

MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
COLUMBIA CITY HALL COUNCIL CHAMBER  
701 EAST BROADWAY, COLUMBIA, MO  
DECEMBER 20, 2018

COMMISSIONERS PRESENT

**Mr. Rusty Strodtman**

**Ms. Sara Loe**

**Ms. Lee Russell**

**Ms. Joy Rushing**

**Mr. Dan Harder**

**Mr. Brian Toohey**

**Mr. Anthony Stanton**

**Mr. Michael MacMann**

**Ms. Tootie Burns**

**I) CALL TO ORDER**

MS. LOE: I am going to call the December 20, 2018 Planning and Zoning Commission meeting to order. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes. We have nine; we have a quorum.

MS. LOE: Thank you.

**II) INTRODUCTIONS**

**III) APPROVAL OF AGENDA**

MS. LOE: Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you. Can I get a thumbs up approval on the agenda.

(Unanimous vote for approval.)

MS. LOE: Thank you.

**IV) APPROVAL OF MINUTES**

MS. LOE: Everyone should have received a copy of the December 6 meeting minutes in advance. Does anyone have any corrections or changes? Seeing none, can I get a thumbs up approval on the meeting minutes.

(Unanimous vote for approval.)

MS. LOE: Thank you.

**V. SUBDIVISIONS**

MS. LOE: Our first business this evening is subdivisions. The first case is 20-2019.

**CASE NO. 20-2019**

**A request by Civil & Environmental Consultants, Inc. (agent), on behalf of Missouri Alpha of Phi Kappa Psi, a Missouri Corporation (owner), requesting approval of a one-lot final minor subdivision plat to be known as "Missouri Alpha of Phi Kappa Psi Subdivision" and approval of a design adjustment to Section 29-5.1(c)(4) and Appendix A of the Unified Development Code relating to dedication of additional right-of-way. The 3.96-acre property is addressed 809 S. Providence and is zoned R-2 (two-family dwelling) and R-MF (multiple-family dwelling). (This item was tabled at the December 6, 2018 Planning and Zoning Commission meeting).**

MS. LOE: May we have a staff report, please.

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. We are recommending approval of the plat with the design adjustment as requested this evening and I and the applicant are here and are happy to answer any questions that you might have.

MS. LOE: Thank you, Ms. Bacon. Before we go to any Commissioner questions, I'd like to ask any Commissioner who has had ex parte prior to this meeting related to Case 20-2019 to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Seeing none, were there any questions for staff? Ms. Burns.

MS. BURNS: Ms. Bacon, I have one question about the sidewalk. That is going to be on the north side of Burnam Road; is that correct?

MS. BACON: Yes, ma'am.

MS. BURNS: Will it be on the applicant's property or would it extend into the street to the south at all?

MS. BACON: So it would be on the back of curb and it would be within the existing right-of-way. So Burnam presently has the required 50 foot of right-of-way and that is sufficient to have both the roadway and the sidewalk with it.

MS. BURNS: Thank.

MS. LOE: Are there any additional questions for staff? Seeing none, we will open up the floor for public comments.

#### **PUBLIC HEARING OPENED**

MS. LOE: So if there's anyone in the audience that would like to come forward and speak on this matter, we would welcome that. If you do come forward, please give us your name and address for the record. And we have a couple group comments tonight. So we're just going to set the table now. If there's anyone speaking for a group, you'll be limited to six minutes. If there's anyone speaking individually on their own, you have three minutes to speak. Is there anyone that would like to speak on this matter? Please come forward to the podium and give us your name and address.

MR. OTT: I want to make sure that I'm speaking on the right thing. Is this related to the Phi Psi House?

MS. LOE: Yes.

MR. OTT: Okay. I just have a couple of concerns and questions. My name is John Ott. My address is 212 Bingham Road. I'm president of the Grasslands Neighborhood Association. Some of the neighbors just had two concerns, and this may or may not be the place to address this, but they were curious about the number of parking spaces in this new project, are they adding parking to it. There's been a history of, and I don't have all the information tonight, but there's been a history of commercial parking in the neighborhood where they would have more spots than occupants and they would lease those out to people in other parts of Greek Town and then that creates more traffic in our neighborhood and, you know, certainly we're proud that -- we're glad they're there and that they're doing a great project but that's a concern for us that there would be too many parking spots. That's an interesting, probably an interesting consideration. The other one is there is no access on Burnam Road from their property, from their driveway to Burnam. Currently I believe it's all going to Providence Road and some of the neighbors expressed concern about people, all the traffic now pouring out into the neighborhood to exit there instead of where it historically has been. So I don't know if this is the appropriate place to do that or if it's done with the building group. I don't know if the platting period.

MS. LOE: We're looking at a final plat. So we're not looking at modifications or improvements made on the site this evening. Mr. Zenner, with the changes that are being proposed, could they modify their parking or access or is that something that would have to come back before a group?

MR. ZENNER: Modification of the parking would be related to the actual construction plans. There was a demolition permit sought to remove an addition that was on the building and we are aware that there will be a future expansion. So as part of the review of those building plans, there would be a determination of parking compliance since it is being reconstructed. That is a requirement of the code. We do have particular maximum provisions of parking which are appealable to the Board of Adjustment should they exceed. If you recall, there are two thresholds within the code. There's a maximum of 125 percent of the required parking per code. Once you've reached that threshold, you have to meet additional design related matters and it's administrative approval subject to meeting those criteria. Once you have reached 200 percent of the required parking per the code, to exceed that you must then request a Board of Adjustment action for a variance. As it relates to the driveway access onto Burnam, the code has specifications as it relates to driveway spacing. Yes, this property is split zoned between the R-MF and the R-2 zoning district. As long as the location of that driveway meets our design requirements or traffic engineering design requirements, I'm unaware of any restriction on the ability to be able to put a driveway to a residential or an R-MF zoned property off of a residential street.

MS. LOE: Thank you, Mr. Zenner.

MR. OTT: I just want to be on the record about those concerns. Thank you.

MS. LOE: I understand. Were there any questions for Mr. Ott? I see none. Thank you.

MR. OTT: Thank you.

MS. LOE: Did anyone else want to come forward with comments on this case? Seeing none, I'm

going to close the public comment period.

**PUBLIC HEARING CLOSED**

MS. LOE: Commissioners' comments? Ms. Russell?

MS. RUSSELL: I'll go ahead and make a motion. I move to approve the Missouri Alpha of Phi Kappa Psi Subdivision and approval of the design adjustment to Section 29-5.1(c)(4) and Appendix A of the UDC.

MR. MacMANN: Second.

MS. LOE: Thank you. That was a second by Mr. MacMann?

MR. MacMANN: Yes.

MS. LOE: Are there any comments on this motion or any discussion on this motion? Seeing none, Ms. Burns, may we have a roll call, please.

MS. BURNS: Certainly.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann.**

**9-0 Motion carries.**

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council.

**VI) PUBLIC HEARINGS**

MS. LOE: We're going to move to the public hearings section of the meeting. The first case is Case 29-2019.

**CASE NO. 29-2019**

**A request by the City of Columbia (owner), seeking permanent A (Agriculture) district zoning on approximately 468 acres of land subject to annexation into the City of Columbia. The subject acreage consists of multiple parcels currently split-zoned Boone County A-1 and A-2 and being used by the City for its Water Treatment Plant which is addressed as 6851 West Route K.**

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. I will be happy to answer any questions, but staff's recommendation will be for approval of the requested A zoning.

MS. LOE: Thank you, Mr. Palmer. Before I ask if there's any questions for staff, I would like to ask if there is any Commissioner who has had ex parte related to this case to share that with us now so all Commissioners have that information before them. Seeing none, are there any questions for staff? I see none.

**PUBLIC HEARING OPENED**

MS. LOE: Okay. We're going to go straight to public comment. Is there anyone in the public who would care to come forward and speak on this matter. If you do, please come up to the podium and give us your name and address, and we're going to observe the same rules six minutes for anyone

speaking for an organized group and three minutes for any individual. Not a hot topic tonight. Okay. We're going to close the public hearing.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Russell?

MS. RUSSELL: I'll go ahead and make a motion. I move to approve the requested R-1 zoning upon annexation of the property.

MR. STRODTMAN: Second.

MR. MacMANN: If I may. Madam Chair, Ms. Russell, you moved for R-1 zoning? Is that what you wanted?

MS. RUSSELL: That's the recommendation.

MR. PALMER: That's a typo.

MS. RUSSELL: Let me amend that. I'll move the requested zoning upon annexation of the property.

MS. LOE: Did we want to specify?

MS. RUSSELL: A.

MS. LOE: I think the report asks for permanent A district zoning.

MR. STRODTMAN: I'll second.

MS. LOE: Second by Mr. Strodtman. Any discussion on this motion? Seeing none, Ms. Burns, will you please call the roll.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. 9-0 Motion carries.**

MS. LOE: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council. That brings us to our next case, Case 35-2019.

**Case No. 35-2019**

**A request by the City of Columbia to amend Chapter 29, Article 3, Section 29-3.3(gg) of the City Code (Zoning Regulations) as it pertains to off-street parking requirements and driveway surface standards for Accessory Dwelling Units (ADUs).**

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Tim Teddy. I'll try to answer any questions you may have, and staff is recommending approval of the text amendment again to the use specific standards and also to the parking table. I do have one other thing I want to mention and that's that there is a statement in the staff report. It's a comment. It doesn't affect what we're proposing here. But I don't want it relied upon in your analysis of the parking and that's there's a statement at the bottom of page 1 that the heavy use of on-street parking in the two "urban conservation overlay district" neighborhoods, East Campus and Benton-Stephens, may have been a factor in excluding ADUs from those neighborhoods. While that was

discussed, we never did formally exclude ADUs from those neighborhoods. Those overlays do have additional provisions and there aren't many lots according to our planning analysis that are eligible to receive ADUs. I just want to make that correction for the record so that it's clear that you are informed that we never did actually exclude ADUs from any particular neighborhood area. It's only done by zoning. I'll try to answer any questions you may have.

MS. LOE: Thank you, Mr. Teddy. Before we go to Commissioners' questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 35-2019 to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Seeing none, are there any Commissioner questions. Mr. MacMann?

MR. MacMANN: Thank you, Madam Chair. Mr. Teddy, driveway question. We have a deep lot. Folks want to build an ADU. They currently have a paved driveway. If that driveway is to serve as the driveway and it needs an extension, just the extension could be gravel. The initial driveway is currently paved. That stays paved, yes?

MR. TEDDY: Yes, sir, yes. That's the intention of this amendment is that the driveway necessary to access the ADU could be done as a gravel or crushed rock material.

MR. MacMANN: But the previous ministerial change or standard applies?

MR. TEDDY: Right.

MR. MacMANN: Okay. Thank you.

MR. TEDDY: I did want to mention one other thing. This is something that's in the proposed amendment but wasn't in my remarks. Another caveat is on occasion the fire service might require concrete 20 feet wide for a certain depth in the lot and that's because their requirement for fire apparatus access road is to within 150 feet of the far side of any dwelling unless it's mitigated by some other measure like sprinklering of the building, but that's a situation we may see. So you might see a driveway that has a stub of concrete and then gravel continuing on the interior of the lot.

MR. MacMANN: That's the fire chief's call there, correct?

MR. TEDDY: That is. It comes out of our Chapter 9 which references Chapter 5 of the International Fire Code.

MR. MacMANN: I'm good. Thanks.

MS. LOE: Any additional questions for Mr. Teddy? Seeing none, we will open up the public comments on this case. If anyone would like to make a public comment, please come up to the podium and give us your name and address. Again, we'll observe the same rules I've mentioned so far. If you are representing a group, you may have six minutes. If you're speaking as an individual, you have three minutes. Thank you.

#### **PUBLIC HEARING OPENED**

MS. STOLWYK: Hi. My name is Adrienne Stolwyk. I live at 212 Hirth. I'm an architect, and I'm interested in accessory dwelling units professionally and also personally. I purchased the property that I

currently own because it qualifies by right for an accessory dwelling unit. I want to thank staff for putting together this changes to the accessory dwelling unit ordinance, and I am in support of both of them. I think together both changes work especially well. First of all, the reduction in the required parking, something -- I advocated for the passage of the original accessory dwelling unit ordinance and something that I didn't really anticipate but now that I have moved to Hirth and am studying more lots what I see is that there's a lot of houses that have, you know, it would be maybe like a small ranch home that has a garage that would block access to the backyard. Well, you could still construct an accessory dwelling unit back there. You'd have to demolish the garage in order to provide the parking required for that one extra spot for the ADU in the backyard. So that renders a lot that is technically eligible by right for an ADU, makes it practically ineligible. So there's only like 2,000 something lots that qualify by right. I haven't done a study, a big study, but on my street, my one block of Hirth, there's about 40 lots and I don't have enough information to be able to tell you which houses, you know, like do or don't provide the parking, what you'd have to demolish to be able to build the parking in the back. But in any case, I feel like it would open up more lots to be practically eligible. The second issue of the gravel driveway, that's what I studied the one block on my section of Hirth. There's 40 lots. 28 of them are gravel. 12 are paved. And so I also didn't realize that this was that much of an issue. You don't really even notice it driving through the neighborhoods until you look more closely and you see oh, that is a gravel driveway, that's a gravel driveway. So the lots that qualify by right for accessory dwelling units are mostly in the first ward, Hirth, West Ash area. A lot of them do have gravel driveways if my street is an indication of the other ones and requiring paving the driveway is just like another added expense that increases the cost of an already expensive, fairly expensive development for what is usually just a homeowner doing. I have a neighbor Paul Blakely on Bicknell. He and I together initiated the public comment to create the incentive program. He couldn't be here tonight. He's in the process of building an ADU. The last issue is the gravel driveway. So we're advocating for this not only on his behalf but for potential future ADU builders. The one comment I'd like to make about the gravel driveway is if the reduction of parking is taken into account, then I think that really makes the gravel driveway moot on a lot of houses because if you don't have to build extra parking, then you may not have to extend your driveway to begin with. Lastly I'd just like to close by saying I feel like I'm really grateful that the incentive program, the fee waiver passed. I feel like adding in these two extra things is something that the city can do for free. It doesn't cost the city any. There's no lost revenue if someone has a gravel driveway or doesn't have a gravel driveway or has a parking spot or not. So I feel like it's a free way that we can continue to incentivize a good infield development strategy that preserves the historic character of downtown neighborhoods. Thanks so much.

MS. LOE: Thank you, Ms. Stolwyk. Are there any questions for the speaker? I see none. Thank you. Would any other speakers like to come up? I see none. I'm going to close the public comment on this case.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Russell? What a surprise.

MS. RUSSELL: I'll make a motion. I move to approve the proposed text change to Section 29-3.3(gg) and the required parking table 4.3-1.

MS. RUSHING: Second.

MS. LOE: Second was by Ms. Rushing. Thank you. Any discussion on this motion? Seeing none, Ms. Burns, will you please call the roll.

MS. BURNS: Yes.

**ROLL CALL VOTE (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. 9-0 Motion carries.**

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That closes our public hearings, strictly public hearing section of the meeting tonight. We're going to move on to public hearing and subdivision.

#### **VII) PUBLIC HEARING AND SUBDIVISION**

MS. LOE: The first case is Case No. 24-2019.

#### **Case No. 24-2019**

**A request by Engineering Surveys & Services (agent) on behalf of Hamlet Limited Partnership and Joseph Tosini (owners) for approval to rezone 45.2 acres of property from PD (Planned Development) zoning to 3.31 acres of M-N (Mixed Use-Neighborhood), 21.53 acres of M-C (Mixed Use-Corridor), and 20.3 acres to R-MF (Multiple-family Dwelling) zoning. The subject site is located at the northwest and southwest corner of Scott Boulevard and Smith Drive.**

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. So staff's recommendation, after all of that, is that the R-MF and the M-N zoning that they have requested would be appropriate in this situation. We do not feel comfortable with an M-C designation though so we'd be recommending denial of the M-C. So I would be happy to answer any questions. There was a lot of material in there. I didn't touch all of it. I'd be happy to try and fill in the gaps if need be.

MS. LOE: Thank you, Mr. Smith. Before I ask for Commissioner questions, I'd like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Ms. Rushing?

MS. RUSHING: I had breakfast with a friend who lives in I believe an adjacent neighborhood and she attended the presentation at Shakespeare's and she basically just talked about that presentation in her understanding of what the development was going to consist of. She indicated that the point of most concern that she noticed among other individuals there was the possibility of a gas station and then she said that she and her husband decided it didn't matter because they lived too far away and they wouldn't

be affected by it.

MS. LOE: Thank you, Ms. Rushing. Anyone else? Mr. MacMann?

MR. MacMANN: Several weeks ago I went to speak with Council Person Thomas. Thank you for joining us here, and afterwards I did speak with him. I also spoke with Mr. Farnen. Just for the record he was a in a very impassioned long, and I don't know the details, conversation with one of the residents who was expressing their concerns and I was waiting to talk to Mr. Farnen about another matter. I did ask him what he was talking about and it was this. I don't know any of the details. But we did talk. Thank you.

MS. LOE: Thank you, Mr. MacMann. Anybody else? Seeing none, are there any questions for staff? Mr. MacMann?

MR. MacMANN: Thank you very much. Two UDC clarification points, Planner Smith. The articulation distance on R-MF is 75 feet; is that correct? Or Mr. Zenner or whoever can remember? I don't have the code right in front of me. The other question would be the max length of an R-MF building is 200 feet. That's correct also, is it not?

MR. SMITH: That does sound correct.

MR. MacMANN: Our discussion was 100 and 200. We settled at two. I think articulation maximum is 75. Someone may be wanting to know what these buildings could look like.

MR. SMITH: We'll look at it. We'll get back.

MR. MacMANN: Thank you.

MR. ZENNER: The total length of the primary facade is 200. As Mr. Smith pointed out, it is use specific standard 29-3.3(d). So facade length and articulation is what this is covered under. Total length of any multi-family primary facade shall not exceed 200 feet and no facade wall shall extend more than 80 feet horizontally without projections or recesses of at least 3 percent of the length of the facade and not extending -- and extending at least 20 percent of the length of the facade.

MR. MacMANN: So rather than 75, it's 80?

MR. ZENNER: It's 200 and 80.

MR. MacMANN: Thank you, Manager Zenner.

MS. LOE: Any additional questions for staff? Mr. Smith, I had a few grab bag questions just based on some of the comments I had read quickly. The internals east-west street I notice in the old plan it sort of jogs and in the new plan it appears to go more straight through. Was that a staff recommendation or did the applicant make that change?

MR. SMITH: The connection I'm guessing you're talking about is the connection between Stone Valley and Day Spring.

MR. ZENNER: Faurot. That's the Faurot extension.

MS. LOE: Faurot extension all the way up to --

MR. SMITH: The timeline of that I think is best described as I think the original design did not

include that connection. Part of this process is the applicant was required to submit a traffic impact study.

MS. LOE: That was going to be my follow up.

MR. SMITH: Yes, and I talk about that more in the preliminary plat. I think we're going to talk about that within this case as well because what it did was recommended, highly recommended that that connection be made to basically provide an extra network connection to that adjoining collector. Stone Valley is a collector. And Stone Valley is on the major roadway plan to extend to the north and connect to an extension of Broadway that would go west. Neither of those are on the CIP plan right now as of today, but the rationale there is that as a collector a connection there would provide another basically street network access point for traffic coming into and out of the commercial development. So if there was no connection within this development, given the existing development to the north there would be no connection to Stone Valley on the east side of it all the way between Smith Drive to the south and Broadway to the north thereby really reducing its effectiveness of dispersing traffic as it would be initially designed to be. You basically reduce the amount of ingress and egress points to the site which would basically funnel all that traffic onto other streets. It would reduce kind of the connectivity benefit of having that connection through street.

