



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, February 6, 2025

7:00 PM

REGULAR MEETING

Columbia City Hall

Council Chambers

701 E Broadway

I. CALL TO ORDER

MS. GEUEA JONES: Good evening. I will now call the February 6, 2025 meeting of the Planning and Zoning Commission to order.

II. INTRODUCTIONS

MS. GEUEA JONES: Commissioner Williams, may we have a roll call?

MR. WILLIAMS: Commissioner -- okay. I think we're down to me, actually.

Commissioner Williams, here. Commissioner Loe?

MS. LOE: Here.

MR. WILLIAMS: Commissioner Wilson?

MS. WILSON: Here.

MR. WILLIAMS: Commissioner Walters?

MR. WALTERS: Here.

MR. WILLIAMS: Commissioner Brodsky?

MR. BRODSKY: Here.

MR. WILLIAMS: Commissioner Ortiz?

MS. ORTIZ: Here.

MR. WILLIAMS: Commissioner Placier?

MS. PLACIER: Here.

MR. WILLIAMS: Commissioner Stanton?

MR. STANTON: Yes.

MR. WILLIAMS: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MR. WILLIAM: Nine.

MS. GEUEA JONES: Very good. We have a quorum.

Present: 9 - Sara Loe, Anthony Stanton, Sharon Geuea Jones, Peggy Placier, Shannon Wilson, Thomas Williams, Robert Walters, McKenzie Ortiz and David Brodsky

III. APPROVAL OF AGENDA

MS. GEUEA JONES: Are there any changes or adjustments to the minutes, Mr. Zenner?

MR. ZENNER: To the agenda, no, there are not ma'am.

MS. GEUEA JONES: Did I say minutes? I'm so sorry. I normally have, like, a whole hour and a half to warm up. Seeing none. Is there a motion to approve the agenda?

MR. STANTON: Move to approve the agenda.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton, seconded by Commissioner Loe. Thumbs up approval on the agenda?

(Unanimous vote for approval.)

MS. GEUEA JONES: Thank you.

Move to approve

IV. APPROVAL OF MINUTES**January 23, 2025 Regular Meeting**

MS. GEUEA JONES: We all received a copy of the January 23rd minutes. Are there any changes or adjustments to the minutes? Seeing none.

MR. STANTON: Move to approve the minutes.

MS. LOE: Second.

MS. GEUEA JONES: Motion to approve the minutes by Commissioner Stanton, seconded by Commissioner Loe. Thumbs up approval on the minutes?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous on both. Thank you very much.

Move to approve the minutes

V. PUBLIC HEARINGS AND SUBDIVISIONS**Case # 63-2025**

A request by A Civil Group (agent), on behalf of Drew Properties, LLC (owner), for approval of a design adjustment from Sec. 29-5.1(f)(iv)(D) of the UDC relating to individual driveway placement on newly created non-residential lots with less than 300-feet of roadway frontage along arterial or collector roadways and approval of a 6-lot final plat to be known as "Arcadia Plat 10" which contains a survey tract and previously platted lot shown on Arcadia Plat 8. The 13.66-acre subject site is zoned IG (Industrial) and M-C (Mixed-use Corridor) and is commonly addressed as 2205 Brown School Road.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends:

- Approval of the requested design adjustment from the provisions of Section 29-5.1(f)(iv)(D) requiring a minimum of 300 feet of roadway frontage be provided along arterial and collector roadways to permit newly created non-residential lots to have individual driveway access.
- Approve the final plat entitled "Arcadia Plat 10," pursuant to minor technical corporations.

MS. GEUEA JONES: Thank you, Before we go to questions for staff, do any of my fellow Commissioners need to recuse themselves from this case?

MR. WALTERS: I do.

MS. GEUEA JONES: Commissioner Walters, you are excused.

MR. WALTERS: Thank you.

MR. CRAIG: Oh. And, Commissioner, before you go, just as a matter for the record, you are a member of Drew Properties, LLC. Right?

MR. WALTERS: I am.

MR. CRAIG: And Drew Properties is the owner of the subject property of this -- of this hearing?

MR. WALTERS: Yes.

MR. CRAIG: Okay. Thank you.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my other fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Questions? Commissioner Brodsky, yes?

MR. BRODSKY: I have a couple of questions. The -- the southwest parcel, I guess the tip of the hook or the tip of the foot, depending on what -- how you want to see it, access to that will be gained from Brown School or from Roger Wilson?

MR. PALMER: From Brown School, and that's shared driveway location on the map if you saw it and go back here, it'll actually be between these two lots along the property line.

MR. BRODSKY: Okay. And then my next question, I was looking at the -- you know, the list of items that were the five items that we're, you know, supposed to be using on -- or using to evaluate whether or not we want to support these, and this might be more of a legal question. But when you look at 29-5.2(b)(9), it says that staff and the Commission, all five of those has to be met for an approval, but Council only has to -- you

know, they use those things as considerations when making a decision. So just curious that difference there, and again, I'm still getting used to the Code.

MR. ZENNER: The actual provision is a "may" consider for the Planning and Zoning Commission, and I believe it is a "shall" consider for Council. So they are considerations, but they are not mandates.

MR. BRODSKY: What it says is if a design adjustment is requested, the director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met. And then the next part, it says, and the Council shall consider these criteria in making a decision." It just seemed -- seemed like we had different -- different instructions than Council might have with that language.

MR. ZENNER: So typically when we evaluate design adjustments, we are utilizing general criteria that a design adjustment has to be evaluated based on the impacts that that design adjustment, if granted, will create. Is the design adjustment, if granted, creating an equivalent or a superior outcome as if the actual regulation written within the UDC were to be applied. And so part of our analysis, we have to go and we look at the Comprehensive Plan, and the Comprehensive Plan, in and of itself, provides broad general guidance for the community as a whole. However, when we look at the specific conditions associated with a particular location where a design adjustment is being proposed, and we look at the outcome that would be generated if that design adjustment were granted against all of our other regulatory requirements such as the minimum design requirements for spacing driveways, we have to do a balancing test. And so what Mr. Palmer described was a balancing test that we operated against as it related to those conditions. And that is how we typically will approach a design adjustment is fully within the purview, as I have stated before to this Commission, as it relates to design adjustments. If you are not satisfied that the criteria here is met based upon the testimony that's been given by both staff and by the applicant, it is fully within your purview to default to what the code requires and require the applicant to share driveways as in this specific instance.

MS. GEUEA JONES: Commissioner Brodsky, the way I have always read it is that it doesn't say all of the following or each of the following or anything like that, so I always read it as a more of them are met than not is kind of how I've always read it, and I think that's how we've always behaved, applied it for sure, but, I mean, I'm willing to defer to legal if that's not how we should be reading it.

MR. CRAIG: Well, I'm hesitant to decree City policy on the fly. If you want to revisit that, I'll defer to Mr. Zenner. If you -- if you don't think the criteria has been met, don't vote for it, but I -- I know this is how it has been done. If that's an invitation and I said to --

to commit the City to an interpretation policy that on the fly, I'll politely decline that invitation, but we can -- we can visit that certainly.

MR. BRODSKY: Yeah. Just, again, I'm getting familiar with this new UDC and kind of seeing differences in language, so I wanted to just ask that question. And I guess my -- my last question, obviously, on, you know, that southernmost driveway that's along Roger Wilson Drive, obviously, that meets MOCAN -- or MOCAN -- MODOT distances from that intersection. Would that -- would that right-of-way access be further north if -- if we weren't trying to create the spacing to allow for multiple drives?

MR. PALMER: That's a potential outcome, yeah. So it's pushed, I think, about as far south as it can be because we're trying to make up the spacing for all the other lots along Roger Wilson. I think one thing to consider though, so all of these lots, when development comes to us, there are provisions that would require traffic study and maybe some further evaluation of those entrances if they are a producer of heavy traffic. So we're looking at it just as, you know, lines on a -- on a map, without really knowing what might go on those lots. And so those MODOT standards are kind of our only guide for, you know, the spacing itself, and so that's what they're trying to address up front, but again, if it's a heavy traffic producer, we may have to revisit it, and I don't know what a recommendation would look like if that's the case, but that would probably involve, you know, rethinking where those are located and how to address them. They might be right-in/right-out only. We've done that before. But, yeah. There's -- there's a couple different outcomes still beyond what's on the plat, so --

MR. BRODSKY: That's all I had. Thank you.

MS. GEUEA JONES: Any other -- Commissioner Placier?

