

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**NOVEMBER 21, 2024**

**COMMISSIONERS PRESENT**

**Ms. Sharon Geuea Jones**  
**Ms. Sara Loe**  
**Mr. Anthony Stanton**  
**Ms. Peggy Placier**  
**Ms. Shannon Wilson**  
**Mr. Robert Walters**  
**Mr. David Brodsky**  
**Ms. McKenzie Ortiz**  
**Mr. Thomas Williams**

**STAFF**

**Mr. Tim Teddy**  
**Mr. Rusty Palmer**  
**Mr. Earl Kraus**

**I. CALL TO ORDER**

MS. GEUEA JONES: Good evening. I will now call the November 21st, 2024 session of the Planning and Zoning Commission to order.

**II. INTRODUCTIONS**

MS. GEUEA JONES: Commissioner Williams, when you're ready, may we have a roll call?

MR. WILLIAMS: Commissioner Placier?

MS. PLACIER: Here.

MR. WILLIAMS: Commissioner Stanton?

MR. STANTON: Present.

MR. WILLIAMS: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MR. WILLIAMS: 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: We have nine.

MS. GEUEA JONES: Thank you.

### **III. APPROVAL OF AGENDA**

MS. GEUEA JONES: Mr. Teddy, other than the one withdrawn item we'll address, are there any other changes to the agenda?

MR. TEDDY: No, there are not.

MS. GEUEA JONES: Thank you. Is 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. Is there a thumbs-up approval on the agenda?

(Unanimous voice vote for approval.)

MS. GEUEA JONES: Unanimous. Thank you.

### **IV. APPROVAL OF MINUTES.**

MS. GEUEA JONES: Are there -- we all received a copy of the minutes from our November 7th regular meeting. Are there any changes or adjustments to the minutes? Seeing none.

MS. LOE: Move to approve.

MS. PLACIER: Second.

MS. GEUEA JONES: Motion to approve by Commissioner Loe, seconded by Commissioner Placier. Is there thumbs up approval on the minutes?

(Unanimous voice vote for approval.)

MS. GEUEA JONES: Unanimous. Thank you. All right. Our first order of business of the evening is a withdrawal in Case Number 12-2025.

### **V. WITHDRAWN ITEMS**

#### **Case Number 12-2025'**

**A request by Jonathan Gray (Owner) for approval of a Conditional Use Permit (CUP) to allow 901 College Park Drive to be used as a short-term rental for a maximum of eight transient guests and up to 210-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m) of the Unified Development Code. The 0.31-acre subject site is zoned R-1 (One-family Dwelling), is located southwest of the intersection of Dartmouth and College Park Drive, and is addressed 901 College Park Drive. (This item has been withdrawn by the applicant.)**

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

MR. TEDDY: Yes. And this is going to be very brief. I have no staff report on the case itself since it has been withdrawn, but I'll just note that Commissioners have been provided with a brief note from the applicant, as well as a cover memo from Mr. Zenner, indicating that it had been withdrawn, and also add that since this was a noticed public hearing, that Mr. Zenner took the additional step of providing a letter to all of the property owners and interested parties that we normally give notice to indicating that this item had been withdrawn, and that letter was sent on November 13, so we hope that was in time to save folks some inconvenience. And since this had been scheduled for some time for this date, I know that's a possibility that we did inconvenience some folks, so we're sorry about that. I will remark that we fully expect there'll be a new application filed on this, and when that occurs, we'll go through the whole process of notification again, and so you may see something on your January agenda, for example.

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

MS. LOE: Just this case is in my neighborhood, and my neighbors know I'm on this Commission, and I was asked about this case.

MS. GEUEA JONES: Thank you. Any questions for staff? Seeing none. Thank you very much. Did anyone come here tonight to speak on this case? Thank you. I'm seeing no from the audience. Any Commissioner comment on the withdrawal? Commissioner Brodsky?

MR. BRODSKY: Just make a quick comment thanking staff for being so quick to get that notice out to folks, as evidenced by the fact that we don't have folks here wasting their time.

MS. GEUEA JONES: Thank you, Commissioner. Any further comments from Commissioners? Would anyone care to make a motion on the withdrawal? Commissioner Stanton?

MR. STANTON: Counselor, how do I say this? On the request to withdraw. I mean --

MR. KRAUS: Acknowledge the withdrawal.

MS. GEUEA JONES: Grant.

MR. STANTON: I move that we acknowledge the withdrawal of Case 12-2025.

MS. GEUEA JONES: All right. Sorry. Thank you, Commissioner Stanton. Is there a second on Commissioner Stanton's motion to acknowledge the withdrawal?

MS. LOE: Second.

MS. GEUEA JONES: Seconded by Commissioner Loe. 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: Ms. Placier, Mr. Stanton, Ms. Geuea Jones, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Mr. Brodsky, Ms. Ortiz. Motion carries 9-0.**

MR. WILLIAMS: Nine yeses and zero nos.

MS. GEUEA JONES: Thank you. That item will be officially withdrawn.

## VI. PUBLIC HEARINGS & SUBDIVISIONS

### Case Number 262-2024

A request by Crockett Engineering (agent) on behalf of First State Community Bank (owners), for approval to rezone a 12.92-acre property from R-MF (Multiple-family Dwelling) to PD (Planned Development) with an associated statement of intent, and development plan to be known as "Legacy Woods." The plan includes 49 single-family lots and three common lots on Lot 1202 of Legacy Farms Plat No. 1, which is currently addressed as 5201 Ewing Lane. The applicants are also seeking two design adjustments for partial relief from Section 29-5.1(c) (Streets) regarding block length and connectivity standards, and 29.5.1(d) (Sidewalks) where existing utilities would conflict with construction of a sidewalk on the west side of Athena Drive (formerly Ewing Lane). (This matter was tabled at the November 7, 2024 Planning and Zoning Commission meeting.)

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 following:

- Rezoning of the subject acreage from R-MF to PD
- Design Adjustments from Section 29.5.1(c)(3)(ii), Section 29-5.1(c)(3)(i)(E), and Section 29-5.1(d)
- The "Legacy Woods" Development Plan
- Statement of Intent.

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. Are there any questions for staff on this case? Commissioner Placier?

MS. PLACIER: Yeah. Perhaps you cannot address this, and it will have to wait until we hear from the applicant, but this was originally planned for townhouses, and then that fell through.

MR. PALMER: I believe they were detached, kind of condo type units.

MS. PLACIER: Yeah. It could be -- whatever. Condo.

