EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
September 5, 2024

Case Number 200-2024

A request by Oscar and Gloria Ignacio (owners) for approval of a Conditional Use Permit (CUP) to allow 4105 Glenview Court 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 0.37-acre subject site is zoned R-1 (Single-family Dwelling), is located 250-feet southwest of the intersection of Springdale Drive and Glenview Court, and addressed as 4105 Glenview Court.

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 4105 Glenview Court to be operated as a 210-night short-term rental for a maximum six transient guests, subject to the following:

1. One garage parking space to be required to be available whenever the dwelling is used for STR purposes; and
2. Final compliance reviews are completed by the City's Housing and Neighborhood Services Department following City Council action.

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

MR. WALTERS: For the regulations that were in effect for this property for the past three years, was there limitations during that time of the maximum number of nights per year it could be rented?

MR. ZENNER: There were no regulations in place, sir.

MR. WALTERS: At all? Okay.

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

MS. PLACIER: Yeah. I had a question and it related to the 210 nights, which I believe was a change in the ordinance amendment that the Council -- I believe originally we had less than that, and the Council increased it to 210, which puts it over half of the year, and yet, this is considered a primary residence. So is it your understanding that the owners are -- suppose this thing really catches on and it is rented out for more than half the year, 210 nights. Is it still a primary residence at that point?

MR. ZENNER: Based on the criteria, aside from the fact that the 210 nights is more than half of a year, the documentation that has been supplied or would be being supplied by the applicants for their short-term rental certificate of compliance, this is their primary residence. This is where they receive mail.

This is where they are registered to vote. This is where they have their registration for their vehicles. It meets all of that criteria. Your observation is one that is a very keen observation. The Council created parity between a residence that was not occupied by a long-term resident, and an individual that lived in their home -- offered them the opportunity to be able to seek the same number of nights if it was deemed to be their long-term -- they were the long-term resident of this dwelling. I don't believe that there was at the time when the Council approved that amendment contemplation of the Commission's discussions as it related to an accessory use. It was simply made to ensure that we were creating parity between those that were investors, so to speak, and those that were actually long-term residents in the City of Columbia but wanted more than 120 nights. They didn't choose a different number. They could have choosed – they could have chosen 180, which would have been roughly half the year -- 183 would have been half the year. They chose not to go there. They just chose 210, and that's what we're left with. So I think for our purposes as we look at the other criterion within the short-term rental regulations that would define if this dwelling was the long-term residence primary residence, we would have to conclude that all of that documentation supports that even though they may not be there if they rent it out every night that they have available, the 210 annually. Now the interesting thing here is is what we can conclude from the application and the applicant can confirm this for you, they do not have a designated agent, which not having a designated agent means that they have to be in Boone County whenever this home is being offered as a short-term rental. That could be staying at a friend or a relative's home, but they have to be available 24 hours a day, 365 days a year. So addressing concerns that may come up from an enforcement perspective of violations of the ordinance, that's taken care of just naturally because they don't have a designated agent. They have to be the person. And I will let Mr. Ignacio respond to that -- clarify that as to will they always be vacating the property when it's being offered? Are they intending on always offering all three bedrooms? It could be that they may only offer a bedroom for one guest accommodation under one reservation, and they stay with the guest. They may exit all the time. That's not something that we generally ask.

` MS. GEUEA JONES: Thank you. Any other questions for staff? I had one, and maybe this is just because of the amendment process and everything. But the application that you attached to the agenda is 120-night partial home. Is that --

MR. ZENNER: That—that's an error.

MS. GEUEA JONES: Okay.

MR. ZENNER: My discussions with Mr. Ignacio, he originally had -- he originally was contemplating 120 nights, and after discussing how the application process would operate, he chose to go 210. I actually noticed that myself, and desired -- just chose to proceed preparing the staff report for the 210. But 210 nights is what they were looking for.

MS. GEUEA JONES: Okay. We certainly want them to be able -- all applicants to be able to update, I just --

MR. ZENNER: Yeah. And what we need to make very clear for the Planning Commission and

for those that are in the audience, as well as those that may be watching on television this evening, had the Ignacios not desired to seek 210 nights, this is their principal residence. They would have had documentation that this was their principal residence. They would have been able to have administratively received a certificate of compliance had they submitted for 120 nights. So there would be no public discussion as it relates to this short-term rental, period, because they would have met -- they would not have exceeded the 120-night threshold.

MS. GEUEA JONES: And they may still do that?

MR. ZENNER: So if they are denied, they have that option, and that is with any individual that comes in for 210 nights as the principal resident, they have an option to always withdraw their application and reapply for the 120 nights. What we are finding that our applications -- and this would be also captured in the staff report that we will produce later for Council, what we are finding is people, as we have anticipated, if they have the ability to ask for the most, they will. The option only exists, however, to go in through the administrative process if it is your primary residence, and the majority of our applicants that we have seen thus far have not been the principal resident. So in these particularly unique instances, that is always the option, and the applicants are showing that they want to seek the higher number just in case. So that is -- that's why there is a discrepancy in the application that was presented with the packet. My apologies, I should have corrected it probably with the applicant, but we just chose to move forward.

MS. GEUEA JONES: That makes perfect sense. I just wanted to make sure we weren't unnecessarily dragging people out tonight. Thank you. Any -- Commissioner Wilson?

MS. WILSON: Yes. How do we know and how do we enforce if they rent for more than 210 days?

MR. ZENNER: So as we have talked at great length, I think, in work session, and as we have identified to Council, we are in the processes of doing final reference checking on vendor services that will do monitoring of listening platforms and providing us real time data from booking calendars. And as a part of that relationship with that vendor, we will have data reports provided to us on either a bi-weekly or a monthly basis, if my recollection serves correctly. And so we will be able to track those calendars and those licensed properties in that fashion. And then the enforcement components of Chapter 22 would come into play, which is our housing and neighborhood services side of our operations.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: Just on that point, I think it would be helpful perhaps to make sure that these services are able to differentiate between calendars entries that are blocked for the personal use of the owner of the property, and rented out to third parties, so that -- I just offer it up for the record for purposes of the City's administration.

