

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
September 19, 2024

Case Number 217-2024

A request by Matthew Patterson (owner) for approval of a Conditional Use Permit (CUP) to allow 1419 N. Azalea Street to be used as a short-term rental for a maximum of 210-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m) of the Unified Development Code. The 0.24-acre subject site is zoned R-1 (Single-family Dwelling), is located approximately 360-feet southeast of the intersection of Audubon Drive and North Azalea Drive, and is addressed 1419 N, Azalea Street.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow the dwelling addressed as 1419 N. Azalea Street to be operated as a 210-night short-term rental for a maximum eight transient guests subject to:

1. The two-car garage being made available at all times when the dwelling is being used for STR purposes.

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

MS. LOE: Mr. Zenner, a question about number of occupants. And I see in the staff report that it refers to -- a request has been made for eight and the comments about parking, and that there's four parking spots, two in the driveway, two in the garage. I was wondering what the calculations based on the International Property Maintenance Code came up with based -- what occupants are allowed per the IPMC?

MR. ZENNER: The IPMC evaluation has not been conducted at this point, Ms. Loe. It is not conducted until after the Council has considered the action, until a conditional use permit is done. We have not submitted the application on to Neighborhood Services.

MS. LOE: All right. So just penciling out, based on the bedroom sizes they've submitted --

MR. ZENNER: Correct.

MS. LOE: -- I'm coming up with two rooms at 144 and one room at 168. And per the IPMC, each of those would allow two occupants. So that 168 is just below the 170, which would allow a third occupant. So based on just looking at that, we're looking at six occupants per the room size. I -- it's a question about what we're reviewing and what we're approving, I guess, since the number of occupants is

gone over in the report.

MS. GEUEA JONES: Not to speak on staff's behalf, since he's losing voice. That -- that's the final compliance reviews part of the motion. Because we've had that with a couple of different cases already where we think that occupancy may not actually be true after they do an inspection.

MS. LOE: But maybe -- yeah. Maybe a little chicken and egg here then in how we're reviewing this.

MR. ZENNER: Well, you have to consider, though, Ms. Loe, that a sleeping space may not be a bedroom, and this was a discussion that we had when we were drafting these regulations. A dining-room, living room combination may have a pull-out sofa with -- within it, giving you the additional two occupants that are otherwise not captured within the three bedrooms.

MS. LOE: I -- I agree, in which case, if we're going to evaluate the compliance based on the information being provided in the application, that should be clarified, because we do say bedrooms or sleeping spaces. And if they intend to use a non-bedroom as a sleeping space, and we're going to evaluate that, then I think we should see that. We're just -- I think we are trying to evaluate how many people might be using this property as part of a CUP.

MR. ZENNER: If I may, Ms. Chairman? I think what we can resolve to do as we move forward within the application process, I was not prepared to answer this question. We can more specifically evaluate then IPMC minimum standards associated with the bedroom sizes that are required to be specified moving forward with future reporting. Ms. Geuea Jones is correct that while an applicant may seek to have a maximum -- the maximum allowed, or the maximum of what they believe is allowed, that final evaluation will determine what is actually allowed, and that occupancy number would then be established on the certificate of short-term compliance. The reason it's pointed out in the way that it is pointed out and juxtaposed against parking is because we can start and we can evaluate parking immediately as part of this review. And if it is of the Commission's concern that trying to ensure the garage spaces are going to be always allowed to be occupied, it may be in a better -- it may put the Commission in a better position to restrict occupancy based upon available compliant driveway parking.

MS. LOE: I -- I understand that. I guess I feel that we would be potentially entering into discussions with more information to be coming down the pipeline and just wonder -- just wondering if there's a way to get more of that information up front. Since we have had some questions about the appropriateness of this use in the neighborhood, can you just remind me what steps or measures might lead to the CUP being revoked?

MR. ZENNER: So there are a series of general environmental related infractions that exist within Chapter 22 today, so it would be excess trash, there are noise complaints, there would be parking-related issues, over-occupancy, all of those which would need to be documented and provided to us for investigative purposes. At this point, because we are still within the first year of the ordinance, full enforcement has yet to have been undertaken, so we are still in the process of developing all of the regulatory process, so to speak, for enforcement purposes, but we have general requirements already in

place that would -- the property would be subject to that. The fact of the matter is is we have requirements built in to both Chapter 22 that talk about rental site postings requiring that it identify the total number of permitted occupants, restrictions on multiple reservations, and all of the other factors that we talked at great length about between the Commission discussion and the adoption in February. So all of those provisions become part of a violations record that then, if the advertising of the site is not being effective -- is being improperly advertised resulting in over-occupancy, that becomes something that we can utilize as one of the tools in order to denote that there has been a problem associated with this dwelling.