MR. PALMER: Yeah. And the applicant can definitely expand on it.

MR. TEDDY: I can address that just from the City side, and I believe our applicant will speak more particularly to this, but last winter we issued what we call a land disturbance permit for the site, so that allowed for the grading, the infrastructure, the street surface, the several banks of parking spaces. You see out there, if you've been out to the site, we also issued retaining wall permits for some long retaining walls. All of this was land preparation for what, at the time, we understood was going to be 46 detached units with a clubhouse structure. And that was to be organized as a real estate cooperative, so a different kind of ownership. It would remain a single parcel. So what remains is the infrastructure, and they now want to go to a more conventional lot program.

MS. PLACIER: Well, my question was about the sidewalks, but this was originally planned to have these structures on both sides of the street. Why were sidewalks not planned on both sides of the street? Why was it allowed for utilities to be constructed where a sidewalk should be --

MR. TEDDY: Yeah. It --

MS. PLACIER: -- that set up this need for this design adjustment?

MR. TEDDY: Yeah. Again, it's because it wasn't viewed as much as a public street. There would be the sidewalk on -- it would be the east side. There was a mid-block extension of a trail that looped around the clubhouse structure, so it did have some additional walking space for residents, but it -- it goes to that we did not have a particular standard in an R -- on an RMF lot for a complete street there.

MS. PLACIER: Okay. Well --

MR. TEDDY: And now going to -- going to separate lots, you now have a difference in that you will have folks that are in the middle of the block that will not be connected to other lots by sidewalk. Before, it was going to be all one ownership.

MS. PLACIER: I guess I still have that question, but I won't ponder it.

MR. TEDDY: Yeah. I understand -- I understand your concern, but yeah. Yeah. We've done commercial private streets where we've required the sidewalks on both sides, for example. So --

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

MS. LOE: My question is about Athena, and looking at where it accesses Darlington on the north side, Darlington looks like it could be a fairly somewhat busy street with that access onto Havana to get over to Sinclair, and I'm just -- I was curious with the placement of Athena on that corner -- inside corner with Havana coming in close to the south. Our -- I realize the street is already constructed. I guess this goes back to the request for adding another connection between Athena and Darlington, and what the evaluation was of just traffic and safety with those connections.

MR. PALMER: I believe Mr. Crockett can expand on that a lot more just based on the fact that, like I said, I -- I asked them at the concept review phase to explore adding the vehicular connection. And based on their analysis, they -- they indicated that the pedestrian connection was more feasible and more -- more helpful. But the traffic study impacts were more in the previous phase. Like, we didn't ask them to do another traffic study for this. And so any type of impacts that this arrangement would have likely weren't really studied, but we went with the previous traffic study. So at that time all of this was approved and really the only change is the lot arrangement. So -- and, actually, we're reducing the number of units, so the assumption would be that if it was approved previously, it would -- it would stand to reason we're -- we're in a decent state now, so --

MS. LOE: I have two follow-ups then, the first being I thought we were just informed that the previous development was for 46 units, and this one has 49 lots.

MR. PALMER: I'm sorry. I -- yeah, I misspoke about that. I thought -- I misheard him. I

thought it was less, but -- yeah.

MS. LOE: My second follow-up is, on the sidewalk that's being shown between Athena and Darlington, it appears to be on the two private lots in their setbacks, and I was just curious as to I think previously we've typically seen that common sidewalk come back as part of a common lot?

MR. PALMER: Yeah. And they've actually added that to the plan. That one is probably just the last rendition. That would have been the only change is that they've -- they've created an easement there for that.

MS. LOE: Would we have a -- I feel uncomfortable placing a common use on a private lot without easements, or would we be expecting that to be placed on a common lot?

MR. PALMER: It would work either way. I believe I seen both where it's a pedestrian easement or you can create a common lot for that.

MS. LOE: Thank you.

MS. GEUEA JONES: Any further questions for staff? Seeing none.

**PUBLIC HEARING OPENED.**

MS. GEUEA JONES: Come on up. State your name and address for the record. Three minutes for individuals, six minutes for a group and/or the applicant.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Before my time starts, I would like to go through just a couple of housekeeping items. I think there's some misconceptions. There is some misrepresentations here, just a little bit. So I'd like for some clarifications, if I may.

MS. GEUEA JONES: It's part of your six minutes.

MR. CROCKETT: Okay. Then I'll -- I'll go through it pretty quick then. If I don't -- Tim, if I can get my PowerPoint to work, please.

MR. PALMER: It should automatically --

MR. CROCKETT: Here we go. I'm here with -- with Joe Miller, president of First State Community Bank, and they are owners of this piece of property. Let me start off by talking about why -- well, it's just -- let's talk about Legacy Farms. This is the small piece of the entire Legacy Farms development. Many of you members on Planning and Zoning were here several years ago when this project came before this Commissioner for approval. It was about 400 acres. This is the overall development, and, Ms. Placier, this is going to comment on some of what your comment was. If you recall, this development had many different portions of it. It was all different types of residential development from multi-family from apartments to townhouses to retirement community to all variant sizes of single-family residential from the minimum lot sizes of 60 feet up to estate lots. And so what we're here tonight to talk about is the Legacy Woods, which is right here in the middle. It's this piece right her. It was presented two years ago as the retirement portion, the retirement community, single family detached units, and that's what was proposed and that was what was presented originally, and