MS. LOE: Thank you. Is this property located close enough to a school that there's any restrictions on businesses that could be allowed under the zoning?

MR. SMITH: Yes. I believe the property to the north would be considered a school. Like it is a school. There are some use specific standards that might restrict some uses in proximity to schools. I would have to review those to find out which those would be. Generally you would expect those to be possibly adult oriented type uses. I'd have to look at the specific standards to know. I can check on that while we're discussing.

MS. LOE: Is there a difference in store size between M-C and M-N?

MR. SMITH: There is. That's a great question. Kind of one of the distinct differences between the M-C and the M-N is is a limit on individual commercial space. And Mr. Zenner, correct me if I'm wrong, you might grab this while we're sitting here but I believe in an M-N no single commercial space is allowed to be greater than 15,000 square feet, I believe, with the possible exception of a grocery store which is generally considered to be kind of an anchor tenant. It can be up to 45,000 square feet. When you go to an M-C district, those numbers go up to -- there may not be any restrictions once you go through that. That is kind of the hallmark of the M-N is that limited scale and footprint that would be restricted in an M-N versus not restricted in an M-C.

MR. ZENNER: For the purpose of clarification, Mr. Smith is correct. 15,000 square feet on a single tenant. 45,000 square feet on the grocery store. However, that is a tenant space. So you could have a building that has multiple 15,000 square foot tenant spaces and a 45,000 square foot grocery store. There's not a restriction on the maximum footprint of the building. It is just the square footage of the individual tenant spaces. As Mr. Smith pointed out, there is no restriction as it relates to any square

footage in the M-C zoning district.

MS. LOE: Thank you. Any additional questions for staff? I see none. In that case, I'm going to open up the floor for public comment. We're going to follow the same rules that we've been enunciating all evening. When you come up to the podium, please give your name and address so we have it on the record. If you are speaking for a group, we'll allow you six minutes. If you're an individual speaker, you get three minutes. With that, we'll open up the floor.

#### **PUBLIC HEARING OPENED**

MR. KRIETE: Good evening. I'm Matthew Kriete. I'm with Engineering Surveys and Services, offices at 1113 Fay Street, and the civil engineer on the project. So to begin with, comment in the staff report about this applicant being Joseph Tosini and some of his agencies. Keep in mind this is the contract purchaser on this. The applicant truly is the current landowner by rule here, but THM Construction is the applicant and, you know, you are looking at a local developer here. So what I want to talk about here, I want to do a lot of what Clint did. So I'm going to try to go through it pretty quickly so we don't regurgitate the same information but talk about a comparison between the PD and UDC, the potential development that we might have here and talk about the appropriateness of the zoning. First off, I think Clint showed this that effectively we have a little less residential space, a little more commercial and the office space really kind of got rolled into the commercial. Here's the plan you've seen already, gray being the residential, the light green being the M-C, the darker green being the M-N zoning. You can see Scott Boulevard on the bottom going north-south to the signalized intersection at Rollins, Smith and Scott Boulevard. You know, so what is supplying in the UDC. In the comparison to the plan districts that currently holds the zoning on it -- first off, UDC didn't exist in 2000. We're a long way from it. The UDC was created to address a lot of concerns I think that have been created out of the plan districts as well as goals of the comprehensive plan. So items you note in the comprehensive plan being concerns and adjacency and such have been addressed by the zoning. These are some in particular with the neighborhood protection, specific use, transitional screening, lighting. Just, for example, here's your question on the R-MF zoning. I'm not going to read this, but I just want to look at mass. This is the apartment restrictions. What I've highlighted are all new restrictions compared to what's on the current PD plan. There is your next page. Many of the uses have the same type of restrictions. So you're going to see that. In the packet, I provided a list. I highlighted all those differences. I did the same with uses, highlighted the category, highlighted those that were allowed. You can see them, hopefully the best comparison of what applies there. Also, we have concerns about the transitions from the different uses. Again the UDC. According to the UDC itself, the purpose of it is to provide visual buffering from streets, potentially incompatible land uses that generally enhance the quality and appearance of a development. Here's where we are. We'll talk about concern with the transition. The UDC has been written to address this. In the old code, we didn't have those protections. Things have changed. There's standards out to make that transition more palatable. So we talked about an 80 percent opacity buffer. I apologize for

bringing you palm trees as an example. I could not think or find an example of this in Missouri. Our restrictions are pretty heavy. This is an example of an 80 percent buffer. To your right is Universal Studios. Obviously this is pretty mature. We're not going to have palm trees. I'm not promising palm trees. I want to give you an example what we're talking about of what an 80 percent opacity buffer looks like. This is what we're talking about. This is more of a buffer than a little berm is going to be. So in addition, landscaping. We now have requirements of street trees. Those weren't in the PD, weren't in the old zoning code. We had more requirements of interior landscaping, lighting. We're allowed 40-foot tall poles in the old PD plan. Now 28 foot max. We were allowed to have two foot candle at the property. That's pretty bright. Now the UDC is half a foot candle. Again in comparison what might this look like. We created a concept plan for this and I think disclosing things like the opportunity of having a filling station and intense uses, banks, restaurants. That's what's shown on our concept. In comparison you can see unit counts fairly similar to what was on the PD plan. Actual square footage of retail goes down. Parking is quite a bit down. In fact, what was the minimum in the PD plan is actually in many cases the maximum in current code -- in the UDC. This is the concept that was shown and has been shared I think with residents around the area. Again, we're assuming, this is what we used to assume the traffic study. We've assumed the most intense use of the development being set up in that way so that the infrastructure is being accommodated properly. Here's a few pictures of what have been created what this might look like. Kind of looking in the center you're looking at Faurot and Scott, kind of looking southwest. You can see the residential on the right side, retail on the frontage on the left side. This is up looking from Smith in northward. You see again the residential in the back side, the commercial development in the interior and this is the corridor preservation area we're referring to in the plan.

THE COURT REPORTER: Sir, I'm really sorry but could you slow down a little bit, please.

MR. KRIETE: I apologize, ma'am. I'm sorry. So from the appropriateness of the zoning, again the UDC. This is new. We didn't have it in 2011 -- or 2001 when the plan was approved. The location, again, I believe this is a proper location. You look at the comprehensive plan. You're along an arterial street. The intersection signalized, you've got an approved roadway. Again, I think we're meeting also the comprehensive plan goals in the UDC. Again, as I say, '99, it didn't exist when the original zoning was set. There's a lot more protections in place now. I think we've learned a lot by the shortcomings that came with the old code and have worked that in to the new UDC as well as the goals of the comprehensive plan. It's noted in staff report. You know, the plan district was used to cover those shortcomings. The landscaping is more required along the street frontage now, and the adjacent residential uses will have more buffering than again what the code had before. The Windermere intersection again, there's a highlight of a major arterial and the collector roadway. Again, this is, as I said, this could be a good use for it. That's where we're at. We've got high visibility. We have high traffic area. Again, appropriate use. We're in the urban service area. We're not annexing. We're not on the perimeters. We're not trying to bring in areas that have to be extending the city services. We're here already. The utilities are in

place. The police and fire already serve the area.

MS. LOE: Mr. Kriete, I need you to wrap it up. Thank you.

MR. KRIETE: I had to slow down.

MS. LOE: You've gotten some extra time.

MR. KRIETE: So I'm going to just kind of click through some slides again real quick. I won't go through all of them. Again, we're in conformance I think with what was initially on the comprehensive plan. Each of the goals we've met. I've highlighted points of which that I believe this property is meeting. And these are all the five goals here. So from mobility, connectivity, environmental sensitivity, they've been met and even economic development. No single development can ever meet all the goals. I think we've been good at meeting the overarching goals that were met. With that, I'd be happy to answer any questions you might have.

MS. LOE: Are there any questions for the speaker? Mr. Stanton?

MR. STANTON: Sounds great but I didn't hear anything concerning neighborhood interaction in your presentation.

MR. KRIETE: I'm sorry. Mr. Farnen will be speaking to that in the next after me, but there has been quite a bit of neighborhood interaction.

MS. LOE: Any other questions for Mr. Kriete? I see none. Thank you.

MR. KRIETE: Thank you.

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon. I am appearing on behalf of THM Construction who is the potential purchaser of this land and will be responsible for the build out and management of this project. We have approached this project within the context of the new code and tried to follow those rules in this transitional time when we're trying to go from old plan or go home -- old plan or go home to the new code. And that's what we think we've done. In terms of the interactions with neighbors and our notification and what we did, I think that when they sent out notices for this meeting there were about 70 that were sent out by the city. We sent out 1,800 invitations to people to either attend open houses, informational meetings or visit our website which we created to disseminate information about this proposal to anyone that wanted to look at it, whether they came to a public meeting or on their own. We hosted four separate meetings for neighborhood groups, met individually with some interested neighbors and with Christian Fellowship school and church, attended meetings hosted by the city and the fourth ward council member, created a website as I mentioned where people could access information or comment on it to us. We also engaged in back and forth discussions with staff relating to provisions of the code and a draft development agreement assigning responsibility for infrastructure upgrades and who would pay for it, and most of the time guess what, we paid for it. We have tried to remain flexible in these discussions. Here are some examples. Originally, we believed that stream buffer rules would not apply to the small blue line stream that was drawn on the map because there was no water running through it. When we talked to the staff, they said no, the new rules say you have to protect that. So instead of trying

to get around it, what we did is incorporated and you saw one of the earlier pictures where we have a stream feature that runs right through the middle of the project now. We also incorporated that into the detention that is up on the southwest corner of this project that will we believe be used for senior living purposes. We made that change and we activated the stream. We have offered to work with the school to resolve an issue about an encroaching soccer field that they have on this property right now. We think we've got that worked out to their satisfaction and we believe we have a way to do it if we get control of this property. We have offered to work -- We support the petition by area neighbors to install speed calming devices on Smith Drive, something that they had independently done and asked who would be their advocate and we said we would be. We have agreed to the installation of various bike lanes, pedways, sidewalk completion projects in this area. We have agreed to all buffering and all road improvements and projects identified by our traffic study or by the code. One road in this project caused a lot of heat and a lot of friction and it's unusual. That's the extension of Faurot Drive on the north part of our project that Commissioner Loe asked about. It does make sense in terms of the new code because it fulfills the idea of connectivity and it solves the problem about block length on the north side of our deal. We had one of those public meetings and we did a straw poll. I realize this is only anecdotal, but when we took the poll it was 38 to 1 to 5 against building that road by the neighbors. 38 and the 5 where they didn't care. 38 said they don't want it, 1 said they did want it and 5 said um. That is only anecdotal. So why don't we just take it off of our plan. It's because the staff and the city and the rule is 100 percent in favor of this. They said that you need that road for a variety of reasons. We understand that. What we didn't want to do was put a bunch of exceptions in this plan. We wanted to turn in a clean plan that meets the new code and it's kind of a test I guess but this is what we tried to do. So we didn't ask for any variances, no design modifications. It's probably the first time you've ever seen anything come in without that. So we drew it in, but we stated publicly to the neighbors we are in 100 percent agreement with them that if we didn't have to build this we won't. And if we're not forced to we won't and we would support them in their effort to say no to it and you have that power, not us. So if you want to, you can make a comment about that. Finally, we turned in a plan for this area than was more expansive than what we should have had to do. In other words, we gave you a detailed plan and that's where it really gets picky and people start to pick it apart. Some people are for a grocery store in this area. Some people are opposed. Some people are for it but only if it's a Trader Joe's or Lucky's but they don't want that other brand. We can't guarantee that. We can't deliver that. And we knew that we would get into that type of thing or oh, I wouldn't mind having a Wendy's there but I sure don't want a Hardee's. We can't make those guarantees, but we can say here are general uses that we think are appropriate. We looked at the exact same report that the staff did and the exact same facts and figures that the staff did when they made their report and we just came to a different conclusion based on the same set of facts. They said that M-C is not appropriate here. We think it's exactly appropriate. This is not the Columbia Mall. It is more of a marketplace scale. It does have one anchor that's about 40,000 square feet. It does have businesses that are accessible and useful

to the neighborhood and it takes advantage of a road that the city intentionally widened that carries 23,000 people a day on it and that would be beneficial to us and we think that we're less of a deal. I have two other people that we have invited here tonight: Denise Heintz from O'Reilly Development Company, that is who is doing our senior housing, and George Eble from Western Oil who knows all about the convenience store industry and if you'd like to hear from them they would be happy to come up and share their thoughts and answer questions. I would be willing to do that too. We are asking for your consideration and your approval of our original request the way we wrote it and hope you will agree with that idea.

MS. LOE: Thank you, Mr. Farnen. Are there any questions for this speaker? I see none.

MR. FARNEN: Thank you for your time.

MS. HEINTZ: Good evening. My name is Denise Heintz and I'm a partner with O'Reilly Development Company. The address is 5051 South National, Springfield, Missouri. As stated earlier, we have a portion of the property under contract contingent upon receiving the appropriate zoning to do a continuum of care senior community. Pat and I started O'Reilly Development in 2013. However, we have over 30 years of combined real estate development experience. We do historic preservation, new construction, multi-family, affordable, and our priority is continuum of care senior communities. We have already gone through the certificate of need process with the Department of Health and received an approval for our proposed project which will be 152 units, a combination of 90 independent living, 44 assisted living and 18 memory care units. We have under contract approximately nine of the multi-family proposed zoned property and it will be around a \$34 million project that we will bring to the community which will include 65 full-time positions and a total of 75 jobs the remainder in part-time positions. I'm happy to answer any questions about our proposed plan. It is contingent on a favorable outcome of their rezoning request. These pictures just show a little bit of flavor examples of what we do. All of our communities are approximately the same size, and so this gives you an idea of what they look like and how they blend with the single story moving up to the multi-story it blends very well with the residential homes that surround it. If you have any questions for me, I'd be happy to answer them.

MS. LOE: Any questions for the speaker? I see none. Thank you.

MS. HEINZ: Thank you.

MR. EBLE: Good evening. My name is George Eble. I'm the owner of Western Oil. I'm considering a convenience store here. Our name of our stores are Petro Marts. We have some in Columbia. I've been in business for 55 years with my big boss, my wife, and my son. So we've been in this for a long time. I wanted to come here this evening because I knew there may be some questions about the convenience store. So I wanted to be here to answer anything you have. We have some stores in Columbia. And our design will be similar to what we have. I have a rendering here tonight if you want to see it. I'd be glad to answer any questions you want about the store that I can help you with.

MS. LOE: Thank you, Mr. Eble. Were there any questions for the speaker? I see none at this

time. Mr. Zenner, are you looking for the rendering?

MR. ZENNER: I'm trying to load the power point.

MR. EBLE: Thank you. This is what it looks like. I'll put it down here. Thank you.

MS. LOE: Thank you.

MR. WIEDMEYER: Good evening. Thank you for the opportunity to present. My name is Chuck Wiedmeyer. I live at 202 Haywood Court, and I am the president of the Stoneridge Estates Homeowners Association. I'm here representing 139 households in the neighborhood that sits directly west from the planned development. We learned of this development approximately October 6, 2018, after a homeowners association meeting. We've been monitoring this property for many, many years to see if it's been sold or if there's been any plan developments. Up to this time there has been none in the 18 years that I've lived at this neighborhood. Mr. Farnen is correct, they've reached out to our homeowners association. They did give us an informational meeting at Shakespeare's. They met with us privately. They met with our homeowners association. The homeowners association board has met with Ian Thomas. We've met as homeowners, and I bring to you collective concerns. Also, we have reviewed quite a few documents and I've distributed many of those documents to my neighbors and I bring these concerns to you. Some of our major concerns is traffic as you can imagine. We all live in that neighborhood and we know what it's like to get out on Smith on a rush hour. It's logical to say that if there's an increased development there there's going to be increased traffic. Also we have a development west of our neighborhood which is the Breckenridge Development which has many, many single family homes and only one way in or out of that development is through Smith. Smith we believe doesn't have the infrastructure to handle all the traffic that's going to be created by this. We've been presented with a traffic study that says there will be a modest increase in the traffic. We could believe that or we could live it. And so those of us that have to get out on Store Valley Parkway or Silverthorn or Louisville are going to have a more difficult time. They have agreed to more traffic control measures, but we will see it -- we'll believe it when we see it. Right now we live in a very quiet low traffic neighborhood and we like it that way. Everybody in this room would like it that way. If you connect the road from this development to Stone Valley Parkway, our traffic increases and our walkability and our neighborhood decreases and there's a major safety concern. It's kind of ironic that we've asked for more walkable neighborhoods and here the city wishes to put in a drivable street through this neighborhood. It's inconsistent. The other thing that's very concerning for us is duplication of commercial services. Mr. Smith has pointed out that there's commercial services within a mile and a half or a mile radius of this development. There's a proposed gas station and a convenience store, and I want to stop there and say that these homeowners are adamantly opposed against a gas station and convenience store. It brings an element of crime. It brings an element of increased traffic. So we're adamantly opposed to these being put on that property. Also we've been told that there might be a bank, restaurants, small grocery store, specialty shops and professional services. If you go a mile one way or another there are two gas stations, two convenience

stores, three banks, multiple restaurants, drive thru and sit down. There are two large grocery stores. There's specialty shops. There's two Starbucks, two Starbucks within a mile of us. There's professional services as well. The other thing that was brought up by our homeowners is the Cherry Hills development. The Cherry Hills development has open office spaces and it's never been able to sustain a restaurant, and we've asked the developer what's different between your property and Cherry Hills and they said well, they did it wrong. And I'm sure at the time when they developed Cherry Hills development they thought they were really doing it right. So we're really concerned about the duplication of the services and especially since we have services at both ends of our association. Columbia has been growing about 2 percent per year. If you go down to Shakespeare's West, you'll see that half of the office fronts are empty. That shouldn't be. Our concern is if you build this development and you have a decrease in the amount of people that want to come to this development you're going to have empty spaces. What we're left with is an empty esthetically pleasing eyesore. You can't take toothpaste and put it back in the tube. So that means if they develop it and it sits empty we are set with it. The developer, I believe him, he's a trustful man, but he could move on and these are our permanent homes. So we respectfully ask that you deny rezoning of this property because the current owner moved into this development -- this rezoning about 18 years ago and the ownership hasn't changed on this property. If you do feel the need to go to the UDC, we request that you approve the R-MF and the M-N but deny all M-C according to the recommendations by the city. I thank you very much for your time.

MS. LOE: Thank you, Mr. Wiedmeyer. Were there any questions for this speaker? Ms. Russell?

MR. WIEDMEYER: Yes, ma'am.

MS. RUSSELL: Hello. If this does not go into this property, what recommendations do you have for this owner to be able to sell this property?

MR. WIEDMEYER: That's not for me to decide, ma'am. The owner is obviously trying to sell the property and he is bound by the zoning right now. He entered into that agreement many, many years ago. It's up to him to decide what he's going to do with it, how he's going to sell the property.

MS. RUSSELL: Do you know if anybody else has gotten together a group to purchase that property to make sure it stays the same?

MR. WIEDMEYER: No, ma'am, but if we win the lottery, we would buy it.

MS. RUSSELL: Say again?

MR. WIEDMEYER: If we win the lottery, we would buy it.

MS. RUSSELL: I understand that.

MR. WIEDMEYER: Because we enjoy the buffer. Thank you very much. Yes, sir.

MS. LOE: Any additional questions? Mr. Stanton?

MR. STANTON: Good evening. You brought up some very good points. What is a win-win situation for both the existing residents and potential owners in developments of this property? You kind

of understand both sides.

MR. WIEDMEYER: I understand.

MR. STANTON: If you owned this and you wanted to do something with it --

MR. WIEDMEYER: Absolutely.

MR. STANTON: Where can we find common ground? We're talking walkability. We're talking traffic.