MS. PLACIER: Yeah. You had mentioned heavy traffic, and that was one of my questions because we are cramming three IG lots in here, and thereby giving certain by-right uses to those. Are there any of those potential uses that could generate heavy traffic? I mean, we're making some kind of assumption that they wouldn't, but --

MR. PALMER: Well, yeah. Again, the fact is we don't know what they are. the M-C is probably going to product more traffic than IG, but IG produces heavier traffic, like, you know, physically heavier traffic. So right now we just don't know. Again, when they come in with, you know, development plans, that's reevaluated, and based on, you know, the -- our traffic division's standards, certain users produce more than 100 daily trips, and those would require a traffic study, and that's on a lot-by-lot basis, typically, unless they all come in together for development. But each one of those would then carry with it some type of -- potentially some type of improvement along the roadway that would offset whatever they're impact is, so --

MR. ZENNER: And I think to add to that, Ms. Placier, the lots themselves do not have to be a minimum of 300 feet. There is no minimum lot frontage in the IG or the M-C zoning district, so these lots are compliant. It is -- obviously, the differentiation here is in order to actuate or facilitate the ability to have -- each to have their own driveway, which is what the request is to permit, they'd have to be 300 feet. So again, if you're not satisfied that the testimony that has been provided by staff or maybe provided by the applicant is sufficient, you can deny the request. These lots still would be considered legal in their zoning districts. The driveways, however, would then have to become shared.

MS. PLACIER: Yeah. Understood. It's just the extra driveway has the potential to create more traffic hazard, so got to consider that.

MS. GEUEA JONES: Any other questions for staff? Commissioner Loe?

MS. LOE: It's one additional question on the criteria -- criteria number four, design adjustment is being requested to address the unique feature of the site or to achieve a unique design character. And this is identified as being supported. Mr. Palmer, can you just -- I mean, as you said, the site doesn't appear to have any unique characters, it's straight and flat. Is that a point of view?

MR. PALMER: Well, so the -- the unique character, one aspect of it is -- is the lot size. Being smaller lots, it's not as feasible to have those shared drives. You're basically putting a -- almost like a frontage road along the front of those in order to get driveway access to both unless it's, you know, just a shared drive along the lot line like the one to the south, which, you know, has minimal impact to what's going on. But the other aspect, too, is it's the applicant's desire to have individual driveways, and that's from her personal experience from what I understand. I'll let Mr. Gebhardt kind of expand on that if he has more information. But, you know, it's -- it is doing both, in our evaluation. It's -- it's addressing kind of a limited lot size when it comes to those IG zoned lots that are a little smaller in size than what we would typically see, and then they're also trying to maintain those as a -- you know, the unique design feature or the unique design characters that they are pursuing that individual drive, so --

MS. LOE: Just for my clarification, currently, the parcel is -- has one or two lots?

MR. PALMER: It's currently all one lot except for the -- the hook to the southwest.

MS. LOE: So the six lots is proposed?

MR. PALMER: Right.

MS. LOE: It's not an existing unique feature, it's a proposed feature that they're creating the hardship by proposing six lots?

MR. PALMER: In a way, yeah.

MS. LOE: All right. Thank you.

MS. GEUEA JONES: Anyone else? Seeing none. We will open the public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward. State your name and address for the record. The applicant and groups get six minutes, everyone else gets three. Whenever you're ready.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group, here tonight representing Drew Properties and also the contract purchaser's representative is here also. The contract purchaser has the north three lots under contract, and they -- they would like to -- or desire this to be a medical office area, and that's what the -- her -- her intended use for one of the lots is and trying to encourage others to come up there and build their offices. The 300 foot is -- I believe meets even the intent of the Comprehensive Plan because the Comprehensive Plan in a very simple way is, you know, we want to have safe entrances. And we -- I believe by meeting the minimum access management standards that are adopted by the City and by MODOT, we're meeting that requirement. And also one of the, you know, other reasons I think this would make sense, again, it's low traffic now, but it is a frontage road, so one side of the road won't have any driveways, you know, so for most of the length of that. So the conflicts that we have won't necessarily be as -- as if it was a road that served lots on each side. If you have any questions, I would be glad to answer them directly instead of just talking.

MS. GEUEA JONES: Any questions for this speaker? Commissioner Brodsky?

MR. BRODSKY: Mr. Gebhardt, I think that was actually a great answer to the unique feature that might allow this, the fact that it's a frontage road and half the road is never going to be developed. My concern is not so much -- you know, I get it. You don't want to create another frontage road on a frontage road, just to serve these three lots. But my concern is how far south it pushes the access for the southern two lots there. Would it be something that you could work with where maybe Lot six has its own drive, but maybe four and five share a drive on that parcel line, and that would allow those southern access points to come further north and away from that intersection?

MR. GEBHARDT: Well, the -- the owner of the property is actually sacrificing quite a bit by allowing the spacing for the northern tier by pushing that driveway to -- toward the intersection, it's more and more likely to be a right-in and right-out only, and that's -- I don't think that we need to be answered today, but if a large amount of traffic -- (inaudible).

MR. ZENNER: Jay, can you speak into the mic?

MR. GEBHARDT: Oh, sorry. I could very well see that happening. But, yeah. Two hundred and twenty feet is -- is the minimum requirement, and by putting it there, the owner is accepting that that may not be able to function as a full access easement or driveway in the future.

MR. BRODSKY: That's all I have. Thank you.

MS. GEUEA JONES: Any other questions for this speaker? I have one, and it may - - maybe I should have asked staff. There is one other lot, the M-C lot to the north. Will placing driveways all along those northern three lots create a problem with that lot?

MR. GEBHARDT: No. We maintained the 220 feet for the existing driveway for the soccer club.

MS. GEUEA JONES: Okay.

MR. GEBHARDT: Is this that driveway you're talking about?]

MS. GEUEA JONES: Yeah. Just that little, like, parking or whatever that is? Yeah.

MR. GEBHARDT: Well, we've met that requirement for that, too.

MS. GEUEA JONES: Okay. I just wanted to make sure we didn't inadvertently make that -- that owner's lot much more difficult should they ever need to do something different with that in the future. Anyone else? Commissioner Williams, did you have something? Commissioner Williams, go ahead.

MR. WILLIAMS: Can you just address the traffic situation as you're aware of it, at different times of day, different days of the week, and how that might interface with the intended use of the --

MR. GEBHARDT: The County owns 80 percent of that land that is used by Roger I. Wilson, the 911 center, the sheriff's jail. There is a fire training center out there. Those types of uses generally don't generate, and I don't see the County selling this for -- you know, to a developer to develop into a shopping area or anything like that. So I think the traffic is -- I mean, it's labeled as a major collector. It's not an arterial street. I think that's appropriate because the types of uses that are going to occur here are -- are not going to be that great to the north of us. The five acres to the south is zoned M-C. It could have a small shopping-type area in it, but we don't know at this point. The purpose of this right now is to create the three lots for the contract purchaser who wants to build a medical office.

MR. WILLIAMS: And as far as the soccer club, are you aware of traffic patterns on that?

MR. GEBHARDT: It's evenings and weekends, so it's not -- you know, it's not the a.m. peak or the p.m. peak where we would be worried about it. I also have worked with the soccer club and the remainder of their property to the west of that, they -- they don't

plan on adding any more fields or expanding. They believe they have enough fields to meet their needs the way that is now.

MR. WILLIAMS: I have a question for the City staff, if I may? The driveway in the south that's close to -- well, let me back up. I was trying to understand. Are we approving the -- the plot that would -- is the part of the plot we're approving just the northern three, or is it the entire six?

MR. PALMER: The plat will be all six lots. The design adjustment that would have to be approved before the plat is approved is just for the three lots on the north.

MR. WILLIAMS: Okay.

MR. PALMER: They are providing spacing for all driveway access points, but the design adjustment applies to those northern three lots. Those are the only three that don't meet the 300 foot requirement for frontage.

MR. WILLIAMS: And so what part of the -- I hear -- I hear Commissioner Brodsky's concern about this Lot 2 and where it -- the driveway, just the proximity to the intersection. And I'm curious, again, for City staff, what the process is for evaluating that since it's not part of -- I don't think it's -- it's not really part of what we do. Correct? That's a separate City department.

MR. PALMER: I mean, sure, you get to consider it, but our traffic division is included in our review of these. It meets, again, the MODOT standard which they have adopted, as well. I'm sure there was discussions about, you know, potential uses and traffic generations here. Like Mr. Gebhardt mentioned, it may become right-in/right-out. That's one of the things we would do to limit the impacts that might be created. But it meets our standards, the traffic division reviewed this and approved that location along with all the others, so, yeah. Again, it falls back on the MODOT standards which we've adopted in the city of Columbia, as well, so --

MR. WILLIAMS: Great. Thank you.