MR. ZENNER: I appreciate that statement, and I -- we will work with the vendor of choice to determine how that is possible. The other component associated with the way that this ordinance is structured, the accommodation tax remittance component will also be able to be utilized as a check and a

balance associated with that. So again, the vendors that we have consulted with up to this point, for the lack of a better term, it's not their first rodeo. So they are well equipped in order to address many of these issues. We are on the very, very early stages of entering into this space, and we'll learn a lot as we move forward.

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

MR. STANTON: Yeah. Just to remind all the Commissioners, this was just approved. We are -- we're putting pressure to the pipes to test the system and I hope if the applicant gets the opportunity to do this, that they're good applicants. If they mess it up, they make it harder for everybody else and make this process harder for everybody else that comes down -- down the pipe. So these are the pioneers, and it's their responsibility to play the game or –

MS. GEUEA JONES: Uh-huh.

MR. STANTON: -- consequences.

MS. GEUEA JONES: Thank you. Any final questions before we go to public hearing? Seeing none. We will go to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: We do allow six minutes for the applicant or a group. Please state your name and address for the record and speak directly into the mic. Anyone here to speak on this case? We usually allow the applicant to go first to make their presentation, if you would like, Mr. Ignacio.

MR. IGNACIO: Well, good evening. I'm Oscar Ignacio, a 12-year Navy veteran, and I'm currently retired from Harry Truman VA. I worked there as an electrician for close to six years. And every morning, I don't see any traffic. And the PowerPoint that they showed on that thing, you won't see any traffic about. And Cooper was saying about there's so many people that park in the corridor of the main entrance with this -- that's not true, and I have the PowerPoint, and you could go there every morning, you know. My work starts at 8:00, sometimes at 7:30. Never did I have anybody at the back of me, or there's going to be a traffic or a four-way stop. And if there's going to be a vacant park there, it's going to be the maintenance truck or a project truck that's being done there. The MU Clinic is right across that corner, but the MU Clinic is so big of the parking lot that they could accommodate all the parking space there. So -- and what I decided to do is to open up my two-car garage, and to open it up in case there's more than four vehicles that's going to come in, or more than two vehicles that's going to come in. So I'm in the process now of cleaning my garage, and it's going to be open, so -- and the -- the venue itself, it's not, you know, it's not fully like people -- it's a big cul-de-sac, and you even a ten-wheeler truck will go around there, you know. So I don't know what's the point of Ms. Cooper saying that, you know, it's -- and the other thing is, my -- my guess, a normal one family of two kids, and sometimes there's two families to save money, and their main point is, you know, either going to football games or have the alumni, so their main place to go is up to the MU, and they never Thornberry – Thornberry Drive, like what the -- the opposition was saying. So when coming from my place, you never used to on Thornberry Drive, and that's -- that's irrelevant to this claim that it's going to create traffic. And as I said, I put up a PowerPoint –

MS. GEUEA JONES: Uh-huh.

MR. IGNACIO: -- and you could see all these pictures. It's all clear of cars and, you know, I could take a picture every day and submit it to -- to the committee just to prove my point. And -- and I haven't had any problem at all with my guests. And, you know, my house rule says that there is no parties, celebrations around. I -- but I encourage family reunion, but family reunion consists of, like, two or three families, which make my place attractive for the family. But wild parties? It's a no-no.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Wilson?

MS. WILSON: Thank you for coming and sharing. I have a couple of questions.

MR. IGNACIO: Yes, ma'am.

MS. WILSON: The first one is how many days do you reside in the home?

MR. IGNACIO: I basically stay there. It's very, very seldom that they -- we stay away from that house, because my -- my rental is not that expensive, and it's not cheap either. So for me to stay in a hotel, that's -- that's not going to be productive at all. Actually, I'm basically living off of my Social Security and a little bit of my retirement pay, so -- but nobody -- it's -- I'm just on the safe side that's going to reach 210, but it's very seldom that I have the guests that stay for more than one week, because, you know, a cleaning fee and all these things, it's not affordable. To be honest with you, if I rent my place, I can't even afford it.

MS. WILSON: And second question. Prior to the enforcement or introduction of these regulations, how many days a year were you renting?

MR. IGNACIO: Actually, as I said, it's always us. It never -- it never exceeds 210 days, you know. Most of the time, it's just -- just on weekends, like Friday, Saturday, Sunday, then they leave. So even if you count 52 times two -- two nights, that's only 104. But I just want to play on the safe side that I'm not going to be -- what do you call this -- I don't want to be on -- beyond what I'm supposed to be -- it's supposed to be rented out.

MS. WILSON: Thank you. Prior to this request, had your neighbors spoken to you about any concerns?

MR. IGNACIO: No, ma'am. Not -- not a single neighbor. I even talked to some close neighborhood in front and then beside me, and I was surprised that's the one neighborhood here that just show up, and I never speak to them. They never complained of anything. For them to show up here, it's surprising. And Cooper actually owns a real estate management, and I found it in the Next Door app, that the man needs a property, and he even put it on the Next Door app that they are actually hiring a maintenance technician. So that's a conflict of interest between her and me because, you know, I'm just surprised about this opposition if, you know, I didn't have any problem at all.

MS. WILSON: I appreciate your answering my questions. Thank you.

MR. IGNACIO: Thank you, ma'am.

MS. GEUEA JONES: Wait, sir. Just give us a little bit more time. It seems like from your

application and from what I can see of -- of the exterior of your home, when you have rented out the main floor --

MR. IGNACIO: Yes, ma'am.