MR. WIEDMEYER: Yes.

MR. STANTON: If the shoe is on the other foot, what would you recommend?

MR. WIEDMEYER: I understand. I'm fully in favor of the developer earning a living. That's a common. We all want to earn a living. What would we would ask if this is developed that we have less access to our neighborhood and have an appreciable buffer and then also improvements to Smith Boulevard that would decrease the traffic or traffic slowing procedures put in place and also there be some infrastructural changes for bike and walkability. That would be my recommendation for a win-win because I don't begrudge the developer for wanting to earn a living, but I'm bringing to you concerns from our homeowners.

MR. STANTON: Do you feel like it's been a two-way street as far as your neighborhood's input and the developer receiving that input and taking into consideration or does it seem like --

MR. WIEDMEYER: Yes. They've been responsive. They've been mostly transparent of what has transpired. I'll give you a few examples. It was asked in the meeting that we had with the developer what could happen on a particular portion which is on the corner of Stone Valley and Smith and it said there may be an assisted living facility there, may be, and by some sleuth detective work by one of our homeowners we found that what they talked about with the Columbia Senior Living, the signed contract, that was back in October 20. I know that it's not a done deal on the contract. However, it would have been nice if they said listen, we have this put in place and we have a tentative contract and here are the plans for that particular area. Also, in our initial meetings with the developer we asked are there any property or any commercial entities that you have planned for this. We were told no, there were none because, A, they don't own the property. I understand that. But we've learned from the city that they do have some commercial entities that have agreed to be into this property. I think the developer can answer that, but that's not being fully transparent in my opinion and some of my neighbors have expressed that. But for the most part there's been a dialog between them. They've been very responsive to our questions. I appreciate that they included us in the process of interacting with them and that they were willing to come forth and meet with our homeowners, some of them as you can imagine quite hot.

MR. STANTON: Thank you.

MS. LOE: Any additional questions for the speaker? I see none. Thank you.

MR. WIEDMEYER: Thank you for your time.

MS. LOE: Mr. Smith?

MR. SMITH: Just a point of clarification. The previous speaker did mention about learning about some commercial activity from the city. I'm not aware of any commercial activity. I haven't relayed any knowledge of commercial activity that's planned for this site right now. He may have spoken to someone else. It wasn't me. I just wanted to point that out.

MS. LOE: Thank you for that clarification, Mr. Smith.

MS. NELSON: My name is Allison Nelson. I live at 4106 S. Wappel Drive. I'm speaking as the representative for the Rothwell Heights Neighborhood Association tonight. If this rezoning is approved, our understanding is the developer can put anything on the property that complies with the UDC without seeking public input or having to go through the process like this. We would like to see the developer work with neighbors more before any zoning is approved so that we could talk more about our concerns about specific elements and see what the developer might be willing to do to make it more agreeable to us as a neighborhood. As we are here tonight, we are opposed to the zoning request as it is stated. The elements of the preliminary plat that concern us the most are the biggest and very top of our list is the convenience store gas station, and then close behind that are the multiple fast food establishments with drive-thrus as we understand they'll have and a likely 24-hour pharmacy that would be on the property as well with a drive-thru. The concept we've been shown shows these businesses right along Scott Boulevard directly across from Rothwell Heights. We're right across Scott Boulevard. And many of our residents in our single family homes have a direct view of these businesses. Especially if you're going down Rollins, those residents have a direct view of what would be the convenience store and gas station. As we understand, these businesses would have 24-hour lighting and would be visible to homes in our neighborhood blocks away. This is a concern to us. We feel it would really change the character and aesthetic quality of our well established neighborhood. The developer has spoken with people in our neighborhood quite a bit. He has presented this concept as upscale in a walkable community as he describes it. And we feel that regardless of the type of materials that are used on the building or regardless of what lighting and sign requirements there might be, a convenience store or gas station, fast food is not upscale as we would see that. And given the large number of businesses that would have drive-thrus in the development, we also don't see that the goal of walkability would be met. What we see is people driving in their cars to the development, using the drive-thrus and then leaving. And another concern in our neighborhood is that there would be increased traffic in our neighborhood due to this, and our association does not believe that our neighborhood as a whole would walk across Scott Boulevard to use these businesses. We would have to cross multiple lanes of fast moving heavy traffic to do so. So we don't see that as something that our residents would use. I do want to address for a minute the buffer or lack thereof between these businesses and Rothwell Heights. I know that I think Mr. Smith mentioned that there is some R-2 housing between the development and Rothwell Heights, but I do want to point out that there is one single row of duplexes and that is this R-2 housing that would separate this big commercial development from our homes, from our single family homes, and we do not think that that is

anywhere near close to enough of a buffer or barrier between our neighborhood and this commercial development. I will say that some of the people who commented before me talked about interactions with the developer. We do not feel like he's moved really anywhere as far as listening to our specific concerns, in particular regarding the gas station and what buffers or barriers he might be willing to do there. He volunteered to maybe plant a tree in someone's yard to block the view. We just really think that that's not going nearly far enough in what they're willing to move a little bit to make something more reasonable to our community. I will say under the planned zoning the berm that would be required on Scott Boulevard is a lot more what we envision as some kind of barrier between ourselves and any kind of development that might go there. When I heard that, that seems to me to be something that would be more reasonable. And also I do want to talk about the barrier a little more because that's very important to our neighborhood. The first gentleman that spoke showed a picture of very, very, very tall trees that are big enough to block Universal Studios. Everything we've learned from the developer is that is not an accurate portrayal of what would be there, and that's the feel we've gotten through the process from the developer. We've gotten a feel that they're trying to make this look like a beautiful concept that everyone should love and then showing pictures like that is I think consistent with that because they've made it clear you have to see the gas station, you have to see the fast food restaurants or there's no use placing them on that road, and so I just want to point that out that it wouldn't be trees that tall which I think we would think might be a good idea so maybe they should. I appreciate the opportunity to talk, and if anyone has questions I'm glad to answer them.

MS. LOE: Are there any questions for Ms. Nelson? I see none. Thank you.

MR. GARDEEN: I'm James Gardeen. I live in the Stoneridge area on Samantha Court, 4705 Samantha Court, and I believe Mr. Wiedmeyer has fully represented what our neighborhood concerns were. I just want to add to it we're just three houses down off of Stone Valley Parkway. We're concerned about the traffic there and the traffic getting off of Smith. Then if it was extended in the north to Broadway, traffic is going to increase even more. And then I believe the gas station on the corner is going to add more traffic on Smith and add to the congestion that's located on that corner and I'm sort of in favor of the old plan limiting the density of the residents living or multi-family units there. If the new development can keep the density down, that would help as well. And I also agree with the Breckenridge development and people -- those houses haven't all been developed yet. When they are, it's going to add more traffic onto Smith. My main concern is the traffic. We walk our dogs there everyday along the parkway, and so on. Just one added comment. I asked my wife who couldn't be here tonight, and also I don't represent some of the neighbors that I've talked to, but my wife said what would she add, she said think of the birds and the animals there and the trees, and so on. And she likes to feed the birds.

MS. LOE: Thank you, Mr. Gardeen. Are there any questions for the speaker? Mr. MacMann?

MR. MacMANN: I don't have a question for the speaker. I needed to just quickly ask Mr. Smith a question before I took the next speaker's time if that's okay.

MS. LOE: All right. This is a question for staff?

MR. MacMANN: I have a question for staff.

MS. LOE: Thank you.

MR. MacMANN: Planner Smith, what's the CIP status of the traffic lights on Scott in this location? Do we know? Or near Scott or Smith?

MR. SMITH: They're currently installed now. There's traffic lights there so they're not part of any type of CIP project. And we've referenced the traffic study. That's been brought up a couple times tonight. Some of the specific recommendations in there was to handle the increase in traffic would be to install some additional left turn lanes eastbound, left turn lanes from Smith going north onto Scott and that is going to require basically the widening of that intersection onto Smith and it's going to require the moving of some of the infrastructure right now for that traffic light and retiming. So that is part of those traffic study requirements that the applicant will be required to construct. So in that case, yes, there is some traffic light work that's going to be required, probably going to have to do some work on the other posts too just because of the configuration of that intersection but it's not fully designed right now but that was the anticipated outcome per the traffic study.

MR. MacMANN: Thank you. I just wanted to clarify that. I appreciate that.

MS. LOE: Ms. Russell?

MS. RUSSELL: Mr. Smith, I just want to confirm that the cost of that intersection improvement is the applicant's?

MR. SMITH: Correct. So we are -- Well, I would say that that be the recommendation that we will take to council. Those improvements are going to be placed into a development agreement. That will be part of this request when it goes to council that those traffic study recommendations be required to be installed by the applicant. If council approves that development agreement, then yes, they will be responsible for that construction.

MS. RUSSELL: Thank you.

MS. LOE: Any other impromptu questions for staff?

MR. MacMANN: While we're here. I'm sorry. I'm terribly sorry but I need to clarify this.

MS. LOE: Mr. MacMann?

MR. MacMANN: Thank you for letting me double dip. There was mention of calming on Smith. Is there a chance that that would be involved in the development agreement?

MR. SMITH: Oh, calming, calming traffic on Smith Drive.

MR. MacMANN: Calming. Discussion between the applicant and the neighborhoods?

MR. SMITH: So that wasn't part of the traffic study outcome. So that wasn't part of the recommendations. We have talked about that. I think there is understanding that there's a desire to have traffic calming there. Don't know if that study has been done yet. I haven't talked with public works. Part of one aspect of the development agreement is that there would be a contribution for some

improvements the city has done and we can discuss the possibility of utilizing those funds to make improvements, some additional improvements that might be warranted in this area to help pedestrian mobility and infrastructure in some of those areas. We identified things such as some sidewalk gaps that might be a good use of that money but then also traffic calming.

MR. MacMANN: Thank you very much. Thank you for your forbearance.

MR. SMITH: That's not set in stone.

MS. LOE: I apologize for the interruption. We will now return to public comments.

MR. JANES: Good evening. Thank you. My name is William Janes, J-a-n-e-s. I live at 504 Onofrio Court which is in the Rothwell Heights subdivision three blocks from the proposed development. I want to thank Ms. Nelson for representing us. I'm speaking as an individual on behalf of my family. I'll say by way of background we purchased our home and moved to Columbia in April of this year well aware that the land being discussed tonight was zoned commercial and recognizing that it is a matter of when, not if it is developed. So I say that to say I'm not strictly opposed to any commercial development on the site. I am opposed to the proposed development and specifically the rezoning to M-C and M-N. As Mr. Smith described, the described purpose of this really matches better with the M-C designation in the first place. Large portions of the land although the descriptive text on the developer's website and the architectural renderings look like and describe a walkable community friendly area. The plat that they submitted, the actual plans, clearly are designed for uses that require traffic. A gas station is not put in place for pedestrian traffic for a local subdivision nor are the fast food restaurants that are intended to go into this site. So I appreciate the recommendation of approving M-N zoning as opposed to M-C. However, as Mr. Smith insinuated, there is the opportunity for the developers to come back later within M-N and request exemptions or exceptions to develop those more M-C in appropriate properties on the site and I fear that rezoning it simply to M-N as opposed to M-C would simply be a way to delay and sidestep and put in those same developments that are not walkable or friendly for the public community. I'd be happy to answer any questions.

MS. LOE: Any questions for the speaker? I see none. Thank you.

MR. IBRAHIM: Abdullhi Ibrahim, 300 South Scott Boulevard. A-b-d-u-l-l-i-h-i, Ibrahim, I-b-r-a-h-i-m. And I'm here to emphasize the objections of the homeowners association. Unfortunately I didn't attend any of their meetings. I think the traffic on Scott is scary and it is really minimizing the chances of renting the second home. Secondly, I'm really scared about what is going to happen to the Faurot Street because that is where I park my extra car all the time because I can't park on the street. So for all these reasons I fully support the homeowners association objections.

MS. LOE: Thank you. Are there any questions for the speaker? I see none. Thank you, sir.

MR. MELLOWAY: My name is David Melloway. I live at 3903 West Rollins Road in the Rothwell Heights development. First I'd like to thank Allison for doing such a great job of kind of outlining all of the general comments of the neighborhood. I live probably about 15 houses down Rollins. So some of the

concerns, you know, don't directly affect me. The thing that does directly affect me is the traffic. In particular on Rollins Road we have speed bumps or speed humps now, but they're not doing a very good job of slowing down the traffic as it is. And by adding more traffic to that I think you're just making it even more of a speedway especially during the rush hour times. So I never heard the use of calming before, but I guess I would like to add to the list of calming requests on Rollins to at least as to the first three or four in that straight segment between Stalcup and Scott. Other than that, I think Allison has expressed all of our concerns. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you, sir.

MR. JENKINS: Hi. My name is Scott Jenkins. I live at 4012 South Wappel Drive. To save a little time, I'll say that my thoughts on this zoning matter pretty much mirror the statements made by our neighborhood association representative Ms. Nelson. In short, I believe as nearly every person in the affected area I've discussed this matter with believes that the development as presented by the developer would be incompatible with the neighborhoods it would border and would, in fact, be detrimental to the area in general. I cannot think of another area of town where a commercial development of this size and content exists within similar neighborhoods without some detrimental effect to the areas. The developer has presented this project as a beautiful upscale mixed use development, but the reality is that it would be bringing an unnecessary gas station, drive-thru restaurants and whatever other businesses the developer desires within the zoning limitations into a very active family oriented neighborhood. The related traffic increases, noise and light pollution and potential environmental concerns are not a good fit for Rothwell or the other neighborhoods surrounding the development. The images displayed by the developer depict a lush wooded development, but the fact is the requested zoning would require a little more than small shrubs and trees. And when asked about including more vegetation to ease the transition of the neighborhoods, the developer stated they couldn't add much more without inhibiting visibility of the businesses or creating more traffic concerns. Another potential issue related to multiple fast food and gas station entrances along the western side of Scott would be the possibility for vehicles on Scott which is already heavily traffic to back up far enough as to leave the drivers stuck on the curve incline, a section where Scott turns into Broadway leaving motorists parked on a hill which can be very dangerous during inclement weather. I would also question whether the area in question could actually support a development of this nature given the quantity of vacant retail spaces near the proposed development including those in the area of Cherry Hill, Cherry Hill being a previous attempt at a mixed use neighborhood which saw many of its restaurants, convenience stores and other businesses meant to serve the area leave the area in short order. That all said, I'm not entirely opposed to the development of the area in question, but I don't believe what the developer has proposed is right for the area. The development has the potential to set a new standard for mixed use walkable neighborhoods in Columbia but I believe the inclusion of businesses such as 24-hour gas stations, fast food and pharmacies is not a smart choice for any such future developments. I would agree with their recommendation of the city to deny the M-C

zoning. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? I see none.

MS. JUSTICE: Hi. My name is Sarah Justice. I live at 4200 West Rollins Road. My home is only about four or five homes up from the intersection of Scott and Smith and Rollins. My primary concern is that the change in zoning is not warranted nor welcomed by the surrounding homeowners. Several neighborhoods and active neighborhood associations have been very vocal at well attended meetings. We have the backing and agreement of our council representative Ian Thomas that a gas station, convenience store and drive-thru 24-hour fast food type establishments are not a good fit. There is not enough buffer or distance between this type of heavily commercial development and our homes. There would be additional light and noise pollution, potential for crime and increased traffic. It does not seem in keeping with our city's plan for bike and pedestrian friendly neighborhoods to put a large commercial development that's primarily vehicular driven businesses in the center of these well established neighborhoods. Many of us walk with our children, meet and go for runs and bike in the area. We're not interested in dodging cars drawn off of Scott Boulevard for vehicular drive-thru businesses to continue to safely enjoy our neighborhoods. The developers have spoken to us and they have shown us the plans for the gas station, convenience store and the 24-hour pharmacy's potential, the 24-hour drive-thru fast foods and the drive-up bays of the bank. There are already accessible gas stations and convenience stores within a very short distance, and this eliminates the need for something like this. Most commercial developments of this type and scale are not placed directly central to well established family homes. I believe the map that showed all of the light yellow residential R-1 around the site was a very important image and it hasn't been blown out that way and shown very often but that was very telling since there were just those very few strips of R-2 making this possible in the first place. None of us set up our families here as part of a plan to be adjacent to such a heavy vehicle focused strip of businesses that don't see the aesthetics that fill the neighborhood. We are not well served by the proposed change in zoning and the purpose of this type of straight zoning would be to silence the concerns of the neighborhoods as any other developments are made at this site. We like being able to come and express to you how much we care about our neighborhood. It's pretty there. We all meet out in the streets and have neighborhood parties. We meet and go for walks and runs with our dogs. Any more traffic across this is going to make it very difficult to continue to enjoy our pedestrian and bike activities in our area. I would like to say that I am happy to see that there's a denial of M-C recommendation. I feel like that is very well supported by everyone who has made their concerns known tonight. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? Thank you, Ms. Justice. Any additional speakers on this matter?

MR. WARREN: Good evening. My name is Henry Warren, 301 Bright Star Court. I'm representing the Kings Meadow Neighborhood Association. And I was here when the previous zoning was developed and discussed. And I've seen what's come of that which, you know, was purported to be,

you know, very economically viable and just exactly what was needed by the neighborhoods at that time. And it's become basically an overgrown field which it actually used to be kind of productive at alfalfa. Now it's just brush and evergreens. I think once again, you know, the concept is pretty rosy. And I won't say that -- one thing is I have not participated in some of the other discussions that have gone on that have been referenced here. I did come down here for a presentation that was given to the -- just an informational presentation. And I think my primary concern is the traffic because they're talking about connecting up Dayspring Drive which is right now stubbed off at the south end of Kings Meadow neighborhood subdivision. And actually at one time when there was some discussion about what was going to happen with Dayspring Drive we were actually told that it was not -- this is going back many years -- that that wasn't going to be extended. And if you think about what's been discussed here about the heavy traffic on Smith right now, if you connect up Dayspring that's where the overflow is going to go. It's going to go -- people if they don't want to go through the light at Smith Road and Scott, they're going to turn on Dayspring, take Dayspring over to Christian Fellowship in front of a school of 500 children and then on Christian Fellowship or maybe go on Bright Star down to Broadway and down to Strawn Road. So, you know, any increase in traffic is going to have a big impact on our neighborhood. Of course, right now there's hardly any traffic on Dayspring because it's a cul-de-sac on the north end and stubbed off road on the south end. So, you know, there's not really very much traffic in front of the school right now except the parents bringing their children and dropping them off. They talk about, you know, the extension of Stone Valley to Broadway. I know I at one time called up, that's presented every once in awhile, and when I called up and asked, I can't tell you who because this was several years ago, that that is how that's going to happen. I was basically told that was just a line on a piece of paper; that the terrain in that area at the north end of Stone Valley and behind Christian Fellowship is very rugged. There's a stream bed in there. And there's also, you know, a plan to totally redevelop, redesign Strawn where Strawn Road comes into Broadway right now and so they basically said that that's not likely to happen. So I think we're going to -- basically Kings Meadow subdivision is going to see a dramatic increase in traffic under the current design and other potential.

MS. LOE: Mr. Warren, I need you to wrap up at this time. I'm sorry. I need you to wrap up.

MR. WARREN: Okay. Well, I will wrap up then. I want to thank you all for your service to the community. I know you're volunteering here. I really do appreciate that. I appreciate the opportunity to speak to you.

MS. LOE: Thank you for coming forward. Were there any questions for Mr. Warren? I see none. Thank you.