that's what we're proposing now. Nothing has changed with what this concept has been on this piece of property. They were single-family detached units, basically a retirement-type facility. We are asking to go from rezoning from R-MF to PD on about the 13 acres. It is for 49 single-family residences. It's already developed, and when I say it's -- when I say developed, we're talking about water, electric, sanitary sewers, storm sewers, it's been graded, all the roads are in place, and the development concept has not changed. Okay? We -- the original developer was a developer who purchased this from Iowa, and he wanted to develop it, and due to other circumstances, he's not able to develop it and the process -- and the project -- the property went back to the landowner. So -- and we're talking about nothing has really changed, and so why are we here tonight? Well, that we're here tonight because what is changing is how they want to sell the units. As Mr. Teddy indicated, the original concept was a co-op, meaning that if you were to buy a single-family house in this development, one of 49, you wouldn't buy your house on a small lot, you would buy 1/49th of the entire development with exclusive rights to your specific house. Okay? That works in some communities. It's worked all over, but that's something new to Columbia where you go in here and you buy 1/49th of a development, and with exclusive rights. So when that developer lost, it goes back to the bank. The bank is wanting to market it back out to the local development community. Well, local developers don't want that concept because they don't believe that the market is really accustomed to that type situation here in Columbia. What they're accustomed to seeing is you want to buy a single-family house, you have a small lot on which you can purchase that on. And so the concept is not changing, It's always been a retirement-type community with small single-family houses. The only difference is instead of buying it through a co-op, we want to be able to sell them individually on small lots. And so that's the -- that's the change that we're here tonight asking for. This is the -- this is the preliminary plat. The streets, the sewers, the water, the layout, everything is exactly the same as it was presented a couple of years ago. And so, again, we talk about a couple of design adjustments tonight, so we're talking about block length. So, yes, we don't have a connection here. When it was developed under the R-MF standards, we don't need to have -- the block-length doesn't come into effect. It only happens later when we want to subdivide it. The same exact type of development falls under different classifications, different -- different regulations, even though it's exactly the same. And so that's what we're asking for here. You know, internal connectivity is high. All segments connect to a major roadway. We are providing alternative location for pedestrians. So we have two access points, obviously, on either end. Typically, you see two access points on the same side with the long, lengthy area that goes back to a cul-de-sac. That's not the situation here. What we have here is one on either side that provides proper connectivity through the entire development. Putting one here, as Mr. Palmer has indicated, is problematic. There is some -- you know, it's all been graded. We've got storm sewer in place. The grade changes. It does bounce up there, coming in with the grade, coming in higher with the street, meaning the street is going to be higher than the -- than the units themselves, and that presents an issue. So what we're providing or we're proposing is to put a

pedestrian connectivity, a sidewalk at this location. This is what was proposed on the original Legacy Farms development in many locations and this is what was approved originally. So this would be very much in line with the original concept for all of Legacy Farms. The second design adjustment that we're asking for is sidewalks on one side. Now this isn't uncommon for smaller developments. What we're looking for, again, we're looking for a -- a retirement-type community where our traffic isn't going to be heavy. We're not looking for a lot of traffic. We don't have a lot of vehicles. It's surrounded by road, so it's not that anyone is going to have cut-through traffic on this -- through this piece of property. If you're trying to get from side to the other, it's certainly easier to go around the public roads that are perimeter to this development. The green line shows the sidewalk that's within the development itself. We're adding this sidewalk right here. So those are our internal sidewalks. We're going to add to that all the external sidewalks that go around on all the public streets. Those are in place or will be in place during development, as well. And lastly, if you recall when we were here a few years ago, we talked about having this trail network that goes through Legacy Farms. And so then on the west side of this project, there will be a trail that cuts through there, as well. So by having sidewalk on both sides of that -- it's a narrower street. It's 26 feet wide, because it's going to have significantly less traffic on it. And so having the narrower street, the fewer lots, all internal traffic, we believe that it gives it a little more cozy feel for the smaller lots. Mr. Palmer talked about the lot sizes are more in common with a single-family development. That may be because they're a little bit deeper, the sizes, the square footages maybe, but the widths are smaller. So the widths are narrower than the single-family residential that you typically see. We're looking for smaller cottage type houses in here. That's the reason for the setbacks. We're trying to draw those in closer to the street, and just give that cozy cottage feel. We feel that having sidewalk on one side helps -- helps with that, as well. Again, the proposed development is consistent with the original concept for Legacy Farms. Nothing has changed, nothing at all. It's already constructed, the concept is not changing. The only change in the development is how the lots are sold, not what is being built. So, Ms. Placier, when you talked about having the townhomes, the townhomes, you're exactly right. The townhomes are on an adjacent piece of R-MF zoned property. This was the retirement portion that -- that we're talking about today. So I'm not sure where I'm at with my time, but -- let me see. Ms. Loe, I want to talk about your traffic item just a little bit. Yes. When we did this and we laid this out, that northerly entrance, we could either go in at that four-way intersection with Havana and have a four-way stop, or we could push it further north, meet the City's separation standard, and have two T-intersections. Traffic engineers, the City traffic engineer, and just civil engineers in general, like to have T-intersections. It's better for traffic flow, has less conflicts than a four-way intersection. So when we design -- design that, while we do have a significant number of four-ways, if we can, we try to avoid them where possible. With regard to the amount of traffic, the amount of traffic coming from the west up there is all residential. It's a -- it's probably the third of the three different access points coming from that direction, so it's going to have the less of all three and not a significant amount of traffic that's going to



have conflict with our entrance at that location. So I hope that answers your question. So if you have any questions, I'll be happy to answer them.

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

MS. LOE: Thank you, Mr. Crockett. One question on the traffic. Just what is the City's distance separation?

MR. CROCKETT: I believe it's 125 feet for intersecting streets. And so -- and I say that. We're in a driveway situation, so our driveway in that case I believe, if I'm not correct -- if I'm not mistaken, Mr. Palmer, I believe it's -- I want to say it's 30 or 35, but we're well in excess of that. And so, I mean, this has all gone through traffic review, so --

MS. LOE: Uh-huh. On the added sidewalk --

MR. CROCKETT: Yes, ma'am.

MS. LOE: -- can you just comment on what the intended -- is that intended to be left on the private property? Was it -- I notice it is stopping three feet short of the common lot.

MR. CROCKETT: What -- yes. Yes, ma'am. To answer the question, we're proposing to put it on the private property in the setbacks that have a public easement over the top of it for public use. That's how we've done it in other locations, by putting a pedestrian easement on that sidewalk. I mean, that's pretty common. We do it in subdivisions on a regular basis. There's sometimes the -- the common location for a sidewalk in a residential subdivision is one foot inside the right-of-way, but for various reasons, there's a whole bunch of different reasons, many times that sidewalk is put back on public property -- or, excuse me, on private property off the right-of-way, and we always cover that with a pedestrian easement. So that's something that's pretty common, and I believe that the Planning Department and the Public Works Department, you know, it's pretty -- they're pretty routine and they see that on a regular basis.

MS. LOE: Is there a reason it's not connecting to the common lot?

MR. CROCKETT: It would be -- well, because it -- it can connect to the common lot, but really it goes up and it's tying into the public -- the reason why it is not is because the lot line doesn't connect to the common lot. It connects -- the sidewalk connects to the public sidewalk that runs up and down Darlington.

MS. LOE: But you're -- you can modify that lot line.

MR. CROCKETT: I can, absolutely. If you want it to go to the common lot, I can do that, but the public sidewalk goes through the common lot, as well, just a few feet away. But if we need to, we can pull it over and tie it to the common lot easy enough. That's not a problem. Happy to do it.