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Yes. I had a similar question, so just to second that, that I hope that there's a -- probably a tendency to apply for the maximum number of the guests, but we do have to evaluate it against the actual space. And I understand that people -- the applicants cannot be promised that they will get the maximum, that that will have to be evaluated.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I third that. I was just going to ask Mr. Zenner is that so all of this, they're shooting for the moon, two, ten, eight people, but it's all subject to the final review. Right? And then that will all -- okay. .

MR. ZENNER: It is. And I --

MR. STANTON: And that's valuable information to me, because as long as I know that, then I don't have to hold the applicant to ride or die on this application.

MR. ZENNER: Now, there are -- as it relates to the total number of available rental nights, this is a request -- a request for 210 rental nights. There is no guarantee placed within the ordinance because this is a conditional use that the total number of rental nights, based upon testimony or other factors, could not be recommended to be modified by this body, and then ratified by City Council through its approval, as we did with a prior application off of Glenview Court, we specifically required as a condition of the Commission's recommendation that one of the garage spaces within that structure be required to be made available. So, similarly, you could restrict the total number of rental nights to something less than 210, probably greater than 120, and then you could also restrict as part of a recommendation associated with the conditional use, occupancy. Again the loading of the public infrastructure is what we were viewing as being the more important component and ensuring that all parking is being handled off street, not on street.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: Mr. Zenner, I understand that there is a process in place to ensure that a short-term rental application is brought forward by an individual and that there's some protections in place so that an individual doesn't create various entities such that they have multiple short-term rental units that they're operating within the City. My question is is there a -- as part of the application process or the

City's review, does the City consider whether the applicant has any long-term rental units in the City, and if there are any history of violations or complaints related to the long-term rental units?

MR. ZENNER: That was -- that was not part of our discussion as it related to the development of these regulations. Long-term rentals and short-term rentals are two totally separate licensure processes within the city of Columbia, and actions of a landlord or an owner of property with long-term properties versus short-term could be entirely different. Therefore, we do not have that as a criterion. I can't remember what the phrase is, the sins of the child should not go to the parent, so to speak. And I think, you know, we have to be very careful about how you try to correlate the potential for somebody to be operating a short-term rental in the same manner that they may have previously or are presently operating a long-term rental. We have processes that are different for enforcement and resolution of those types of operational issues, and each should be handled separately.

MR. WILLIAMS: And then is there anything asked in the application process -- I didn't see it -- about whether the person operates a short-term rental outside of the city of Columbia and, if so, whether they've had any regulatory or enforcement against them in those particular properties?

MR. ZENNER: There is nothing in the application, and I would respectfully ask what relevance does that have if you operate in Boonville and you have had regulatory issues with their city versus regulatory issues in ours when you haven't operated. If you operated one here, prior to the adoption of these regulations, I think that is a worthwhile question. However, the correlation between operating in a different jurisdiction which has different rules and different objectives I think clouds our impartiality as it relates to granting or denying a request.

MR. WILLIAMS: All right. Thank you.

MS. GEUEA JONES: Any further questions for staff? I will ask the same one that -- that I was - - that I've been asking, I believe, on all of these. I know you said you haven't had any complaints through Neighborhood Services. Do we know if there have been any complaints through 911?

MR. ZENNER: We have not checked that record. So again, given that this hasn't been used as a short-term rental, I would assume, and we know what that word means --

MS. GEUEA JONES: Uh-huh.

MR. ZENNER: -- that there would not be any. I believe that this home was previously owned by an owner occupant, and therefore, there likely would not be.

MS. GEUEA JONES: Very good. Thank you. Any further questions before we go to public hearing? Seeing none. We will open the floor to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: If you are here to speak on this case, please come forward. We allow six minutes for groups and the applicant, and three minutes for individuals. We'll need your name and address for the record.