MS. KRISTIN: Good evening. My name is Kristin (indiscernible.) I live at 205 Bright Star just down the road from Mr. Warren. I'd like to add my voice to his as well as the voices of the Rothwell Height members and many of their concerns. Two specific things concerning Kings Meadow. First one is the traffic. Kings Meadow is a relatively small neighborhood. It supports a lot of traffic already not on

Dayspring in particular because it is a dead end but Bright Star is a highly trafficked street. The number of parents and students who drive to school everyday mostly come down Bright Star and there's no school bus that brings those children to school so they're either driving or being driven everyday and, of course, the neighborhood supports a church as well. It's a lovely neighborhood. It just cannot support the amount of traffic that it has in a fashion that supports the sense of neighborhood and the pedestrian feel that it does have. We did ask for a traffic study about a year ago. It was confirmed that we needed some traffic calming devices. They said that we would be put on a very long list and we could wait several years. They did confirm that we're not crazy, we do have a lot of traffic. It will be difficult to imagine how that could support more traffic if Dayspring is extended. My second concern is for the number of children that live in that neighborhood. This development will back up right up to the neighborhood that will be backyards looking at this development and some of the particular businesses, the fast food restaurants, the convenient mart, these are businesses, of course, that have the potential to affect crime safety in an area. My concern would be for the neighborhood in that regard as well but, of course, particularly for the children. Thank you so much.

MS. LOE: Thank you. Are there any questions for the speaker? I see none. Thank you. Are there any additional speakers? If there are any additional -- we still have another -- please come up. I'm just going to say please move forward and if you can restrict your comments to things that are new that we haven't heard yet that would be very beneficial. Thank you.

MS. ASHBAUGH: My name is Becky Ashbaugh. I live at 4316 Christian Fellowship Road. My property opens out to the lot that will be north of Faurot Drive if this goes through. Half of the school traffic goes down Bright Star, but the other half goes down Christian Fellowship, comes out on Scotts Boulevard and if there's a berm there I guess we'll all be directed south because we won't be able to cross over to go north onto Broadway. That's a real concern no one has mentioned. The school is there and there are many people who drive on that road. I have lived here 31 years and I've watched that field the whole time. I've driven on Scotts Boulevard when it was a two way down to (indiscernible) School when it turned into gravel coming in and I'm really sad that we can't take that field and turn it into a park. I know there's no money in that and it would probably have to be done by someone who would buy the lot from the owner if he didn't want to go ahead and donate it because for thirty-one years no one has thought of being without it, I mean, maybe in the last ten or fifteen years they've thought about it, but it would be a nice thing to have another park. I know there's one over there farther east on Rollins that they just made. It would be nice to have one on this side of Scotts Boulevard. That's what I'd like to say. I'm really sad that they want to develop that field.

MS. LOE: Are there any questions for this speaker? Mr. Smith?

MR. SMITH: I just wanted to get clarification on your concern with a berm at Christian Fellowship. We might be able to answer that question real quick. There's no proposed berms right now and a berm would generally be like a landscaping berm. It would be on the property. So it wouldn't affect traffic per

se. Was that the concern?

MS. ASHBAUGH: Yeah, I thought the berm going south on Scotts is what you had communicated to follow through.

MR. SMITH: No, this would be -- that's just on the current OPCP plan which is in place now. If it was rezoned, there's no requirement for any type of berm. There would be possibly landscaping east and west on the north side of this property but nothing that should impact I think Christian Fellowship Drive, the traffic there.

MS. ASHBAUGH: Nothing would be in the middle of Scotts Boulevard?

MS. SMITH: So there would be some access restrictions for this site from Scott, I think some right in, right out restrictions. As far as I know, I don't think there's any proposed access restrictions that would be applied to the Christian Fellowship access point.

MS. LOE: Ms. Ashbaugh, can you speak into the microphone just so we can record the questions?

MS. ASHBAUGH: If there were no left turns onto Scotts from Christian Fellowship, then they would be going south.

MR. SMITH: Correct. Right now there's no restrictions planned for this site or recommended in the traffic study to restrict left turn or right turn movement eastbound out of Christian Fellowship.

MS. ASHBAUGH: Right now at this time?

MR. SMITH: I guess in the future something may come up with design or study of Scott; but in the context of what we're talking about tonight, no, there's nothing.

MS. ASHBAUGH: Okay. But the amount of people who will be living in that area from the apartment complexes, no one mentioned that's on the north side of Faurot that will be backing up my property, those occupants will be driving cars also. So that's extra. Then the senior citizen facility, that's added traffic. So there's a lot going on in this development. I just wish that we could think of somebody else to do with the property. So thank you.

MS. LOE: Thank you. Any additional speakers? Mr. Smith?

MR. SMITH: I was going to jump in before the next speaker just sort of back to what we had talked about before as far as restrictions on distance. The only restriction on distance that we have with the UDC is for adult entertainment. It is a thousand feet from schools and other sorts of uses as well. Also just to kind of clarify some terms we're using just so that we're kind of all speaking the same language. When we refer to walkability, it's come up a little bit tonight, generally walkability in terms of comp plan refers to kind of mixed use and how residents are actually able to walk to services and commercial services. Just being in proximity as a resident close to commercial would be kind of considered a walkable environment. I think some of the concerns were more about the auto orientation uses versus a pedestrian oriented use per se. So I think maybe that's the clearer way to describe it. That's all I have.

MS. LOE: Thank you.

MR. ERIC: My name is Eric (indiscernible.) I live at 5309 Tip Tree Court in the Westcliff Subdivision which is about a mile or so from the site. My family has been living there for about fifteen years in that area. And we've always known that that field would be developed sometime soon, and we've been looking forward to the commercial development coming to that area and additional conveniences that that would provide our family as far as restaurants, c-store, grocery store, et cetera, as we and several in our area have felt like is currently underserved for those uses being close to us.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you.

MS. PATTON: Hello, everyone. My name is Gena Patton. I live at 4705 Glenn Wesley Court which is three houses down from Stone Valley Parkway which is the west side of the development, and it was communicated to us at several of our meetings that we would not have access to turn left off of Christian Fellowship and off of Faurot onto Scott; that all the traffic would be directed south and that that's going to funnel all the traffic down Dayspring and Stone Valley to get to Smith to the expanded lanes in Smith to get to go left to go on Broadway. That's what was communicated to us at several meetings. So I just wanted to make that clear that that's going to increase more traffic through the neighborhoods and more traffic through the neighborhoods prevents walkability. So thank you for your time.

MS. LOE: Thank you. Any questions? Any final speakers? Last call. All right. I'm going to close the public hearing on Case 24-2019.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comments?

MS. RUSHING: I have one question --

MS. LOE: Ms. Rushing?

MS. RUSHING: -- for the staff.

MR. SMITH: Yes, ma'am.

MS. RUSHING: If we were to deny the request for M-C zoning, I don't have a copy of the graphic where you showed the requested zoning, what effect is that going to have? What will become of this light green area?

MR. SMITH: I think the answer to that is that probably practically speaking denial of one of the requests isn't really an option. I think it's going to be an all or none. I won't speak for them, but it will be difficult to rezone a portion of this to straight zoning but leaving some of the plan zoning in place but now it's only a portion of that plan district. It gets a little complicated. They'll have a decision to make when it gets to council, I think.

MS. RUSHING: So it's all or come back with something else?

MR. SMITH: I would say for purposes of a recommendation here as far as staff's recommendation goes that is what we're recommending. We're saying what zoning would be appropriate from what they've recommended. We're not necessarily going to say what they should do with the

request, if they should withdraw or if they want to move forward we'll try to figure out a way to make it work if that's what they request..

MS. RUSHING: As far as our action, we would -- if we agree with staff's recommendation, which I'm not saying one way or the other, but if we were to agree with staff's recommendation, then we would -- we could not approve the application?

MR. ZENNER: You could approve the application less the M-C zoned area. What that would entail, you'd be denying the applicant's request. That recommendation would be forwarded to city council. The ordinance that will be prepared for consideration at council will be as presented by the applicant. The staff report which recommends denial, the full transcript of this meeting, and then the council report that we prepare that summarizes the Commission's discussion will, in essence, have to be refuted by the applicant as to why should council at that time then approve what the applicant has originally requested. All of these folks that have spoken here this evening will have the opportunity to speak to council again also making the exact same arguments. The rationale for that is that council cannot approve the applicant's request if the ordinance is going to produce with a lesser zoning recommendation or recommendation of denial presented if that's the direction the Commission would head without having to restart the entire process. So we have been advised, and this was actually most recently experienced with the Oakland Crossing project, your recommendation was for denial of the M-C at Oakland Gravel Road and Prathersville. We were informed by the council or by our legal staff that the ordinance was going to be prepared as requested by the applicant to allow the council then to do an amendment sheet at the council level to down zone the property should they desire to do that and if the applicant consented. So you can't go up in zoning classification, but you can always go down. One option that exists here with this particular request, you can deny the M-C, you could offer a recommendation of a different zoning classification. In reality what's going to be end up happening is if you deny the M-C, the existing PD zoning of OPCP is that is generally what is in place. There is some PUD-12 on what is referred to as Lot 9 on this graphic. That would all exist and the legal description for the property and what was to be rezoned would have to be changed if council decided to go in that direction as well. And all of the commercial uses per the existing plan district approval would still be applicable on the non M-N and R-MF zoned property here. I think that that goes to Mr. Smith's point that really when you look at this and potentially from the applicant's perspective it is an all or nothing. You either are going to approve the project as presented by them or you're going to possibly provide a different recommendation for the M-C area that has been suggested by staff and we're recommending denial on. It makes for, as Mr. Smith pointed out, a messy project. There are a variety of options and avenues that it could go through. It's a worm hole that we would probably have to work through afterward and try to work with our legal staff to figure out, and the applicant, if their desire is to pursue forward to get the legal descriptions in the right format that would allow the property to be zoned as your recommendation may come forth.

MS. RUSHING: Okay. Just to clarify in my mind, if we were to make a motion in the same form

as staff's recommendation, which would have the effect of denying the requested zoning change where the light green M-C is, the zoning that is currently there, the PD would stay in force?

MR. ZENNER: That be correct, ma'am. To clarify, it would stay in force if council chose to not override the Commission's recommendation.

MS. RUSHING: Right, I understand we're just making a recommendation.

MS. LOE: Mr. Stanton?

MR. STANTON: So we can recommend a zoning to replace the M-C that would make it a lot more complicated. So really the best way to deal with this is to say yes or no to what is in our face right now and leave that to city council to fight over M-C?

MR. ZENNER: Yes. That's one option. I mean, again, you can make an alternative recommendation for the M-C if that is how the majority of the Commission sees it appropriate. You could make a recommendation to approve and vote in the alternate and, in essence, deny the project in whole. I mean, again, the recommendation as set forth or presented by staff is broken into two pieces. One that we see that there is viability for the R-MF and the M-N that we have as we've expressed in the staff report and I think as you've heard this evening the M-C zoning does have issues with staff and therefore our recommendation is deny. How you choose to deal with that component of denial could apply to the entire property or could apply to the small area only.

MS. LOE: Ms. Russell?

MS. RUSSELL: Remind me or refresh my memory, are gas stations an approved use in M-N?

MR. ZENNER: No, they are not, ma'am. They are a required conditional use --

MS. RUSSELL: Thank you.

MR. ZENNER: -- along with restaurants and drive-thrus as well -- restaurants with drive-thrus is a conditional use as well.

MS. RUSHING: Thank you.

MS. LOE: Ms. Burns?

MS. BURNS: Yes. I just for my fellow Commissioners as we were talking about this and talking about staff's recommendation, particularly the denial of the M-C zoning map, I don't think I'm comfortable inserting another zoning class in there. I don't know what the applicant would want. I am in favor of looking at staff's recommendation and moving from there, but I'm concerned if there's any consideration of inserting an additional zoning or changing the zoning on that.

MS. LOE: Ms. Russell?

MS. RUSSELL: I tend to agree for us to take that and down zone that. I tend to be in favor of an owner being able to do something with their property. However, I am not in favor of drive-thrus and a gas station at this location. It just doesn't seem to work for me. So I was just trying to figure a way to kind of make it work, but it sounds like it's in the too hard to do box.

MS. LOE: Mr. MacMann?

MR. MacMANN: I have a motion. Does anyone else need to speak? Along the lines of what Ms. Russell just spoke. Mr. Smith, my computer is down, I can't see the numbers. Thank you. In the matter of Westbury Village Case 24-2019, I move the following: That the R-MF and M-N zoning are approved while the M-C is not.

MS. RUSSELL: I'll second that.

MS. LOE: Second by Ms. Russell. We have a motion. Is there any discussion on that motion? Seeing none, Ms. Burns, will you call the roll, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann; Voting No: Mr. Toohey. 8-1 Motion carries.**

MS. LOE: Thank you. That recommendation will be forwarded to city council for their consideration.

MR. ZENNER: Ms. Chairman, we have been at this now for almost three hours. Would you like to take a ten-minute recess?

MS. LOE: Yes, I think that would be five, five to seven minute recess.

(Off the record.)

MS. LOE: We're going back to the Planning and Zoning December 20 meeting. Our next case is Case 23-2019. It's a related case.

**Case No. 23-2019**

**A request by Engineering Surveys & Services (agent) on behalf of Hamlet Limited Partnership and Joseph Tosini (owner) for approval of a 15-lot preliminary plat on PD (Planned Development) zoned land, to be known as Westbury Village Subdivision. The approximate 45-acre subject site is generally located at the northwest and southwest corner of Scott Boulevard and Smith Drive.**

MS. LOE: May we have a staff report, please.

MR. SMITH: Staff is recommending approval of the preliminary plat with the development agreement condition that it be approved along with it. I'd be happy to answer any questions.

MS. LOE: Before we move to questions, I'd like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 23-2019 to please disclose that now so all Commissioners may have the same information to consider on behalf of the case in front of us. Seeing none, are there any questions for staff? Mr. Smith, I have a question. The report we were given had two exhibits. One included the plats with the zoning identified. If we haven't approved the M-C zoning, how do we move forward?

MR. SMITH: Very good question. These are related. As we had said with the zoning recommendation prior is that it is probably a package deal. It's probably not practical for the preliminary

plat to be approved unless a rezoning is approved for the entire site, whatever that zoning may be. It would be very difficult to leave a portion of this in a planned district given that there is a plan development plan over part of it and then to approve a preliminary plat which would then reconfigure it which would probably then require an amended PD plan or CPOP plan to be submitted after that. So it gets complicated and again I think the reasonable way forward there probably is that this is going to be a package request. If the rezoning isn't approved, the preliminary plat would not probably be approved either.

MS. LOE: Thank you.

MR. ZENNER: If I may add also, Ms. Loe. The preliminary plat, so the way that this operates through the public process, the rezoning is an ordinance which requires two readings of city council, whereas the preliminary plat is actually a resolution. So the preliminary plat will lag one meeting behind. They will be placed on the council's agenda where the preliminary plat will be behind actually the approval of the zoning since they are contingent which does allow the applicant the opportunity at that point to withdraw the preliminary if the rezoning has been denied by council. So that action would be moot, but it does still require I believe a recommendation of the Planning Commission. You can't just punt. We have to basically take action to make a recommendation.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: So what you're recommending is that we go against your recommendation or we can go with your recommendation and it gets muted because of the previous judgment we just made?

MR. ZENNER: If the city council would agree with that. I mean, I never want you to go against our recommendation but that's okay. So I think you do have to -- it would be muted if you made a recommendation of approval, council chooses to deny the rezoning. It really -- it likely -- it would kill it.

MR. STANTON: A clean win-win would be go with your recommendation, it would make it clean, because it is contingent on the previous judgment?

MR. ZENNER: That is if you feel that the plat is -- if the plat being approved, I would suggest as we discussed in work session today, if you make a recommendation of approval as the Planning Commission after making a recommendation of denial of two-thirds of the project, you're going to have this mismatch. Why would you approve a preliminary plat that doesn't mirror up with a zoning action that you just took action on. Quite honestly, as Mr. Smith pointed out, as we did the rezoning action we weren't looking as to which zoning was better. We were looking at where was it appropriate and how did it fit in. Similarly we look at preliminary plats or any platting actions as how do they comply technically with the code. This plat is in conformance with all of our technical requirements of the code. It therefore does not have any reason that it should not have been recommended for approval. You will note that there is not a design adjustment here that's been presented. The applicant was very clear that they wanted to meet all of our regulatory standards. That would have potentially opened a door for a possible denial from a staff perspective because it may not have been technically compliant. That is not the case. So I think council

can choose to deny the preliminary plat for other purposes under their purview. However, a recommendation probably in keeping with your zoning is most likely I think from staff's perspective may be appropriate given what you just concluded while it is contrary to what we're offering as our recommendation but we're offering you only learned advice.

MS. LOE: Mr. MacMann? Mr. Smith?

MR. SMITH: Yes. In speaking here with Mr. Caldera, he did point out that council may very well have a different opinion about the zoning in which case evaluation of the preliminary plat, the recommendation here would be a valid recommendation once it gets to them. So I think we do probably have the obligation here to view it as if the zoning was approved as requested would this be an appropriate preliminary plat. With that said, it does include the zoning on there. So it would have to be amended if council then decides that the initial application wasn't appropriate and that they recommended a different zoning that the applicant then conceded to. They'd have to update the preliminary to make it accurate and then council could decide whether or not they can vote on it or remand it back to Planning and Zoning as well. Likely they would just move ahead I would guess.

MS. LOE: Mr. MacMann?

MR. MacMANN: I'm sitting here watching Council Person Thomas and legal's face the entire time. I'm all up for taking your recommendation for approval. I would recommend or suggest that for those council persons not present and those members of legal not present that they're fully briefed on exactly what's going on so no one is confused, because it can be -- If we vote yes, it's going to be very confusing to someone who has not studied it.

MS. LOE: Mr. Stanton?

MR. STANTON: So I'm leaning on going with the staff's recommendation solely because if things change in council then this automatically -- everything to me seems like it lines up. Am I correct in that thinking?

MR. ZENNER: That would be a correct statement.

MR. STANTON: I would like to make a motion.

MR. MacMANN: We're ahead of our program.

MS. LOE: We're still on questions for staff.

MR. MacMANN: Commissioner Stanton, I would like for you to make a motion also. We have some process issues that we must address. Our apologies.

MR. STANTON: I'm sorry.

MS. LOE: All right. It's getting late. We're getting a little punchy up here. We'll close Commissioner questions and move on to public questions or public comments. We're going to follow the same procedure. If you come to the podium, please give us your name and address. The first person speaking for the group gets six minutes. Every subsequent person gets three. And if you're speaking as an individual, you get three. I wasn't quite clear on that previously.

## **PUBLIC HEARING OPENED**

MR. KRIETE: Good evening. My name is Matthew Kriete. I'm with Engineering Surveys and Services, offices at 1113 Fay Street. So I'll speak a little slower this time and try to -- I don't have as much to say. As you can see, these applications, they do tend to kind of work together. Now is the time to talk about the roads, the access, the traffic, not so much then with the zoning. And you can see they all kind of got together here. So I wanted to point out a few things. I think Mr. Smith highlighted a lot of this. In terms of the improvements, again, we've got improvements at the intersection of Smith and Scott. The addition of a dual left turn lane to accommodate the traffic. Limited access at Faurot, at this site access here and this site access here. Again, right in, right out here. Right in, right out here. Three-quarter. That means lefts in, no lefts out. You notice there's no restrictions on Christian Fellowship. The restriction here is so that this access can remain as it is today. Allowing that full access conflicts. We didn't want to change that existing condition or cause problems with that. That was considered in the traffic study. The other thing to note is the cross access easements internal to this site. These lots will not have direct access onto Scott. The only direct access onto Scott from one of the lots is really this right in, right out here. This will be within an internal driveway to circulate the traffic internal to the development. And that drive is set back according to the traffic study from the intersection so that it does not conflict with the stacking and cueing that will occur at the signal. And then kind of the last point I want to make is again this western extension of Faurot on the north side of the site, this is due to the UDC. Again, we wanted no design adjustments. I can't think of many plats that have come through without a design adjustment of late. We're required to have a 600-foot block length. Removing that, remove this. So to be in conformance with the code we've got it here. Other than that, I would be happy to answer any questions you would have.