MR. GEUEA JONES: -- do you generally stay in the basement?

MR. IGNACIO: Yes, ma'am.

MR. GEUEA JONES: And is that like a -- we call them mother-in-law suites or something. It has a kitchen, bathroom, bedroom?

MR. IGNACIO: Yeah. It's something -- yes, ma'am.

MS. GEUEA JONES: Yeah. Yeah.

MR. IGNACIO: And laundry room is actually in the basement, but I open it up for if they need to -- to use it for -- but I limit my house rule that if you stay there for two nights, the laundry room is not accessible, unless you stay there for three nights where it's reasonable for them to use it.

MS. GEUEA JONES: That makes sense.

MR. IGNACIO: So it's closed by barn door. It's padlocked on both sides. So the guests won't say that somebody will open the barn door because the barn door is padlocked, and they could see the padlock. And in my case, I padlocked door on the other side, so they're all safe and, as I said, I didn't have any problem with my guests.

MS. GEUEA JONES: That makes sense. We were a little -- at least I was a little confused, because it's your principal residence, but it makes sense if you're got living space downstairs, that it can be your principal residence, and you might have a lot of guest nights.

MR. IGNACIO: Yes, ma'am.

MS. GEUEA JONES: Yeah. Any other questions? Seeing none. Thank you very much, Mr. Ignacio.

MR. IGNACIO: Thank you.

MS. GEUEA JONES: Next member of the public to speak on this case, please come forward. One at a time, please. We'll let you all speak, but one at a time.

MS. COOPER: My name is Jamie Cooper. He was referencing me.

MR. ZENNER: Could you stand closer to the microphone, please?

MS. COOPER: He was referencing me. I'm Cooper.

MR. STANTON: Address?

MS. GEUEA JONES: And what's your address?

MS. COOPER: 2602 Mistywood Court.

MS. GEUEA JONES: Thank you.

MS. COOPER: And I live in the back.

MS. GEUEA JONES: Oh, thank you, Pat.

MS. COOPER. Thank you. Sorry. I'm short. I live in the back of Springdale. I purchased my home August 1st of 2008, so I've been there a really long time. And I've gotten over the years to meet a

lot of the neighbors, and I have a big dog that I walk two times a day. So I'm all over the place, and kind of know the comings and goings of people. But I commute every day, and I come down Springdale to commute in and out of the subdivision. And the homes that you can see on the -- on the graphic up there, before you get -- get to Glenview Court, those homes have multiple cars that like to park there, not every single day, but there are many times you're coming up the hill blind, and you can't see somebody turning out of Glenview, nor can you see somebody coming from the top street. So it's kind of like, you know, you're just a guessing game if you're going to make it up the hill or not without somebody being hit. Thornberry is very windy and curvy, so most people in the back, we don't take that even in the winter. So I'm just -- I'm just kind of like confused because we are a no-outlet subdivision. We don't connect to anything, and the idea of running a hotel out of one of the houses just seems irresponsible. I've worked in property management for over ten years in this town. I no longer do, but the student housing and just how parties get out of control, I don't understand why my subdivision has to be a guinea pig. We're zoned R-1. We're a nice family subdivision. I just don't -- I don't understand why we're here today. And if you consider this for him, does everybody get to do it? How do you -- how do you make an exception for one person and not the other? Where does this end?

Like, what's the plan for that? And then also you had mentioned, like, you're going to monitor it. Okay. Like, what's the notification process to let you know of problems? Who is in charge? Like, I don't know how -- like, I just don't quite understand why we're here today.

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

MS. COOPER: Hi.

MR. STANTON: Good evening. What information? He was already doing this since '21.

MS. COOPER: Okay. So that makes it okay?

MR. STANTON: He's already been fully operating an Airbnb – have used whatever, short term rental since '21 already.

MS. COOPER: Okay. So that makes it okay?

MR. STANTON: No, It doesn't, but what it is is if he didn't-- if we didn't have these ordinances, he would already have been doing this. You would have already noticed this traffic. You would have already --

MS. COOPER: I already do notice the traffic.

MR. STANTON -- recognized – okay. I guess my question is this. What's your solution to somebody that owns a piece of property and has a right to do this, what is your win-win situation that this man can supplement his income and still be a good neighbor. If you were in his shoes and had these circumstances, how would you -- how would you do it? How would you –

MS. COOPER: I think what I –

MR. STANTON: -- how would this be a win-win?

MS. COOPER: I think what I -- I think what I would propose is that he get a roommate to live and pay rent there that's -- that's there and it's not hotel traffic coming in and out, that's -- they don't have any

skin in the game. They don't live there. They're coming and going, and, you know, I work for Brookside Townhomes and I work for Aspen Heights, and I've seen what happens when a party gets out of control, and I just don't want that where I live. I don't work there anymore. I'm not in student housing anymore, but, you know, we're a college town, and the hotel coming and going, it's just there's not the same caring as it is a person who signed a lease for a year. And it's nothing personal against him, it's just not what I want in my own backyard.

MS. GEUEA JONES: Further questions? Anyone else? Commissioner Wilson?

MS. WILSON: Thank you. Since 2021, have there been out-of-control parties?

MS. COOPER: There have been things in the subdivision, but I can't -- I don't have proof that it's from that specific address, but there have been traffic issues, and it's scary every day coming back and forth sometimes with traffic coming up Springdale. And the people that live on Thornberry park on both sides of the street, so you can only fit one car, and it's windy, and we're both on top of a hill, so you're just going up a big windy, curvy, so that's why people take Springdale.

MS. WILSON: Have you personally had to call the police for noise or disturbance?

MS. COOPER: I have, over the years, had to, but not --

MS. GEUEA JONES: Will you please stop interrupting the Commissioners who are asking the questions?

MS. COOPER: Oh, I'm sorry.