MS. LOE: I guess I saw something in the report about there being challenges due to the grade change, and if you had longer length to work with, it might provide you --

MR. CROCKETT: Right.

MS. LOE: -- a greater facilitation with mitigating that grade.

MR. CROCKETT: Right. What Mr. Palmer was referring to was further to the north, Ms. Loe, two or three lots -- or one lot even, but two lots further north where the shorter distance would be, that's the reason why we don't have the connection up there because that's the challenge with grade. If we have -- that's why we have it shown where we put it is because the grade in that location works a little better for -- for a sidewalk, and so that's why we're able to make that one work. And if we want to take it to the site -- to the common lot, we're happy to do that. That's not a problem.

MS. LOE: It just seems to me if there's a common use at the common lot --

MR. CROCKETT: Sure. Right.

MS. LOE: -- it might be nice to actually have the right --

MR. CROCKETT: We can do that. I mean we are -- we have sidewalk on two sides of it. We're -- we're happy to change that.

MS. LOE: But you're still planning that, I hear. Thank you.

MS. GEUEA JONES: Thank you. Any other questions for this speaker? Commissioner Placier?

MS. PLACIER: Well, just to follow up on what Commissioner Loe just asked, will there be any challenges on the grade of that additional sidewalk? Considering that this is a senior --

MR. CROCKETT: No, ma'am. All of our -- all of our sidewalks are going to conform to ADA standards.

MS. PLACIER: Okay.

MR. CROCKETT: Hundred percent.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I just want to get clarity. So is this going to be designated a neighborhood for individuals 62 years of age or older?

MR. CROCKETT: What -- what -- that's what we would like. The bank is in the process of trying to sell the property, and that's what we're marketing it as. That's what the developer of Legacy Farms is wanting, and that's what we're desiring to have. That's what was originally set up as was a retirement community, and typically, it's a 55 and plus age group. That's what they would like. That's what the developer would like to see, and I think that that's what our interested parties are -- have indicated that that's what they would like -- like to put on the market. And they are going to be smaller homes, more patio style. We do have some walkouts you can see in there just by -- by -- by the grade, we have to have some walkouts, and that's not too bad, but most of them want to be, you know, smaller patio slab on grade homes.

MS. GEUEA JONES: Anything else, Commissioner Williams?

MR. WILLIAMS: No, thank you.

MS. GEUEA JONES: Commissioner Brodsky?

MR. BRODSKY: Quick question for you, Mr. Crockett. On your on-street parking --

MR. CROCKETT: Yes.

MR. BRODSKY: -- you know, I see that you're providing for -- for some on the, you know, I'll call it off-street, although it's directly adjacent to the street. I'm assuming the street is not wide enough to have any parallel parking on the street and allow for emergency vehicles?

MR. CROCKETT: You can still park on there and still have emergency -- emergency services can still pass if they were to park on the street, but we're going to discourage that and ask them not to. And we really, honestly, we want the visitor parking to be in those parking pockets as opposed to on-street, so we really don't want that. With the narrower lots and the driveways that come out, there's really not going to be an opportunity with distance to park on the street, and that's kind of the reason that drives that, as well. We know you're going to have visitors. Correct? And so we have to provide those locations for your visitors.

MR. BRODSKY: Perfect. Appreciate it.

MS. GEUEA JONES: Any further questions? Commissioner Ortiz?

MS. ORTIZ: Hi. You mentioned that this will probably be older people. If we only have a sidewalk on one side, even if it is ADA compliant, if there were to be multiple people with mobility challenges, using the same sidewalk, wouldn't that cause some issue?

MR. CROCKETT: Well, ADA has standards for that, and so given the width of the sidewalk and how often we have to have areas -- you know, passing zones -- so that will all be covered with ADA standards. So you are correct. We do have some issues sometimes when you have long length of sidewalks that's a certain width, we have to provide certain width of the sidewalk or passing zones within the sidewalk itself to -- to meet those ADA standards.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Any further questions? Commissioners Walters?

MR. WALTERS: I have a quick question, just for education purposes.

MR. CROCKETT: Yes, sir.

MR. WALTERS: So Athena is a public street?

MR. CROCKETT: No, sir. It will be -- it's a private street.

MR. WALTERS: It's private, so it's -- okay. So you'll take care of that as the parking spaces come in with that, as well.

MR. CROCKETT: Yes.

MR. WALTERS: Okay.

MS. GEUEA JONES: Anything else from the Commissioners for this speaker? Seeing none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Anyone else from the public to speak on this case, please come forward. Seeing no movement. Very good. We will close public hearing.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: And go to Commissioner comment. Are there any Commissioner comments on this case? Commissioner Brodsky?

MR. BRODSKY: I'll just start off. For me, personally, I'm comfortable with the one sidewalk. My folks live in The Links development over in Hawthorne. It's very similar type of development. I don't see any issue with that, and happy to support this application as is.

MS. GEUEA JONES: Any further Commissioner comment? Seeing none. Would anyone like to make a motion? Anyone at all. Commissioner Brodsky?

MR. BRODSKY: I will make a motion for approval of --

MS. GEUEA JONES: If we could have the summary slide back up? Sorry. We need our crutches.

MR. BRODSKY: We used to not go through all this formality when I was here. Approval of Case 262-2024, Legacy Farms rezoning and PD plan.

MS. GEUEA JONES: We have a motion. Is there a second?

MR. WALTERS: Second.

MS. GEUEA JONES: Motion made by Commissioner Brodsky and seconded by Commissioner Walters. Very good. Is there any discussion on the motion? Commissioner Loe?

MS. LOE: Do you want to include the design adjustments?

MS. GEUEA JONES: Oh, yeah. Legal would like you to restate it now that you have -- now that we have the --

MR. BRODSKY: Yes. Recommend -- motion to recommend approval of the Legacy Woods PD Plan and design adjustments for Case Number 262-2024.

MS. GEUEA JONES: Commissioner Walters, do you accept that amendment?

MR. WALTERS: Yes. I second that.

MS. GEUEA JONES: The amendment has been made and accepted by the second. Now is there any discussion on the motion? Seeing none. Commissioner Williams, whenever you're ready.

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

MR. WILLIAMS: Nine yeses and zero nos.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Moving on to our next case.

