set for future cases. And so, my vote is going to be based on making sure that we are consistent, and that we do not set a dangerous precedent.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: I'm taking a more pragmatic point of -- I would -- despite the regulation about ownership, I think there are often -- not often -- there are sometimes exception to the rule, a unique, a unicorn, so to speak, and this may not be -- there may be more than one unicorn in Columbia, but this is unique in that it is -- it was designed this way. It's in a neighborhood surrounded by other rental properties. It's been successfully managed. I think the applicant could have done a much better job of presenting it to us tonight, but I have no problem with it and I plan to support it, all four of them.

MS. GEUEA JONES: Any other comments? Commissioner Darr, and then Ortiz.

MR. DARR: It seems like the intent of the short-term rental was to limit the impact to the neighbors, which, by the ownership rules and the 300 foot proximity criterias and stuff like that, but we were presented with a lot of correspondence from the neighbors that said they were in support of this, he's been a great manager. So as has been said, kind of from a practical standpoint, there's some historical records that show that this is working out, this is -- this is working. Other than the one comment from the neighborhood association, actually, which only supported one, so maybe there was more than just the one neighborhood association comment, but there was a lot of support for this, and it seems like there's been no formal complaints and -- and so I'm leaning more towards -- coming into this, I would -- I didn't like the idea of how it was -- how it was presented as far as the ownerships and right next to each other, but thinking about it a little more, I'm kind of more leaning towards just voting yes for all of them. I'm not 100 percent convinced of that yet, so I'd like to hear everybody else.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: I'll just comment that we have one letter of support that was attached to the agenda from a landlord who does not live in our neighborhood. We have received a letter from Cecile. We've received testimony from Clyde and David, who were apprehensive about all four, but were okay with potentially one. So I just want to clear that up.

MR. DARR: Thank you.

MS. ORTIZ: Yeah. No problem. I was going to say that I plan to support the case in front of me because it's the first one we are seeing. There's no other short-term rentals that are operating legally right now, so I plan to support this one -- this one.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I concur, Commissioner Ortiz. That's kind of where I'm at with it. I would almost do two, but what? Just -- yeah. I don't want to sit -- I don't want to start that precedent, and I know you -- you rook-- there's a lot of rookies up here. And for a point of information to the -- to the public, four hard, long years to get here. For you not to have heard about short-term rental means that you wasn't on this planet. You wasn't in this state, at least. There's no way you couldn't have heard. This was headline for four solid years. It's come back to us twice. Four solid years of nights like this one. I was there for every one of them -- four years. So that argument, oh, no. It's not -- that can't work. Yeah. I'm in support of the one that's on the table. I do hear my other colleagues' positions. This is the thing. I'm not going to cover, hedge your bet because this -- he said it -- was intended, and there's a lot of them out there intended to be used as STR. You took the risk as a businessman. It is not my job to cover your -- hedge your bet, period. It's just not. If you meet the criteria and I told you what things cause red flags to us as a community, after four years of debate, that's what -- and the reason why we don't want to make that solid, sir, is because sometimes there is a unicorn. Sometimes that works out, and I want to leave that leeway, so that's why I don't want to make it 300 feet ride or die. Had it been a better presentation, I might have been -- I might have been cool with two here, but I do support this one.

MS. GEUEA JONES: Commissioner Stockton?

MS. STOCKTON: I agree -- one. I see what you're saying, because it's a consolidated unit, but I am worried about the precedent, as well. You know, what if we start to take the apartment buildings downtown and they're all Airbnbs, VRBOs? You know, that -- that takes away from the housing to an extreme degree, and I realize this is only a four-plex. It's nice, but I think by doing this one, not just because it's the first one, but it's closest to the road, you know. If you're having short-term rentals, going up to Boone Hospital, going to campus, wherever they might be going, the proximity is slightly closer. I like what the other Commissioner brought up about, like, doing, like, 60, 90 day, you know, longer-term rentals. Like, I can see a lot of incoming people at the university maybe taking advantage of that. You know, they move to town, they don't have a permanent place yet, so I -- I would entertain that if I were you, if I were in your spot. I think you can still beat your -- meet your business, you know. It's a nice place. I think you can still get good money for this, but it helps our community as a whole. And while I would like to make an exception for this, I do feel like it could be taken advantage of, and before we know it, we are starting to lose more and more housing, and we talked about this last time. So that's -- that's my feeling right now, and I hope you understand why that is, and I appreciate you going through and figuring out. I don't know which family member gets the Airbnb. You'll have to do that among yourselves. Maybe have an agreement to split the pool at Christmas or something, or at the holidays. But that's

where I stand at this moment.

MS. GEUEA JONES: Anyone else? Commissioner Stanton?

MR. STANTON: Yeah. Setting the tone for future cases is important, especially when you know that there are some real estate gods in the audience and probably watching on TV that are waiting for this case. This case is very important. There's some real estate gods in the audience and on TV right now waiting for the -- this case. We need to get this one right.

MS. GEUEA JONES: Anyone else? Seeing none. I believe we're ready for a motion. Who would like to -- Commissioner Stanton?

MR. STANTON: Madam Chair, I would like to entertain a motion.

MS. GEUEA JONES: Please do.

MR. STANTON: All right. As it relates to Case 208-2025, 1 Fyfer Place, STR, Conditional Use Permit, I move to approve the requested STR CUP subject to the following conditions, as maximum uses shall not exceed 210 nights annually, a maximum of six transient guests regardless of the allowance permitted by the IPMC, and, lastly, one parking space within the garage be made available while and S-- while the STR is in use.

MS. ORTIZ: Second.

MS. GEUEA JONES: Motion made by Commissioner Stanton; seconded by Commissioner Ortiz. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Darr, Ms. Ortiz, Mr. Stanton, Ms. Geuea Jones, Mr. Brodsky, Ms. Wilson, Mr. Walters, Ms. Stockton, Dr. Gray. Motion carries 9-0.

MR. BRODSKY: The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.