MS. WILSON: And since 2021 regarding --

MS. COOPER: Not for him.

MS. WILSON: Yeah. That's what I mean, specifically.

MS. COOPER: There's a -- there's a -- I'm not sure what it is right now. It's on the corner. It's a group home, but over the years, it used to be a daycare. And for a while there, the lady's son that owned it was having parties and get-togethers and you could hear it all the way in the back, but that's not anything to do with him. Things get out of control and while some of it's probably been fine, I just don't want to have to live with this situation. So I just hope that you guys will consider that, because you don't live in Springdale, and we have to live there. And the other two ladies that I'm sitting with live on that street.

MS. WILSON: Thank you.

MS. GEUEA JONES: Commissioner Williams, and then Commissioner Stanton? Oh, I thought you had one. Oh, got it. Commissioner Stanton?

MR. STANTON: To answer your question why we're here, before we created an ordinance, the Airbnb market was the Wild, Wild West. There was no regulation. There was no limits on how many days you could rent. There was none of that. It was the Wild, Wild West.

MS. COOPER: Right.

MR. STANTON: This process is to allow people that were doing -- operating in the shadows to come up front and be vetted by the public. Without that ordinance, he would still be renting it as an

Airbnb. It would still be going on. He's been doing it since '21 that we can -- that we can discover. Before this ordinance, you probably live around a whole bunch more Airbnbs that you don't even know about?

MS. COOPER: No, I don't. I know my neighbors.

MR. STANTON: Well, okay. And that's your neighbor there, and you didn't know he's been running an Airbnb since '21. My point is that I'm not trying to attack you. What I'm saying is this is a process to bring what's in the dark to the light. That's why we're here, and we value your input. We value your concerns with the community, but that's just to answer your question of why we're -- why we're doing this. And to give -- I mean, I don't know, to give a property right -- it's a person's right to use their property as legally and sanctioned ways is what we're addressing right now. So just kind of answering your question why we're here.

MS. COOPER: Well, my thing, like, if you're going to supplement income, maybe look for a roommate that lives with you for -- while he's here for six months or that type of thing, like, a short-term roommate and not coming and going hotel traffic.

MR. STANTON: Thank you.

MS. COOPER: But that's all I have.

MS. GEUEA JONES: Thank you.

MS. COOPER: Do you have any more questions?

MS. GEUEA JONES: I don't -- okay. Commissioner Placier, go ahead.

MS. PLACIER: Oh, just -- it's just another source of information. Right now, before the ordinance and probably currently, there are hundreds of these. Springdale is in no way being targeted as a good place to do this. I have three within a two-block area in my neighborhood, and the only way I knew they existed was just by -- they're -- they aren't any nuisance. There's no noise. There's no traffic. I just noticed --

MS. COOPER: You're really fortunate that it has not created a traffic issue for you.

MS. PLACIER: Well, I -- I have trouble understanding why having one family living there temporarily for the weekend would create a traffic snarl up. But --

MS. COOPER: Cars all over the place.

MS. PLACIER: Well, that's one or two cars, so I don't know that it --

MS. COOPER: There has been more than that, but I didn't know I needed to provide –

MS. GEUEA JONES: Ma'am, please stop. Commissioner Placier, you can finish your question.

MS. PLACIER: Well, I just -- I -- I just question that this has created some kind of huge traffic jam, one house being used. I know it certainly hasn't in our area, so --

MS. GEUEA JONES: If you would like to respond, you may now respond.

MS. COOPER: I think the reason that it creates the congestion problem is due to the fact that we're no outlet. We don't connect to any -- there's no other way in or out, and it's -- it's a main, heavily traveled road. And it's not all day, but at peak times in the afternoons, 3:00 to 5:00, 3:00 to 6:00, morning

commute times, we've got school buses, we've got children. It's just there are times of the day, and obviously, I'm commuting during those times of the day. Sometimes it's tricky if you're going to make it up the hill and nobody can tell who is coming.

MS. GEUEA JONES: Are there any further questions? Commissioner Wilson?

MS. WILSON: Okay. Thank you. I see a note and I'm assuming this is your note? I apologize if it's not.

MS. COOPER: Oh, okay. It's all right.

MS. WILSON: There is a quote, "I have no confidence that if a permit were to be approved, that this property owner would be responsive". Were you aware that he actually lived on the property?

MS. COOPER: I guess I feel that way because he's been doing it, and didn't do all the checks and balances to operate a business -- my opinion.

MS. WILSON: Let me word it differently. I took responsive to mean something is happening and we need the individual to show up to control the matter. He is not here, so how could he do so? So my question is, did you know that he actually lived on the property?

MS. COOPER: No. But who do we call if there's a problem? Is that Columbia Police Department?

MS. WILSON: The police.

MS. COOPER: Okay. 911? Okay. Thank you.

MS. GEUEA JONES: Go ahead, Mr. Zenner?

MR. ZENNER: Enforcement of the short-term rental regulations is actually an issue that is handled by our Housing and Neighborhood Services staff, who deal with long-term rental compliance issues right now under the -- which I am sure you were familiar with, the rental housing -- the rental unit conservation law that we have. So licensure of a short-term rental is a second section under that existing code. So at the interim period right now that we are in, between June 1st of 2024 to June 1st of 2025, complaints that can be documented should be provided to our Housing and Neighborhood Services Division of our Housing and Neighborhood Services Department. Following June of 2025 or sometime shortly before that, we will likely have a hotline to which individuals can provide complaints to that will go to a chosen vendor that will be working with the City of Columbia that will then notify the designated agent of that property to resolve that within a specified period of time. So there are -- I think one of the things that you may not fully understand is is prior to June -- prior to February of this year, the City of Columbia had no method and mechanism by which to enforce compliance with short-term rentals. And so over a period of five years, the City of Columbia evaluated in two different versions of an ordinance how to establish regulations that would provide balanced -- a balanced approach to allowing an individual the right to be able to use their primary residence or an investor to use their investment in this community for this purpose. And so there's been a lot of -- a lot of activity and a lot of discussion. We realize that there is a significant amount of concern amongst the community. But one needs to understand that there was no -- there was no -- there were no guardrails previously, and now we have guardrails, and we need to