MR. GEBHARDT: If I may, the -- you know, when -- when Lot 2 is brought in for development, it will be looked at, and if it creates more than 100 trips in the a.m. peak or 100 trips in the p.m. peak, then a traffic impact study will have to be made. And if left turn needs to be put in or whatever, what needs to do to, you know, mitigate those impacts of that traffic, then they would have to do those offsite improvements.

MR. WILLIAMS: And how far is the driveway as proposed from the intersection?

MR. GEBHARDT: It's a minimum of 220 feet. I don't know the exact distance, but we put stationing on the drives based on center line and so it can be calculated, but I don't -- it's greater than 220 feet.

MR. WILLIAMS: Okay. All right. Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Loe?

MS. LOE: Mr. Gebhardt, you've characterized Roger Wilson being a frontage road at that location, but Drew Properties owns a lot, a 2.4 acre lot across the east side.

MR. GEBHARDT: They do.

MS. LOE: Across from lots 2 and 3. Do you know what their planned -- any plans for the use of that lot is at this time?

MR. GEBHARDT: No. I do know several C stores have looked at it, but declined that location due to the MODOT will not allow any access on Brown School Road from that -- that lot.

MS. LOE: So that lot --

MR. GEBHARDT: -- and that pretty much killed the C-store.

MS. LOE: But -- so -- which was going to be my next question. Access to that lot will be from Roger Wilson?

MR. GEBHARDT: Correct.

MS. LOE: Thank you.

MR. GEBHARDT: MODOT has limited access on that section of Brown School Road, so there is no access allowed.

MS. GEUEA JONES: Anyone else? Commissioner Placier?

MS. PLACIER: I'm glad you mentioned left turns because I'm not sure everybody realizes that the narrow two-lane without space for creating a left-turn lane at this point. And that concerns me about the lots closer to the intersection because we already have this situation at Rangeline and Vandiver where people are turning left into the Starbuck's and this other stuff that's right there near the -- near the intersection, and it's created a little bit of a problem. I'm not sure this is going to have the draw of Starbuck's, but I think it's going to have to be a consideration.

MR. GEBHARDT: Yeah. The M-C portion of this, and Rusty had an aerial view of the road and it showed a curb and gutter, and that pretty much goes across the M-C portion of this property. But there is right-of-way being dedicated, so if a left-turn lane is needed, there's room to -- to build one. Now existing pavement isn't necessarily wide enough --

MS. PLACIER: Uh-huh.

MR. GEBHARDT: -- but you can see that taper in that drawing. It's coming down from the left turn that goes onto to Brown School to get on to 63. (Inaudible). I believe that's a 38-foot section of road right there where there's curb and gutter, and then it narrows down to the -- but if the buyer wants to put a driveway in -- and their clients, or I've been told, are more elderly, so she's concerned about their entrance and exit to this,

so I'm sure they'll consider putting something like that in to -- to make it safer for their -- her patients.

MS. GEUEA JONES: Any other questions for this speaker? Seeing none. Thank you very much, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Next member of the public to speak on this case, if any, please come forward. Seeing none. We will close public hearing on this case, and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments in this case? Anyone like to make a motion? I believe -- do we need two votes, one on the design adjustment and one on the plat, or just one vote?

MR. CRAIG: I think it would be preferable to do -- to break it up into two motions, first for the design adjustment --

MS. GEUEA JONES: Design adjustment first?

MR. CRAIG: -- and the second the plat itself.

MS. GEUEA JONES: Very good. Commissioner Stanton?

MR. STANTON: I would like to entertain a motion.

MS. GEUEA JONES: Please.

MR. STANTON: The first one would be on the design adjustment. I move to approve the requested design adjustments from provisions of Section 29-5.1 (f)(iv)(D) requiring the minimum of 300 feet for roadway frontage to be provided along arterial or collective roadways to -- to permit newly created non-residential lots to the individual driveway access.

MS. GEUEA JONES: Is there a second?

MS. WILSON: Second.

MS. GEUEA JONES: Motion made by Commissioner Stanton, seconded by Commissioner Wilson. Is there any discussion on the motion? Seeing none. Oh, sorry. Commissioner Loe, go ahead.

MS. LOE: I just wanted to, for the record, identify that I'm going to not support the motion based on I'm going to concur with Commissioner Brodsky's interpretation of the ordinance, and that it does not say some of the criteria, it says the following criteria, which I do not believe all have been met. Thank you.

MS. GEUEA JONES: Thank you. Any other discussion on the motion? Commissioner Brodsky?

MR. BRODSKY: This is more for the benefit of City Council if they're reading our

minutes. I do think that might be something we want to look at again if we -- if we ever do come back and make changes to the UDC. But I think I'm going to support this, and a big part of my reason is Mr. Gebhardt's response to the uniqueness, you know, the fact that we will not see development along the east side of this road was compelling to me, so --

MS. GEUEA JONES: Anyone else?

MR. CRAIG: And I might chime in before you go to vote.

MS. GEUEA JONES: Please go ahead.

MR. CRAIG: I think the fact that the ordinance, the section says it's discretionary on the part of the Commission, it doesn't say shall approve if all those. It would create a situation which would be of much higher threshold at the Commission level than there would be at Council level. So the fact that it is discretionary, I think, it lends -- I agree that it is not very clearly written, but I -- my -- I think it, as it is discretionary, it's weighted factors, I will -- I will put my two cents in on that, so, thank you.

MS. GEUEA JONES: Thank you very much. Commissioner Stanton?

MR. STANTON: I'll jump in this discussion. Yeah. If we held the standard that all -- all the criteria had to be met, we would be creating a heck of a precedent because there's a lot of cases where it looks good, everything is lined up, but it'll cost a million dollars to happen, which would be an economic -- and if that criteria was not met, it would be a whole bunch of cases that we would have to review, so most or more or most important, you know, it's our discretion. This is why it comes before us. We're kind of the jump ball in basketball, and this is kind of a jump ball situation.

MS. GEUEA JONES: Anyone else? Commissioner Williams?

MR. WILLIAMS: To me, I think, you know, when you look at the fact that the driveways are going to be spaced out consistent with the MODOT standards, a visual review of this is, you know, 225 feet is 75 yards, which is a sizable distance with the level of traffic and the contour of the road, so I don't think it's going to create the problems that the 300 feet was intended to avoid.

MS. GEUEA JONES: Anyone else? I appreciate the comments of Commissioners Brodsky and Loe and that's a discussion I think that we probably need to have as we continue to refine the UDC that we worked so hard to put into place. I am defaulting to you have to meet the criteria of the UDC on this one, and a big part of that is actually the fact that it is a long straight stretch of road. I think that you're going to -- if presumably we now have five driveways in a straight line for these relatively small commercial lots, I think you're going to end up with a lot of people pulling into the wrong one, pulling out and having to go to the next one if you don't have that internal flow. And I think that that is

another -- when the UDC talks about traffic flow and that sort of thing, I think that that is one of the considerations, not merely is it hilly, can you see from one to the other. It's not just visibility, it's also traffic flow. And I think this is asking for traffic flow problems especially when, you know, we're not talking about residential drives, so we're definitely not talking about people backing out, but that also means that we're talking about a lot more traffic and a lot more ability to create internal circulation because you don't have things like front yards. So I -- I just don't find a compelling reason to create five separate entrances along a stretch of road where people are likely to be going at a pretty good clip, where there's not a lot of other traffic which will also tend to be -- or there's not a lot of other reasons to stop other than those five, which means I -- I just don't see a compelling reason to give the exception, and I think that it is likely to create future problems if we do grant the exception. So for those reasons, I won't be supporting it, which is I think a little different than what other folks have been talking about so I wanted to get that on the record, as well. With that, any other discussion? Last call.

Commissioner Williams, when you're ready, this is on the design adjustment only.

MR. WILLIAMS: I'm up first this meeting.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. William, Ms. Wilson, Mr. Brodsky, Mr. Stanton. Voting No: Ms. Loe, Ms. Ortiz, Ms. Placier, Ms. Geuea Jones. Abstention: Mr. Walters.

MR. WILLIAMS: It is a four-four split yes and no. I defer to the Chair as to what that means.

MS. GEUEA JONES: So that is a no recommendation vote, or is that a recommend denial vote?

MR. ZENNER: No recommendation pursuant to your rules of procedure.

MS. GEUEA JONES: That's what I thought, yes.

MR. ZENNER: And that is what will be forwarded to City Council.

MS. GEUEA JONES: So that lack of recommendation will be sent to City Council. Thank you very much. Oh, sorry. The other thing before we move on to the next case. Do we still need to vote -- yeah, yeah, yeah. We still need to vote on the plat. Can we approve the plat without the design adjustment, and make the motion as such?

MR. CRAIG: Yes. Yeah.

MS. GEUEA JONES: Okay. So it will be subject to corrections?

MR. CRAIG: Yeah. Yeah.