MS. WYATT: Hi. My name is Sheryl Wyatt, I am the neighborhood chair, the Shepard -- of the Shepard Neighborhood Association. I live at 1002 Danforth Drive. And I come in opposition of this

request. I have had discussions with multiple neighbors, and I hate to set a precedence of short-term rentals in a -- in a neighborhood that I love, that I've lived for 27 years. I much prefer to have a family in there that's going to go to Shepard School where both of my -- my sons went to school. That would be part of our neighborhood. We're a very active neighborhood association. We have a movie night coming up, and we've worked on our boulevard. And so I am standing for our association in objection to this approval. Thank you.

MS. GEUEA JONES: Thank you. Please wait just a moment. Are there any questions for this speaker? Commissioner Stanton?

MR. STANTON: Are you in opposition to short-term rental in general, or just not in your neighborhood?

MS. WYATT: I have stayed in, like, bed and breakfasts, you know, or Airbnb's, I've used that -- those in different areas. You know, my husband and I are more -- we enjoy, like, the more historic, you know, Victorian kind of buildings, that kind of thing. And I -- you know, this is -- this is a family home, you know. And I -- I understand that people want to make money and use their property, that kind of thing. So I -- I think, to answer your question, short-term rentals, I think, have their place, but an area that does not have any, nor do we have any really -- except for being close to probably the football games and basketball games, I can see that that's probably where, you know, people are going to want to come in and stay. So, in general, short-term rental, I'm not opposed to, but I -- I just think that this is not a neighborhood that is -- I don't see any value being added to our neighborhood by having short-term rental.

MS. GEUEA JONES: Are there other questions? Just for clarity, did the neighborhood association take a vote, or are you here in your individual capacity?

MS. WYATT: I have -- like I say, I have had -- I sent information out when we got the card. I had ten comments -- let's see, ten -- ten comments that were against and then four comments that were -- a total of 20 comments. Ten were against, four were more adding questions, is this going to be an Airbnb. Then there was two that were -- had gone in and I think probably did some research about -- from Mr. Zenner, the -- all the rules and regulations for the new short-term. And then, let's see. So then there would have been four that was, like, well, we stay in bed and breakfasts, and we really like and enjoy that, so it's hard for us to say no.

MS. GEUEA JONES: But you didn't take an official vote then?'

MS. WYATT: No, we did not. No.

MS. GEUEA JONES: Thank you. Any final questions? No. Thank you very much for being here, ma'am.

MS. WYATT: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case, please come forward.

MR. PATTERSON: Good evening. Yeah. Matt Patterson, I'm 310 West Shelbina, Shelbina, Missouri. Yeah. I guess I was just trying to jump through these hoops to be open and transparent with

things. I mean, there's, I think, a lot of benefit to these short-term rentals. There's -- I mean, so I went to veterinary school here. I have lived in this neighborhood for ten years. Never been a part of this, I guess, group or the poll or not sure. Maybe I had to be involved or I just never was a part of that conversation or any discussions prior to this. Would happy to be and be open to -- to discussing, as well. But in -- in my profession and going to school, there's traveling nurses, there's residents, there's interns, there's a lot of folks that come into town for short -- short periods of time. So I think it would be a benefit to the community, as well, to have that opportunity being two miles from the veterinary school, which was great for me when I was on call. So I -- yeah. About all I have. So thank you.

MS. GEUEA JONES: Thank you. Questions for this speaker? Commissioner Loe?

MS. LOE: You said this -- sorry. The application says this is not your primary residence, but you did live in this neighborhood previously?

MR. PATTERSON: Yeah. Yeah. I lived here ten years. I mean, and at Azalea Drive, I've -- one of the longer tenants there. I mean, it's turned over. There's houses that have sold. There's rentals, there's -- and I talked to four of the people in the Azalea neighborhood, and no opposition. So, yeah. Yeah. I went to vet school here. It took me seven years, but I lived here in that time, as well, so, yeah.

MS. GEUEA JONES: Thank you. Commissioner Stanton?

MR. STANTON: So you are the applicant? Let me make that clear before I ask you.

MR. PATTERSON: Yes, sir. Yeah. Yeah.

MR. STANTON: So you heard some of the concerns. If the stuff hits the fan, who do I call and how fast is he going to get there to fix it?

