

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

Case Number 133-2025

A request by Timothy Fox (agent), on behalf of Byron and Beth Critchfield and Caroline and Timothy (owners) for approval of a Conditional Use Permit (CUP) to allow the dwelling addressed as 310 Sanford Avenue to be used as a short-term rental for a maximum of six transient guests up to 210 nights annually, subject to the conditional use standards of Section 29-6.4(m)(2) of the UDC. The subject property contains approximately 0.27-acres, is located approximately 600 feet northeast of the intersection of West Ash Street and Sanford Avenue, is zoned R-2 (Two-family Dwelling), and includes the address 310 Sanford Avenue.

MR. STANTON: Staff report, please?

Staff report was given by Mr. David Kunz of the Planning and development Department. Staff recommends approval of the CUP to allow 310 Sanford Avenue to be operated as an STR subject to:

1. The applicant extends the existing driveway depth by an additional four feet to ensure the driveway is a minimum of 54-feet deep and capable of supporting three on-site/off street vehicles, and
2. Maximum occupancy permitted within the dwelling shall not exceed four transient guests without a driveway expansion, as described in item number one above, 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.

MR. STANTON: Any questions for staff? As stated before, if you have any ex parte information relating to this case, information you would like to share with your fellow Commissioners so that we can impart the same knowledge that you have obtained, do that at this time. Commission, I'm going to open up a public hearing.

PUBLIC HEARING OPENED

MR. STANTON: Anybody want to discuss this case, come up, name, address, speak directly into the microphone. Three minutes individuals, six is group.

MR. FOX: Hi. I'm Timothy Fox; I'm one of the owners. Yeah. So since we've owned this short-term rental, we've had over 120 reviews. All of them have been five stars. My concern is about the parking. We've had no concerns from any of our guests about not having enough parking, and so if you measure from the back of the driveway all the way to the curb, I believe there is enough room for three

cars. It's my understanding that it isn't measured that way because of the potential for a sidewalk in the future, and if there's a sidewalk, it would be impeding within that walkway. However, there isn't a sidewalk at this time, so, I mean, there's also -- I know it's on-street parking, but there is enough room for three cars on street, as well. I know that's not included in it. But like I said, we've never had any complaints about not enough parking, and there is no sidewalk that would impede upon the required length of the driveway, so --

MR. STANTON: We've heard your concerns, but you stepped into this arena. You want to use it for commercial use. You're actually in my neighborhood, and that's -- on-street parking would be a problem. You know that Sanford is a narrow street. It's an old street. So without adjusting your parking, you get four. You're requesting six, so to play the game, you have to extend your driveway or take four transient guests. So you're interacting your -- you're into a business. Right? And it is what we require to play this game.

MR. FOX: Yeah. I understand that. Yeah. I just wanted to ask if there was any consideration for making an exception if there isn't a sidewalk, if there's not at all. Like I said, we would like to have six guests, and we would make the accommodations to extend it. I just wanted to ask.

MR. STANTON: We're just thinking ahead of the City plan, you know, in the future, then we don't have to come and beg you for that easement later on.

MR. FOX: Sure.

MR. STANTON: Questions? Ms. Ortiz?

MS. ORTIZ: Oh, excuse me. Is this something you've talked to City staff about?

MR. FOX: I talked to Mr. Zenner, a little. That's -- that's what the --

MS. ORTIZ: Well, he's the expert, so, you know, if he says there's no way, I believe him. So is it your -- sorry. Is it your intention to extend the parking lot then, or the parking spot four feet as indicated on the recommendation?

MR. FOX: I will if that's the only way to -- yes.

MS. ORTIZ: Okay. Thank you.

MR. STANTON: Any other questions for this speaker? Mr. Secretary, you good? Okay. Thank you, sir. Anyone else want to speak on this case? Going once, going twice, three times.

PUBLIC HEARING CLOSED.

MR. STANTON: Commission discussion? Mr. Secretary?

MR. WILLIAMS: I have a question for staff. Could you, just for my benefit, revisit the parking -- the driveway measurement, protocol and --

MR. ZENNER: So the driveway measurement protocol is -- is measured in generally two instances. It is measured from the aerial photography provided on the Boone County Assessor's records. In most instances, the actual property line of properties does not begin at the curb line, it begins anywhere between -- it could be upwards of 13 feet from the curb line inward, so the return of a driveway is not on the individual's property. It is within the platted public road right-of-way. This particular lot -- and

