

**Planning and Zoning Commission Work Session Minutes
September 9, 2021
Conference Room 1A & 1B - 1st Floor City Hall**

I. Call to Order

Commissioners Present – Carroll, Stanton, Geuea-Jones, Loe, MacMann, Rushing, Burns, Placier, and Kimbell

Commissioners Absent – MacMann

Staff Present – C. Smith, R. Smith, Teddy, Zenner, Thompson, Palmer, and Kelley

II. Introductions

III. Approval of Agenda

Meeting Agenda adopted as presented unanimously.

IV. Approval of Minutes

August 19, 2021 work session minutes adopted as presented unanimously.

V. Old Business

A. Short Term Rentals

Mr. Zenner reintroduced the topic of Short-Term Rentals to the Commission and relayed that Mrs. Smith would be briefing the Commission on a STR data update for the second half of the meeting. Mr. Zenner began by summarizing his review of STR ordinances drafted by other communities. He stated that no other community regulated STRs with standards specific to each zoning district. He noted that many ordinances had community-wide STR caps and that STR density regulations was viewed through a per-bedroom lens in most communities.

Mr. Zenner had discussed Fayetteville's ordinance with their planning staff and found that they had a 180 start-up/grace period clause that encouraged under-the-radar STRs to become legally complying units. With this clause, they noted that they did not have a swarm of applications come in. Additionally, he found that they did not have renter protections like we do here in the City of Columbia. Mr. Zenner mentioned a checklist used by Fayetteville and noted that something similar could be used by our Office of Neighborhood Services.

Regarding the City's difficulties in drafting an ordinance, he noted that complications arose from trying to satisfy everyone when in fact many views and opinions on STRs are in direct conflict. From his review of similar communities, he stressed that STRs should be allowed in R-1 but with regulations. Regarding the building code, he noted that cities did not make STRs adhere to the standards of transient housing. His guidance for the next step would be to agree on what aspects of STRs the Commission was most concerned with so that they could be regulated and then sit down with Council to discuss those items.

Commissioners desired to have an outline of case studies, codes, and ordinances used by communities Mr. Zenner reviewed. They indicated that they had been previously advised by the Law Department that targeted STR caps would not stand constitutional scrutiny. Mrs. Thompson reiterated that such counsel was correct. She reiterated that the request for tonight was to know what the Commission's desired outcomes were for a STR ordinance. For example, if affordable housing protections was a concern then that can be a bullet point.

Commissioners expressed that they liked some of the benefits of STR but were concerned with public testimony regarding large-scale STR enterprises. Mr. Zenner mentioned that Fayetteville's ordinance has caps regarding Type 1 and Type 2 STR businesses. Commissioners reiterated that they didn't know all of the codes adopted by Fayetteville, such as ICC, transient housing, change of use and stated that they'd like to discuss how the City of Columbia is or would address those issue with the City's building officials her. Mr. Teddy commented that the building code review can be included in desired outcomes. Some commissioners expressed that they were only comfortable with owner-occupied STRs.

In regards to other communities, Commissioners wanted context for before and after STR ordinances were passed. They reiterated that quantitative data was important, particularly local-level data. Some Commissioners expressed that they wanted all residential areas to be treated the same. Commissioners mentioned that Council has recently discussed sensitive areas regarding redevelopment. Law commented that STR density could be regulated around sensitive areas or points of interests similar to how adult retail is regulated in proximity to other uses.

Commissioners expressed that impacts to neighbors should be considered and that the Commission should focus on 5-9 conditions to be regulated. Commissioners expressed that the STR occupancy regulations should mirror the zoning code and that it should be enforced. Other Commissioners noted that STRs already exist and that amnesty should be given to existing STRs while new STRs are held to whatever regulated are put in place by a new ordinance. Some Commissioners wanted to ensure that STRs were operated as close to the original AirBnB business model as possible.

After round robin discussion of the Commissioners' desired outcomes, Mr. Zenner handed the floor to Mrs. Smith for a presentation on STR data. Mrs. Smith gave a PowerPoint presentation on existing STR data for the community and what it has to offer. She indicated that various data packages have different information for different types of users. For example, the CVB looks information relating to nightly costs and STR rates of occupancy while we might look at other factors.

Mrs. Smith highlighted the top-grossing STR properties in the community and indicated that we should conduct research during football season. Commissioners discussed and had questions for how STRs were reviewed and were curious as to how it could actually be determined if they were owner-occupied-hosted or full-time STRs. Mrs. Thompson noted that this Commission would need to define owner-occupied. Mr. Zenner indicated that the challenge would be in regulating and enforcing that owner-occupied clause.

VI. ADJOURNMENT

Meeting adjourned approximately 6:58 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner Kimball, to approve the agenda as submitted. Motion passed unanimously. Made motion by Commissioner Geuea-Jones, seconded by Commissioner Kimball, to approve the August 19, 2021 work session minutes as presented. Motion passed unanimously (One abstained due to August 19 absence).