MR. PATTERSON: So my neighbor is right there. He was on the application, Ben Werr, my neighbor, to -- looking at the street, he's to the right of my -- of that house. I've known him my whole life. Reliable. I mean, yeah. I grew up with him, so --

MR. STANTON: You know, this is like -- you're like a pioneer. So you're going to have to pave the way. So I'm asking these questions because those who have angst about this whole thing need to be assured that you're not going to be an absentee landlord, big parties, you know, disrupt the flow of the neighborhood, as you've heard the other people testify to. So you've lived in this neighborhood, and you plan to help keep the complexion and nature of the neighborhood? I mean, is that something that's important to you or

MR. PATTERSON: Absolutely. I'm still mowing the yard. I'm still -- yeah, doing maintenance around there. I mean, yeah. I haven't had any animosity from my neighbors that have seen me out in the neighborhood, so be -- yeah. I would be happy to have those discussions, it's just when people don't reach out to you or let you know, it's hard to just discuss and have that open conversation and dialogue. So -- but yes, I -- I don't want to change it, either. We've got great people in that neighborhood that have been there. But the folks that have been here for as long as I have and longer, super friendly and good people to be around, you know. Shake hands, walking the dog around the street, you know. So I -- I haven't had any issues with anybody.

MR. STANTON: So you get it, and you understand how important it is to keep them happy?

MR. PATTERSON: Yes, sir. Absolutely, yeah.

MR. STANTON: Okay. Thank you.

MR. PATTERSON: Thank you.

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

MS. PLACIER: Some of the people you mentioned renting to, and I realize this is part of the technicalities of short-term versus long-term rentals. Those people would probably be long-term rental -- renters, like, visiting nurses, students, those kinds of people. So -- but it does say in the application that -- or in the staff report that you could combine short-term and long-term. I'm not sure how that would work. But the other thing, because if you have some of those people come along, they will be long term. They'll probably be more than 30 days. But the other thing is along with Commissioner Stanton's comment, be sure that you and Ben, if this is approved, stay in touch with the neighborhood association, the neighbors around there, to make sure nothing is concerning them, and that's -- that's what will help.

MR. PATTERSON: Absolutely, yes.

MS. GEUEA JONES: Thank you. Any further questions? Seeing none. Thank you very much.

MR. PATTERSON: Thank you.

MS. GEUEA JONES: And I'm sorry, ma'am. We only allow one -- one per. Commissioner Loe?

MS. LOE: May I ask Ms. Wyatt a follow-up question?

MS. GEUEA JONES: If I allow that, I have to also allow the applicant to return to the podium.

MS. LOE: Okay.

MS. GEUEA JONES: Yes, you may. Ms. Wyatt, please come forward. I will need you to state your name and address again. I'm sorry.

MS. WYATT: Sheryl Wyatt, 1002 Danforth Drive. How can I help?

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Hi. One thing that struck me about your comments was the identification that you didn't want this to set a precedent for the neighborhood.

MS. WYATT: Yes.

MS. LOE: And part -- one of the criteria for evaluating the conditional use permit is that there are not any other short-term rentals within 300 feet as the crow flies. So one thing I'm considering in evaluating this is whether or not this would be -- be one short-term rental in the neighborhood, because once it's established, it could effectively eliminate any short-term rentals within that circumference. So if this wasn't setting a precedent, per se, we did put in some buffering on purpose. Would that appease part of your concern about this setting a precedent for this street or neighborhood?

MS. WYATT: Well, I'm a recently retired RN, and when he mentioned -- yes. There are -- well, anyhow, to answer your question, that does relieve some of the angst. I think my concern would be eight occupants. If you're going to have a resident in there or a traveling nurse, you know, that's going to be one or two or maybe, you know, their family, those kind of things. So that -- and also renting to a

professional is something that I would, you know, certainly be more comfortable with.

MS. LOE: And frankly, having read a lot of the STR reviews, we do -- they are used for that, for a certain amount. So I do think that's a reasonable expectation. Thank you.

MS. GEUEA JONES: Thank you, ma'am.

MS. WYATT: You're welcome.

MS. GEUEA JONES: Do you have anything else, Mr. Patterson? No? Okay. Thank you. In that case, we will close public hearing, and go to Commissioner comment. Are there any Commissioner comments? Commissioner Loe?

MS. LOE: I -- I appreciate Ms. Wyatt's coming back up. I do feel as if this applicant is familiar with the neighborhood. I fully understand the concerns the neighborhood has in that this is a new applicant who doesn't have a history in the neighborhood except they do have a history with living in -- so there is some sensitivity there. I appreciate the response to understanding that we have a little bit of buffering built in once an STR is established in the neighborhood. And Mr. Zenner did go over that there is criteria that should there be issues and there are complaints recorded, this is a conditional use permit, so there is the potential that it could be revoked at some point if there are recorded, documented issues. So given those criteria, I think I support this application.