I identified this as a part of the intake of this application with Mr. Fox. Unfortunately, due to an error on my part, we did not follow up with Mr. Fox soon enough to have this application amended to potentially reduce the number of guests in order to not be at this awkward situation. The driveway to what appears to be the edge of the pavement in this particular location on Sanford is about four feet, which is the four feet that Mr. Fox refers to, that if you park in the driveway, all the way to the pavement section would support the three vehicles. Unfortunately, the way that the Code is written, as it relates to parking, and this is the parking general standards, residential development must accommodate all parking on site/off street. When we refer to off street, that means outside of the public road right-of-way. In this particular instance, that is -- that was the decision of the Planning Commission as these regulations were adopted, were developed, and then it was the standard that was established by Council's adoption of these standards. It was discussed at great length as unfortunate as this may be. Some properties may not be able to get the maximum occupancy that they would desire because they do not have adequate parking. There are options to provide parking, and as we have expressed in the staff report, the extension of the driveway four feet is probably the least impactful and least expensive. However, an applicant could choose to widen the driveway to obtain a 17-foot-wide parking pad, provided it met other limitations. So what we have done is we have offered an option here to allow the applicant to achieve the maximum occupancy that they have wanted in the least cost impactful way, and as Mr. Stanton pointed out eloquently, you're in the commercial business now, and therefore, this is a cost of operation. So there's a choice to be made either by the applicant to reduce occupancy, or the Commission to conditionally approve. We would verify that the actual driveway extension has been installed prior to allowing the short-term rental certificate to be issued, and the applicant to proceed to business licensing. If the applicant chooses not to, the short-term rental certificate would be reduced to four as it relates to the parking available.

MR. WILLIAMS: Thank you. My follow-up question for you is because the applicant has made an appeal to this body, if there is any way of approving it as an exception. I'm just asking the question to you or to Counsel whether we have any -- I'm not -- asking generally, do we have any discretion in that area, or is it -- is the code fairly concrete, no pun intended?

MR. ZENNER: Zoning related -- pun well taken. The zoning related regulation that this would fall under is not in the purview of the Planning and Zoning Commission, it is a Board of Adjustment action because this is a zoning standard. If this were a planned zoning district, it would be a slightly different story at which point you would be able to do something. The most expedient path forward for the applicant to have a legally compliant rental property used as a short-term rental is probably to either reduce the amount of occupancy or seek to acquire the services of a concrete contractor to add the extra four feet.

MR. WILLIAMS: Thank you.

MS. PLACIER: Yeah. I just wanted to ask, does it need to be paved concrete, or could it be gravel?

MR. ZENNER: We have to keep Mr. Stanton in business, so it must be concrete.

MS. PLACIER: Okay.

MR. ZENNER: But in all seriousness, though we do want to keep Mr. Stanton in business, our ordinance does not allow non-dust resurfaces, so it would generally have to be asphalt. An alternative to asphalt or concrete may be allowed, and that is something that if the applicant wanted to explore those options, such as a chip and seal or something else that is framed and provides adequate surface area to meet the requirement, that is something that the director could approve administratively, and we would be more than welcome to explore those options potentially with the applicant. I think the -- the recommendation here from the staff is to approve this with six, subject to the extension of the driveway, and if we cannot resolve how to work that out, the applicant still has an approval. It's up to six, and then we would be able to take action necessary to be able to at least get him a short-term rental certificate, and then the subsequent business license for a lesser number of occupants.

MR. WALTERS: A quick follow-up. So pavers would -- would qualify as a dust-free surface?

MR. ZENNER: A Grasscrete, potentially. I'm not sure if we would allow just a regular patio paver. We -- again, we haven't been asked that question directly in a while, so I don't have the immediate answer.

MR. WALTERS: Okay.

MR. ZENNER: Though I have a lot of them to everything else.

MR. STANTON: I'm just going to say this. This is in my neighborhood. I know the neighbors over there. Don't do no shady stuff in my block. Do the concrete or some good, you know, pervious paving, or something like that. Don't do no cheap stuff. Just my opinion. Keep my neighborhood looking good like everybody else's. Any other comments from Commissioners? Ms. Loe?

MS. LOE: If there are no other comments, I'm happy to make a motion.

MR. STANTON: It's ripe.

MS. LOE: In the case of 133-2025, 310 Sanford Avenue, STR conditional use permit, move to approve the requested STR conditional use permit subject to the following: 210 nights of rental, a maximum of six transient guests regardless of allowance permitted by the IPMC if parking pad extended by four feet of depth, otherwise a maximum of four guest.

MS. ORTIZ: Second.

MR. STANTON: It's been moved and properly seconded. Any discussion on this motion? Let's take a vote, Mr. Secretary.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Ortiz, Ms. Placier, Mr. Stanton, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters. Motion carries 7-0.

MR. WILLIAMS: That's seven yeses, zero nos. The motion carries.

MR. STANTON: The recommendation will be moved to City Council. All right.