MS. LOE: Are there any questions for the speaker? Mr. MacMann?

MR. MacMANN: Just a quick comment, Mr. Kriete, kind of a bigger issue. I want to say for me and I know some of the other Commissioners truly appreciate that you all did not come in with design adjustments and you tried to follow the two-year process that is UDC that we all spent time on. On that point I'd like to thank you.

MS. LOE: Any additional questions? I see none. Thank you.

MR. KRIETE: Thank you.

MS. LOE: Come on up.

MR. GARDEEN: James Gardeen, 4705 Samantha Court. I spoke before. I just want the Commission to remember the concerns of the Stoneridge Association about the traffic on Stone Valley Parkway, our concern about the connector going west toward our subdivision, also traffic on Scott Boulevard, then Christian Fellowship's concern about the Dayspring connector. We all discussed this in the last case. And this is still out of concern on this, I believe.

MS. LOE: Thank you, Mr. Gardeen. Are there any questions for the speaker? I see none. Any

additional speakers on this matter?

MS. JUSTICE: Hi, again. I'm Sarah Justice from 4200 Rollins. I realize that this is a separate issue because this is the plat. Since it is so closely tied with the earlier recommendations on zoning, I just want to remind everyone that the overwhelming feeling from the neighborhoods around was that something like this development, which is the plat presented by the developers, was not something that was approved by either the neighborhoods or the committee earlier and I hope that this is not a back door to a yes vote. I just want to make sure that that's not the intention. Thank you.

MS. LOE: Thank you. Any questions for this speaker?

MS. PATTON: Hello. Gena Patton, 4705 Glenn Wesley Court. Once again, I live three doors down from Stone Valley Parkway, and where the extension is coming from Faurot I live on Glenn Wesley Court. It's directly connecting to a court, and it's going to bring the traffic down to the cul-de-sac, they're going to realize they're on a cul-de-sac and they're going to be turning around in the cul-de-sac. If they're going to have that connector, I request that they offset it to the berm on Stone Valley so it's not direct connector to Glenn Wesley Court. That would be my main request because that would negate traffic going down the cul-de-sac. Thank you.

MS. LOE: Thank you. Any questions? I see none. Any additional speakers? Seeing none, I'm going to close public comments on this.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. MacMann?

MR. MacMANN: If none of my other Commissioners have questions, do you guys have follow ups? I think we've addressed this. I do have a motion.

MS. LOE: Please.

MR. MacMANN: Just real quickly. Ma'am, to answer your question about back doors, that's one of the things we're talking about. It is not. With that in mind, I would move to approve the preliminary plat Case 23-2019.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton.

MR. ZENNER: Is that with the condition of the development agreement being approved?

MR. STANTON: Yes.

MR. MacMANN: Yes, sir.

MR. ZENNER: Do you second -- do you agree to the second, Mr. Stanton?

MR. STANTON: I agree to that.

MR. ZENNER: Thank you.

MR. MacMANN: With the approval of the preliminary plat with the development agreement condition, yes.

MS. LOE: All right. We have a motion on the floor for Case 23-2019 to approve the preliminary

plat with development agreement condition. Any discussion on the motion? Seeing none, Ms. Burns, may we have the roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Toohey, Mr. Harder; Voting No: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. MacMann. 5-3 motion is denied -- 5 to 4, I apologize, motion fails.**

MS. LOE: So five nos, four yeses. Motion fails. But we don't have -- okay. That recommendation will be forwarded -- there's no recommendation.

MR. ZENNER: There is a recommendation and it will be forwarded.

MS. LOE: Point of clarification. There's only no recommendation if we have a tie?

MR. ZENNER: That's correct. All these Robert's Rules of Order.

MS. LOE: We don't have a tie tonight. Sorry. All right. Moving on to our last item for the evening.

#### **VIII SPECIAL ITEM**

MS. LOE: It is a special item.

#### **Case No. 31-2019**

It is the third request of the City of Columbia tonight. **A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 (Definitions) and 29-3.3 (Use-Specific Standards) of the City Code relating to the revision of the definitions for "hotel" and "bed and breakfast", creation of a definitions for "short-term rental" and "transient guest", and creation of new use-specific standards governing the establishment and operation of a short-term rental inside the City's corporate limits. (This hearing is for the purpose of receiving public comment prior to a final recommendation of the Planning and Zoning Commission which is tentatively scheduled for January 24, 2019).**

MS. LOE: May we have a staff report, please.

MR. ZENNER: Yes, you may, Madam Chairman. Thanks to those that have stayed to the late hour to hear our presentation to you. Staff report was given by Mr. Pat Zenner of the Planning and Development Department. We're recommending obviously this evening that we hold the soliciting session, we obtain additional information that may further refine the regulations that are before you. They are not final in our mind until we are ready to publish for a public hearing and even when we publish for a public hearing they may not be final. We want to have some additional direction if necessary also as to when we need to schedule a public hearing. So that is what we have to offer. I'm more than happy to answer any questions that you may have.

MS. LOE: Are there any questions for staff on this matter? Mr. MacMann?

MR. MacMANN: A question that was asked of me last night, I have 17 properties each with six rooms. Could each of my properties have an STR in it?

MR. ZENNER: There's no limitation. We don't have dispersion criteria any more. Now, it

depends on if those properties are in the R-1 zoning district and need to have --

MR. MacMANN: If they otherwise met all the criterion, there's no barrier to me having multiple STRs?

MR. ZENNER: Not multiple STRs. I think what will end up coming into play though if each of them are six bedroom rental, you're going to end up having -- we'll have to determine through the inspection process, one, are they owner hosted, are they non-owner hosted and then where do they follow what zoning districts.

MR. MacMANN: The question asked of me was non-owner hosted. I own 500 properties and many of them could qualify, can I lease out the rooms?

MR. ZENNER: There's no restriction on the way that this is set up that would restrict you from having that many and you would have the ability to move back and forth between a long term or short term. I think the issue that does become challenging in that instance if they have greater numbers of rooms than are defined within the code, either be it two in your R-1 or a maximum of four in the administrative approved R-MF, for example. You're going to end up there's an enforcement component there. We're going to give you a certificate of short-term rental compliance for a maximum of four rooms. If you choose to rent the extra two and you are called in on by an observant neighbor or somebody that just doesn't like the fact that you're renting them, it's going to generate a complaint file and a record that we are going to have to potentially take action on. At this point, I am not prepared nor is the staff prepared to provide any enforcement criterion or rubrics that we will be using. We have not explored that this far yet. We first of all need to find out what does council want in the way of set of regulations. If council wants us to go there, we'll develop then the criteria for a couple of things. Bringing existing short-term rentals into compliance and then what the criteria for dealing with short-term rentals that have become compliant through the rental certificate registration but then violate the provisions of the proposed code. We really do not want to expend a lot of effort in trying to generate that at this point until we know that council really wants to move forward.

MR. MacMANN: That's fine. One more question if I may, Madam Chair. We have now -- we will have in the future STRs who choose not to ever register. That's going to be a thing.

MR. ZENNER: I know.

MR. MacMANN: It's already a thing in my neighborhood. Okay. Thanks.

MS. LOE: Thank you, Mr. MacMann. Any additional questions? Seeing none, we will move on to public.

MR. CALDERA: Madam Chair, before we begin with the public comments, I do believe that there are a few Commissioners that do have some statements that they would like to make for the public record.

MS. LOE: I was told we didn't have to do ex parte for this item.

MR. CALDERA: It's purely for transparency purposes. That's all this is for. Since you all are not making a decision tonight, there is no ex parte or conflict of interest issue to deal with. It's solely for

transparency purposes.

MS. LOE: Thank you. Are there any Commissioners who would like to make a statement?

MR. TOOHEY: I did attend some of the public hearings. The organization I'm associated with did submit comments also.

MS. LOE: Thank you, Mr. Toohey. Any additional comments? Ms. Burns?

MS. BURNS: Yes. I'd just like to disclose that I also attended some of the meetings that were put on by the CVB and the City and that I served on a commission in my neighborhood that researched short-term rentals and we created a survey and distributed to residents to educate them and also get opinions and provided some recommendations to the neighborhood association, and I am committed to listening to public comment and discussion and rendering recommendations in a fair and impartial manner.

MS. LOE: Thank you, Ms. Burns. Any additional comments? Seeing none, we will move -- Mr. Zenner?

MR. ZENNER: You did have a very significant packet of information placed in front of you today. Mr. John was not able to attend this evening so he has provided you a two-page letter with a series of attachments. That was placed in front of you. It will be incorporated into the actual final public comments that are received and presented to you with public hearing information. We also have information -- We also may have comments that have been provided to us this evening through written format while people were waiting to get to this point this evening that we'll collect as well as provide to you with the public hearing documentation. All of those comments are helpful for us to make sure we are generally on the right path.

MS. LOE: Thank you. Any additional comments? Okay. We will try now to move to public comment. We're going to follow the same rules we've been following all evening which is when you come to the podium, please give your name and address so we have that for the record. If you're representing a group, you may have six minutes. Anyone following you will have three. Any individual speaking has three minutes. Public comments is open.

#### **PUBLIC HEARING OPENED**

MR. VESSELL: Okay. Thank you. Good evening, guys. I'm Jared Vessell. I live at 11 East Ridgeley Road and I'm on the neighborhood association for the Grasslands Neighborhood. And I as well as Ms. Burns and some other people in this neighborhood are in this room.

MS. LOE: You need to get closer to the microphone.

MR. VESSELL: Yes, ma'am. I said myself and some of the other people in this room were part of the subcommittee within our neighborhood association to put together a study of the short-term rentals and how that's going to affect our neighborhood being close as we are to the university and the stadium. You can understand why that was a concern for us. As you already heard, we didn't have a long period. We met multiple times. We took it very seriously. We researched all of this stuff. We researched how other cities did it. We did a survey of our neighborhood, and overwhelmingly the neighborhood was

against the unhosted short-term rentals exponentially. Not as much so for the hosted short-term rentals. We came up with a plan of how to go about that within our neighborhood, and we've had some issues with some of the houses and we've been trying to figure that part of it out. And that brings up one other issue that I think needs to really be considered by this committee is the enforcement. I'm kind of upset, or not upset, a little taken back by the statement that was made earlier that internally the staff is not considering this to be equivalent to a hotel. We just saw the definition of hotel. We just had it up here on the board. There's only two minor changes that were made to that definition. One of them was the number of days from 30 to 31 to comply with the transient guest statute and the Missouri Revised Statutes similar to that. The other part of it is adding short-term rentals as an exception to the hotel definition. I think if you read the hotel definition it clearly would apply to a short-term rental relationship. I think to jump to the conclusion it does not would be a fatal mistake. I do not think that that's the proper way to look at it. I think that's the improper way to apply this regulation. Obviously that regulation came apart and that ordinance came apart from the work of this committee at some point in time. They gave thought to that and they put those words in that ordinance for a reason. They're in there for a reason and they are meant to apply. They're meant to apply to maintain the integrity of our neighborhoods and the purpose statement for the R-1 neighborhoods, just so you know, I'm sure you do in your position, but let me read that to you. This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. So if we take that approach as our mission statement, our purpose statement for the R-1 neighborhoods and then if we look at the certain ordinances that we already have on the books, your definition of hotel which would certainly include the short-term rentals in that definition, obviously when you look at the amendments made we're just making an exception to add them so they're not covered under the hotel definition and that hotel definition is a building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals in which a typical stay is between 1 and 30 days. I do understand that the text ordinance differs from this definition of hotel and maybe that's why we're here today. As far as the enforcement of this ordinance, it's not being done. And if enforcement is the issue, I would pose it to this Commission to take an approach to make it easier for these ordinances to be enforced instead of adding a number of new regulations and definitions to these ordinances. A complete ban in R-1 could certainly match your purpose statement. We're not changing that. You know, when you go online and you look at someone that might buy a house in this town, you look at the ordinances, you guys put together a chart for us that's very nice, very easy to use. If you look under the guest accommodations heading, it says there's not even approved or conditional approved for bed and breakfast hotels or trailer parks. Nothing under guest accommodations are currently allowed in R-1 neighborhoods. So that's the intention that we would move into these neighborhoods. These are the things that and the reasons we move into these R-1 neighborhoods so that we don't have to worry about a hotel, we don't have to worry about convenience stores. We sit two or three hours here today. There's a process to change it if you want to have it changed. In this case I don't think it needs to be changed. You have the R-1

neighborhoods. You have your reason why you want them there. It does take 80 percent. That's fine. That may be correct. You would also have a process to change that if that need be. The language in your ordinances are also mandatory. They're not permissive about enforcement. So if this is a hotel and I'm right and it's just not being enforced, what makes us think that if we add additional regulations on this it's going to be enforced? There's nothing out here that makes anybody confident that this will be enforced. We've tried. We've tried a number of times with some in our neighborhood. We're not getting anywhere. With the mandatory language of the ordinances and the empowerment that's given to the director to enforce those and the fact that it's not being enforced is somewhat troubling. If we keep going further and we regulate this further, I don't know how that it's going to be enforced any more than it already is. Is this my time?

MS. LOE: That's your signal.

MR. VESSELL: Does that mean I'm done or I've got a minute?

MS. LOE: That means you're done.

MR. VESSELL: This is my first time.

MS. LOE: Time is up. Are there any questions for this speaker?

MR. TOOHEY: So when I look at a hotel, that's a commercial use. Rental of a residential dwelling is not a commercial use. There's several court cases that have implied that. So that's one difference there. And two, you're an attorney, correct?

MR. VESSELL: Yes, sir.

MR. TOOHEY: So you understand the bundle of rights that are associated with property ownership?

MR. VESSELL: I do understand that.

MR. TOOHEY: So should the right of disposition just be thrown out in this case?

MR. VESSELL: I think when I'm here and I'm speaking on behalf of this organization, I'm here to protect the R-1 designation. I'm here to protect the current ordinances that you have on the books that are not being enforced. If they're enforced, we're not here today. As far as the property rights, there are still the same property rights that everyone would have in the same city under the designations that you guys have already made and there are places in this town where this is not going to have any effect. R-2, we've had all these other designations that will not be affected the same that an R-1 designation would. These are families. These are places where we want to be safe. These are people that aren't vetted. They're coming into these neighborhoods. We don't know who they are. There may be one person that rented it, but we don't know the other people they brought with them. There was one next door to me, sir, and I just want you to know that everyday there are different people walking by my house. If I do have a long-term rental living next door to me, I can vet that person. I know that my kids need to stay inside if this guy is around if he's a bad person. When it's a different person everyday, that safety factor is not there. That certainly goes against your purpose statement for your R-1 neighborhood. If we're trying to keep the

neighborhood safe, I think that would be our first step in this process is to maintain the integrity of your current ordinances and enforce them.

MS. LOE: Any additional questions for the speaker? I had one question. I believe you stated early on that in your poll the neighbors didn't support unhosted? What was the support for hosted?

MR. VESSELL: It was overwhelmingly against the unhosted.

MS. LOE: Correct.

MR. VESSELL: It was still a majority against the hosted. It just was a lesser majority. We had two different options where you could pick, you know, that you didn't want any or that you're okay with hosted, not okay or okay with non hosted. I've got them all here if you want to take a look at them. I've got the report as well. Anybody is welcome to contact me. I'll be more than happy to provide the report that we put together for you. We had multiple meetings and comment sessions of our own just so you know.

MS. LOE: Any additional questions? Thank you.

MR. BURNS: Hi. My name is Richard Burns, and I live at 310 East Brandon Road here in Columbia, Missouri. I'm also the -- my wife, Ms. Burns, is also on the P&Z Commission for full disclosure. I am speaking primarily as a homeowner that lives in the residential neighborhood, the same neighborhood that Jared lives in which is primarily R-1 homes. I do appreciate some of the draft changes that have been made trying to get a handle on this issue, but I strongly support prohibiting any short-term rental in an R-1 property. I was happy to hear at the end of Mr. Zenner's report that that option is I think still on the table. I chose to live in my neighborhood I think for the same reasons that many others do. Single family homes, safety, it's quiet, it doesn't have a transient character to it. The rental property that does exist is on the periphery and is mainly R-2 zoned homes or higher. I don't believe anybody that moved into my neighborhood or that's been there a few years came in there with the anticipation of short-term rentals, nor do I think they would choose to live next to a short-term rental. In fact, I think the opposite is true. This short-term rental business model is relatively new. I know there's no regulation. We're trying to get a handle on this. Now we are considering retrofitting a new use designation that may negatively impact a permanent homeowner living next to an Airbnb property. I don't think that's fair. I don't think that's in the best interest of Columbia if we're trying to preserve the residential character of our neighborhoods. I also don't think it's fair to ask the neighbors living next to the Airbnb property to have to solve problems through negotiation with the owner, an owner that may or may not be there, an owner that may or may not be responsive. For this reason, I would eliminate the use of short-term rentals altogether. That way we don't have to worry about enforcement. I do support regulation. In the current draft, it does protect homeowners in areas that are more transient in occupancy which I think is a more appropriate use or where I think short-term rentals make more sense. I don't know what the future impact of this business in Columbia is going to be, but I know personally I don't want to live with the uncertainty of whether or not the property next door to me is going to be sold or marketed as an Airbnb or whether or not that will become a

problem. But I don't think the desires of a few should supercede the interests of the majority of homeowners in these residential neighborhoods. Thank you.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: Help me. I own a home. Help protect my right to use the inside of my house that I pay for. How can we work that out?

MR. BURNS: Are we talking about an R-1 or an R-2 zoned home?

MR. STANTON: In my point of view it doesn't matter. If I understand your point of view, and help me use my property to the fullest extent as you use yours.

MR. BURNS: I think we may have different viewpoints on that. I use mine. Mine is there to mainly reside. It's not to -- I'm not using it to maybe make money. I'm not faulting anybody for wanting to do that, but I think that there's a place for that. I think there's an area for that. I don't think if you were to buy into an R-1 residential neighborhood I don't think that's the area where that use should happen. If you're there and you bought into it several years ago and again before Airbnb even was dropped down on us, I would say that, you know, then if you really are interested in renting out space, then you look at other properties where that takes place in an area that that happens more frequently.

MR. STANTON: But your place is great. Your neighborhood is great for that.

MR. BURNS: I know. It is. And that's why --

MR. STANTON: I want to go to the game. Your neighborhood is great for that. So how can --

MR. BURNS: I understand, Mr. Stanton.

MR. STANTON: What is the middle ground? Is there anything that you would be comfortable with?

MR. BURNS: We have some R-2 property in the neighborhood. And again I think if somebody was really interested, purchase the R-2 property.

MR. STANTON: What if was buying a house right next door to you and I want to do it. I was like I'm going to holler at my neighbor. I'm not going to have a bunch -- maybe I'm just going to rent it out.

MR. BURNS: Mr. Stanton, knowing you I wouldn't have to worry about it. The problem is it's the other person that comes in from out of town that I don't know. I don't know. It's not predictable who's going to buy it and who they're going to rent it to. We have a couple people in our neighborhood right now that are doing this. It hasn't been a problem. But the problem is, you know, it could be a problem in the future. It just depends on who the owner is.

MR. STANTON: So there's no regulation -- I guess that's what I'm trying to get from you. What would you need to be in place to make you feel at least -- you know I'm a win-win guy. I want to be equally kicked off on both sides of the coin.