allow those guardrails to be used. And so if an issue should arise with this dwelling unit, now that it has come into the light, it is under the scrutiny of the municipality to be able to address that correctly. Previously, it would not have been. So I think the easiest way to make sure of the concerns that you may have that can be tied directly to this dwelling unit may need to be provided to our Neighborhood Services Unit, and they will then lodge a case and they will go investigate, but they have to be able to have evidence to that fact. It can't be just because you have traffic in the Springdale Estates Subdivision, or you have different people there, that this is all because of this particular home. I would also like to let you know that these regulations were developed with the understanding that concentration of short-term rentals in specific areas was also a concern. It was a very significant concern, so much so that it took almost a year for us to work through the regulations as it related to that. So this body is responsible for doing evaluations of concentration and trying to mitigate that in a -- in a manner that is appropriate. And so we're not looking at, as I think our Commissioners have indicated, we're not looking at concentrating anything here. We are looking at ensuring that we have -- we have a regulatory process by which we can manage that. We can let everybody live harmoniously together to the extent that they can. But in some instances, unfortunately, harmony may not be able to be achieved. And -- but you still have a right to report violations, and we want to make sure that folks understand that that is now what we do. The police are not the folks to call. Noise violations are part of the police chapter of our municipal code, so if there is a loud, wild party, they are the individuals that need to be called. But if you're got trash sitting out on the corner, you've got -- which you believe to be over-occupancy or parking violations, that's Neighborhood Services, and they can hopefully address that directly with the applicant.

MS. COOPER: Okay. Thank you.

MS. GEUEA JONES: Thank you, Mr. Zenner. Thank you, ma'am. Next speaker on this case?

MS. ST. OMER: Hello. I haven't done this before either, so bear with me. I have a particular interest in this. My house is --

MS. GEUEA JONES: I'm sorry, ma'am. Could you state your name and address for the record?

MS. ST. OMER: Pardon?

MS. GEUEA JONES: Your name and address?

MS. ST. OMER: Margaret St. Omer, 4103 Glenview.

MS. GEUEA JONES: Thank you very much.

MS. ST. OMER: My house is next to Mr. Ignacio's. Now there's been some talk about, well, he's been doing this for -- since 2021. I've lived there for 20 years. In 2021, if he just -- when he started, he didn't get too many gigs. And that has increased substantially given his greater exposure. And so initially, it didn't seem like a big deal. And initially, we had no idea that it was -- (inaudible) -- whatever you call it. Well, there weren't a great -- it wasn't a great deal of a problem. And my husband and I are the kind of people that like to get along with our neighbors and try to do what's right. And so it is now a bigger problem. It is a problem now. Last weekend, for example, there were eight adults in the backyard, plus two or more small children. Two or three weeks ago, it looked like a children's birthday party,

because there were children there and adults. And someone had put up a bouncy house. My yard is 25 feet from their property line. Yes, he has stuff from -- for children, the trampoline and a swing and so on. Those were there before he bought the house. They were -- belonged to my other neighbor, and they used them occasionally. But this is now a bigger problem for me. My husband passed away last year. I don't like having strangers coming and going for 200 and somewhat days of the year. And that doesn't mean 200 and whatever it is. That doesn't mean 210 people. Like last weekend, that may have been one, two, three nights. It wasn't three people. It was eight adults and some children. So I have a legitimate concern for my safety, for my comfort. How about I get to enjoy my house and live peacefully without the noise coming from next door. I mean, I think sometime I'm happy to have Mr. Ignacio as my neighbor. I'm not happy to have him renting rooms like a motel. Who is keeping track of how many people are in there? There were four -- three cars and a van in the driveway last weekend. The van hanging over and blocking the sidewalk. They left Monday, or whatever day they left. Last night, somebody else pulled in there, a truck with a trailer thing attached. It, too, was blocking the sidewalk because there isn't enough room for it. And furthermore, and I'm saying this, and Mr. Ignacio is right there, and I will say it to his face. I don't have any faith that he will manage that appropriately, and I say that because on August the 17th, the first meeting was supposed to be -- I can't -- the 25th, I think. On August the 17th, he parked his car towards the street at the end adjacent to the sidewalk, completely blocking the public hearing sign. It had never been parked that way before. There were no other cars in the driveway, and it stayed like that until one day this week. That's not playing by the rules.

MS. GEUEA JONES: Thank you, ma'am. Are there any questions for this speaker? Commissioner Wilson?

MS. WILSON: Thank you for coming and for sharing. My question is do you know your neighbor to the point that you could say for certain that whatever event went on last weekend was not his own personal family?

MS. ST. OMER: They weren't his personal family.

MS. WILSON: Do you know your neighbor so that you can say that for certain? Do you know his family?

MS. ST. OMER: I've met -- I've seen some of them, yes.

MS. GEUEA JONES: Ma'am, could you speak into the microphone. I'm sorry.

MS. ST. OMER: I'm sorry?

MS. GEUEA JONES: Could you speak into the microphone?

MS. ST. OMER: Oh, sorry. Yeah.

MS. GEUEA JONES: Yeah. Thank you.

MS. ST. OMER: I've seen some of them.

MS. WILSON: And so --

MS. ST. OMER: He was not there anywhere last weekend.

MS. WILSON: Thank you. And so your earlier statement was I object to him having the bouncy

house and eight individuals.

MS. ST. OMER: That's what --

MS. WILSON: I understand. I'm just going by what you stated.

MS. ST. OMER: Sorry.

