

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 20, 2025

Case Number 97-2025

A request by Deonna Shepard (agent) on behalf of Kelso Holding LLC (owners), for approval of a Conditional Use Permit (CUP) to allow 206 Third Avenue, Unit 100, to be used as a short-term rental for a maximum of four transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and 29-6.4(m) of the Unified Development Code. The approximately 0.15-acre subject site is zoned R-2 (Two-family Dwelling), is located west of the intersection of Third Avenue and Providence Road, and is addressed as 206 Third Avenue.

MS. GEUEA JONES: 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 CUP to allow 206 Third Avenue, Unit 100, to be operated as a short-term rental subject to:

1. Maximum occupancy not to exceed four transient guests,
2. 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. Seeing none. Questions for staff? I have -- maybe this is redundant or something, but this is approved for residential occupancy, this building is?

MR. ORENDORFF: Yes. So they have a long-term certificate of rental --

MS. GEUEA JONES: Okay.

MR. ORENDORFF: -- that I believe is good through October 27. And because it's a duplex, one-half of it is rented out long term, and then the front half of it would be the short-term rental specifically, or is currently.

MS. GEUEA JONES: Got it. Thank you very much. Any other questions for staff?
Commissioner Walters?

MR. WALTERS: I was just going to request, could you put that image of the front facade of that building back up.

MR. ORENDORFF: Yeah.

MR. WALTER: I'm just curious. I don't see it here on Google Map, so --

MR. ORENDORFF: It's a fairly new construction. I had to go out to the site to get this photograph.

MR. WALTERS: Yeah. Yeah. Okay. Okay. All right. Thank you.

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

PUBLIC HEARING OPENED

MS. GEUEA JONES: If you are here to speak on this case, please come forward. Seeing none. We will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comment? Any Commissioners to comment on this case? Commissioner Stanton?

MR. STANTON: Oh. No representation, is kind of tough. You can't answer questions. You can't --

MS. ORTIZ: Commissioner Stanton, can you speak into your microphone?

MR. STANTON: Oh, I'm sorry, Ms. Ortiz. Not representing in the hearing has heavy weight because we are very used to having the owners here and ask them questions, all that good stuff. Technically, it meets the requirements, but they can't answer any questions.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I've got a question for staff just based on the photograph you're showing. The driveway appears to occupy quite a bit of the front yard. Did we confirm it's less than 50 percent?

MR. ORENDORFF: I did not confirm that specifically, no. I know that there's a parking pad in the front and the rear, so the long-term rental in the rear has its own two-bay parking pad, and then up front here is another two-bay, but the actual distribution of parking is -- I don't know that number off the top of my head.

MR. ZENNER: I would -- I would suggest, Ms. Loe, that this building was allowed to be constructed without any consultation with the City's Planning Division, so, I mean, if the driveway is occupying greater than -- greater than the allowed, the 30 percent or 500 square feet, but if that is a single or a double-wide driveway that is then occupying the required 25 foot front-yard setback, the 500 square feet may be the 30 percent, or 500 square feet is what's being issued. Now if it's over 50 percent of the lot front, which is a -- a dimensional standard that's in our -- within the exceptions table, again, that would have been an error made at the time of permitting, if that is in fact an error. So the applicant is coming in based upon what was legally permitted to be constructed and has been, as Mr. Orendorff has indicated, been legally issued a long-term rental certificate. So at this point, what's there is unfortunately there.

MS. LOE: Thank you.

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

MS. PLACIER: Oh. Just to place on the record, if the applicant had been here, we could have asked about the response of the other occupant of the duplex to having the other half being an STR, but

we can't ask those kinds of questions, so that is unfortunate. I hope they're watching the video.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: Something I noticed in the short-term rental application is that it has under their website or listing platform, it -- they say that they intend to use Airbnb. But the only website it's listed on is Furnished Finder, which has a minimum stay of one month on that website. So if the applicant was here, I would ask them about that.

MS. GEUEA JONES: Yeah. Any other Commissioner comments? Commissioner Wilson?

