

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

Case Number 84-2025

A request by Justin Lucas, on behalf of Family First Rental & Investments, LLC (owner), for approval of a Conditional Use Permit (CUP) to allow 3411 Goldenwood Drive to be used as a short-term rental for a maximum of eight 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 approximately 0.21-acre subject site is located 150 feet east of the intersection of Arbor Pointe Parkway and Goldenwood Drive and includes the address 3411 Goldenwood Drive. (This matter was tabled at the Planning and Zoning Commission's March 6, 2025 meeting.)

MR. STANTON: May we have a staff report, please?

Staff report was given by Ross Halligan of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 3411 Goldenwood Drive to be operated as an STR subject to:

1. Both garage parking spaces within the attached two-car garage and the driveway be made available at all times the dwelling is used for STR purposes; and,
2. The maximum occupancy permitted within the dwelling shall not exceed eight transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC); and
3. A maximum of 210 nights of annual usage.

MR. STANTON: Thank you, sir. Any questions of staff?

MS. ORTIZ: I have a question.

MR. STANTON: Ms. Ortiz?

MS. ORTIZ: I see that you said that we have three written objections, but I only have two, I believe. There was one attached to the agenda that we have, and then there's one printed on our desk, but I don't see the third one.

MR. HALLIGAN: There should have been three. I supplied three in the file. It must -- there might have been a --

MS. ORTIZ: It might be my mistake if any other Commissioners can confirm that, but I'm just seeing two. That's supplemental correspondence, but that's not a complaint. So I think it might just be two.

MR. HALLIGAN: I apologize if that is the case. Nonetheless, they were just concerned about

any possible adverse effects of the --

MS. ORTIZ: Okay, cool. Thanks.

MR. HALLIGAN: Yeah.

MR. STANTON: I will open the public hearing.

PUBLIC HEARING OPENED

MR. STANTON: Anyone wishing to speak upon this case, come forward. Individuals, three minutes; groups six. Please state your name and your address, please.

MS. LUCAS: Melinda and Justin Lucas.

MR. STANTON: She's got to record it. There you go. Thank you.

MS. LUCAS: Better? Okay. Melinda and Justin Lucas, we're the owners of the property on Goldenwood. I just wanted to elaborate a little more about the documents we sent in. A lot of the things that the -- you guys were talking about that would be important to continue to make this an appropriate short-term rental, we were already doing before any of this started. Document one is a screen shot of our check-in instructions to the guest. We ask them to please park in the garage first, and the driveway next, keep garage closed, and so that they're not inside the street, they're not parking on the street. Document two showing that we are a locally owned company. We main-- and flip the Airbnb ourselves. We're there every time to check and make sure everything looks inside and outside the property. The remaining documents, three, four, and five, are just an example of what we do before we approve a guest. We do not allow anybody to book without us pre-- or looking at their profile first, and we make sure that they have five stars. We look at their reviews. We don't want any trouble with them, either, so -- any questions?

MR. STANTON: Questions? Ms. Peggy?

MS. PLACIER: Yeah. Just a couple of little ones.

MS. LUCAS: Sure.

MS. PLACIER: I noticed on your -- it looks like on your listing with Airbnb, I think it is, you had six occupants, and now you're going up to eight. Is there a reason for the increase other than people often ask for eight because it's the maximum?

MS. LUCAS: Most of the time, it is six. If someone asks to sleep on our couch, sure, but most of the time, it's six.

MS. PLACIER: Okay. So there's no extra bedroom tucked away somewhere that -- there are three bedrooms?

MS. LUCAS: Three bedrooms. Correct. Yeah.

MS. PLACIER: Okay. And then my only other concern was that we had one complaint that mentioned the pool -- the neighborhood pool. What's your policy on guests using that pool if that's a concern of the neighbors?

MS. LUCAS: That they use the -- they abide the rules that all of the other guests have there. They return the key when they leave.

MS. PLACIER: Oh, okay. So they can use the HOA pool?

MS. LUCAS: Correct.

MR. LUCAS: Excuse me. And this is the first we have heard of any complaints whatsoever about the property, whether it's the pool or the house in general.

MS. PLACIER: We're kind of accustomed to that --

MR. LUCAS: Sure.

MS. PLACIER: -- but this brings attention to, oh, there's a short-term rental.

MS. ORTIZ: I have a question. I just noticed in the staff report, it said you lived 26 minutes away from the property. But then in the supplemental correspondence, you say that you live in Columbia. Is that -- do you have, like, a designated agent that lives in Columbia? Like, what is that discrepancy?