MR. STANTON: Subject to the approval of -- or does it still go through -- no. It can't go through as it's currently presented without the adjustments?

MS. LOE: The plat shows driveways.

MS. GEUEA JONES: Yeah.

MR. CRAIG: Oh, subject to correction, removing the --

MR. STANTON: Approval. Right?

MR. CRAIG: Yeah. Yeah. Or, yeah, pending approval by Council. Mr. Zenner?

MR. ZENNER: Yeah. I -- that's -- I mean, the recommendation on the plat is it can be recommended for approval. If Council chooses to deny the design adjustment --

MR. STANTON: The plat dies.

MR. ZENNER: -- the plat would then die. This is the reason why on design adjustment and platting actions, we take two separate votes because they will appear as two separate pieces of legislation. And so Council will have to act on the no recommendation of the Planning Commission because it's a tie vote. So at this point, not wanting to count our chickens before they hatch, if the plat is recommended for approval and it is not -- the design adjustment isn't approved, the plat would be remanded for revision most likely before action to approve it by Council because it would not otherwise be compliant is taken. But the Planning Commission's action, you've made your motion on the design adjustment. You do not -- there is no -- there is no affirmative yes or a no, and therefore, if you are satisfied that the plat would otherwise meet all of our technical requirements, the plat can be recommended for approval with the understanding that the design adjustment is still needing to be decided and that decision is at Council. And I would, at that point, Ms. Geuea Jones, include that within whatever motion you make, but it is subject to Council's actions on the design adjustment.

MS. GEUEA JONES: So approve pursuant to minor technical corrections and subject to action on the design adjustment?

MR. ZENNER: Yeah.

MR. CRAIG: By Council, yeah. That sounds good.

MS. GEUEA JONES: All right. With that, I will open the floor to --

MR. STANTON: I will make that motion first.

MS. GEUEA JONES: Well, you need to. Yeah. I was going to open the floor to you to do that.

MR. STANTON: Oh, okay.

MS. GEUEA JONES: Go ahead.

MR. STANTON: As it relates to Case 63-2024, I move to approve the final plat entitled Arcadia Plat 10 pursuant to minor technical corrections and approval of design adjustments by City Council.

MS. GEUEA JONES: Is there a second?

MS. WILSON: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton, seconded by Commissioner Wilson. Is there any discussion on the motion? Commissioner Williams?

MR. WILLIAMS: Not withstanding my vote on the prior motion, I will say that the one thing that concerns me about this is, as Commissioner Loe pointed out, the -- on the plot itself, the issues with the design adjustment are a direct result of the plot that's been chosen by the petitioner, so I'm -- it makes me uncomfortable from a -- and I don't like to use the word -- and we don't usually use the word precedent up here. But it makes me uncomfortable to have someone bring a plot that knowingly requires a design adjustment without a very significant reason why the plot has to be designed that way, because then it sort of invites us to be constantly making adjustments to what the Code, the UDC said the standards are. Perhaps those with more seniority here would explain to me why that's an incorrect way of thinking, but that's my -- that's my concern with what -- with this plot.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: My esteemed colleague, my vast experience as the senior Commissioner on this body here, a plot can't live unless the adjustment lives. So I'm going to assume they'll talk about the adjustment first. If it lives, then the vote, if we approve this plot, would then live. If the adjustment dies, the plot dies -- the plat dies. They're symbiotic. So you have no worries. If it dies, then it has to go back for adjustment; right, Mr. Zenner?

MR. ZENNER: The Council could delay action to allow for the access arrangement to be corrected to be compliant.

MR. STANTON: Okay.

MR. ZENNER: So the issue here is are six lots on this acreage that would otherwise comply objectionable, or are six lots with the design adjustment is what your objection is. It should not -- the acreage is capable of being divided as it is proposed, and if that's not your problem, you don't have a problem with creating six marketably sized lots for individual businesses, make a recommendation to approve the plat because the access issue will be corrected with Council's action. And if Council chooses to approve the design adjustment, that may be an indication that Council does not see the same concerns that you see with its non-compliance, and that triggers a different discussion of maybe we, as a City staff, with this Commission need to discuss and reevaluate why do we have that provision within the UDC. And that is -- so as I think Mr. Stanton eloquently put it, you all are the arbitrator of these types of actions for relief. It's the jump shot that the applicant is asking for. We've -- we've assessed this request from our perspective. The applicant has made theirs, and you make the decision. And you

made a recommendation at this point to not make a formal recommendation of approval or denial, and so now we let Council speak.

MR. STANTON: Mr. Zenner, that's a jump ball.

MR. ZENNER: I'm sorry.

MS. GEUEA JONES: Thank you, Mr. Zenner.

MR. ZENNER: I'll get the sports analogies correct on another meeting.

MR. WILLIAMS: Thank you, Mr. Zenner. No. That makes -- that makes sense to me, and I -- I appreciate the distinction. Yes. I mean, these six -- the plot would be fine as it is with no design adjustment required if there was a common driveway, or enter your frontage road, as we've been calling it.

MS. GEUEA JONES: Right. Yeah.

MR. WILLIAMS: As presented with the driveways in place, that's what requires the design adjustment. So I --

MS. GEUEA JONES: Any other discussion on the motion? Seeing none.
Commissioner Williams, when you're ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Brodsky, Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones. Abstention: Mr. Walters.

MR. WILLIAMS: It's eight to zero. The motion carries.

MS. GEUEA JONES: Thank you. That set of recommendations will be sent to City Council. Moving on to our next case for evening.

Motion 1: Move to approve the requested design adjustments from provisions of Section 29-5.1 (f)(iv)(D) requiring the minimum of 300 feet for roadway frontage to be provided along arterial or collective roadways to -- to permit newly created non-residential lots to the individual driveway access. VOTNG YES: Williams, Wilson, Brodsky, Stanton. VOTING NO: Loe, Ortiz, Placier, Geuea Jones. Abstention: Walters.

Motion 2: Move to approve the final plat entitled Arcadia Plat 10 pursuant to minor technical corrections and approval of design adjustments by City Council. VOTNG YES: Williams, Loe, Wilson, Brodsky, Ortiz, Placier, Stanton, Geuea Jones. Abstention: Walters.

VI. PUBLIC HEARINGS**Case # 68-2025**

A request by Courtney Pulley (Owner) for approval of a Conditional Use Permit (CUP) to allow 5406 Gemstone Way to be used as a short-term rental for a maximum of 8 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and 29-6.4(m) of the Unified Development Code. The approximately 0.22-acre subject site is zoned R-1 (Single-family Dwelling), is located south of the intersection of Gemstone Way and Agate Way, and is addressed 5406 Gemstone Way. **(This item was tabled at the January 23, 2025 Planning Commission meeting).**

MS. GEUEA JONES: May we please have a staff report?

MR. ZENNER: Yes, you may, Madam Chair, and may the record reflect that Mr. Walters has returned to the dais.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 5406 Gemstone Way to be operated as a 210-night STR for a maximum of eight transient guests 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 the most recently adopted edition of the International Property Maintenance Code (IPMC), and
3. A maximum of 210-nights of annual usage.

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

MR. STANTON: Madam Chair, the applicant is a fraternity brother of mine. We belong to the same fraternal organization. That has no bearing. This is a pretty insane subject for both of us, and I don't care he's my frat brother, I'm going -- I'm going to judge it based on my -- on my position in the criteria established by the short-term rental regulations.

MS. GEUEA JONES: Thank you for disclosing. Anyone else, anything to disclose? Seeing none. Questions for staff. Commissioner Wilson and then Commissioner Loe.

MS. WILSON: Actually, I have a couple questions. The first one, and they're more

so about how we proceed with these. So the first question is when I look at the supplemental questions, they don't lend themselves to me -- I don't know how to say this -- so let me just ask what I wrote down. So like, I'm looking specifically at the second part and E, and the applicant notes we've maintained excellent relationships with neighboring property owners. That, to me, can be misleading given the letters that we have of individuals who stated they didn't even know that this was a short-term rental, which tells me either there's no relationship or there's a misstatement of relationship. So how can we better write those questions to get a better answer, I guess, is really what I'm driving at. The next one that I have is are applicants notified of potential concerns and compliance issues like the misaligned description on the promotional website, and I ask that because is that -- are they told that before they come here, like, your description, you can't use that description based upon our regulation. And if they are told that before they come here, then, you know, are we asking them to fix it before they come here; does that make sense? Okay.

MR. ZENNER: Is that all?

MS. WILSON: That is.