MS. WILSON: I am normally not the one who puts stuff on the record for the sake of putting stuff on the record, but I have to do it tonight because it's important for people to be here for these applications because we have questions. I have questions. And thank you for that, because I'm searching all of the websites trying to figure out where this property is, and it's because it's nowhere. And I -- I have security questions. I have questions. So unlike the other applications we've had in the past where we can just kind of go through, look at the application that you provided to us, this is different for me, and I'm very uncomfortable, and I do not support this. Any other -- Commissioner Stanton?

MR. STANTON: Madam Chair or colleagues, I would not feel bad rejecting this, but my heart says maybe we should table this to maybe give them a chance, because technically -- technically, they meet all the requirements. Something in my heart is there's something shiesty. This is what I feel about it, but I really, really would like to give the applicant a chance to, like, answer questions, or we vote up and down.

MS. GEUEA JONES: I would say out of compassion for our staff, who knows that we've got late nights --

MR. STANTON: Okay.

MS. GEUEA JONES: -- of these coming forward, that we should just vote it up and down.

MR. WALTERS: Apartments.com.

MS. GEUEA JONES: And, I mean -- Commissioner Walters?

MR. WALTERS: Yeah. That's a comment. I did find it on Apartments.com, and it is advertised at \$2,000 a month.

MS. GEUEA JONES: Yeah.

MR. WALTERS: Just for what it's worth. And it's very attractive on the inside.

MS. GEUEA JONES: Yeah.

MR. CRAIG: I would also like to remind the Commission that rejection would not be a bar for re-application, unlike some other applications for STR.

MS. GEUEA JONES: Exactly, yeah.

MR. CRAIG: There would be no minimum waiting period of time --

MR. STANTON: Oh, okay.

MR. CRAIG: -- after which -- so in case of a rejection of the application --

MS. GEUEA JONES: They could resubmit.

MR. CRAIG: -- there could be immediate re-application, yeah.

MS. GEUEA JONES: Yeah. I thank you for that, Jesse. I would -- if it were the owner themselves who was applying and putting their name out there, and I know the owner also signed the application, but they've gone to the extra step of having a manager for this property. It seems an agent of some kind, and sorry, Commissioner -- or Mr. Zenner, do you have something to add?

MR. ZENNER: I can add -- I can add to that because I'm the one that talked with the agent on behalf of the property owner which is Spillman Homes. So Ms. Shepherd is their office manager, and she probably -- she is the designated individual that they wanted to have responsible for managing this property. She probably is involved given the fact that Spillman, the organization that owns the property, does own other multiple -- they own other properties, they are a land developers within the City of Columbia. And so, and while that may be interesting, he is not -- the owner, they are not required to obviously appear. They can have their designated agent. Now I think to the point to just clarify for the Commissioner, the applicant -- well, the agent was notified of this hearing. So let's -- I want to dispel that they didn't -- they weren't aware. They were. And as far as for you not being able to find this on Airbnb, that is where we are asking where will you have it listed, not where are you listed. And so part of what our evaluation is is we go to find out where it is listed to ensure that that listing is complete. So it is not uncommon maybe to find a single listing on Furnished Finders, and it is typically by that website that's normally a long-term -- what would be considered a long-term rental. So I think the points that you all are making this evening are relevant, and this is why we encourage and, in essence, mandatorily tell people when we send out confirmation of their application that they must attend this meeting. If they choose not to, that's -- that, obviously, may bear on your -- on the decision that's made, and they're made aware of that.

MS. GEUEA JONES: But the -- that actually adds something else to my concerns about this case, and to what Commissioner Stanton said about something shady going on. That's a different owner than what is listed on the application. And -- because this is listed as Kelso Holding.

MR. ZENNER: Kelso Holdings is the Spillmans.

MS. GEUEA JONES: Is the Spillmans?

MR. ZENNER: Is the Spillmans. That is their corporate name by which they have the property's ownership.

MS. GEUEA JONES: Sure. So my point is that the owner took the step to go get an agent, who is the designated agent who we have said in our zoning code to allow these STRs needs to be available 24/7 to answer calls, answer complaints, answer issues, and that agent isn't here, either. And as I was -- where I was going with that is if it were an owner who it's their, you know, sometime vacation home, their kids are here, something like that, they're out of town, but they're the ones doing it, and they've got a -- there might be a reason for them to not be here. The fact that this is someone who engages in commercial properties regularly, has an office manager who is supposed to be the designated agent to show up, and that person is not here either, makes me very concerned about the responsiveness that

we're going to see out of this owner. And to Commissioner Placier's point, this is a duplex next to I think what looks like it's probably another duplex with a very similar setup. We don't --

MR. STANTON: He built them both.