MR. BURNS: I think it gets back to the enforcement issue that there's just really no way. I don't think you can police this. I don't think it's fair. I think the city shouldn't abscond their duties to sort of help these neighborhoods. I don't think it's fair to have the neighbors sort of police this. I don't think it's going

to work. We have problems with long-term rentals, short-term rentals. So that would be my answer.

MR. STANTON: Okay. Thank you.

MR. TOOHEY: What's the difference between having a bad neighbor next to you?

MR. BURNS: You're right. You can have bad neighbors, good neighbors.

MS. LOE: Any additional questions for the speaker? I see none. Thank you, Mr. Burns.

MS. FOWLER: Good evening. My name is Pat Fowler. I live at 606 North 6th Street in a multi-family zoned, actually we have mixed zoning in our neighborhood. My house is R-1. I live among R-MF homes. I'm concerned about a couple of things. The first I want to bring up is I feel like we're headed into an us against them conversation between those neighborhoods that are R-1, which I understand is the majority of property, residential property in Columbia, and those of us who live in multi-family or R-2 neighborhoods. A neighborhood is a neighborhood is a neighborhood. I live in a neighborhood because I want to have neighbors. I want to have relationships with my neighbors. I want to go next door to talk with them when we disagree. I don't want to have to contact the city. I live in my neighborhood because that's where I could afford to buy my house. I could not afford a house in Columbia in an R-1 neighborhood even though my neighborhood is full of single family homes that have been single family homes for 70 or 80 years. So please don't consider that the way to resolve this conflict is to push the unhosted Airbnbs into multi-family neighborhoods. That being said, I am a fan of Airbnb. When I travel, I stay there. I stay in hosted Airbnbs because I enjoy meeting the hosts and asking them how they are maintaining their historic homes which is how I pick my Airbnbs. So I see great value in the ability. You have to enable these things. I get that. You don't have to legislate into existence people that are already violating our ordinances about running home-based businesses without occupying that home. We have ordinances like that already. So let's talk about hosted Airbnbs and the benefits that that brings to a city including a revenue stream for a property owner that can then improve and enhance their property. It also does not displace people in affordable neighborhoods because right now the city, you have other boards and commissions, some of you are representative on those, that tell us that we have a shortage of 14,000 affordable units in this town. We don't have a shortage of residential property in Columbia. We have a shortage of affordable residential property. If you put the burden of Airbnb or BBRO or however into our most affordable neighborhoods, those that have multi zoning, those that have apartments as well as homes, those that have long-term renters as well as owner occupieds, you are going to add to a problem that the city is spending considerable time and energy trying to mitigate and ameliorate now. The last thing that I -- I can't speak often enough about the value of all of our neighborhoods regardless. What does a neighborhood run on? You already know this. Let me tell you something you will recall. We run on predictable patterns. I know what time my neighbor goes to work. I know what time their kids come to school. I look out my front porch and I watch out for my neighbors. If the people that are adjacent to me in any neighborhood in this town turn over so frequently that I don't have that pattern, I don't know when I can relax in my own home. Is that a noise that I'm used to hearing from the

kid next door or is that a noise that has to bring me out on my porch because I'm concerned about my neighbor? You all know this because this is how you live among your neighbors. So let's not take away those very qualities that make it meaningful for us to live alongside with each other for us to figure out how to resolve our differences. If we're going to have short-term rental properties, let's make them hosted and let's have the same standard in all of our residential neighborhoods. Thank you so much.

MS. LOE: Thank you, Ms. Fowler. Are there any questions for the speaker? I see none.

MR. ROWE: Hi, my name is Ron Rowe. I reside at 2201 UMC Drive. It's officially past my bedtime I think. I thank you all for still being here and listening to our comments. I'm going to go in a different direction. My wife and I this year just started a short-term rental business and we are by your draft regulations we are non owner occupied business owners. I want to in the brief time I have hopefully tell you a little bit about our interesting business model that's very different I think than most. You may not even be familiar with it. Then also a couple of my concerns. I want to ask am I able to ask the staff about a couple of concerns I have about what is proposed so far?

MS. LOE: During your three minutes.

MR. ROWE: Well, I'll talk. Maybe we'll get there. I first want to say, too, that we're in favor of being regulated, of having an ordinance passed. I think that protects our business ultimately as we grow. I think it protects our guests that we have and also our neighbors like some of these folks are worried about. Our specific model is called Rent to Rent if you have to give it a name. We rent from current property owners that rent out their properties and then sublet to short-term renters. Now, we do use Airbnb as a platform, but there are other manners of getting guests that come in. Our target guests are the guests that we're looking for here are primarily families and professionals that come to Mizzou to do all kinds of business that we do here. We have folks coming in to go to the hospital for an emergency stay. Sometimes we've had a couple of those in the year that we've been in business. We have obviously lots of events here in town that people come in for, but we have families that are sometimes there's four, sometimes there's six of them. If they have a little one, maybe they have a little extra than that. Our only units are up to six at this point. People are coming into this town and they're looking for an experience that hotels traditional stays aren't giving them. Okay. I mean, we live in a sharing economy now, Columbia, whether it's Uber, whether it's Bird, and people want these experiences. I can understand some folks that live in residential areas that are primarily residential. They have concerns about this. There are a lot of R-1 neighborhoods I think that are already rental neighborhoods. I'm not sure if there was a lever for neighborhoods to be able to petition to be given certain specific restrictions. That seems to me to be -- seems like we have a primary neighborhood here that's very interested in restrictions on short-terms rentals. I'm not sure if there's other neighborhoods. That strikes me as one solution to specific R-1 neighborhoods having concerns about Airbnb type of short-term rentals. I'm concerned about the conditional use particularly for me, that was my question for them about how that works for non owner occupied. If somebody could go into that, that would help me.

MS. LOE: Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: So the previous speakers brought up some good points. I really didn't think about it. So we got a want in, I don't want it in my neighborhood, go put it somewhere else, and then one like okay, well, don't put that burden just on my neighborhood. Where does your business model -- where does the market tend to send your business? Where does your business locate generally? Is it what these two speakers said? Does it drift into more residential surrounded by multi family or what happens in your business?

MR. ROWE: Our model, our guest wants to be convenient to Mizzou, wants to have that location. So anything close to Mizzou. Typically we'd be looking at again a current owner that has a rental that they would rather have me as a tenant rather than some other tenant where I'm putting in all kinds of security measures, smart security measures, I keep the place clean because I have it cleaned by a professional business, I'm employing other people here in the town once or twice a week to clean the property but neighborhood wise is your question. For us particularly it's anywhere close to Mizzou because that's where our guests -- that's why they're coming into town for the most part. Now, our unit right now, we're actually in an apartment complex. So we're in a multi-family unit as it is right now. We would like to keep open the possibility of some of the houses, and we go in houses that have been fixed up that have very nice furnishings, much easier to rent to higher caliber clientele. That way we fix it up very nice with our furnishings that we put in it and then we don't have a problem with renting and having people be very happy with that. I don't know if that answers your questions.

MR. STANTON: Yeah, it does. Thank you.

MS. LOE: Ms. Burns?

MS. BURNS: Just to understand, Mr. Rowe, you rent a house from somebody?

MR. ROWE: Yes, ma'am.

MS. BURNS: Do you live in that property?

MR. ROWE: No.

MS. BURNS: So you rent a house from somebody and then you rent it to somebody else?

MR. ROWE: Correct.

MS. BURNS: Okay. Thank you.

MR. ROWE: That is the purpose of that lease to sublet, and our lease states that. We have that up front with our landlord.

MS. BURNS: Thank you.

MS. LOE: Any additional questions? I see none. Thank you, Mr. Rowe.

MR. ROWE: Thank you.

MR. ABBOTT: Hi, my name is Mark Abbott. I am at 2517 Highland Drive. I am a short-term rental host. I host space out of my basement that comfortably sleeps five and it is well booked, excellently reviewed, and I've never received any complaint from the city or from my neighbors. I want to

sort of begin my quick talk about why is it important to Columbia that short-term rentals exist. People have an expectation now with Airbnb being out there, BBRO being out there. They want this kind of lodging available to them. They're looking for typically in my experience individuals but a lot of times small groups of four to six people want to find a place to stay cheap, someplace where they can stay together. The quality what I provide is above what can be obtained in a hotel for the same price. It's clean, comfortable, friendly. It's like home. Columbia benefits from this availability, cost effective, flexible quality lodging, short-term rentals, and like me people are looking to these first before they're going to hotels. It's quite possible somebody if there wasn't something available in a short-term rental like an Airbnb they might skip Columbia over and go somewhere else for their choice of vacation or destination. You know, I had some issues with the proposed language. I've been around for the meetings, pretty much all the meetings that have happened before this. I've seen this evolved. For me I appreciate regulation. I think there should be something there because we do live -- as a short-term rental host, I live in sort of a little ambiguous area about whether or not this is okay. I would appreciate some goal posts for that. On the other end of things, I want to caution this group about implementing any sort of regulation that would regulate something that does not exist, an issue that does not exist, or an issue that may be very specific to a specific area. If my neighborhood, I've never received any complaints. To be honest, I don't think my neighbors know I have a short-term rental. Most of my guests are one to two people. They park in my driveway. They go inside. They come back out and they leave in a day or two. I don't have parties there. Like I said, I host up to five people. I've thought about going to six which is a big change, but outside of that this isn't a real impact to my neighborhood and I really don't think it's detrimental to the neighborhood, residential quality of my neighborhood at all. So outside of that, my only disagreements I'll probably put in written form. That's it.

MS. LOE: Thank you. Were there any questions for the speaker? Mr. Stanton?

MR. STANTON: Why don't you have those problems? Do you have things in place that make these problems not exist? We're thinking about regulating. We're looking at I would assume your best practice. So how do we replicate your good fortune?

MR. ABBOTT: To be honest for me I attribute to the platform. So I rent exclusively through Airbnb. It has delivered to me quality short-term rental guests that I usually don't even question. I have a lot of first-time stays. These people treat my house as good as I treat it in most cases. One problem I've had is I give them free peanuts and they've sort of left a couple shells on the ground. Outside of that, it's generally they leave it very clean. And part of that is that it's the review aspect afterwards. Honestly I'm not looking at it a whole lot whenever I book guests, but I think they care about what I say about them and they're walking out of there trying to make a good impression on me so that they can at least have that good feeling or potentially have a record that will follow them for future stays.

MS. LOE: Mr. Harder?

MR. HARDER: Do you always host it?

MR. ABBOTT: Do I always host it? I'm not sure what that means.

MR. HARDER: Are you always there?

MR. ABBOTT: No.

MR. HARDER: Sometimes they stay there and you're gone for the entire duration?

MR. ABBOTT: Right. That was part of the comments that I wasn't including in this. As it's written, it has a 330-day requirement. I travel some for work. This year I was out of the country well for two weeks and then I took at least another week-long vacation. If I added all the days that I was outside of Columbia, also visiting family in St. Louis, I would not have met that requirement for an owner hosted, but I am. I consider myself an owner hosted. My primary residence where I'm there a majority of the year and I let my guests know that I will be around potentially. Most of the time I am but sometimes I'm not.

MR. HARDER: They don't really do this at hotels. I guess they do get a copy of driver's license, that kind of stuff. Do you do any kind of check other than just getting a copy of the driver's license?

MR. ABBOTT: The Airbnb platform which is the only thing I'm familiar with has options for me to upgrade the amount of criteria they look at. So I could require that they have some sort of government issued ID presented through the Airbnb platform. That is an option for me. I don't necessarily. I do tend to do a little bit of background research on most of my guests, but for the most part they come in pretty much unknown to me.

MR. HARDER: You can kind of, I guess, do a little bit of a background check, maybe just look on Facebook and that kind of stuff. So there is potential that you could have someone stay at your house that's dangerous; is that true?

MR. ABBOTT: I guess that's potential in the same way that you could have a dangerous person move next door or you could have a dangerous person rent the house that's available next door.

MR. HARDER: I'm just curious. Thank you.

MS. LOE: Ms. Burns?

MS. BURNS: I just had a quick question. This isn't in the text language, but I've done a lot of research on this. You said you think your neighbors are fine with your running Airbnb. Would you be willing to get adjacent property owners to sign off on you running an Airbnb?

MR. ABBOTT: I think I would hesitate to say that just because I think that it begins -- personally that's just too much of an onerous requirement. Notifying them and letting them know about it, certainly, yes, but I think that at least at the level I'm doing it I don't think that that necessarily poses too much of a disruption for the neighborhood.

MS. BURNS: Okay. Thank you.

MS. LOE: Just to follow up on Ms. Burns' comment. So when you said regulate something that doesn't exist, is that what you're just talking about the notification to neighbors?

MR. ABBOTT: No, I was referring to the regulation of problems that don't exist. So in my

situation I don't consider what I'm doing to be problematic. For instance, there's proposed language 330 days. I don't think that is actually the right metric to go to. I think that the problem really starts to exist and it's a greater problem probably for a non owner hosted space as opposed to what I consider owner hosted but under the language would not be owner hosted.

MS. LOE: Thank you, Mr. Abbott.

MR. OTT: Hello. My name is John Ott. I reside at 212 Bingham Road. I'm on the board of the Grasslands Neighborhood Association. One thing I'd like to -- I just have some different thoughts. I don't want to repeat what other people have said. So this may be disjointed. I read recently in a magazine where people -- where this type of activity short-term rentals have been going on for awhile. What they've been saying is in communities across the country residents are speaking out about the negative impact the short-term rental market has on their communities including the loss of affordable housing, neighborhood disruptions, displacing long-term residents and safety concerns. I would just ask that when we look at possibly adopting regulations for here for these types of short-term rentals that we don't compromise when it comes to our neighborhoods. There are other communities that aren't compromising. As of March 31 in our own state in St. Louis County there was a -- they've adopted an ordinance prohibiting short-term rentals. For example, Chesterfield, Frontenac, Glendale, Hazelwood and Maplewood. Frontenac's ordinance states that short-term rentals conflict with the sense of community. The Chesterfield Councilman Barry Flachsbart said I believe that they are not in the best interest of the residential areas of the city. We have adequate hotel and motel space for most people who want to stay in Chesterfield. It's not a matter of getting the revenue from them. The Hazelwood ordinance states the short-term rental of all or a portion of a residence is not in keeping to the stability, shared commitment and sense of community that give Hazelwood its exceptional quality and that such rentals conflict with the neighborhood environment that makes both our single family and multi-family areas special, welcoming and desirable. And I think this relates to what Pat Fowler said. We have great neighborhoods in our city. And we're opening them up to all kinds of risks that we don't need to take. And when we talk about enforcement, we have found out that we have difficulties enforcing long-term rentals. That can be in our case study right now. When it comes to things like the occupancy and residency, we have failed and it's not because the city hasn't tried. We've asked -- we have chronic issues along Providence Road. We've asked for help. There's been a lot of work by people on the city staff to try to correct that. They haven't been able to. The same thing with occupancy -- rather residency. It's very difficult to prove residency or, you know, so our concern is that you put in regulations, you can't enforce them and the burden ends up being on the backs of the property owners, the adjacent property owners. Some people run a good ship. Other people don't. When they don't, long-term residents will pay the price. Thank you.

MS. LOE: Thank you, Mr. Ott. Any questions for this speaker? I see none. Thank you.

MR. WESTEN: Hello. My name is Joe Westen. I live at 601 Woodridge Drive. And boy, I'll stay under three minutes. In the Woodridge subdivision. I do appreciate all the work you all have done to

simplify and revise this based on the November meetings with the public. I remain not in favor of allowing business enterprises in R-1 zoning areas such as our Woodridge subdivision, specifically Airbnbs. I'm concerned about the sanctity of the R-1 zoning code. What's the intent of it? To me it's residential neighborhood. And I think if we chip away at it and chip away at it and add exceptions and add variances pretty soon R-1 doesn't mean much. Typically businesses are expected to have their operations in areas that are zoned for those businesses, and that doesn't include residential neighborhoods. I want to come at this also from a slightly different angle. We have a security issue or had a security issue in our subdivision a couple of years ago. I'll get to the point of how this relates to the discussion tonight. We had a rash of break-ins in the Woodridge subdivision two years ago. We just never had crime. We hadn't seen anything like that. They were all during the day, and people's homes were being entered and ransacked and things were stolen. We talked to the police and we learned that we were probably being canvassed by people driving around during the day spotting who came and who went and at what times, how many people lived there and they asked us to help them by trying to document those things and if we saw people that maybe we hadn't seen in our neighborhood before driving by in a slow car, a lot of different things like that. We shared a lot of information with them, had a couple of meetings. They called and said we have been able to profile the folks who were probably doing that from what you all told us and we think the problem is solved. That was two years ago. We haven't had a break-in since. What they told us was watch for people you don't know and people who are going onto other people's property and you can't tell what they're doing. To me an Airbnb opens the door for that. Is that a farfetched concern? Absolutely not to people living in the Woodridge subdivision because we're all at risk. Our houses were being broken into. And we got it stopped by being observant of people that were there. The Airbnb deal is pretty much -- in our neighborhood it's pretty much unregulated. Regulations and enforcement I join everybody else in being skeptical about enforcement. My car got sideswiped in front of my house last year. The guy who hit it didn't get a ticket because the investigating officer said he didn't have time. He made sure we both had insurance, did a police report, said the guy hit me. He said now you guys take care of it with your insurance companies. If they won't give a ticket for plowing into a guy's car and totaling it, they're not going to go see if they're more than three people sleeping in an Airbnb.

MS. LOE: Thank you, Mr. Westen. I need you to wrap up. Are there any questions for this speaker? I see none. Thank you, Mr. Westen.

MR. WESTEN: Thank you for your time.

MR. DEAN: My name is Dean (indiscernible) and I too am from Woodridge subdivision, and I'm going to speak briefly about what's happened with us. I have an Airbnb that opened up late August, early September or we're really not sure. My neighbor across the street told me that we had an Airbnb, he met some of the people that were walking up and down the street. To make a long story short, activity kept increasing. On October 8, I was awakened at about 3:30 in the morning by activity in the street. Evidently they had rented to five young men who had just got out of Fort Leonard Wood's basic training

and they were out in the middle of the street. Like most people who live in Woodridge, I didn't buy in Woodridge to be awakened at 3:30 in the morning. There wasn't any fighting going on. There wasn't any cussing going on, but they were loud. And I never went back to sleep. My neighbor next to them text me the next morning and said -- well, I can't tell you exactly what he said -- but at any rate basically was asking me what the heck is going on here. And so we talked about it. I went and talked to the people. Yes, we have an Airbnb. Well, that's not right for our subdivision. It violates our covenants. He said well, there's no HOA. Well, there is an HOA but the gentleman that ran it died earlier this year. I hope you take this seriously because the worst that can happen will happen. What happened to me, I lost a little sleep, but we see the potential for a lot of big problems with short-term rental. I have no problems with Airbnb. None, zero. In fact, my son is probably going to open one up shortly. Not here but in St. Louis. When I told him about an Airbnb existing across the street, or appeared like it was, he said oh, dad, that doesn't belong there. If I can make any points here, what's your purpose? You're planning and zoning. Aren't you really here to protect R-1 and other areas, not just R-1 but other areas too? And I know Mr. Zenner can come up with all kinds of statistics and information, but it's my estimation that short-term rental, Airbnb, whatever you want to call it, it's illegal now in our current code, page 139. Doesn't belong in R-1. And I think it should be by our conditional use only in R-2. So I just wanted to enforce some of the other great presentations. That's it. Thank you.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: So if that was a hosted Airbnb, would you be a little more settled about it?