**VII. PUBLIC HEARINGS**

**Case Number 16-2025**

**A request by Massie Holdings, LLC (owner) for approval of a Conditional Use Permit (CUP) to allow 806 Boulder Drive to be used as a short-term rental for a maximum of eight transient**

**guests up to 210-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m) of the Unified Development Code. The 0.22-acre subject site is zoned R-1 (One-family Dwelling), and is located northeast of Campus View Drive approximately 310 feet east of the intersection of UMC Drive and Boulder Drive, and is addressed 806 Boulder Drive.**

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

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 806 Boulder Drive 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 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 Management Code (IPMC).

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 would like to start, which I know is a bit unusual, but could -- I just want to restate what I thought you said and maybe have legal weigh in a little bit. The fact that there is a restrictive covenant that there is an HOA should have no bearing on what we do because we are not a party to that. Like we -- we have no business in that private contract; is that what I'm understanding?

MR. KRAUS: Yeah. That's right. The City is not a party to those, essentially a contract or agreement between private parties, and so the City wouldn't have a role in interpreting that, enforcing that, considering that really in any way. And in fact in the City code that Mr. Teddy was referring to in Section 29-1.7(c), it actually says the City shall not be obligated to enforce the provision of any easements, covenants, agreements between private parties, and that's -- that's the situation here.

MS. GEUEA JONES: So we shouldn't let that weigh on our decision here, and if there is such a restriction, that's between the homeowner's association and on them to enforce however they want to enforce it, but not here?

MR. KRAUS: They could enforce that according to their -- their HOA agreement. Right.

MS. GEUEA JONES: Thank you very much for the clarity. Thank you, Mr. Teddy, very much. Any other questions for staff? Commissioner Loe?

MS. LOE: Thank you. To that point, if you can go back to the slide, Mr. Teddy. Item 29-1.7(b), which is not on the slide, identifies any restrictions on any of the land contained in the proposed subdivision shall be indicated on the subdivision plat by a statement of those restrictions, or by reference to the recording of such restrictions in the Office of County Recorder of Deeds, which I believe is what we were provided with in the Declaration of Covenants as recorded. It then goes on to say that any recorded restriction may be removed only by ordinance or re-subdivision and only after the Council has

determined that we removal of restrictions will not be determined detrimental to any land in the subdivision or to any neighboring property. So while I understand the City is not responsible for enforcing these, this item does appear to indicate that we do review, and if there are items that are more restrictive than the City's --

MR. KRAUS: I'm reading that --

MS. LOE: -- in the division and use of the land, that they're then recorded on the property. So, I mean, I read this, and my interpretation was that we've instructed this restriction to be recorded on the land and it can only be removed by ordinance or re-subdivision. Are we removing their restriction?

MR. KRAUS: I think what this is referring to here is -- is two things. There's the requirement to record them so people know about them. When you buy a property, it runs with the land. You want to know about it when you buy it. There's this private agreement out there that if it runs with the land, it affects the land, you want to know about that. And then, secondly, the City has the power to remove those through its powers. That might be through condemnation, that could be through, you know, some other power depending on what the City is trying to do in the public interest. And so I think that's what that language is referring to.

MS. GEUEA JONES: But this isn't removal.

MS. LOE: Well, but this restriction --

MR. KRAUS: All right. So here it says in the section you're talking about, any recorded restriction may be removed, and then it says how you do that.

MS. LOE: May be removed only by ordinance or re-subdivision.

MS. GEUEA JONES: Yeah. But we're not removing it, we are simply talking about two different restrictions on the property, so --

MS. LOE: We're being asked to identify a use or approve -- recommend a use that is restricted against in the recorded document.

MS. GEUEA JONES: But that's on the HOA to do. What you're -- what you're suggesting is that we should enforce that when that's not our role. Tim?

MS. LOE: I'm not saying that we enforce it, I'm saying that we recognize these restrictions exist.

MR. TEDDY: I think Paragraph B might be -- it might apply to restrictions that are put on plats where the City Council has actually approved that restriction. City Council did not approve a set of covenants. They don't do that, they just approve the -- the plats. So that's how I interpret that paragraph. We actually do have a provision that if a note is placed on a plat, that, for example, restricts use of a particular lot, and that plat is recorded, to remove that requires an ordinance removing the note, but that's not the example that we have here. This is something that's in --

MS. GEUEA JONES: This, to me is --

MR. TEDDY: -- the directive covenants document that's adopted by a homeowner's association.

MS. GEUEA JONES: This, to me, is more like the issue we had with Midway where they had an

easement, a private easement that they were disputing. And so every time they brought a case here, they would come here and try to talk about the private easement dispute, and that's outside of purview. There may be that we approve something, and that private easement means they can't go forward with it, but that's between the two people that are parties to that agreement. Just because we approve it, if they have a private agreement that says they can't do it, they can go enforce that later, but that's not our role. Any other questions for staff? Seeing none. We will open the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Please come forward if you want to speak on this case. State your name and address for the record, six minutes for a group or the applicant and three minutes for individuals. Hello.

MS. MASSIE: Good evening, Commissioners. My name is Cara Massie of Massie Holdings. My primary residence is listed at 401 Lakeview Drive in Smithville, Missouri, which is closer to Kansas City than --

MS. GEUEA JONES: Can you pull the microphone?

MS. MASSIE: Is that better? Okay. Are we good? All right. I own the property located at 806 Boulder, and I appreciate you giving me the opportunity tonight to try to be in compliance with the new regulations that are in place. So as you may have heard or may have read in the staff report, we purchased this property primarily for family use and as housing for my son that attends the University of Missouri and is currently deployed with the Air Force. He's currently on a combat deployment, and we're not really sure yet when he's going to be back. And while he's away, we have been using that as a short-term rental property. So I know that it is not your responsibility to enforce the covenants of a private homeowner's association. I knew that we may get into this position with our son because we understood that he was part of the Air National Guard at the time of purchase, so we had our attorney review our CCRs in Seven Oaks, and we also had our real estate agent converse with the governing -- governing board of Seven Oaks, as well as Mr. Gordon Craig, who is the association manager of community property management, and I do have an e-mail in which Mr. Craig indicated that he had had conversation with Adam Rau, the president of the HOA, indicating that it would not be problematic to operate an STR in the neighborhood of Seven Oaks. At that point back in 2023, I called the City to see what sort of operating permits that I needed to have, to learn that the City was kind of still in process, and so that leads us here today. So essentially at the end of the day, I'm really excited to just continue operating as a reputable short-term rental in Seven Oaks with your permission, and it is fully my intention to be in compliance with all regulations that have been set forth. I expect that our neighbors will raise some questions about safety and security. Staff report indicated that we were listed on multiple listing sites. We are not. We are only listed on Airbnb. The reason for that being that Airbnb requires a government issued ID for folks that are booking the property, and when you provide your government issued ID, you are then subject to a background check, which includes a criminal background check and