MR. ZENNER: So let me -- I'll work in reverse. So until June 1st of 2025, any listing that is out on Vrbo, Expedia, Airbnb can exist. There is no compliance requirement. And so we will not evaluate listing information until after an application is received and put into the queue for review. And as a part of our evaluation, and I am working with Mr. Halligan at this point to ensure that our applicants are made aware, and as you note within the staff report, we make clear disclosure within the staff report, which is provided to the applicant prior to this hearing, that there will be changes needed. And as a part of the compliance component of licensure, we will evaluate that that has been done once a license is issued. If it is not, it is considered a violation of the code, and therefore, we would then have to take effective action to do so. So that is -- that is a component that is up until June 1, it could be lawless, but if you're coming in and you're asking to have a license issued for you, we're letting you know you need to be compliant. And most people, when they're aware of that, they realize they have to make that change. So coming back to the first question then as to how can we make the second page, and I would suggest that both pages of the conditional use questions, the first page which is really more related to the comprehensive -- our evaluation of general conditional uses, the general public probably has no clue how their project or their request may or may not be compliant with any of the Comprehensive Plan without evaluating the Comprehensive Plan from cover to cover. And so really the answers that we typically have received and what you receive in the applications that are provided to you are yes, no, true, false. They are

very, very unhelpful. And what we are attempting to do as we evaluate -- pre-evaluate applications is we are evaluating page 2 specifically, more specifically because that is really the page that the applicant needs to display or express how they perceive their short-term rental as impacting the environment in which they're located. Again, it's a little bit of a learning curve for everyone. I think to -- we ask the question, or at least I do, and I think Mr. Halligan is starting to gain insight to this, that if you make a statement that you have great relations with your neighbor, you need to either be providing us documentation of that in support, or you need to change that answer to we don't know or we have not received any correspondence supportive of that. That's really, I think, what I'm driving at, and I actually, as an aside, just took an application in earlier this week. That question was answered in such a way that it was an affirmative. I said where is your documentation? Either give me it or change the answer. They changed the answer because they didn't have it. And so I think there's a little bit of -- in our reporting of page 2's responses to the conditional use, what we need to be more, I think, cognizant of as a staff is that these are the applicant's responses. We're not adding value. We don't want to add value to, well, yeah, they've claimed that they have support, and you've probably seen reports that have been prepared that say no documentation has been provided. Now when neighbors provide written comment, that written comment is generally generated off of either the early postcard notifications which come out a week after the application is received, or they are coming at the very last moments after the staff report is prepared. So what we are starting to do is we are providing copies of those comments to the applicants as they are coming in, as we provide them to you as time permits, so if they are in advance of the meeting date, they are receiving them in the same e-mail that you are receiving them. So they are aware that they either need to take effective action to reach out to their neighbors who have concern, or they better be prepared when they come to this venue. And that is something that again is part of an evolution process. The questions that are on the second page of the application -- I think, Ms. Wilson, you probably remember, those were decided by this body. And so if we want to talk about how we need to refine those questions, I think that that's a work session item that we can discuss again if we would like. We are in the final throes of being able to go to a fully electronic submittable applicant through our central permit portal, so I would like to, if we can, we may have to circle back to that at our next work session, which would be on the 20th of February. But that's the answers to the questions. Hopefully, that is sufficient.

MR. CRAIG: And, of course, the Commissioners are free to assign whatever weight they feel to answers to these questions being a lot of weight, some weight, no weight. That's part of your discretion, so --

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Zenner, I'm interested in the 2024 renting period, which is covered nicely in the report. You know, it's identified that there was 226 days that it was rented in 2024, but then it's also identified that that's when the long-term rental certificate was issued, due to, as you reported, there being a situation with a long-term rental. So now I'm interested in did that 226, does that include the long-term rental period, or is it 226 short-term plus the long-term, and was this being used. I just rechecked our ordinance and we say no to short-term reservations can be at the same time, but we don't say you can't do long-term and short-term at the same time.

MR. ZENNER: No. And so let me -- let me clarify. When we talk about an illegal rental, which is what was flagged, the illegal rental may be because there is occupancy occurring that is abnormal. And so an illegal rental could be an illegal long-term rental, and in this particular instance, the distinction, I did not mean to imply that the identification of an illegal rental was, it was being used as long-term rental. It was an illegal rental. So through investigation, it was determined that there was no long-term rental license on it. Again, until June 1st, no one in the City of Columbia is required to have a short-term rental license to rent their home as a short-term rental. And so if they wanted to operate this as a short-term rental under today's -- under the provision of June 1st being the drop-dead date for compliance, they have every right to do that. However, they went through the process because they were operating an illegal rental and got the long-term rental certificate. There is nothing in the Code that prohibits one from operating or obtaining both a long-term rental certificate and a short-term rental license concurrently. And so the days that are being used, you will have to ask Mr. Pulley, the applicant, if he was using it at any point for rental 30 days or greater to a single individual. There is no record that we have that would indicate that was the case, and that would be if he had a long-term tenant that was there for 30 or more days, he'd have to have a legal long-term rental, and therefore, the license would have covered that. So if the home were being occupied 365 days a year with 100 or 226 of it being with short-term occupants, and then a combination of long-term tenants 30 days or greater, it could have been being occupied 365 days a year. That is not the question we ask. We asked how many days in the prior year have you been using it for short-term rental purposes.

MS. LOE: You answered that it was being used for long-term rental, which was part of my question. Sorry, I threw a lot in there. I guess the other part of my question really was whether or not short-term and long-term fully agree we -- we -- I think we've actually stated you can have both licenses, but can you have a long-term tenant and a short-term guest at the same time?

MR. ZENNER: That is not clearly spelled out. I think from a -- from a practical perspective, the way that the intent of the ordinance was, the ability to, in essence, sublet, so to speak, the lower level of this home to one short-term tenant and sublet the upper portion of the home, the bedrooms on the upper level to a short-term tenant, that is clearly and expressly prohibited by our regulations.

MS. LOE: Okay.

MR. ZENNER: There is no clear or express prohibition that if you have a long-term tenant occupying let's just say the lower level, that the upper level could not be being occupied as short-term. I think the issue here is that was not something that is -- was conceived as something we needed to -- we needed to regulate. It may be.

MS. LOE: Except we -- we did talk about remember having situations with landlords that would -- who would require the use of the unit as short-term rental include that, and we really did want to avoid that.

MR. ZENNER: And, again, I think what we're -- the long-term rental license was the vehicle by which to ensure that the home or homes within the City of Columbia were legally -- were inspected for life safety-related issues. That was what prior to the adoption of the short-term rental regulations was being recommended by our Office of Neighborhood Services, but it was -- it was clearly articulated when an individual came in to seek a long-term rental license that that was not potentially going to give you an out to have to have a short-term rental license.

MS. LOE: Right.

MR. ZENNER: So a lot of our properties within the City of Columbia obtained long-term rental certificates in advance of their short-term rental application or while they were still using their dwelling in it as a short-term rental. I can't tell you in this particular instance if this was dually -- being dually used at the same time.

MS. LOE: And -- yeah.

MS. GEUEA JONES: Mr. Zenner, wouldn't it -- I'm trying to pull up the exact wording of our occupancy for short-term rentals, but I thought we did address this because I remember distinctly having conversations about the -- whether or not the primary residence would count in that total occupancy, and I thought the conclusion that we came to was yes. So it would seem to me that, yes, they could have a long-term tenant and a short-term tenant, but they would still not be able to have more than eight occupants if they are using their short-term license.

MS. LOE: But our intent was that the -- in the case where there was a long-term tenant in place, the tenant could get the license, not the owner.

MS. GEUEA JONES: No. I understand that, but I -- I am saying that even if we

missed something and there's a loophole and that intent is not clearly spelled out, the occupancy limit would prevent them from -- they wouldn't be in a situation where they've got three unrelated upstairs and eight unrelated downstairs, or something. So I see what you've saying, but there is an ambiguity on whether they can operate both licenses at the same time. I think my primary concern in that scenario would be not allowing the long-term tenant use of their space. I don't think that's an issue certainly on this case. But I will make a note to add it to work session.

MR. ZENNER: And I -- you are correct that the long-term resident, if they were a tenant, would have to be the one licensed. So again, if you're not doing a -- if you're doing a 30-day lease to a traveling nurse, they're not going to have the licensure. And so -- and they may be in the lower level, and given the R-1 zoning designation of the property, the R-1 zoning designation on a long-term rental only allows a maximum of three unrelated individuals. Again, compliance with the short-term rental limitations does not become fully enforceable until June 1st. So what's happened in the interim period here, I'm not quite sure we can resolve other than the fact that they got a long-term rental license in September of 2024 as a result of being reported as an illegal rental. That took care of at least the possibility that they were using it for no more than three unrelated individuals under the R-1 classification, and then they're now before us to get the short-term rental license as the owner so they would then have a specific limitation of a maximum of eight. I think we have to clarify that if you are duly registered, your maximal occupancy has to be controlled at something, and I don't know what that is, and I don't want to state that at this point because we need to think about that a little bit more, because you have two conflicting sets of regulations here, one that is more restrictive -- that's the underlying zoning -- and then you have the one that is more permissive, which is the short-term rental.