MR. DEAN: I'm so glad you asked that question. No. I don't see any difference in hosted, non hosted. That's my personal opinion. And short-term rentals and Airbnbs are commercial. There may be some that want to argue that. I'll be glad to discuss it. When I went to a motel in Mooresville, North Carolina on Sunday night, I got a code and a key and went in the door. I didn't see anybody. In the Airbnb across the street, they've got a code, they go in. They go around back. They don't see anybody. They could be there. They might not be there. They were there the night the five guys from Leonard Wood were there. I mentioned it to her the next morning. Oh, I didn't know that. You weren't awakened by the noise at 3:30 in the morning? Why, no, I wasn't. My neighbor was next to him and I was but she wasn't. You know, I'm being a little coy but so is she. Does that answer your question? MR. STANTON: Thank you.

MR. DEAN: Anybody else?

MS. LOE: Thank you.

MR. DEAN: Thanks for taking this up.

MS. LOE: Of course.

MS. MALEDY: It is a long night. I will try to be brief. My name is Teresa Maledy, and I own a home at 215 West Brandon Road. As the previous gentleman stated, that was one of the points that I wanted to make. These are commercial businesses. The owners and proprietors are doing it to make

money. We are talking about business models tonight. We've also talked about the city wanting to assess a hotel tax, but we're not going to call it a hotel but we're going to assess a hotel tax. They should be licensed businesses so that we do have leverage to collect those taxes. Personally I was very surprised and somewhat puzzled that we weren't using our current B&B ordinance as a starting point for this type of business, because years ago whenever this was put in place there was a lot of thought put in by our city leaders about protecting the residential neighborhoods and putting some limitations on it that they could monitor and they recognized it as a commercial business. So it seems to me that that might be the best starting point. And if we need to modernize it for language, recognizing that maybe somebody isn't serving them breakfast, then that's okay, but that's a starting point. I would also say that it would be wise I think to be very cautious starting out on this. We think there's three hundred and some bed and breakfasts or short-term rentals here in Columbia, but I would say that we really don't have a handle on that. We know that we're not effectively enforcing things like this now because they are illegally in residential neighborhoods. So the other thing that I would suggest is that in listening to the community we mentioned that this was notified to the public in a newspaper. But when somebody is going to want to use their property as a short-term rental, then the city is going to mail out a letter to notify the neighbors that a short-term rental is going in. And something this critical and important to our city it seems like we maybe would have sent out letters to all homeowners because if there wasn't some really keenly interested people in our neighborhood I wouldn't have understood or known about it. And I think it's really important and I think our -- I think it's great that people want to experience Columbia, they like to experience maybe living in a residential neighborhood while they're here, but I think our obligation is to our citizens and our homeowners. Thank you.

MS. LOE: Thank you, Ms. Maledy. Any questions for the speaker? I see none.

MS. NEUNER: My name is Shawna Neuner. I'm the president of the Columbia Apartment Association for 2018. The Columbia Apartment Association does have members who are participating in short-term rentals. We also have a lot of members who are very interestedly watching what happens with this for fear of what happens in short-term rental may also start to affect traditional rentals. There's a lot of reasons where there's some overlap in the ordinances and it is quite legitimate on our part to worry that some of these ordinances and some of these new rules could come into play on those. So I would like to just take a moment first off and say thank you to you guys. I know you've got a really big gorilla to try to wrestle and try to take all kinds of input, try to figure out how to label and how to identify and how to find ways to address it with all of the varying perspectives. I appreciate the many hours you guys have put into it. I know the hours I've had trying to keep up with it and all the changes have been challenging. I would like to take a moment to ask that we not label renters. This happens with traditional renters. This happens with the short-term rentals too. We're labeling renters and rental properties as bad, and I think maybe we just take a moment and ask. They are positive to our community. We're fulfilling housing needs for a variety of reasons. We need to recognize that we are stereotyping and allowing some

discussions to lead us into this proposed ordinance with these stereotypes affecting what we think those people are that are renting. The opponents of short-term rentals would have painted a picture that would match what we think of as a wild bachelor party in Las Vegas or a wild spring break party house or even something from Risky Business, which is the exception and not the norm. Let's take a look at who stays in short-term rentals in Columbia, Missouri and why. We get traveling nurses and ultrasound techs and other professionals who are here for short term. We have proud parents of MU graduates here to celebrate with their students. Alumni reconnecting. Parents bringing a child to a college visit. Grieving family members who came to bury their niece's four-week old baby. Families that are displaced by disaster such as burst pipes and travelers who want to enjoy events like the True/False or Roots and Blues and why did they choose a short-term rental over a hotel. They wanted the space to gather, a very commonly expressed sentiment. They want a kitchen to cook especially for families who have the ever growing population of food allergies. They want to be close to events which brought them to town or to the friends and family who live here. They want to have a feeling of home. In many cases these people will not stay in a hotel. They might pull an RV to stay in. They may stay with a friend or a family member or they may come to town for a day and then leave. But they may not stay. They may stay in nearby communities and not in Columbia. These guests spend money in our community at grocery stores, restaurants, shopping and entertaining. They may decide to send their children to school here or to move here themselves or return on a regular basis, and the time in their short-term rental may impact the way that they feel about Columbia. What kind of people are hosting short-term rentals? People trying to make their monthly mortgage, people traveling and trying to offset some of their travel expenses, landlords with a vacant property who want to make something on it and keep it occupied rather than let it become a run-down target for criminals and vagrants or simply property owners who enjoy hosting and want to be ambassadors for our community. So let's not overcomplicate the process and discourage people to provide these homes. Let's instead create ordinances which restrict the rights -- let's not create ordinances which restrict the rights of property owners but instead use ordinances that will help us embrace this in a safe way to accommodate people's fears but also to allow people the opportunities that they want to experience. Thank you.

MS. LOE: Thank you. Are there any questions? Mr. MacMann?

MR. MacMANN: Ms. Neuner, I have a couple questions for you. I live essentially behind the Broadway on Hubble. Between me and say Hinkson and Williams there are seven that I'm aware of. Interestingly none of them, I looked at your list, none of them were on the list. Five, maybe sometimes six of those are awesome. They are great. They come. They're there for two, three days. Not a problem. There's one in particular and there's one occasionally that's problematic. Lots of people, lots of traffic, lots of noise. How should we address the problematic without throwing the baby out of the bath water?

MS. NEUNER: Thank you for that. I believe that it would be more prudent for us to not overburden city staff by making, and you guys, by making all of these conditional use but instead we come

up with formulas that we can try to do this administratively and then put a number of violations on it; that if there's so many complaints or so many whatever, that then they go to conditional use.

MR. MacMANN: Let me toss this back to you for just a second. I have a little flexibility here.

The police do not want to do this. I looked. The police do not want to do this.

MS. NEUNER: Right. I understand. I'm saying it could even be a matter of --

MR. MacMANN: And we don't have the money to have the inspectors.

MS. NEUNER: I'm not saying that we do it with an inspection; that we do it at a certain level of possibly --

MR. MacMANN: That's why we're here.

MS. NEUNER: If we look at some way of filing a complaint, it doesn't necessarily have to be through the police or through an inspector but come up with a system. Maybe you can take a picture of something going on to give a little bit of evidence to the statement or something like that where it can be done very efficiently and then where you have the problems then you go to that conditional use permit and those further steps rather than overburdening -- I mean, I took the effort of looking up one of the properties that I know is currently a short-term rental and it had -- I'm trying -- I don't want to go through all my notes right now, but it had like 17 properties that were within the district identification process. Many of those were rental so you were going to have to notify owners and residents. Some of those were duplexes. Two of those were apartment complexes. I don't even know how you determine which ones of those need to be notified as to what's going on a block away. But the burden of just identifying the people and the mailing expense could become prohibitive on some of this regulation level. There's a lot of those aspects that I think could be a problem with it from the conditional use standpoint of going through this with every single property that's trying to do --

MR. MacMANN: Let me shift gears for a minute. I agree with Ms. Maledy I think 300 is way low. I don't know how much more, but it's more than 300. I want to address Ms. Fowler's concern. I do live and I have lived in a variety of neighborhoods that seek to be affordable, and there are a lot of landlords that could make a lot more money renting them two or three weekends a month than they can even at 800 or \$1,000 a month. There's a general concern about displacement. How do we address this issue?

MS. NEUNER: That is something that we have to address in our city in general that we have a lack of affordable housing. That's not because of rental. It's not because of short-term rental. The market is going to go where the market will go, and people are going to find ways to do that and that the cost of housing is such that rents are going up. And that is affecting all of us. I am finding that as I talk to some of the property owners that are doing this, they're seeing a shift in the quality of the neighborhood because they're actually having better quality people that are coming to their short-term rental than what they were getting in their affordable apartments. So it's actually making it a more attractive place for the residents that are there long term because it's actually bringing more stable people in rather than being rented to less stable people just to get people in the apartment.

MR. MacMANN: We certainly have a lot to think about. Thank you for coming up here. I wanted to get your organization's take on this.

MS. LOE: Ms. Burns? Ms. Burns first.

MS. BURNS: I just had a quick question. You're right. There is so much associated with trying to register and license and inspect. How much do you think that might cost the city to do that for one single property?

MS. NEUNER: Like I said, the one I lived at I calculated without even going into the apartments that it was going to be 68 people that had to be identified and notified.

MS. BURNS: So would you be in favor then if we identified \$400 a year in order to offset the cost of city staff and others?

MS. NEUNER: I don't think that would come near covering it.

MS. BURNS: Well, who's going to pay for that, though? I mean, in my opinion if you're going to run a short-term rental and there's costs associated with it to the city, that should be passed along to the person who's running the short-term rental.

MS. NEUNER: Yes, and that's one of the concerns that we have is the cost of doing all of this and are we overdoing some of that, is that cost truly necessary to be there in some of these cases.

MS. LOE: Mr. Stanton?

MR. STANTON: I think you're the perfect lady to help us figure this out. I'm dying. I've been wrestling with this myself.

MR. ZENNER: Mr. Stanton, the microphone.

MR. STANTON: My problem is where I say I feel like all these concerns I live in central city first ward. I'm surrounded by rental. I think everybody's concern about it not being in their neighborhood is going to come right to my neighborhood and nobody is going to care because it's a lot of rental and then when I say something about it, if my neighbor says something about it, nothing is going to happen. So I think your organization, this is what I would like to charge you with.

MS. NEUNER: Okay.

MR. STANTON: I want your constituents to come up with regulations that hurt a little bit but give us recommendations from the rental side, the renter/landlord side that are realistic because you kind of see where we're going with it. We need to hear it from the business side and it needs to hurt a little bit. Should the costs be offset. I mean, you can't come to us and say well, we can't do anything. Give us something that hurts a little bit. How can you meet us halfway.

MS. NEUNER: I would love to do that. I would love to sit down and try to have some conversation about doing that.

MR. STANTON: I think it needs to happen sooner than later before we get the language down. That's all I need to say. Thank you.

MS. NEUNER: Thank you.

MS. LOE: Thank you, Ms. Neuner.

MR. GALON: Good evening. My name is Jeff Galon. I live at 3603 Topanga Drive. I am representing the Columbia, Missouri Real Estate Investors Association. Just a couple things up front. I am a landlord. I have 28 rental units in the City of Columbia. In addition to that, I actually do stay in short-term rentals whenever I travel. They're typically not hosted and I've had wonderful experiences. Other things -- I came prepared to actually talk about the economics of how this is going to impact our city. And I think really we had probably a little bit more important conversations that have gone on dealing with the impact on neighborhoods. What I will tell you is our organization does support the idea that rentals do need to be regulated in that we want to have safe housing for everyone just like our long-term rentals have fire safety inspections, we want to have the short-term rentals have those same sorts of inspections. In addition to that, we also think we need to have a level playing field when it comes to businesses. When you're doing taxation of hotels, we should also do taxation across all short-term rentals too. We do support that. Having said that, we do have some actual issues with the way the ordinance stands as it is now. I will say that one of the concerns that was brought up from Mr. Harder here was talking about safety. I will tell you that I have many rentals in R-1 and R-2 districts across town and I have wonderful tenants. I think the world of them. We give each other gifts over Christmas. We have wonderful relationships. Having said that, I will also say that I did have a violent criminal in one of my houses. I also had another one of my tenants was murdered two years ago. This had nothing to do with the screen. We went out of our way to make sure when we screen to make sure we had safe housing. I will tell you I know of no one in any of our associates who've had a short-term rental that's had that happen to them. I will also say it concerns neighborhoods. I've had my home broken into. I've had my neighbors' homes broken into. Those were not by short-term rentals. Those were by folks who lived in the neighborhoods around us. I understand there's lots of concerns out there and I do have a problem with us labeling renters as being bad folks as Ms. Neuner mentioned earlier. That being said, any decisions we will make on the short-term rentals will have a dramatic impact on Columbia, Missouri. What we do know is that each person coming into town staying overnight generates about \$280 per night. We're looking at roughly about \$28 million coming into the Columbia community. Currently our hotels are not capable of handling capacity. What we do know is that we have 3,848 hotel rooms today and over half of the weekends a year those hotel rooms are at capacity which means we are now sending people out of Columbia. The short-term rentals do meet a niche. For the most part they are responsibly managed and there are good folks who move into those places for short term. I also work in the hospital industry. I know that it's important part of us at the university that we want to see the hospital tourism business grow in Columbia. I think that's one of the goals of Columbia too. Part of having that is a place for people to stay for longer term. The short-term rentals meet that need. Having said that, we do support regulations, but we do not currently support the ordinance as it is written and we would like to work with the apartment association to see that revised to a much better ordinance. Thank you.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: I'll pose the same challenge to you and your constituents to submit language really soon but as far as from your side and it needs to hurt a little bit.

MR. GALON: Actually we agree with that. It needs to make sense. We need to have a level playing field when it comes to business operation. We agree with that.

MS. LOE: Any additional questions? I see none.

MR. GALON: Thank you all very much.

MR. GROBMYER: Hunter Grobmyer. I own RentShop Property Management, 1007 North College Avenue. I have about 70 rentals in Columbia. I wanted to address some of the ordinances, especially the way they were worded that bring me as someone in the business a great deal of concern. The first one is the proposed ordinance to limit the number of sleeping rooms that may be rented in any R-1 zoned property. As it says now, you have an R-1 zoned house. A host may allow up to three adult guests to stay in the home at one time but may only use two sleeping rooms. So I have three case studies to kind of bring to your attention to make you think a little bit more about that. The first one, say you have a four-bedroom house you're renting to four college guys coming back into town, four alums. You have Bubba, George, Pete, John, whatever. What gives the city the right to control their sleeping arrangements while they're here. What if George snores or you have four people in a house. George snores. No one wants to sleep in them. Why can the city control you to lock two doors in that house and say you can't go in there. Second case study, say you have the same four-bedroom house. It's rented by two siblings and their spouses. They bring eight children. So you have the right amount of adults to comply but you have eight children. But you can only use two bedrooms in this house. So now you're squeezing a ton of people into two bedrooms but it complies because there's eight children and only however many adults, right? And then the last one is, this is one that I think a lot of you can kind of think about more deeply because a lot of you are probably homeowners. You have a family displaced from a home that they own because of a frozen pipe floods the house. They're displaced for long term. The family consists of a married couple, their adult daughter, son-in-law and their college age grandson. So you have five related adults. By current occupancy standards, they were legal in their R-1 home because they are a family but in a property that is registered as a short-term rental they're not legal as there are more than three adults in the R-1 zoning. Is it fair to split them up and increase their temporary housing expenses? Why was that density of population acceptable when they were in their owner occupied home but not when they are in a rental situation? What changed other than property ownership? Then the city will also be telling everyone else in town in R-1 zoning how many bedrooms in their home they may use. If not, why are guests and renters in a city that is predominantly -- or not predominantly, almost half, made up of guests and renters being treated so differently. The next one is the individual sleeping rooms shall not be rented to multiple reservations simultaneously. So the restriction prohibiting renting individual sleeping rooms with multiple rental reservations essentially sounds like the equivalent of going to a

restaurant and saying you can't split up a check. Sounds like if you're going to a restaurant and the restaurant saying we can only take a payment from the entire group or someone who rented the entire place. There are many traditional rentals including dorms at Mizzou, Columbia College, all of the student housing downtown who rent by the bedroom. Will this become illegal too with these ordinances? If not, right away with short-term rentals why should we as a landlord have a concern then. It eventually will not. Will residents or students in dorms now have to be on the same lease as their roommates making them liable for their roommates' rent and other responsibilities? I haven't heard any feedback from the city expressing the logic behind this restriction at any of the previous meetings. It seems overly restrictive and I'm curious to understand the why behind it. Any questions?

MS. LOE: Mr. Stanton?

MR. STANTON: How do you, I mean I heard the why nots, so what is the solution to what you see a problem in the language and I say that to say how do we protect against the abuse because what you're talking about as far as the occupancy that you had great logic, great understanding. Now look at it from the perspective of the abuse. So what's going to keep somebody from abusing the very logic you're using?

MR. GROBMYER: Let me ask you how do you keep that from happening now, because there isn't a way to stop full on abuse. I think that a very small focal minority of people who have very good points are making this more difficult than it needs to be. I think we have a long-term rental process that works. It's not perfect. There's no way to make a perfect system. We have a system in place that we can kind of base this off of. So I don't have an outright solution for you right now. I tell you that we have a template in place that we can look at more deeply and I feel like with these ordinances they weren't looked at at all. What it really comes down to, it's still renters.

MR. STANTON: The long-term standards is what you're saying --

MR. GROBMYER: It should be used more as a template. It shouldn't be the exact same. It's not the exact same thing. I feel like with all of these ordinances in every single area that template wasn't even looked at. You guys are just trying to come up with an entirely new system based off of nothing.

MS. LOE: Any additional questions? I don't see any. Thank you, Mr. Grobmyer.

MS. LEWIS: Hello. I'm Marjorie Lewis. I'm an attorney with offices -- I'm an attorney with Brown Willbrand with offices at 601 East Broadway, Suite 203 in Columbia. I'm here on behalf of the Grasslands Neighborhood Association. I'm going to try to hit some points that haven't been made hopefully. As stated before, the neighborhood association prefers not to change the current laws. It believes that the laws currently in effect prohibit the short-term rentals in R-1. However, if we are moving toward some sort of permitting process for short-term rentals, then I do have a few comments. First of all, we do greatly appreciate all the work that was done in taking into account all the comments that were made and we think that the new proposal is a great improvement. One comment, there's a reference to owner occupied. That's a concern though. How do you apply that to an entity? For example, if a property is owned by an

LLC, what if that LLC owns nine properties? How do we determine that that's owner occupied? We would propose that any short-term rental that's owned by an entity be considered non owner occupied. Another concern is the transferability of rental certificates. We have a big concern about relying on neighbor complaints. There have been a couple instances that I'm personally aware of of very aggressive bullying when a neighbor reports abuse of the ordinances that are in effect. Text messages that are abusive and bullying, e-mails that are abusive and bullying, going on a systematic hunt trying to find out which neighbor reported me, telling me who reported me, going from neighbor to neighbor and trying to figure it out. So what we would propose then is that there be some sort of maybe annual or biannual review process that allows neighborhood input without putting the burden directly on the next door neighbor to make a report and subject themselves to the bullying that we've seen. There needs to be a detailed enforcement process. That's what was talked about earlier. Fees, how much is this going to cost? We firmly believe that there needs to be substantial fees paid by the short-term rental owners to cover the enforcement process. And we talked a little bit about this. Apparently there are no criminal background checks being run. I personally have some rentals. We check criminal backgrounds. But apparently for short-term rentals there's no check on that. I see my time is up. So I don't have anything further.

MS. LOE: Thank you. Are there any questions for the speaker? I see none. Thank you. Any additional speakers? We have more coffee in the breakroom, trust me. In that case, we're going to close the public comment period. We thank everyone for coming forward and staying late. Sorry it was a busy evening before we got to this case.

#### PUBLIC HEARING CLOSED

MS. LOE: Our next item is Public Comments.