a sexual predator criminal check. So please understand that this is my home, also. This is my home that we stay in, that my son will live in, and it is not our intention to have unsafe transient guests occupying the property at any time. I expect that the neighbors also might have some concerns about property values. I share those concerns. I also am a property owner in the neighborhood and have a vested interest in making sure that I am not devaluing our property or any of our neighbor's surrounding property. So at the time of purchase, we paid over-asked. Unfortunately we paid over-asked and then put a sizable amount of money into the property for cosmetic upgrades. We're expecting that property right now per realtor's assessment to come in right around \$350,000. The highest selling home in Seven Oaks sold for \$343,000 in the last year. I pulled some market analysis just so that we could kind of look at data about how our property might or might not be affecting the neighborhood, and some market analysis shows that on average, Columbia property for properties under \$400,000 had an appraised appreciation of about 5.75 percent, and that's from 2022 to 2024. But the Seven Oaks neighborhood in that exact same timeframe from 2022 to year-to-date right now, 2024, has seen an 18.5 percent appreciation in value. In addition to that, the average days on market for real estate in that price range is about 36 days average days on market, but Seven Oaks is 17. So we've been operating as a short-term rental on a very small basis, again 80 nights over the course of a year. Those are roughly two-night stays, and we just are not seeing -- the data just does not support that we are decreasing the value of surrounding properties. As your staff report indicated, we have had no noise violations, no complaints from neighbors, no unsafe behaviors. We've used ring cameras to monitor in two locations, one over the garage and one coming in the front door. We monitor that closely. We have a property manager that comes by twice a week. We have a house cleaner that comes by once a week. We are constantly putting eyes on the property to make sure that everything is looking like it should and working like it should. So, again, with your permission, we would -- we would hope to continue in this flexible arrangement that would allow our son to live there when he needs to live there, and for us to be able to keep it on the short-term market when he is not available to be here in Missouri.

MS. GEUEA JONES: Thank you, Ms. Massie. Are there any questions for this speaker? Seeing none. I had a couple. How many nights over -- you may have said this. Sorry. How many nights over the last year do you think you've actually had guests? Eight-zero?

MS. MASSIE: Eight-zero, yes, ma'am.

MS. GEUEA JONES: Thank you.

MS. MASSIE: Yeah. We've had 80 nights. Our guests, on average, stay two nights. I know that the word transient can feel a little inflammatory to you. Right?

MS. GEUEA JONES: It's the legal term for hotel guests, yeah.

MS. MASSIE: Yes. Thank you. I was going to say, we just have had the loveliest folks. Because of our proximity to the University, which was a selling factor for us, as well, or a buying factor. Right? I wanted my student to be able to be close to the University. We tend to attract a lot of families



that are really just here to visit their kiddo.

MS. GEUEA JONES: Which -- my second question, and I'm not trying to dig too deeply into your business, but our ordinance does allow long-term tenants to be the applicant.

MS. MASSIE: Right.

MS. GEUEA JONES: Is his deployment the reason that your son is not the applicant, or what was --

MS. MASSIE: My son is currently on a combat deployment, and so he's --

MS. GEUEA JONES: Yeah. Well, sure. Sure. I figured that was the reason, and I've been there.

MS. MASSIE: Yeah.

MS. GEUEA JONES: You've got my heart.

MS. MASSIE: Thank you. I appreciate that very much.

MS. GEUEA JONES: But --

MS. MASSIE: But, yes. He's not able to be -- he was not in the States at the time that we filled out the application, and I am on the LLC, so I am the registered, designated owner of the -- of the physical property.

MS. GEUEA JONES: Very good. I think that's all I have. One last call? Seeing none. Thank you very much.

MS. MASSIE: I appreciate your consideration. Thank you, folks.

MS. GEUEA JONES: Thank you. Is there anyone else here to speak on this case, please come forward. Anyone else to speak on this case? Last call. Okay. With that, we will close public hearing.

### **PUBLIC HEARING CLOSED**

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

MR. WILLIAMS: I do want to ask, I know we discussed this, but ask the City staff, the general criteria for a CUP 21(c) says the proposed conditional use will be in conformance with the character of the adjacent area within the same zoning district, which is located in making such a determination, consideration may be given to location type and height of buildings or structures in the type and extent of landscaping screening. So I appreciate the second sentence is designed to create some indication of what is meant by the first sentence, but my question is whether or not it is appropriate to consider the covenants that are associated with the property based upon the broader considerations that are set forth for a CUP. And I raise that not just with respect to this property, but because we are seeing these routinely, almost every meeting, a CUP request for a short-term rental. And I think it would be helpful to get a little bit more clarity on how some of these broader aspects of the CUP considerations may apply to restrictions that are set forth in HOA covenants. I think it's separate from the matter we were discussing

earlier, which is whether it's a requirement to consider it based on an up or down of whether or not the HOA covenant is permitted, or whether the HOA covenant can be considered as a factor or should be considered as a factor.

MR. KRAUS: Well, I mean, as to considering the HOA terms itself, which is a private agreement between private parties, and the City is not a party to that, now so that's one thing. You know, what all can you consider? I think you consider the facts surrounding the request. Right? And if you move into an agreement between private parties, which is not really facts of the application, then are you enforcing the agreement in some way, which you're not allowed to do under the -- clearly under the City code. Now I understand, you know, the HOA agreements, they are important to the parties. They entered into those for a reason. And in their neighborhood, that's -- they're going to care about that, and that's great. And they can enforce that even after tonight. They can still enforce their agreements between their parties. You know, if there was a covenant against a tall, ugly fence, and the City didn't have any regulations about having a tall, ugly fence, you could build a tall, ugly fence and not be violating any City provision. Right? But you might still violate the HOA and they could enforce that. And it's the same with every private agreement HOA. They have provisions on how to enforce it in their agreement if they want to. They have what's -- what's allowed, what's not allowed. Everyone has agreed to that. If they want to change what that agreement is, they can do that themselves -- make it more strict, make it more general. Some of them have provisions on how to bring that to a vote and decide if they're going to change the agreement or not. None of that has anything to do with what the City does though. The City has its requirements in its Code. The Commission looks at the -- the applications coming before it, applies the Code to it. Again, doing that doesn't mean private members of an HOA can't still enforce what is in their agreement. They still can in the terms of their agreement. But the enforcement of that and the consideration of that and what those should be, whether they should stay the same, whether they should change, it's all with those private parties. It's not -- it's not like there's an avenue is where I'm going, it's just not with the City.