MS. LUCAS: So we live in Midway, which is right -- yeah -- right outside of Columbia.

MS. ORTIZ: Okay.

MS. LUCAS: We go to Columbia Schools. I work in Columbia and I am the -- yeah. One of us is the designated agent.

MS. ORTIZ: Okay. Thank you.

MS. LUCAS: Yeah.

MR. STANTON: Other questions for this speaker? Thank you. Anyone else like to speak upon this case? State your name and address, please?

MR. LUCK: My name is Lawrence Luck; my address is 5815 Sumac Court. I may be one of the two that you see letters written. If there's a third, I hope I'm not it. But I wanted to point out a couple of things, and it wasn't mentioned tonight from the staff report, but in what's posted on the Planning and Zoning website had talks that the owner state the homeowner's association is in support of this. I called the homeowners' association this afternoon, couldn't get ahold of the person who directly would cover Arbor Pointe, but the person who answered the phone said she would relay my concern. I doubt that they made it here tonight, because she said that they were out of the office all afternoon. But I asked her have you heard anything about this, and she said absolutely not. So I don't know of that. I also want to point out that when I look at the Arbor Pointe Facebook page, there's probably six or seven people, and I know that doesn't help here in a public hearing, but six or seven people who strongly spoke out against putting something like this in a single-family neighborhood. I understand they've been doing this for a year or so. That doesn't make it right. And, you know, I doubt that anybody would even know you exist to complain to under the -- before there were rules and ordinances. But this was developed as single family. All of the new things that have been built have been single-family. There is not one duplex in the entire subdivision. It is very close to the school. And I was the person who talked about the pool. And I know the homeowners' association doesn't know that a key is being given randomly to transient guests because their rules are very specific that it's the homeowner and/or a direct guest accompanied by the homeowner who can use the pool, so they're violating that policy. And one last thing that was also in the report that -- not mentioned again tonight, the report said there wasn't a homeowners' association out

there. Well, there definitely is, and I definitely pay dues. I think there's two of them may be how it's divided. But I think there's just been some misinformation. And in closing, I would just say this doesn't belong in a single-family neighborhood where there is absolutely nothing but single-family houses.

MR. STANTON: Any questions for this speaker? Ms. Loe?

MS. LOE: I don't have a question, per se, but maybe a comment in that this body is not responsible for enforcing the HOA regulations. So we appreciate --

MR. LUCK: I understand.

MS. LOE: -- knowing about them, but we can't really take those under consideration. And if you do have concerns that your HOA regulations are important to you and aren't being enforced, I would encourage you to follow up with your HOA.

MR. LUCK: No. And I will, but, yeah, so it's worth noting, but it was disappointing to see some of those statements in a staff report that weren't true.

MS. LOE: Thank you.

MR. STANTON: Do you have questions for this speaker?

MS. ORTIZ: I'm okay.

MR. STANTON: Ms. Ortiz [sic]?

MS. WILSON: I just am experiencing a little confusion because you're making a statement that this doesn't belong in a single-family home. What is -- I guess I'm trying to understand what the issue is.

MR. LUCK: I'm not arguing that you couldn't rent your property. There are some rentals in Arbor Pointe. I don't know that there's any that attempt to give up to eight unrelated people in a household. Most of them are rented on a probably annual lease basis. There's very few, but there are some, and it's the fact that you're -- you know, it's -- it's not stable for a single-family environment. You never know. And, I mean, I trust they are trying to screen applicants. I don't doubt that the owners are trying to screen applicants, but screening is only as good as what people don't lie. So, you know, it -- there's no other house around there that are going to have eight unrelated people that could show up and be there for a weekend, and potentially party, allow an access to the pool and those kind of things. So there's my concern.

MS. WILSON: What's your -- you may have said it already. I apologize if you did. What's your proximity to the property?

MR. LUCK: Probably four blocks at most, and a block from the pool, so --

MS. WILSON: And did you have awareness before this application that they were short-term rental?

MR. LUCK: I became aware of this about two months ago, so I don't know when their application came in.

MS. WILSON: Thank you. And thank you for coming.

MR. LUCK: Okay.

MS. ORTIZ: I -- sorry. I have a question.

MR. LUCK: Sure.

MR. STANTON: Ms. Ortiz?

MS. ORTIZ: Thank you for being here tonight. Is there a number that you would feel comfortable with? Like, is it because it's eight, is that what makes you uncomfortable, or is it just that it's a short-term rental in general?