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

MR. STANTON: I agree with my esteemed colleague to my right. My only concern would be that the transient guest number, which seems like it could work itself out. I do agree with Mr. Zenner that it's probably needs to be driven by the available parking, not that I don't think what we're seeing with these applications, everybody is shooting for the moon -- 210 maximum occupancy. I'm a businessman; I would do the same. So we need to kind of just think about that as we run through these. They're shoot for the moon. So with that said, I would be a lot more comfortable with six. I think six would be more in line with the parking situation. And, I mean, you could say fortunately or unfortunately, these applications we're getting right now are kind of all the pioneers. These have to be -- these have to be successful. And we need to make a win-win for both the neighbors and the people running the STRs. So if I were going to make a win-win here, knowing it's still up for technical evaluation, I would say six and 210 would be a successful win-win situation.

MS. GEUEA JONES: Any other Commissioner comments? There are none. Would someone like to make a motion? Commissioner Stanton?

MR. STANTON: As it relates to Case 217-2024, 1419 North Azalea Street, STR conditional use permit, I move to approve the STR CUP for a maximum of 210, and six transient guests subject to the condition that the two-car garage shall be made available while dwelling is offered as an STR. Also subject to final compliance reviews for completed -- are completed following Council action.

MS. GEUEA JONES: Is there a second? I'm waiting for a second.

MS. PLACIER: Second.

MS. GEUEA JONES: Seconded by -- or motion made by Commissioner Stanton, seconded by

Commissioner Placier. Is there any discussion on the motion? Commissioner Loe?

MS. LOE: While I understand my esteemed colleagues' concerns, I feel like we've muddied this a little bit in that the two-car garage doesn't need to be fully available if we only have six occupants. And I guess I'm still willing to let the IMPC determine occupancy. Would you be willing to bump it up to eight and let the calculations go, or we're going to have to go down to only spot in the garage needs to be made available.

MR. STANTON: I'm looking for the best path to success, and I see eight just causing problems. You know, this isn't -- well, I agree. I'll let the math do its thing. It happens.

MS. GEUEA JONES: Are you withdrawing your motion?

MR. STANTON: No. I accept the amendment to make it eight -- a maximum of eight. Yeah.

MS. GEUEA JONES: Commissioner Loe has moved to amend the motion to allow for eight transient guests. Is there a second to that motion?

; MS. LOE: Well, or does --

MS. GEUEA JONES: Or Commissioner Placier, would you accept that amendment?

MS. PLACIER: Yes.

MS. GEUEA JONES: All right. The amendment maker and seconder has accepted Ms. Loe's amendment. No one had called for a vote yet. And we're looking at legal to make sure we're happy.

MR CRAIG: I think probably the cleanest way to do this would be withdraw the motion and start -
- start from the top, but ---

MR. STANTON: I withdraw the motion.

MS. GEUEA JONES: Commissioner Placier, do you accept the withdrawal?

MS. PLACIER: Yes.

MS. GEUEA JONES: Excellent. Commissioner Stanton, do you have a different motion?

MR. STANTON: As written by staff on the screen.

MS. GEUEA JONES: Does everyone understand that motion? I am seeing nods. Is there a second?

MS. LOE: I'll second.

MR. CRAIG: I'm going to jump in here. The record -- the record is not going to reflect what's on the screen, so we're going to have to --

MS. GEUEA JONES: Okay.

MR. CRAIG: We're going to have to do it -- we're going to have do it the long way.

MS. GEUEA JONES: I will restate the motion, unless Commissioner Stanton wishes to do so?

MR. STANTON: Yeah. I will. I'm just trying to get through it.

MS. GEUEA JONES: Okay. I appreciate that.

MR. STANTON: Okay. Approve the STR CUP for maximum of 210 and eight transient guests, subject to conditional -- condition that two-car garage shall be made available while dwelling offered for STR purposes. Also final compliance reviews completed by following Council action.

MS. GEUEA JONES: There's a motion. Is there a second?

MS. PLACIER: Second.

MS. GEUEA JONES: Seconded by Commissioner Placier. Is there any discussion on the new motion? Seeing none. Commissioner Williams, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Geuea Jones, Ms. Placier, Mr. Walters. Motion carries 6-0.

MR. WILLIAMS: With a unanimous vote of six of those present, the motion passes.

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