MR. WILLIAMS: I understand, and I appreciate that. I think the reason for my comment was not because I was pushing for a particular outcome, but because I think it's important that we establish what the rules of the road are, and I think that there's a slight distinction between the discussion that was happening earlier about 29.1, and what can be considered within the context of what we're asked to look at in the CUP, and the criteria for short-term rentals, and those are more ambiguous, broader. And so the question is what falls into those, but I just raise that in part so that we can have a record that -- of what the position is of City staff as to what's -- whether that's permissible to be considered under the CUP categories related to what's written in 29.1. So I appreciate -- you answered my question. That was the reason for the question.

MR. KRAUS: Thank you.

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

MR. STANTON: Yeah. I have to agree with counsel. This is a slippery slope that we've never went down for that very reason of private versus public. I don't know if you're aware, there are covenants to allow that -- do not allow African Americans in the neighborhood that are still on the books. Still. Please try to enforce that; you know what I'm saying? The Fair Housing Act, all those things come into play. That's why there's the separation of public and private agreements.

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

MR. BRODSKY: I'm -- just to weigh in real quick. Generally speaking, I would whole-hearted -- and I do whole-heartedly agree with staff's legal interpretation of the City enforcing private agreements. But -- and I'm not really sure where I fall on this, but I am sympathetic to Commissioner Williams' question that specifically in the criterion specific to short-term rentals, criterion E, whether there is support for the establishment of the proposed STR from neighboring property owners. And if the neighboring property owners have signed on to covenants -- HOA covenants that prohibit short-term rentals, then, you know, maybe that's something that we should be considering under that item. Just -- just putting that out there for food for thought for everyone.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I hear both sides of my colleagues' arguments. If we go down this road, stay down this road, and imagine where this will go. We've got a half rookie and we've got a full rookie. The war will be pure bloodshed if we set that tone because I promise you there probably would be no short-term rentals allowed if they -- if every HOA went and just put that in their bylaws like right now. And we set the tone to make that a consideration contradicting to our practice of keeping private and public agreements separate. So I would just say I understand your position, we used to have a vote, but deeply consider the consequences of using that as a judging criteria for future judgments.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I appreciate that Mr. -- Commissioner Stanton, and my -- my comment here, and I think it's exactly -- Commissioner Brodsky made it clearer than I did, is just that when the City, at some point, as we work through these applications, perhaps considers the language that's used in -- in the criteria, this would be something that would be helpful to have more clarity on in the CUP process itself as to the applicability of that exception in 29.1 to that particular standard of the STR related to neighboring property owners' support. Personally, I agree that there is a legal distinction between what -- whether or not someone is -- properly can get a CUP -- meet the requirements for a CUP, and whether or not they can -- we're giving them a license of sorts. Whether or not they have -- are in a situation where they can't utilize that license is -- is somewhat separate from whether or not they qualify to obtain the license. And so I understand the distinction, but I wanted to draw out for the record that it is -- there is some question as to whether it could be, and I think we need to make a formal position, and I appreciate City Council or counsel for the City putting on record the position that it's not something to be considered so that we can move forward under that approach.

MS. GEUEA JONES: And I think for my part, the way Commissioner Brodsky is framing as another form of neighborhood feedback is probably a way in which we can include it in our conversations, because it is a form of neighborhood feedback, but it does not have any more weight than any other neighbor letter, communication, anything else we've -- we received, and we weigh those all the time. Right? And we sometimes weigh them and say these are all legitimate concerns and we need to get concessions, da, da, da, da, da, and sometimes we weigh them and say the neighbors are upset, you need to go be better neighbor, but we're going to move forward. But I think viewing it as neighborhood feedback is a firmer footing than -- than any -- anything else. Commissioner Loe?

MS. LOE: I would just like to observe that we've gotten three letters on this case. One has -- contains just comments about the covenants. The other two identify additional concerns they have. I think three is the most -- no, we've gotten -- I missed a meeting or two.

MS. GEUEA JONES: Yeah. Yeah. Commissioner Brodsky?

MR. BRODSKY: I just may make one quick comment to address your comment, Commissioner Stanton. I'm usually pretty cognizant of slippery slopes because they can be slippery. I think in -- in this instance, and HOAs -- all the HOAs in Columbia, they could go and put this in their HOA and legally block short-term rentals regardless of our vote here tonight. So I am not -- I'm not sure that we would be adding or contributing to the process that, you know -- or accelerating a process that might happen otherwise, but --

MS. GEUEA JONES: Commissioner Stanton, and then Commissioner Placier.

MR. STANTON: Yeah, you're correct, as long as we stay with the position that we had, that we do not recognize or we separate private and public agreements. You're right.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: I'm not sure about that, and not being an attorney. But -- and I'm not sure what the word consider means, and I would not -- because the minute we say we would consider it, and if we gave it serious consideration, we would be leaning in favor of neighborhoods that have HOAs and we would be saying that if a neighborhood has in their HOA agreement outlawed something that is otherwise legal in the City of Columbia, then they are in -- in essence making their own law. They are saying that I can make -- we can make anything illegal, even if it's legal in the City. And I just find that to be spurious also. And there are lots of neighborhoods without HOAs, so those neighborhoods would obviously then be the target of more STRs, and that could devolve into a sort of class division. So I have all kinds of qualms about sticking this in the CUP considerations.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: That's why I used the example of African Americans being in certain covenants, in certain neighborhoods, it's still on the books. It doesn't rear its head because there's separate public versus private agreements. The Fair Housing Act allows me to live anywhere I want. So if there was an HMO or -- or some covenant on a piece of land that said African Americans could not