MS. GEUEA JONES: Sure.

MR. ZENNER: And I -- that is what is not covered clearly within our regulations, and I think we do need to discuss that.

MS. GEUEA JONES: I -- I would ask that we put that on a work session. Commissioner Wilson?

MS. WILSON: Yeah. So I'm just trying to recall everything I think clearly, but if I -- if I think clearly about this, it's -- if you have a long-term tenant, it is the long-term tenant who has to have the license, and there can only be one license. So that sort of resolves the matter.

MS. GEUEA JONES: Right. Which is why I'm saying I don't think that for tonight's case, we need to delve into did we accidentally create a loophole, plus I would also like

to ask legal to look into it because we're all trying to remember the exact language of all of these various sections without having them in front of us. So I -- I appreciate the discussion. I appreciate, Commission Loe, you bringing it to our attention. I don't think right now tonight is the time to resolve it unless we think it will affect our vote on this particular case. Okay. Moving on. Any other questions for staff? Seeing none. We'll open the floor to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward, state your name and address for the record. Six minutes for the applicant or a group. Come on.

MR. PULLEY: Yeah. I just wanted to make sure -- (inaudible)

MS. GEUEA JONES: Oh, no. No. No. Get on up. Name and address for the record.

MR. PULLEY: All right. Yes. My name is Courtney Pulley; I currently reside at 1903 Lightview Drive, Columbia, Missouri 65202. I've been a resident of Columbia for approximately 27 and a half years. My wife has been a resident of Columbia her entire life. I've owned this property for almost ten years. We resided in that property for approximately seven and a half years, raised two kids there. Have a significant investment in the home. Don't want to sell it. Significant equity in the home. Don't want to sell it. So we wanted to find some ways we could use the home to generate income for myself, my wife, and our family, and also look at developing some income upon retirement. Probably retire in five and a half years, so I would like to have some -- some way to generate income for myself and my family after that -- additional income. A couple things I did want to go over is the website, we'll change anything on the website we need to to comply. I know that the process is new for everyone, and so that's why we're here. Also relationships with the -- our neighbors, I hope I didn't misrepresent anything, Commissioner Wilson. We have had no negative interactions or relationships with our neighbors. And honestly, we've lived there probably -- we probably have been on that street probably some of the longest term residents there, so we know a couple of residents on the neighborhood. Several of the houses across from us and next to us have been rented out many times over, so I don't know who they are. I think several of them are being rented out right now, but we definitely want to make sure we comply with all neighborhood standards. We take very good care of the home, very good care of the home. We get the grass cut weekly, get any repairs that need to be made. Also, I do want to note that for our short-term rentals, we have very strict rules, so we actually appreciate that regulations are going in place. Me and my wife had considered that before we even were going to do this to say do we want to do this because there are no

regulations in place. Now, I will say if you ever want to ask me questions about how to, you know, make it better, I'm more than willing to -- to answer those. Now that we've been doing this, we've learned a lot. What else would I say? Like I said, we take very good -- oh, yes. Also our rules, no parties whatsoever, no guests of guests, so what that means if you stay there, you have to register. We have a registration form that has contact information, e-mail, phone number. We don't allow anyone under 21 to rent the residence. We've turned down many people. No smoking in the residence, no drugs, no pets unless it's like a comfort animal or a -- you know, a support animal, and they have to have papers for that or some kind of documentation, just because we have people that stay there that are allergic to animals, and we just want to be cognizant of that. Let me see. I had a couple of notes, too. Like I said, we have to maintain very good ratings to even do this, so we maintain a 4.89 rating, typically all fives from the people that do stay. And as you noted, we don't have any complaints, no police, because we police it very well. We've -- if there's an issue, we have had to have people leave the residence. If there is an issue, we do that right away. Very few issues because we -- we screen very carefully, okay, for who stays there, and we've denied -- declined people to stay on many occasions. So I just want you to know, you know, we want to do this the right way, and we want you to know there is a right way to do it and a wrong way. And so, if you all have any more questions from me, I'm willing to answer anything, so --

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: Thank you for that. First of all, my comments were not necessarily -- it was for process.

MR. PULLEY: Yeah. Absolutely.

MS. WILSON: And, secondly, it actually works in your favor because if people don't know you've been -- you've had a short-term rental, that's actually very positive. Right? So I just want to reassure you and encourage you that it actually is a good thing.

MR. PULLEY: Okay. Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: You would have two objections to this, so I'm going to say what I said every hearing with these short-term rentals. You guys are the pioneers. You have somebody that's objecting to this. It's your job to be a good neighbor from here on, if you get it. Nothing is guaranteed in life, but if you get this, it's imperative, because if you don't do this as a pioneer, you're going to make it harder in the future. So being a good neighbor, knowing everybody around you there, and I'm sure you have access to the objection letters. If not, I think they're publicly -- are they on the website?

MR. PULLEY: I have one, the new one, you know. I'll definitely go take a look at

that.

MR. STANTON: Look it up -- look it up and find out who that is, and work that out -- work it out. Definitely on the website pronto, because we look at that information. When we're doing this analysis, we're looking to see if you're out there, and how you're advertising yourself has a heavy weight on how we -- how we look at this. Staff had put this in the report, so it kind of prepared us for that, but had he not said anything, and we - - and we're -- we've got two or three computers up here. Everybody is running their mouth, we're looking stuff up as you're speaking, we're looking it up.

MR. PULLEY: Absolutely. I expected it.

MR. STANTON: We looked up your advertisement and it said party house, 12-15 people, and you're talking about you've got a beautiful relationship with the neighborhood and blah, blah, blah, blah, blah. And we're, like, you're lying right here and I'm looking at it. That has a very strong effect. Fix the advertising.

MR. PULLEY: Oh, go ahead.

MR. STANTON: So you do have a long-term rental now?

MR. PULLEY: A long-term rental certificate.

MR. STANTON: I can see it -- a certificate, yes. Okay. And when the stuff hits the fan, who am I calling and how fast are they getting there?

MR. PULLEY: We live within a mile and a half. Either one of us. We would be considered the designated agent or agents, and have responded. In the past if there is ever an issue, we keep security cameras on the front and back of the residence, so we see who is coming in and out, electronic locks so we can monitor who is coming in and out. So, I mean, we take this very seriously. I mean, you know, we've been doing this for quite a while with no complaints and that's on purpose. That's very deliberate.

MR. STANTON: Yeah. Okay. Thank you.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yeah. I compliment you on your screening of the guests and your security measures. We have debated, a couple of us, on our way home from the meeting, should we have this as part of one of the questions we ask, because it does strengthen the proposal. Another thing that strengthens the proposal, as Commissioner Wilson said, is that people don't even know it exists. They say if this happens, this will be a crisis for our neighborhood. It's already happening, so that means it's kind of invisible. It's, you know, under the radar, and that -- that's a good thing, too.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: But we want you to be lawful and not a renegade, unlawful use of land. You know how to get down.

MR. PULLEY: Yes, sir.

MR. STANTON: So, yeah. We definitely commend you coming out of the shadows, being exposed to the regulations, and -- yes.

MR. PULLEY: I do want to say one more thing. As far -- oh. Go ahead, if somebody else --

MS. GEUEA JONES: No. Please go ahead.

MR. PULLEY: I just wanted to say, as far as the basement, we'll comply with any additional structural inspection or permit that's needed, as well.

MS. GEUEA JONES: Yeah. So that was actually was going to be my question. What's -- from the pictures on -- on your ad, it looks nice. I guess my question is, does that mean that you went from a 1,500 square foot house to a 1,300 -- or to a 3,000 square foot house?

MR. PULLEY: No. It's approximately I'd say 2,400 square feet, because some of the basement is not completely finished. It's just like a John Deere room and a storage area.

MS. GEUEA JONES: Okay.

MS. PULLEY: But the contractor at the time they completed it about eight years ago, it was plumbed, electrical, framed, and they just finished it out. They -- they gave us the impression it didn't need to have a building permit. Now that we know that it does, we would definitely make sure to do that.

MS. GEUEA JONES: Well, the -- the time that you need a building permit goes -- they get more strict when you start renting it out as opposed to living there yourself, which is fine. I'm not -- I'm not trying to beat you up for it. So, yeah. If we put a condition on here that it would only be advertised with the sleeping rooms on the main level or it get fully up to code, you would be okay with that?

MR. PULLEY: That would be fine.

MS. GEUEA JONES: Okay. All right. Commissioner Williams, go ahead.