MR. LUCK: Well, I'm a little uncomfortable because of the way the ordinance would allow it to be that number. But if I was hearing something like four or five, I'd be somewhat more comfortable. I wouldn't say 100 percent --

MS. ORTIZ: Uh-huh.

MR. LUCK: -- but I probably wouldn't be standing here tonight if it was proposed at four or five. But, you know, I think the ordinance for single-family residential subdivisions that have no other occupancies in them to allow eight to suddenly be in a three-bedroom house is extreme.

MS. ORTIZ: I understand.

MR. LUCK: Yeah. I mean, I probably wouldn't be here if it was four or five. I don't know that I would love it even at four or five, but I probably wouldn't be standing here.

MS. ORTIZ: Thank you.

MR. WALTERS: I have a comment.

MR. STANTON: Yes. Mr. Walters?

MR. WALTERS: I think this may be informational for you and for other people tonight with other STRs, and I'm newer to the Commission, so I'm not as well -- have the wealth of knowledge that some of the other Commissioners do, but I think one important distinction is that prior to this, with 198 nights of rental and no complaints, what's happening now that it's regulated and registered, there is a means for property owners to immediately, I'd call into the City and register a concern, a comment, a complaint, and then that would trigger a phone call to the registered agent to respond to that. That's -- that's the gist of it; is that correct?

MR. LUCK: I would think -- and this is a guess. Obviously, I don't have a way to prove my thought, but I would bet 98 percent of the citizens in Columbia aren't even aware that they -- who they could call. Right now, if something happened, it would be call 311 unless there was, like, an emergency, and people would call 911. The last thing they would think about is calling someone overseeing an occupancy thing.

MR. LUCK: But that's -- that's why I'm bringing it up because there's a new regulation and it's going to take some time for the public to get acquainted with it.

MR. WALTERS: No, and I was aware of it. It's not news to me, but --

MR. LUCK: Well, and your HOA should publicize that this is -- this is a tool for people to utilize in case an out-of-control party or other instances of, you know, neglect should occur.

MR. WALTERS: Sure.

MR. STANTON: Any questions -- any more questions for this speaker?

MR. LUCK: Thank you for listening.

MR. STANTON: Thank you, sir. Anyone else want to speak on this case? Going once, going twice. Three times. Closing public hearing.

PUBLIC HEARING CLOSED

MR. STANTON: Thoughts from the Commissioners? Ripe for a motion. Ms. Loe, would you --

MS. LOE: No. No. No. First -- first a couple of housekeeping comments that I would just like to make generally about the short-term rentals reports, and I did bring this up at the March 20th meeting, but the reports generally include a statement on accessibility, and the speculating whether or not compliance with the accessibility requirements would be required. And I'm a little bit concerned that these could be misleading and I'm wondering if we might be better served by deleting the first two sentences in that paragraph and simply stating that compliance with the accessibility will be determined based on the review and completed prior to the certification. So that was one comment. The other one is simply I wanted to identify -- I have a slightly different take on mixed use, and again, at the March 20th, I gave a lengthier comment on what mixed use might include, and I simply want to clarify that I don't believe approving the short-term rental conditional use permits is necessarily supporting the type of mixed use that I believe the Comprehensive Plan intended in its description to support the daily day-to-day lives of the local residents in that the short-term rentals are more -- their purpose is more to serve visitors to Columbia, not to the local residents. So just those two comments. Also in this case specifically, it is mentioned in the report that the STR is within 1,000 feet of two schools, and that would be Paxton Elementary and Smithton Middle School, and is within a listed school zone. I still have concerns about allowing every use. It's sort of an adaptive use of residential for commercial use in areas closer to certain uses including schools. We spend a lot of time choosing locations for our schools. We spend a lot of money building the infrastructure for our schools, and I don't want to see local families being displaced by commercial uses coming in, and I do think -- we've discussed this in work sessions, and I -- I, for one, would still like to finish that conversation on whether or not we might have a different density around certain uses. So that is a concern to me, and because I feel like we haven't finished that discussion, I'm not sure I can support this application.

MR. STANTON: Well, I'd like to make a comment myself. Ms. Loe, I agree with all the points you made. My thing is this. This one is the one that's coming into the light, and sure would hate to be the next one, because it's going to have more weight on our decision, the densities STRs get in particular areas. So a public service announcement, if you've got an STR, you better get it up there real quick because those things, and I don't think they were out of balance with that, is that as more of these come on board, then where they are and how close they are to each other starts becoming a factor in our decision-making. So, I mean, I definitely support what you're saying.

MR. ZENNER: Mr. Stanton, if I may?