MS. WILSON: So that was the statement. So let's give an example to say that he should have eight individuals from his family, and they throw a party for a grandchild with a bouncy house. Is that a problem for you?

MS. ST. OMER: No. I have four children, four grandchildren, and three great-grandchildren. And so often we have had many great times having us all together and having a good time. Some inside the house, some outside the house. But that doesn't happen every other weekend or even once a month. It's a special occasion. It may be somebody's birthday, maybe somebody's graduation, an anniversary. But that does -- it's not a regular thing. You know, it might be three or four times a year at most. This is not. Once -- one birthday party or one celebration. There have been other occasions when the backyard was full. It's noisy. Even if you have pleasant people who are just trying to enjoy themselves, when it gets together, it can become noisy. And then we have people who have been arguing. And Mr. Ignacio is not there all the time, so -- and the other -- let me finish with -- not complaining because he's been doing this since '21. Again, I say who knew? Did I know? But nobody knew, and it wasn't busy. As I said, it's just getting worse and worse, and I'd like to think I could spend the rest of my time in my house or sit on my deck which is on the same side as his backyard, and just enjoy peace and quiet or privacy. I can see them, they can surely see me.

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

MS. WILSON: Thank you.

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

MS. PLACIER: Yes. I want to thank you for coming forward, because you have provided evidence from your testimony of some specific things that you could complain to the City about, that you talked about noise; you've talked about maybe being over capacity -- there should be six people staying there; that's it; and parking over the sidewalk.

MS. ST. OMER: Yes.

MS. PLACIER: Those three specific things could generate complaints that Mr. Ignacio needs to know that once licensed, those complaints would count against the operation. So every year those kinds of things would be looked at. I think now that we have a licensing process, people are going to have to be aware of that -- those kinds of impacts. So I think you've provided much more concrete kinds of examples, and we -- we hope that the ordinance will keep the operators on their toes so that they don't have unhappy neighbors.

MS. ST. OMER: I have to say I don't have much faith in that. I'm sorry. Because I'm the one that's living next door to it, and that's what my issue is. And so I do respectfully ask you to deny this request.

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

MS. ST. OMER: Okay.

MS. GEUEA JONES: Are there any other members of the public to come forward? I'm sorry. Mr. Ignacio. We generally only give people one -- one bite at it.

DR. ST. OMER: Hi.

MS. GEUEA JONES: Hi.

MS. ST. OMER: My name is Dr. Ingrid St. Omer. I am Margaret's eldest daughter. I have come home --

MS. GEUEA JONES: Oh, I'm sorry. Could you say your address, please?

MS. ST. OMER: 4103 Glenview Court. Come home to assist with, as father was ill, and my mother had an illness, and then he has since passed. I have had the opportunity to observe, and it is true that there were no licensing. It was obvious that people were coming and going from the house, but, again, we did not know. And that's not illegal, so there was nothing at that point to complain about, as my mother pointed out. The concern with the 210 night, so I understand that he wanted to apply for the maximum. Again, as you pointed out, that's more than half the year, and that raises concerns. My mother is 85 years old. I am not always there, and I would like to be comfortable with her safety. And in saying that, I will also note that at times, Mr. Ignacio burns things in a pit in his backyard, even when it is windy, even when there is a burn ban. It has been pointed out to him that he could endanger his neighbor and the people around him. I am not sure that he sees that as a concern. He -- I certainly don't disagree with his ability to use his house for a limited amount of period and augment his income. My mother is also retired. I would like her to be able to exist without concern. I wonder when you say six transient guests, does that -- is that only adults? Does that include the children? Does that -- how does that work? You pointed out that there is a division that should be called. Are they available on weekends? How would that work? So there are questions, I think. As you were saying, you were developing these regulations, and I understand that it takes time to work that out, but I also understand that there are concerns about the broader public does not necessarily know how that works. You have been working on these regulations for a year. It was in, it was out. It wasn't until she received the card saying that there was this application that it was, oh, wait. Can you do that for more than half the year, even if you're claiming it as your primary residence. So those are -- I think are some things that are still open issues.

MS. GEUEA JONES: Thank you, ma'am. Are there any questions for this speaker? Seeing -- oh. Commissioner Wilson, go ahead.

MS. WILSON: I have a question, and I wrestled with myself whether or not to ask this question because it is -- it had to do with the point you made about the burning. Were you all aware -- it sounded like you mentioned it to him, but did you lodge a complaint?

MS. ST. OMER: I believe my father called at one point, but it was a while ago. Mr. Ignacio's

response, as I understand it to him was that he could do it, it was okay. And we were sort of dumbfounded. Again, if you know that the area is dry, you know there has been no rain, why do it? It -- it would appear, and again, are there regulations if we're doing this this much, about how much trash he can generate, and how that is to be disposed of?

MS. WILSON: No other questions. Thank you.

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

MS. ST. OMER: Thanks.

MS. GEUEA JONES: Is there anyone else to speak on this case? Please come forward.

MS. NEUNER: Hi. I'm Shawna Neuner; I live at 3709 Citation Drive, which is a different neighborhood, but I have a unique perspective on this particular situation because we own a rental property.

MS. GEUEA JONES: All right. Could you state your address.

MS. NEUNER: 3709 Citation Drive.

MS. GEUEA JONES: Oh, I'm sorry. You did that. Please go ahead. I'm sorry I interrupted.

MS. NEUNER: We have a rental property at 2509 Springdale Drive. I believe we are maybe the one rental property mentioned that was supposed to be notified for a note, and never got it. So --

MR. ZENNER: Valley Wood Court was the rental? You were probably more than 185 feet out.

MS. NEUNER: Actually, the rental on Springdale Drive, the one we own, and it is --.

MR. ZENNER: Where on -- on the corner of Glenview Court, ma'am?

MS. NEUNER: Yeah. On the corner of Springdale and Glenview is where.