MR. WILLIAMS: It sounds like there was a violation. Is it -- can you go more of that with the rental. I got the impression from City's report -- staff's report that the reason that the -

MR. PULLEY: He made -- I'm not sure about that because he made some mention of there being a violation at the property to it being a long-term rental. We actually voluntarily and proactively went out to get that long-term rental compliance certificate, so I'm not sure -- I mean, you know, we would be more than willing to clear up that discrepancy.

MS. GEUEA JONES: Staff, was that related to the basement being an unpermitted

finish?

MR. ZENNER: No. I would have to go back and I'd have to look specifically at the code and the application process that came to look at the background information on that. It was my understanding that it did come from -- it was a result, not necessarily of a voluntary compliance. That may have been an error. The bottom line is the structure was inspected according to our housing requirements and was found to be compliant with the exception of some corrected items. So the building permit deficiency that we can't apparently find a building permit, which may not have been Mr. Pulley's fault, it may have been his contractor, again, that's going to require a little bit of additional investigation and coordination with our housing staff as to, well, what did they see and how does it comport with the building standards. Our building regulation supervisor is aware, because we inquired of them as to where the permit may have been. There's a method by which we can address that issue, and hopefully, it will not be an invasive one for Mr. Pulley.

MS. GEUEA JONES: But that wasn't related to whatever the violation may have been?

MR. ZENNER: No. And it is very possible that maybe I, not having directly been involved in preparing all of the documentation for this, just delivering the report, I may have conflated an illegal rental with a voluntary request for an application and the identified violations of that inspection being the illegal rental. But let me -- I want to just clarify that. I don't mean to throw him under the bus.

MS. GEUEA JONES: Oh, no. No. Mr. Pulley, you don't remember getting a no-no letter?

MR. PULLEY: No. No.

MS. GEUEA JONES: Okay.

MR. STANTON: My understanding, it was like you rent the house, and then go and get a rental certificate; is that where the problem started kind of?

MR. PULLEY: No. No. It's been a short-term rental, it's not been a long-term rental --

MR. STANTON: Okay.

MR. PULLEY: -- but we just wanted to make sure we -- since there was no short-term, we went ahead and got a long-term rental application just to make sure everything was structurally sound and safe. You know, we have fire extinguishers, we've got all -- all the things.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: It looks like the designated agent is your wife. Correct?

MR. PULLEY: Yeah. Myself and my wife. She's right there.

MR. WILLIAMS: Okay. So if the two of you are renting it out, are you committing to not go out of town, or do you have a separate designated agent who you may not be traveling outside of the county with?

MR. PULLEY: Well, we do have additional family members who can respond, if need be, but, I mean, we're rarely gone out of town. Let's just say that, and if we are, we make sure there is somebody designated to take care of that situation.

MR. WILLIAMS: I think that's been a big concern of the Commission is making sure that someone is there. And so with respect to a married couple being one and two on that, I'm just not sure how --

MS. GEUEA JONES: We've never required more than one designated agent on any of the others, though. All right. Any other -- go ahead, Commissioner Stanton.

MR. STANTON: Just to the applicant, make sure if you two, somebody is on the phone 30 minutes or whatever is there if you guys are not --

MR. PULLEY: And there are response rates if you operate a short-term rental that you have to respond in a certain amount of time, or you could be removed from the site and you won't be able to maintain the five-star rating, so -- first of all, I want to say thank you all for your time, and I also want to thank City staff for this meticulous report. Just thank you.

MS. GEUEA JONES: Yeah. Anyone else before I let you go? Thank you very much for being here.

MR. PULLEY: Thank you very much.

MS. GEUEA JONES: Anyone else to speak on this case, please come forward. Seeing none. We will close the floor for public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: And go to Commissioner comment. Any Commissioner comments? Commissioner Williams?

MR. WILLIAMS: This just goes more to our broader discussion. I don't have any concerns here, it's just I think the intention of the designated agent has been really not so much -- I appreciate that I think probably from the perspective of a Vrbo or Airbnb, the response rate is they're concerned about the renters response -- response to the renter, and the designated agent has really been more about does the -- do the neighbors have someone that they can call if something is going wrong. And so, you know, just add to the log of things we're trying to -- to figure out.

MS. GEUEA JONES: I'm writing it down. Any other Commissioner comments? Anyone like to make a motion? Commissioner Loe, go ahead.

MS. LOE: Yeah. This is comment. Just concurring with comments that have been

already shared, that we have received two letters about this application, but since you have been in operation since the end of 2022, and one neighbor is not aware -- actually neither one is aware that it's operating as an STR, and the fact that you are operating as an STR prior to Ms. Splinter buying the property, her -- that house, I think is indicative that their concerns -- you've already addressed their concerns, so to speak. Thank you.

MS. GEUEA JONES: Anyone like -- Commissioner Brodsky?

MR. BRODSKY: This is more a question, but with these conditional uses -- use permits on short-term rentals, do they go with the property or do they go with the owner? With the owner?

MS. GEUEA JONES: Both. If either changes, then they are not transferable. Commissioner Stanton?

MR. STANTON: My esteemed colleague, Ms. Loe, brought up a great point. Number one, if you've already got a record of renting as a short-term rental, and your neighbors didn't even know about it until they got this notice, that, you know, has weight. It also -- we read all of them and we take all of them in consideration, but, yeah, I think we really need to really dig into them and really see is this a call in response or, you know, do we really need to dig into these complaints. I still suggest that the applicant look into whoever has a problem and work that out. Like I said, these are the first ones, you guys are important to the success of the program, and definitely getting people out of the shadows so they're not illegal renegades in land-use policies.

MS. GEUEA JONES: Thank you. Is there any other discussion or a motion? Commissioner Loe?

MS. LOE: I'll make a motion.

MS. GEUEA JONES: Please.

MS. LOE: In the case of 68-2025, move to approve the requested short-term rental conditional use permit subject to the following 210 nights of rental, maximum of eight transient guests, regardless of allowance permitted by IPMC, and as restricted by bedrooms on the main floor until the basement bedroom is permitted, and the two parking spaces within the attached garage be made available when dwelling is in use as STR.

MR. STANTON: Second.

MS. GEUEA JONES: There has been a motion made by Commissioner Loe, seconded by Commissioner Stanton. Is there any discussion on the motion? Seeing none. Commissioner Williams, when you're ready.

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

MR. WILLIAMS: Nine yeses and zero nos.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Our last case of the evening.

Move to approve the requested short-term rental conditional use permit subject to the following 210 nights of rental, maximum of eight transient guests, regardless of allowance permitted by IPMC, and as restricted by bedrooms on the main floor until the basement bedroom is permitted, and the two parking spaces within the attached garage be made available when dwelling is in use as STR.

Yes: 9 - Loe, Stanton, Geuea Jones, Placier, Wilson, Williams, Walters, Ortiz and Brodsky

Case # 70-2025

A request by McClure Engineering Company (agent), on behalf of the Marshall G. Murray Trust (owner), seeking approval to permanently zone 1.38 acres to the R-1 (One-Family Dwelling) district, subject to annexation. The property is currently zoned Boone County A-1 (Agriculture) and is located at 5961 S Highway KK.

MS. GEUEA HONES: May we please have a staff report?

Staff report was given by Mr. Kirtis Orendorff of the Planning and Development Department. Staff recommends approval of the request to permanently zone the subject 1.38 acre site to R-1.

MS. LOE: Mr. Stanton, are you chairing the meeting?

MR. STANTON: I am. I'm sorry. I'm waiting to hear if anybody had any questions. I didn't see any hands up. Does anybody have any questions for staff?

MS. PLACIER: If we have any -- what do you call it?

MR. STANTON: Questions for staff

MS. PLACIER: No.

MS. GEUEA JONES: No. If -- before we go to questions for staff -

MR. STANTON: Madam Chair?

MS. GEUEA JONES: If any of my fellow Commissioners have had any contact with parties to this case outside of a public hearing, please disclose so now. That was a quick staff report.

MR. ORENDORFF: It's pretty straightforward. There wasn't much to discuss.

MR. STANTON: I failed miserably in my duties.

MS. GEUEA JONES: You did not. You did not. Any questions? Appreciate it. Appreciate it. Seeing -- oh. Commissioner Placier, go ahead.

MS. PLACIER: My only question was about these hardy lots. What is the effect of this on -- are you entailing something about them by approving this?

MR. ORENDORFF: No. So if memory serves, the surrounding lots, the U-shaped property that is to the northeast and west of the subject site, was annexed in 2021 by the previous owner who has since passed away. This current action is to kind of unify that as one single annexed site. They are not proposing any sort of replat at this time, so it was just more to mention the current conditions and what surrounds it, but no indication has been made that they're going to develop the site or have any platting action at this time.