MS. GEUEA JONES: Yeah. He built them both. We don't know how the other residents in this little area feel about this. We don't know if the parking is all for just that side of the duplex, or if it's a shared parking lot. We have no one to answer these questions. And so I -- I can't find -- you know, I don't know that it's true that they fully comply with the Code, because I have a lot of questions about non-compliance that I can't get answered. So that -- that's where my concerns are. It's not so much that the owner doesn't have a representative here, it's that I have concerns about the parking requirement. I have concerns about privacy, about security, about the impact on the people, you know, the other three dwelling units that are in very close proximity, none of which I can get answered to my satisfaction because as good as staff is, and thank you, by the way, for including links to the listings that you find. That's a great improvement. Staff doesn't know the answers to those things, because those are things that only the person operating it can answer. So I -- I don't mean to go on at length and belabor the point, but I don't think it's that we're saying if you're not here, we're going to vote no. I think it's saying when we have concerns and no one here to help answer those concerns, we have no choice but to say no, or I have no choice but to say no -- I'm not speaking for the other Commissioners. With that, I'll stop. But Commissioner Stanton?

MR. STANTON: I agree. Are there any more questions? I would just --

MS. GEUEA JONES: Oh, sorry. Commissioner Wilson, and then we can --

MS. WILSON: I got sidetracked earlier. I also wanted to make the point that on the supplemental questions, the last question, E, because all of these are just marked true/false, and the last one is marked false, so I can't even ask if they have talked to other people in the neighborhood to find out how they feel about it. I just feel very frustrated.

MS. GEUEA JONES: Yeah. Commissioner Stanton?

MR. STANTON: Did you have --

MS. GEUEA JONES: Commissioner Ortiz, go ahead.

MS. ORTIZ: Thank you. I -- yeah. I -- I agree with your point, Commissioner Wilson, and especially this neighborhood being -- I believe it was 19 rentals in the area. I want to be mindful and sensitive to -- to that fact, that it is rentals. That's all.

MS. GEUEA JONES: Anyone else? Commissioner Stanton?

MR. STANTON: Statement, and then I would like to entertain a motion. Okay. So if there were a system where, you know, this would be where it would have to come in front of us technically and this could just go through a process without coming before us, administratively, no problem, because, technically, it meets all the requirements. But because we're at the pioneer phase of this, I don't want to set a precedent that if we let this ride as is, I feel like everybody else that applies is, like, well, shoot, we ain't going to come. And I don't want a bunch of -- of these to come before us and people are not here to

defend it. These are the pioneers of this process still, and -- and if they don't represent this, and I can't hold the people accountable for this stuff being in their neighborhood, and defending and standing on their business decisions. So I plan to not support this, and I'm willing to -- I'm ready to make a motion right now. All right. As it relates to Case 97-2025, 206 Third Avenue, STR, conditional use permit, I move to -- can you switch to the -- your recommendation, staff, please? I move to approve the requested STR CUP subject to the following: 210 nights of rental, a maximum of four transient guests, regardless of allowance permitted by IPMC.

MS. GEUEA JONES: Do we have a second?

MS. PLACIER: Second.

MS. GEUEA JONES: Made by Commissioner Stanton, seconded by Commissioner Placier. Is there any discussion? Commissioner Stanton?

MR. STANTON: I know we have a lot of lawyers out there. I have made that in the affirmative.

MS. GEUEA JONES: Correct.

MR. STANTON: Okay. Just to make sure.

MS. GEUEA JONES: Yes. For those who are maybe watching and confused, we make all of our motions in the affirmative. That does not necessarily mean that the motion maker supports the motion. Are we ready, or any other discussion? If you're ready, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Mr. Brodsky, Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones, Ms. Loe, Ms. Wilson, Mr. Walters. Motion fails 8-0.

MR. STANTON: Eight nos, Madam Chair.

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