MR. ZENNER: I'll have to look at our records.

MS. NEUNER: Okay. Anyway, regardless, we have actually been staying in our property on Springdale Drive for a few months because of renovations at our personal home. And so we've been able to experience the traffic and such on Springdale Drive, the noise levels. I hear Highway 63 traffic. I hear the loud speaker at Lane Middle School. I hear the school bus drive by. I hear those things. I have to back out of my garage and out of my driveway on Springdale Drive. I've never had to wait for more than one or two cars. I am a realtor, so I come and go at all times of the day. Sometimes I work from home, so I'm there through all kinds of different traffic times and periods. I don't think one property is really having much impact on the neighborhood that way. We were actually kind of excited when we heard about the fact that there is a short-term rental over there because our space right now is smaller than we're used to, and I would have loved to have had my grandchild and my children be able to stay down there right near us. I have Bible study at my house every week. I have my family over every weekend, and I'm doing celebrations at this home just like we did at our past home. I probably create more parking traffic than what he has done. I've got my mowers show up with their trailer, my cleaning company comes in and does their thing. I'm just saying I don't think this is really impacting the neighborhood, and I would like to say I support what they're doing. And while I understand change is difficult and scary, and we all want to know what's going on around us, I really can't control who is invited

to stay at my neighbor's house, and they don't get to tell me who I have stay. A short-term rental is a slightly different thing, but it's also hopefully helping him be able to meet his bills a little easier and support his family and lifestyle. And that's what I wanted to say.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Thank you for being here tonight.

MS. NEUNER: Yeah.

MS. GEUEA JONES: Anyone else to speak on this case? Last call. Seeing none. We will close public hearing.

PUBLIC HEARING CLOSED.

MS. GEUEA JONES: And go to Commissioner comment. Are there any Commissioner comments? Commissioner Stanton?

MR. STANTON: This was a very good exercise in testing the system. I love it. We've heard the protests, the pros and cons. We've heard the practical, the impractical. We've heard it all. This is what we wanted. And to correct one of the speakers, it wasn't a year process, it was five years. Oh, my God. Five hard, strong, debating, agonizing years to come up with what you're witnessing, so I had to correct that, and know it was just -- oh. I'm having flashbacks now. Okay. But -- so this process needs to go through this to see how it works. And I'm going to be honest with you. I understand where the neighbors are coming from. I think the neighbor had the strongest point. That's where you -- that's how you need to come to us, facts, not accusations, not possibilities. She had facts, she had dates, she had -- that's what we need to hear, because the speculation kind of gets kind of, you know, profile-ish, you know. But from my perspective, what I fought for in this ordinance was what was the closest business model to the original intent of Airbnb. And as far as into my culture, the green book. The green book was a book that was used by African Americans to find a safe place to stay in any city that was publicizing that book. This is that model. It was the -- and so, in this case, it's owner occupied. Love it. That's really close to the original business mode. He stays there probably most of the time that he has guests. He might not stay there all the time, but according to his testimony, he stays there most of the time he has a guest. He is acting like a shrewd businessman because he's going to apply for the maximum amount. He -- he doesn't intend to use 210 days, but he definitely doesn't want to be out of compliance if he happens to go over that. He's covering his behind. So that's good business. This is where -- you know, this is how we want it to work, so now it falls on us to weigh both sides and determine if this is a good fit, blasé blah. But I ask everybody, and I ask myself, okay, if somebody was trying to tell me how to run my property, and the last testimony was perfect. If I have a house party in my backyard, and I have a right to do that, you know. It's my responsibility, and I hope the applicant is really listening to what he's heard here because it's up to him to be a great example of how this short-term rent thing works, especially owner occupied. If he screws this up, he's going to hurt future people trying to do this. So in a perfect world, we would like you to be good with your neighbors. Your neighbors should have your number. In a perfect world, I should be able to call that applicant and say, hey, there's a problem on your property. The guy --

whoever you're renting it to is loud. Can you call him and get it worked out? It is up to the applicant to be this example. It's up to you, sir, because if you screw this up, you're hurting the whole process. So if you're, like, you think you can be a better neighbor, you've got to be a super neighbor because you're a pioneer in this process. That's being a good neighbor with rental or without. Following burn ordinances, following noise ordinances, following parking ordinances, and you're going to have to be vigilant with people that rent from you and you have to be the lead. You have to give your -- your neighbors no excuse because if you fail, you will be the example that everybody that is against this thing of short-term rental, and against my ancestors that use this to provide safe places for my ancestors to stay when the rest of society was real hostile. I couldn't imagine if I had to travel across the country back in the '40s and '50s, and there wasn't something like this short-term rental thing that the green book provided. You are carrying that legacy. You screw it up, you'll kill that legacy, and you kill the opportunity for the little guy that owns property to make a little more money and be able to own and still maintain a single-family home and live the American dream, and use the -- and have the full use of their property as legally allowed. And you guys know how I've lived on short-term rental. It's legal now. So this is how we make it legal. We do this process. So I didn't mean to go on long, but this is very important, not only for our vote, but for the person who we may give this right to. It's up to them to do this perfectly -- perfectly.

MS. GEUEA JONES: Any other -- Commissioner Williams and then Commissioner Wilson?