MS. PLACIER: Okay.

MS. GEUEA JONES: Any other questions for staff? Seeing none. We will open the floor to public comment.

OPEN PUBLIC HEARING

MS. GEUEA JONES: Please come forward, state your name and address for the record. Six minutes for the applicant and three minutes for individuals.

MR. DEVANEY: Madam Chair, Commissioners, Tim Devaney from McClure Engineering, representing the Murrays. Pretty clear staff report, thank you, Kirtis. The owners wish to annex into the City of Columbia. They're surrounded by the City. They're served by City water. They wish to vacate the lagoon. Naturally, there is sewer running in front of their dwelling right now, and they would like to tie into it. So that's about -- that's about all there is. I'd be happy to answer any questions.

MS. GEUEA JONES: Any questions for this speaker? Seeing none. Thank you very much.

MR. DEVANEY: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case? Seeing none. We will close the floor for public comments.

PUBLIC HEARING CLOSED.

MS. GEUEA JONES: Any Commissioner comments on this case? I would just like to make one unless you were going to. I do this any time we have one of these. I just want to put on the record both for the public listening and to remind City Council that we don't make decisions about the annexation. We don't add to the boundaries of our city. We are merely saying if City Council should choose to annex this, we think it should be zoned R-1, and that is our recommendation. We don't make a recommendation on the annexation piece. This has been a confusion in the past, so just want to be very clear that we are only talking about the zoning, not whether or not it should be included within the city's boundaries. And with that, Commissioner Loe?

MS. LOE: Of course. In Case 70-2025, I move to approve the permanent zoning request to R-1 for 5961 S. Highway KK, upon annexation.

MR. STANTON: Second.

MS. GEUEA JONES: Approval moved by Commissioner Loe, seconded by Commissioner Stanton. Is there any discussion on the motion? Seeing no discussion. Commissioner Williams, when you're ready, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Mr. Brodsky, Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones. Motion carries 9 to 0.

MR. WILLIAMS: Nine yeses and zero nos.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. That concludes our cases for the evening.

Move to approve the permanent zoning request to R-1 for 5961 S. Highway KK, upon annexation.

Yes: 9 - Loe, Stanton, Geuea Jones, Placier, Wilson, Williams, Walters, Ortiz and Brodsky

VII. PUBLIC COMMENTS

MS. GEUEA JONES: I will now open the floor to public comments of a general nature. If any member of the public has a comment of a general nature that they wish to present to the Commission, please come forward. Seeing none.

VIII. STAFF COMMENTS

MS. GEUEA JONES: Mr. Zenner, staff comments?

MR. ZENNER: Oh. As we have discussed earlier this evening, your next meeting will be on February 20th, 2025. We will have a standard regular 5:30 p.m. work session, so I'm going to disrupt your schedules again. We'll go back to the normal, and then we will have our following regular meeting at 7:00 p.m. that night. Before we get there, however, we have been asked to let the public know that we are going to be doing a community summit on March 15th from 9:00 a.m. to 12:00 p.m. here in City Hall. You can drop in any time, and as it states here, this isn't your typical government meeting. The summit is going to feature some interactive activities and residents -- for residents to share feedback on the City's strategic priorities. And if they have additional questions, they can reach out to our website at como.gov/communitysummit, and you get more information. So your upcoming cases for February 20th after my PSA are as follows. You have what we were hoping to have had on this evening's agenda again, and this still is a tentative and ever-seemingly moving target for us to get onto an agenda, a preliminary plat off of Wilson Avenue. This is to reorient basically the property lines that currently exist on two adjoining properties. It is a preliminary plat because it requires the extension of a sewer line based on the relocation of the property line. And then you will

have two public hearing items, another permanent zoning request. Tis the season to bring property potentially into the City of Columbia, or at least for the Planning Commission to consider its proper zoning. This is at the corner of East Old Plank and Bethel Church Road. It is the site of an existing church at that corner, so this is in the northeast corner of the intersection, and they are looking at bringing the property in in anticipation of then a future subdivision action to be able to sell off undeveloped property along the eastern boundary of the church's main parcel. And then we have a final plat on Fellows Place, which is just south of Stadium Boulevard on Rock Quarry Road, and it's currently improved with a gas station. They are looking at platting the property in order to do a gas station mixed use renovation. So this is a -- it will be a very interesting future building permit that comes after this, but they need to dedicate right of way and we need to get the property into a proper legal lot status for that permit to be issued. These are the locations of the sites. We've seen our Wilson Avenue property before, and then, of course, our East Old Plank. That is the church property. The church is in the southwest corner of that tract of land that's highlighted, and then the Fellows Place property is there on the front right-hand slide. Those are the items that are being projected for your February 20th meeting. I will tell you there were nine -- nine applications submitted for the March 6th Planning Commission meeting. Now there are two sets, if I am not incorrect, of two-fers, meaning that there are related pieces, but in two different cases. There are three short-term rentals on that application, and there will be three to four on your second meeting in March. So the volume is starting creep up, the reason why we do not have a work session this week. The volume of what I am having to produce and prepare and process is becoming a little bit excessive. However, we're going to continue to strive to move the calendar forward, and the schedule with our small lot integration project as best we can, but I don't like having meetings with you all if we don't have something to tell you. So that is the reason why this evening's meeting was cancelled. Most of you know me well enough that I don't cancel meetings unless there is a real good reason, and that is why. As I noted earlier, we are on the final steps of being able to launch our CSS -- our Citizen's Self Service portal application for short-term rental, which will hopefully simplify some of the intake side of our short-term rental applications. Apropos that we talked this evening that we do need to come back and circle around to some of the questions that we are asking to have answered at our next meeting, so that is going to eat a little bit into the discussion of the small lots, but it is very important that we do that because we want to make sure when we do go fully live with our Citizen's Self-Service portal application for short-term rental, we are getting the questions we need answered correctly, and that will then hopefully simplify our reporting back out to you.

The other thing I would ask of you this evening for discussion at our next work session, you have noticed or you should have noticed over the course of the last several meetings where we have had short-term rental applications that the staff reports are slowly but surely being modified to include particular key information that is being brought up during these hearings. I want some feedback back from you all, constructive only of course, that is helpful for us so if we have to add some other stuff to continue to help move these conversations along, we can. But I'm trying to assess every time we go through the loop on a short-term rental application, that we're getting stuff in the staff reports that will help to avoid an extensive discussion. So, hopefully, what we have been providing up to this point has been helpful. Mr. Halligan will be back in the driver's seat for short-term rentals, so he'll do three to, you know, maybe seven-minute presentations, not mine. But again I appreciate your time, your patience as we work through the processes this evening, and your input as it related to several of the issues that came up tonight. I think it is instructive to the staff that is here that is processing the projects at this point, for them to understand some of the expectations that you have as Commissioners and the reporting process as we report out. It is a learning experience, I think, for all of us, and collectively, I appreciate that because it will hopefully yield better results in the future. With that, that is all I have to say for this evening. We didn't get through in an hour, but at least it was less than three.

MS. GEUEA JONES: Thank you.

IX. COMMISSIONER COMMENTS

MS. GEUEA JONES: Any Commissioner comments for this evening?

Commissioner Stanton?

MR. STANTON: I do. In the spirit of Black History Month, I wanted to talk about a local person that actually lives a block away from my house, and I didn't even know it. A Henry Kirkland was the first black professor at MU, unofficially, of course, at the time. He was a horticulturist and a professor at the School of Ag, was well renowned, well published at his time, and, yeah, I knew only, like, two years ago his house -- well, his grandmother's house is, like, right around the corner from mine on Switzler, and very honored to be that close to history. That's my two cents for this evening.

MS. GEUEA JONES: You're not old enough to have grown up with him?

MR. STANTON: I'm not going to respond to that, Madam Chair. We'll just leave it alone.

MS. GEUEA JONES: That is very cool. Thank you. Any other Commissioner comments?

MS. ORTIZ: I -- I will.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: I also want to acknowledge Black History Month. I've been going out of my way to go to Black History events. I went to an amazing one at MU right before this meeting. Luckily, the work session was cancelled, so I was able to attend. But our -- our city has so much history, so much knowledge, and so much research, and I would recommend going to these events while we're here on earth.

MS. GEUEA JONES: Thank you. Anyone else? I'd take a motion to adjourn.

X. NEXT MEETING DATE - February 20, 2025 @ 7 pm (tentative)

XI. ADJOURNMENT

MR. STANTON: I move that we adjourn, Madam Chair.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton, seconded by Commissioner Loe. Without objection, we stand adjourned.

(The meeting adjourned at 9:06 p.m.)

(Off the record)

Move that we adjourn