MR. ZENNER: Before you move on, Ms. Chairman, I guess we need to have a discussion as to how would you as a Commission like us to proceed. I know Mr. Stanton has made multiple suggestions to several of our speakers this evening that they need to make haste in helping craft language and I need to know what that make haste means in the way of time as it relates to where do you see this moving forward through our regulatory process. We have tentatively stated the January 24 as a meeting. We have a holiday coming upon us. That is not going to be a date that is going to be able to be made. There's been a lot of conversation here this evening. There have been a lot of statements made that offer possibly some direction for us, but there has been nothing that has been overly directive in my opinion. There are comments that we have heard. We appreciate them. I think we can take and look at the minutes of this meeting and do something with them, potentially have to agree to possibly disagree or possibly make provisions. I think to fulfill Mr. Stanton's directive that he has given to a couple of our speakers here this evening, how much time would you like to leave for that to occur and do you want to schedule this for somewhere later in the beginning of our new year to February possibly? That will allow an opportunity for the speakers that feel that they need to have an opportunity to meet with staff or meet amongst their own organizations to craft proposals, provide that to us with opportunity to react. This is not a done process

and I think I made that statement very clear at the very beginning. This is still a draft. This is not a completed final document. Even when it becomes what we would refer to as a final draft it still may not be. We want to get this as close to a possible area of where's there's acceptance, where there's pain on both sides, but there's something that is more than what exists today. That will take some time. I need to have an understanding of what that amount of time is and I think the public needs to understand that as well.

MS. LOE: Mr. Stanton?

MR. STANTON: I don't know if we're required to open public hearing again, but I would like to hear from the industry and get a round about as long as you're not trying to stretch it out. I do mean haste. I do mean get on it so that our city staff who have a full plate already can get this put to bed as fast as they can. I don't know to how I need to proceed. I want to hear from them. Do I just allow them to come to a public comment? If they would like to come during that time.

MS. LOE: Let's get some other comments from Commissioners on this and then we'll decide. Ms. Burns?

MS. BURNS: I don't know if it's possible for city staff to come up with not a punitive dollar figure but a realistic dollar figure about --

MR. ZENNER: What I can tell you is that we are authorized to recover whatever costs it takes administratively for us to administer this new program. The rental inspection process as is currently operated for long-term rental inspection in talking with Ms. Kottwitz who is our Office of Neighborhood Services manager, they will recover their expenditures for doing inspections through that rental inspection fee. We will likely have to identify an administrative processing fee that will have to take into account several variables. If it's a conditional use, we have a conditional use application processing fee which is incorporative of public notification and the applicant is required to pay that. That's how our current code is set up. Under an administrative approval process, we would still have a fee structure established. Without knowing specific locations and specific characteristics of those locations it's difficult to tell you or to establish a fee that is reflective of our ability to recapture our expenditures. We are legally allowed to do that as a part of our administration of our zoning. So if we ran into a situation as was presented where we may have apartment dwellers that may need to be notified as well as the property owner, we're going to have to utilize our GIS staff in order to identify what that mailing cost is. It may be prior to you getting your certificate of rental compliance you pay the fee that we then provide you or we'll give you an estimate of what that fee will be before sending the mailing.

MS. BURNS: You've answered my question. Thank you.

MR. ZENNER: I think what we have not explored at this point is some of the greater, the finer details associated with the full process. We, first of all, I think, from our perspective need to get a set of regulations that everybody agrees or doesn't agree with and put them before council to find out if council wants to do anything. And I think we're going to have direction to do something. Once we have that direction, at least we have the framework of the regulation and the rest of it then gets tasked back to us to

come up with the regulatory -- the rest of the regulatory structure that goes with it, the application procedures, forms, fees and the enforcement penalties and anything else. We're just unfortunately I don't think there at this point.

MS. LOE: Thank you. Mr. MacMann?

MR. MacMANN: Let's talk process here just a moment. These folks can get back to us on the 24th. Pat can work something up. They get it to us on the 9th or whatever that day is.

THE COURT REPORTER: I'm sorry. Can you speak into a microphone?

MR. MacMANN: I am so sorry. It's getting late. I'm not paying as much attention as possible. What I said was as follows: Even perhaps be best if we had our guests here get back to Pat on the 24th because he's a known point of contact with any information that they have or ideas or suggestions and then Pat's staff will put that together so we can talk about it in work session. We have that on the 9th or something like that.

MS. LOE: The 24th of January is our next meeting. So I don't think Pat is going to have time to prepare anything.

MR. MacMANN: That's why I'm saying our guests get back to Pat's office by the 24th so hopefully does that leave you enough time to then --

MS. LOE: Right. Then we're looking at February to discuss it. Do we need a work session because we've had this presented to us but we have not discussed it in work session.

MR. MacMANN: Correct. Or do we need another meeting to do that?

MR. ZENNER: I think that was where Mr. Stanton was going that allow the representatives that he has challenged tonight to come up with regulations to come back and present those suggested changes I think for the Commission to have in public session. If that is what the Commission's desire is, that would have to occur on the 24th because we have public advertising requirements that we must meet. Tonight was the advertising deadline for the January 10 meeting. So we are not capable of advertising for the January 10. My suggestion is, as it relates to issues of this nature, which I think cuts down on the necessity to go back and forth between the applicant, between the constituents that are here tonight representing their particular positions, the Commission and staff is that the folks that are here this evening that have expressed a desire to work on crafting regulations be given a deadline by which those regulations need to be prepared or their suggestions need to be prepared and staff needs to conduct a meeting independent of the Commission with those select groups to look at the regulations themselves and to discuss those areas. So we as a staff can prepare that summary document more again or revision to the December 13 version of this proposed regulation that's incorporative and we would have to have a public hearing on those revisions now. I would suggest to you that would be no different than we handle other larger text change processes. Staff goes to work now with these constituents that are here. We bring back to you probably I would suggest the first meeting in February because I don't believe we will be able to have these folks, these fine folks that have been here this evening, they may not have anything to

us until the middle of January. So our first February meeting is February 7 and that would then require that we would probably need to have a meeting with these groups probably January, probably the week of the 14th of January. 21st is Martin Luther King Day and we are not in session as a city. City offices are closed that day. So we will be required to produce reports for the 7th's meeting by February 1. That at least leaves us a week by which to take comment that we have received from these groups, be able to incorporate it into a new ordinance or a new draft set of regulations, get that posted in time for February 7 public hearing. And I'm not sure if you want to hold a formal public hearing at that point for which to take a final vote or if you would like to have another listening session. I'm open to either. It's just a matter of how we advertise that for the 7th's meeting.

MS. LOE: Mr. Toohy?

MR. TOOHEY: Just a clarification. Going back to the fees, are you looking at charging a different fee for short-term rental compliance versus long-term rental compliance?

MR. ZENNER: Right now long-term rental does not require a conditional use and therefore if you were going to rent your home as a short-term rental you're either going to have to go through an administrative approval process or you're going to have to go through a conditional use. Yes, there will be a fee for a short-term rental. Now, if you're a current -- if you currently have a -- you will not pay an O&S fee for an inspection if you are a current long-term rental but you will pay an administrative processing fee for us to set up your account and notify your property owners if you are going to be an administratively approved STR and if you're a conditional use STR even though you're already in the long-term rental program, you're going to have to pay for the conditional use processing anyways. So owner occupied you meet the criteria if we have criteria when we revise this proposed set of regulations that specifies some way and you are able to get administrative approval, yes, you'll have to pay a fee. If you're already registered in the rental program, you won't potentially have the reinspection. That's the only way that at this point I would see that we would be able to cover our administrative costs with postage mailing and all of the other things that we're going to need to do administratively. So that's part of that. And how that fee may be able to be reduced over time is a discussion that needs to be had as it relates to potential tax collections and having taxes that are collected to be able to offset those administrative costs. I do not have any idea how that may shake out. That's not been part of the discussion at this point with the lodging tax collection. The lodging tax collection is solely related to the fact that it's a level playing field between the hoteliers here in town and it allows for the CVB to do additional marketing on behalf of host STRs that are here in town along with all of the other advertising and other work the CVB does. That's how that tax is identified right now is to help support the CVB's operations. It was not to support our administrative activities. Our administrative activities would have to be collected through a separate fee, but there may be an opportunity down the road that that fee that we may collect may be able to be offset by tax collections or some type of transfer. I'm throwing that out as an idea since we're spit-balling them this evening.

MS. LOE: So another idea. Do we have the opportunity to discuss this in work session, I mean, because it seems to be pretty meaty. I would like to discuss public input and then maybe take it back to --

MR. ZENNER: From this meeting this evening you would like to discuss public input?

MS. LOE: No, after you get some feedback from the groups but before we go back to putting it on the Commission agenda.

MR. ZENNER: That would be an option. Again, I think that --

MR. CALDERA: Let me chime in right here. In terms of the subject matter that you all can tackle in the work session, if there's supposed to be some kind of summary of what these folks are going to prepare, then yeah, we can discuss that. If you want us to incorporate any of that into the actual ordinance language which we have proposed so far, we can't tackle that in work session. It has to be here.

MS. RUSHING: That discussion should take place here because I live in R-2 so I have some very definite reactions to some of the things that were said here tonight. And if people are saying we don't want it in R-1 because it's not safe, then it shouldn't be in any residential area and I think that type of discussion needs to take place in a regular session and not, you know, I just want to put out there that I found that very upsetting and I know that Pat Fowler pretty much addressed that and some of the other people who spoke said we're not talking about just R-1 but that type of discussion if we're going to have it, and I think we probably will, because of my reaction to what's been said needs to take place in regular session.

MR. MacMANN: Madam Chair?

MS. LOE: Yes, Mr. MacMann?

MR. MacMANN: Just a process question for all of us here. We can next discuss this in work session and then schedule that next --

MS. LOE: I'm not sure we're going to figure out the whole process tonight at 12:30 a.m.

MR. MacMANN: That's what I'm saying. Pat takes his input, we discuss it next at work session and then we decide what schedules or processes we go from from there.

MS. LOE: Do we have the next steps?

MR. ZENNER: I think Mr. Caldera and I are working on those next steps as you all are discussing things amongst yourselves. Please don't think that I'm ignoring you. We're trying to figure out how we can accommodate I think what you would like and allow our folks here in the audience an opportunity to collect themselves and give us some added direction based on the new December 13 draft. What Mr. Caldera and I were talking about is if I am capable of being able to receive revisions to the draft from these outside groups no later than the -- no later than the 14th of January, it would allow us an opportunity to create a summary report of those comments that have been made. We will not be tweaking or producing for you a revised December 12th or 13th proposed regulation. We're just coming to you with a report with what the folks here in the audience have provided.

MR. CALDERA: So one thing that I'm realizing now is that we are obviously focusing on kind of one side of this conversation but there's a dual side to it. If we are going to extend the courtesy of basically having these folks draft something up and us to summarize it for you at a work session, I apologize, Pat, but I think we should also extend that courtesy to the other side as well so that they send in something the same deadline and you all can basically marinate on whatever summary you prepare.

MS. LOE: This would be similar to how we handled the downtown zoning. The same invite went out to all the groups. They had the opportunity to --

MR. ZENNER: We have a list, we have a working list of our short-term rental participants that have participated in this process. If you have not signed in in the back, folks, if you would before you leave so we have that information. We'll add you to the list. I think what we're struggling with here or what we are shooting for is, yes, give both sides the opportunity to provide us additional comment meaning we're not going to shut the public comment session down. Initially I think what was asked of me by Mr. Toohey at one point when we first began scheduling our meetings in November was how long were we going to receive comments. I believe my response at that point was we would probably stop receiving comments December 31. We'll extend that out to the 15th, and I think based on what Mr. Stanton has challenged some of our folks here with this evening as well as I think what Mr. Ott and those that are in the Grasslands and the other R-1 neighborhoods that are concerned about the regulations, this offers them an opportunity to put together some salient arguments and points that we can then not only summarize from tonight's meeting but summarize from what they've been able to then marinate a little bit more on. As long as I have it by the 14th, it allows us as a staff an opportunity to then be able to produce a necessary staff report by the 18th of that week, the Friday of that week so we can get put it out in a published form on the January 24 work session agenda and that's what we're shooting for here. Because this is a summary of comments, it will allow us an opportunity to discuss it within a work session. Based upon the discussion, I would likely assume that we would be given some guidance from the Planning Commission based on the comments received from both sides to go tweak the ordinance that you have but tweak the regulations you have before you this evening. Those would come back to you at the end of February then due to an advertising issue again. We have to make sure we get 15 days of advertising in. I can't get to you at the beginning of February.

MS. LOE: Mr. Zenner, do we have room in the January 24 work session agenda?

MR. ZENNER: Thank you for reminding me of that. Possibly not. That may be a discussion -- that won't be a discussion for later because I don't want to have to push that off. I don't know what the desire of the Commission may be. If you would like to have a special meeting, that's one option to allow us to be able to discuss this prior to your January 24th meeting or afterwards. To allow us an opportunity to get to a public hearing in February and I think that that -- let's jump ahead. Do you want a public hearing in February? Is that what you would like?

MS. LOE: I think that sounds grand.

MS. RUSHING: Yes.

MR. ZENNER: So second meeting in February which means now we need to back time out. If that is what you are desiring, the 24th's agenda unfortunately based on some work session related matters that we are still trying to resolve I do not believe we will probably have time on the January 24 work session. I thank you very much, Ms. Loe, for pointing that out. That leaves a couple of options. We either schedule a special called meeting for a work session. Special called meeting could be on February or January -- maybe January 31 if you would like. That's the Thursday after your regular 24th's meeting. Or we could clear the February 7 agenda for work session and this be the only item on your February 7 work session agenda. With that in mind, the advertising for a public hearing for the January or February 21 meeting would need to be submitted on February 5. So we're submitting a public hearing notice for a final vote on an ordinance that we will not have had completed yet. That is what causes me a little bit of pause as your liaison and the one that manages all of our activity. That means -- If you're not okay with that, that means then move into the first meeting in March to schedule a public hearing on it. So we're able to have a work session, a regular work session, not a special called one, on the 7th. It allows me an opportunity then to tweak the ordinance that you have before you tonight or the amendments and get that properly advertised for a meeting in March.

MS. LOE: Let's go with March.

MR. ZENNER: We can make arrangements for that, Mr. Stanton.

MR. STANTON: I just wanted to talk to the public about I would -- this is my request. I would like to see language that you, you know, that you would like. I want it to be focused so we can get to the language in the ordinance. So we know the positions, especially the special groups. I didn't mean to cut anybody out. What do you want in the language of the ordinance. So that's the language that we need to be looking at. I don't want to hear platforms. I want you to say I want the law to be this. And then we'll play with that as best you can.

MS. LOE: Any additional comments on Case 31-2019? Mr. Zenner?

MR. ZENNER: Before you close the hearing and this makes life much easier for us, your motion before your motion is this an open public hearing at this point. I would respectfully respect that you make a motion to continue the public hearing to March 7 and that that's the motion I'd like you to make. Once you've made that we can close the hearing and I'll make a couple of additional comments afterward. I don't want to add any more at this point.

MR. MacMANN: So moved.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. Any discussion? Ms. Burns, may we have?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. 9-0 Motion carries.**

MS. LOE: Can I close the public hearing? So now I'm going to close the public hearing on Case 31-2019.

**PUBLIC HEARING CLOSED**

MR. ZENNER: So the public understands what we have just done unless you have written it already down, I want to recap this for you all, we are asking that those that are here this evening that would like to have additional comment considered by the Planning and Zoning Commission that establishes a framework, not platforms, for how the ordinance standards should read you will need to provide my office, which is Community Development Department Planning and Zoning Division or you can just send it to [planning@como.gov](mailto:planning@como.gov) and make sure that you reference in your e-mail Re: The case number that we have for this evening, 31-2019 comments. That will come to my attention through our general e-mail and I will have an opportunity to review it along with our staff. I will need that by the 14th of January. That will allow us then to review the material, prepare a summary memo for our Planning Commission that will be discussed on February 7 during its work session. Our work session starts at 5:30 p.m. and is in Conference Room 1-B, which is right on the other side of our council chambers. Based on those comments and the discussion of the Planning Commission meeting on the February 7 work session agenda, we will be scheduling a formal final public hearing vote on the proposed regulations for short-term rentals for March 7 of 2019. At that point you will be allowed to again address the Planning and Zoning Commission for the purposes of public record. Any comments made at that evening's meeting, as well as any comments that have been made at tonight's meeting will be forwarded to the city council for their consideration as their rendering of a decision on this proposed regulation. I believe that would be at their April 1 meeting. So the 7th is when the Planning Commission takes its vote. Council will get it on April 1. That will be the first reading. This is an ordinance. It will take two reads of city council if not more before any regulation would become effective. Given that we may have some outstanding items here as it relates to enforcement fees and some other technical criteria, council may delay any action that it takes in the final form until staff is able to come back with the rest of the package. If you all need to get in touch with me, please feel free to do so. E-mail is [patrick.zenner@como.gov](mailto:patrick.zenner@como.gov). I'm more than welcome to take your call and try to respond to you or respond to you via e-mail. You can also send any comments directly to me as well if you would like. Ms. Bacon is my wonderful and pleasant sidekick to work with. She is actually one of the primary authors of some of the material in the research that we've collected and if you are more comfortable working with her, you're more than welcome to send an e-mail to her as well. With that in mind, we can move on. I think we've given our spiel as to how we're going to proceed forward with this and then close our meeting out for this evening. Again, I thank you all for being here.

**IX PUBLIC COMMENTS**

MS. LOE: We're now at the public comment, just general public comment. If there's anything left you want to say, this is your chance.

UNIDENTIFIED SPEAKER: You guys always meet this late?

MS. LOE: It depends. We've been here later.

**X STAFF COMMENTS**

MS. LOE: Staff comments?

MR. ZENNER: My opportunity to talk a little bit more. We do have a meeting on January 10. It will be far less exciting than this. There is only one item on the actual Planning Commission's primary agenda. It is another city -- I take that back. It's another public entity request and that is for CVS. They're asking for an annexation or affirmative zoning being applied to the Rock Bridge Elementary School. This is down off of Providence Road South and 163. Just so you're aware of where it's located, this is the acreage right there on the corner. It does have a stem that comes all the way down into Rock Bridge State Park and the development that is at the very end of that stem to your left is the Parkside development which is inside the city's corporate limits thereby making the property contiguous to the city. The school has not given us really any reason. We've had a lot of questions asked as to why they want to annex the property in. It's currently served by all utilities. They haven't expressed that to us. That may be a question that we can ask of their representative or of the district when they're here. We will have a discussion on our January 10 agenda. I think we're probably going to be dealing with some more comprehensive plan matters, I believe. We were originally anticipating a discussion of the Rock Quarry overlay. That is not going to be ready and that was why Ms. Loe had recommended or commented to me that the 24th's meeting may not accommodate the short-term rental discussion. The representatives for the Rock Quarry Stakeholder Group are not in town. They will be in town on the 24th and we're allocating the 24th's meeting then to that discussion. There will be a comparative table that they have prepared, there will be a comparative table that we have prepared and hopefully the minds come to a meeting point as to what we will do with the actual plan itself. With that, we are done. We are into the early next day of December 21. Have a very Merry Christmas and a Happy New Year. We look forward to seeing you all on the 10th of January. We'll be back to regular pinto beans for dinner. And we look forward to seeing you. Any questions, just call.

MS. LOE: Thank you, Mr. Zenner. Any Commissioner comments?

**XI COMMISSIONER COMMENTS**

MS. LOE: Ms. Russell?

MS. RUSSELL: Move to adjourn.

MS. BURNS: Second.

MS. LOE: Second by Ms. Burns. We are adjourned.

(The meeting was adjourned at 12:39 a.m.)

(Off the record.)