MR. STANTON: Okay.

MR. ZENNER: I believe, Ms. Loe, you are referring to Case Number 127 that is adjacent to

Paxton Keely, and the other school, the middle school, if I'm not incorrect. This is adjacent to -- Alpha Hart Lewis Elementary only.

MS. LOE: True.

MR. ZENNER: And then in order -- and to respond to Mr. Luck's commentary that the staff report is inaccurate and there is a homeowners' association, I have reviewed our -- identified homeowners' associate list, as well as our recognized neighborhood association list, and our recognized or existing homeowner's association list that our Office of Neighborhood Services maintain, and neither are on that list and, therefore, were not pulled as a part of the distribution. And if there is a homeowners' association or a property owners' association, we would not have access to that unless it was a registered and recognized entity. Therefore, the staff report is not inaccurate in what it depicted. What the applicant has stated may be not factual that they do have homeowners' association support, but we do not have a recognized homeowners' association to provide distribution of this notice to.

MR. STANTON: Mr. Zenner, thank you for that. And I'm -- I'm just going to say as a public service announcement, if there -- if you're -- your homeowners' association is not recognized, get it registered with the City, because it's not recognized by the City, so definitely do that. Any other comments? Ms. Loe?

MS. PLACIER: And in either case, we do not enforce homeowners' association rules. That's totally up to members of the association. We have nothing to do with it.

MR. STANTON: Ms. Loe?

MS. LOE: I was going to offer to make a motion if there are no further comments. Seeing none. And thank you for the correction, Mr. Zenner. My notes were reversed, so it's the trend for tonight for me, I'm afraid. All right. In the case of 84-2025, 3411 Goldenwood Drive, STR conditional-use permit, move to approve the requested STR condition-use permit subject to the following: 210 nights of rental, maximum of eight transient guest regardless of allowance permitted by the IPMC, and garage made available while in STR use.

MS. ORTIZ: I'll second.

MR. STANTON: Moved and properly seconded. Any discussion on the motion?

MR. WILLIAMS: I just have a --

MR. STANTON: Mr. Williams?

MR. WILLIAMS: My recollection is that 198 nights -- and I don't have a list of these, but my recollection is that that is about as high as I've seen in any of the existing applications that we've had in terms of actual nights in the prior year. And absent any complaints during those 198 nights, I'm rather comfortable approving this under the conditions that we've been given. I do share Ms. Loe's concern about proximity of schools. That's a challenging issue, but, at this point in time, based upon the criteria the City Council has set before us, I intend to vote in favor of this motion.

MS. ORTIZ: I also intend to support this, although I do have similar concerns to Commissioner Loe. I really appreciate the homeowners' due diligence sending us a supplemental correspondence or

the -- the extra documents. I think that was very helpful in making this decision.

MR. STANTON: Peggy?

MS. PLACIER: Well, just in terms of the proximity to a school, that has come up before. We still have not altered our policy, and I don't think that from the -- the platform, or whatever we call this thing up here, we should be creating ad hoc policies just out of thin air.

MR. STANTON: Ms. Loe?

MS. LOE: If I can respond to that. I am -- I don't feel I'm creating an ad hoc policy. I feel that the proposed conditional use is creating an adverse impact to that neighborhood by displacing families, since it is a school zone. And that adverse impact evaluation is one of our policies in review.

MR. STANTON: Any other comments? I'd just like to close with proximity to schools and other things have always been on our mind throughout the whole discussion about these ordinances. So I plan to support it just because they're probably like the first ones in the gate, you know. I've always been advocating don't wait till the last second, and every time you wait, it impacts your application. So, you know, the next application might have a different impact, but that's always been a factor that we discussed, density around schools, and density in particular neighborhoods has always been a discussion, so -- so I plan to support this one, but we'll see. Any other discussion? Any other comments of the Commissioners? Ripe -- ripe for a motion.

MR. WILLIAMS: We have a motion.

MR. ZENNER: The motion has been made.

MR. STANTON: Oh, we do already have one.

MR. WILLIAMS: We were discussing the motion.

MR. STANTON: All right. Mr. Secretary, let's get it on then. Let's take a vote.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Ortiz, Ms.

Placier, Mr. Stanton, Mr. Williams, Ms. Wilson, Mr. Walters. Voting No: Ms. Loe.

Motion carries 6-1.

MR. WILLIAMS: That is six in favor, one against, the motion carries.

MR. STANTON: This will be forwarded to City Council. Thank you, Mr. Secretary. All right. Let's rock and roll. Let me see what time it is. Okay.