live on that land, that is superseded by private legal right to live anywhere I want. That's the situation we're in, and that's why I don't want to go down that road where we consider those kind of things -- well, there's a savvy way to do it. As soon as it comes up that the HMO does not allow short-term rentals, and that language is -- is brought to us, now we're -- now we're in a -- we're in a bind. I think Ms. Loe brought to a point where there's letters with other concerns. The HMO could have concerns not saving the HMO, but could use languages and concerns that do not weigh on the HMO card. As you're -- as you're speaking as a collective, we do not like this because of that, not because it's in the HMO, but because, as a collector, we don't want this here because of XYZ. There's ways that you can express yourself as a collective that get the same results that express your concerns. That's -- would be my suggestion for that. Just don't lean on the private covenant.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: My background is in developing neighborhoods with the covenants and restrictions. In all cases, until -- in all cases, the developer had the lead role in enforcing those covenants until a certain point, when enough home sites were sold to others. I was the enforcer in all those cases. If a situation like this arose, it would be brought to my attention, and it would be my decision to either to pursue it or not to pursue it, and a lot of that would weigh on how the overall homeowners feel about the situation. So what speaks to me here tonight is there was 125 people who didn't show up, three people complained, a 100, 115 didn't. Now the person running the property management company seemed to be cool with it. The home association guy didn't seem concerned about it, so I'm not mitigating or undercutting the people's concerns. People always have concerns about the worst-case scenario. But in this case, I think they -- the people who are opposed to it should have pressed the HOA to pursue this, and then the person -- and then they could have considered whether they want to spend their money to hire an attorney to force this to make this happen. It could still happen. I mean, they still have that option today. If they don't like the decision tonight, if it doesn't go to their favor, they can still pursue this. So, anyway, 120, 115 people are not here complaining about this.

MS. GEUEA JONES: Any further comments? Seeing none. Would anyone like to make a motion?

MR. WALTERS: I make a motion -- I would.

MS. GEUEA JONES: Go ahead, Commissioner Walters.

MR. WALTERS: I've never done this before, so I'll read from this thing right here in front of me. I make a motion to approve Case Number 16-2025 regarding the approval of a STR and CUP subject to the following notes: 210 nights of rental, maximum of eight transient guests, and garage spaces within the attached two-car garage to be available at all times.

MR. STANTON: Second.

MS. GEUEA JONES: Motion for approval made by Commissioner Walters, and seconded by Commissioner Stanton. Is there any further discussion on the motion? Seeing -- oh, Commissioner

Williams.

MR. WILLIAMS: I just want to say that I intend to vote in favor of the motion on the -- based on the presentation and recommendation of the City staff that this satisfies the criteria, and not weighing in consideration any private covenants that may be between the parties and the neighborhood.

MS. GEUEA JONES: Thank you, Commissioner Williams. Commissioner Loe?

MS. LOE: I do feel like we are getting dissent from the neighbors. We've had cases where one person has come forward, and we haven't gotten anyone supporting this, which we have gotten in the past, as well. So that does bother me. However, the fact that there are other short-term rentals operating in the neighborhood, even if they haven't been licensed, indicates to me that some of the concerns are not -- there's -- there's some inconsistency. So I actually think I am going to support this, even though I have some conflicted feelings about it. Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Commissioner Loe, you have stirred up my -- well, I've been waiting to say this for a long time. This applicant has come out of the shadows, and has went through the legal process. Any other -- any other short-term rental that exists is a renegade and is against the law, and is outside the purviews of the legal system. So they cannot be considered because they're not even supposed to be there. This applicant has come to the light, and has got out of the shadows, and has done the legal process to become a legal entity under the law in the legal use -- land use approved by the City. So if any of the other ones pop out, this one will set the precedent and hopefully this applicant does very well. I say this at every one. These are the pioneers. You guys are the first ones, if you get approved, you guys are the pioneers. It is up to you to meet the standards higher than expected, because if you don't, you mess up anybody else that's trying to get a short-term rental in the future. Thank you.

MS. GEUEA JONES: Any further discussion? I would just point out another thing that is weighing heavily on my decision is that they've been in operation for a full year. They have had guests for 80 nights, and nothing has indicated to me that any neighbor has gone to the HOA or complained to Neighborhood Services, which tells me they've been good operators. And I -- I think that's -- you know, we've talked about questions that we ask, and one of the things we've been asking is how many nights a year have you been renting. And -- and the fact that their neighbors didn't even know it was happening, they don't know about the other three, they're around them, I think that indicates that these folks are good operators, so I'll support it. Any final discussion before we go to a vote? Commissioner Brodsky?

MR. BRODSKY: I just want to make one quick comment to some of the folks that may be here in the audience that are neighbors of this property. In our short-term rental ordinance, you can only have one short-term rental within 300 feet. So, you know, don't feel that your neighborhood is going to get inundated with these things. This is likely the only one that you're going to see on Boulder or Ames, or that stretch of UMC Drive.

MS. GEUEA JONES: Yes. Thank you very much. Any final discussion? In that case,

Commissioner Williams, when you're ready.

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

MR. WILLIAMS: Nine yeses, zero nos.

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

**VIII. PUBLIC COMMENTS**

MS. GEUEA JONES: On to public comments of a general nature. If anyone is here to give any general public comment, please come forward. Seeing none.

**IX. STAFF COMMENTS**

MS. GEUEA JONES: Staff comments, Mr. Teddy?

MR. TEDDY: Well, let's see. Our next meeting will be Thursday, December 5th, and, yes, we do have cases. We have 2912 Green Ridge Road. That's a small final plat involving several lots and a design adjustment to waive sidewalk. 1592 East Prathersville Road, a permanent zoning county MLP district to City IG. That's property that you may recognize as Club Carwash headquarters site. They're contemplating an expansion. It is contiguous to the City. And then we have more of the same, 208 Redwood Road and 700 West Green Meadows, both short-term rental conditional use permits. So our secret is getting out, and these are just the location maps, first of the Green Ridge Road case on the left and then the Prathersville on the right. And these are the locations of the two short-term rentals that will be on your docket. And I'll also add that the cases tonight will first appear on a Council agenda on December 16th. That's what we call first read, so that's just for study and to make the information public. Council will actually consider those on the January 6 agenda, and those both qualify for the consent agenda, because we have strong majorities in favor of them, but they, of course, could be removed at citizen request, resident request, or the Council's request. That's all I have. Happy Thanksgiving to all our Commissioners, and thank you for your service.

MS. GEUEA JONES: Thank you.

**X. COMMISSIONER COMMENTS**

MS. GEUEA JONES: Are there any Commissioner comments?

**XI. ADJOURNMENT**

MS. GEUEA JONES: Would anyone like to let us leave? Commissioner Loe?

MS. LOE: Move to adjourn.

MR. STANTON: Second.

MS. GEUEA JONES: Commissioner Loe has moved to adjourn; Commissioner Stanton has seconded. Without objection, we are adjourned.

(The meeting adjourned at 8:51 p.m.)

(Off the record.)