MR. WILLIAMS: Firstly, I'd like to suggest that the City have any future applicant watch that portion of Commissioner Stanton's comments to impress upon them the importance of being a good neighbor. Thank you for that. And I do appreciate whether it's this issue or another, I appreciate when people show up on any side of an issue. We're here on a Thursday night, and it's late, and so I -- you know, no one shows up here because they have nothing -- you know, it's on a whim. They show up because they really do care about what position they're taking. And so I -- that means something to me whenever someone comes up and has a comment to make. This is not -- so my comment now is somewhat to the Commission, but it's really to the City Council. I agree this is sort of pressure testing. Right? It's like a third or fourth one of these we've done, and I think that the -- there's always unintended consequences. And the intention of this is, as Commissioner Stanton was, I think, pointing really well, is to create good neighbors. And unfortunately, I think what it's actually creating is conflict, because it creates a fear of the unknown, and it creates a sense of uncertainty. The applicant could rent his home out to a group of unrelated people, provided that he meets the other ordinances related to that, and those unrelated people could have parties every weekend, that if they didn't violate the noise ordinances, would be perfectly legal, and it would never come before this body for approval. And if the applicant decided to only rent his property out for 120 nights a year, as Mr. Zenner pointed out earlier, it would never come before this body for approval. But by virtue of the fact that the Code requires that it come to this body for approval for 210 nights, it creates a sense of uncertainty and anxiety in the neighborhoods. I understand why there's a desire to create a public notice, but I think what we'll find is that one of the unintended consequences of how the system has been set up is that it can actually create conflict between people

that didn't have conflict, and that's -- that's a very unfortunate outcome of -- of the regulations, if that's what ends up happening on a regular basis.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I also want to thank everyone who came up to speak. It's very helpful to hear from you. It helps when you're trying to process and balance everybody's rights. I am hopeful. I believe that this is an opportunity because we have checks and balances that we didn't have before. You now know -- thank you, Mr. Zenner, for your correction. I appreciate it. You now know how you may launch complaint and where. And your neighbor knows that you now have that weapon. Now having said that, I meant to use the weapon because that's what it can become to Commissioner Williams' point. If we do things at a visceral -- if we do things out of unfairness, if we do things that create situations that Commissioner Stanton was talking about with the green book, hopefully, we don't. Hopefully, we are fair, hopefully we are good neighbors, and hopefully we utilize the system in a way that it's supposed to be used -- obeying the laws and, I there's checks that need to happen, because things are not in control, then we have the right to do that. So I appreciate you guys very much, and I'm grateful that you came out tonight. Thank you.

MS. GEUEA JONES: Any further comments? Go ahead, Commissioner Stanton?

MR. STANTON: I know this is not protocol, maybe it is. It's been so long, I'm kind of washing some of this ordinance away. The point of contact for owner occupied short-term rental should be accessible. I do believe -- I guess what I'm trying to say in this particular situation, I think the applicant's number should be readily available, for his success and the success of the neighborhood. I pray the applicant does his due diligence, but makes -- I'd rather call, instead of waiting till Monday or a hotline to call and say, hey, there's a problem, I'd rather be able to call the applicant directly and get it resolved in, like, five or ten minutes, not next week; you know what I mean? And in a perfect world, this happens because I can call my neighbor and say, hey, they're not -- they're parking in my parking space, they're parking all over the street. I mean, I want there to be a dialogue that creates immediate solutions. In a perfect world, in this situation, I think that can happen. I hope the applicant will make his number clearly available to his neighbors so that this can be successful if we approve it. It is – man, I hope this applicant does great. I really, really do, if he gets the chance to.

MS. GEUEA JONES: Thank you. Any further comments? I would just like to add that I think a lot of the complaints that we have heard tonight would exist regardless of whether this property was being used as a short-term rental or not. I think that it sounds like people park on the street in this neighborhood on a regular basis. I know the street I drive out every day has a lot of times where I have to pull over and let someone coming the opposite direction go. That's part of living with other people. So is having kids in the backyard on a weekend day. So is, you know, occasional large amounts of trash. I agree with Commissioner Stanton that this is an opportunity for the Ignacio family to show what it looks like to be a good owner-occupied space. I also think that just because you're owner occupied does not mean that we are trapping the owner in their home 24/7 while the place is being rented out. It is one thing

to say you're coming home at night, it's another thing to say you can't leave when people are on your property. But, yeah, I think that I have a certain amount of faith that someone who is living in the home that is being rented is not going to want it to become a party house for college kids, and is much more likely to care a lot about the kind of people that they are renting to, and who is going to be upstairs from them while that space is being rented. And that -- that, to me, is a check in and of itself, and that's how we designed this ordinance, is to have its own checks and balances in place with the idea being that you don't have a bunch of complaints needing to be lodged because the ordinance is carefully crafted. So I -- I appreciate the concerns of the neighbors, I appreciate the fact that they had apparently no idea that this has been going on for three years. And I certainly hope that particularly the next-door families are able to come to some kind of relationship and agreement where they can have a dialogue that doesn't require the City to come and get involved, because that's how good neighbors work. So with that, would anyone like to make a motion? Commissioner Williams?

MR. WILLIAMS: On Case Number 200-2024, I move to -- oops. I'm on the wrong --

MS. GEUEA JONES: Just read the slide.

MR. WILLIAMS: I should let Commissioner Stanton do this.

MS. GEUEA JONES: Hard for him to do it and write.

MS. WILSON: I'll give it a try.

MS. GEUEA JONES: All right. Commissioner Wilson?

MS. WILSON: In Case Number 200-2024, for 4501 Glenview Court, requesting a short-term rental conditional-use permit, I move to approve the short-term rental with the CUP for a maximum of 210 nights, and only six transient guests, subject to condition that one garage parking space be made available while dwelling is offered for short-term rental purposes, and final compliance reviews are completed following Council action.

MR. STANTON: Second.

MS. GEUEA JONES: The motion has been made by Commissioner Wilson, seconded by Commissioner Stanton. Is there any further discussion on the motion? Seeing none. Commissioner Stanton, whenever you're ready, maybe we have a roll call?

MR. STANTON: Yeah. There's a lot of writing going on, Madam Chair.

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

MR. STANTON: Six, unanimous, to approve the STR, CUP for maximum of 210 days, and six transient guests, with condition of one garage parking space be made available while dwelling is offered to STR purposes, and final compliance review are completed following Council action.

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