

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**OCTOBER 9, 2025**

**COMMISSIONERS PRESENT**

**COMMISSIONERS ABSENT**

**Ms. Sharon Geuea Jones**  
**Mr. David Brodsky**  
**Ms. Shannon Wilson**  
**Mr. Anthony Stanton**  
**Mr. Robert Walters**  
**Ms. Kate Stockton**  
**Ms. McKenzie Ortiz**  
**Mr. Cody Darr**  
**Dr. Les Gray**

**STAFF**

**Mr. Pat Zenner**  
**Mr. Ross Halligan**  
**Mr. Kirtis Orendorff**  
**Mr. David Kunz**  
**Mr. Jesse Craig**

**I. CALL TO ORDER**

MS. GEUEA JONES: Good evening. I will now call the Thursday, October 9th, 2025 Planning and Zoning Commission meeting to order.

**II. INTRODUCTIONS**

MS. GEUEA JONES: Commissioner Brodsky, may we have a roll call?

MR. BRODSKY: We may. Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MR. BRODSKY: Commissioner Gray?

DR. GRAY: Here.

MR. BRODSKY: Commissioner Ortiz?

MS. ORTIZ: Here.

MR. BRODSKY: Commissioner Stanton?

MR. STANTON: Present.

MR. BRODSKY: Commissioner Stockton?

MS. STOCKTON: Here.

MR. BRODSKY: Commissioner Walters?

MR. WALTERS: Here.

MR. BRODSKY: Commissioner Wilson?

MS. WILSON: Here.

MR. BRODSKY: I am here. And Commissioner Darr?

MR. DARR: Here.

MR. BRODSKY: We have a full quorum tonight.

MS. GEUEA JONES: Thank you very much.

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

MS. GEUEA JONES: Are there any changes or adjustments to our agenda this evening, Mr. Zenner?

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

MS. GEUEA JONES: Is there a motion to approve the agenda?

DR. GRAY: Move to approve --

MR. STANTON: Approve the agenda.

DR. GRAY: Second.

MS. GEUEA JONES: Motion to approve by Commissioner Stanton, seconded by Commissioner Gray. Can I get a thumbs-up approval on the agenda?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous. Thank you.

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

MS. GEUEA JONES: We all received a copy of the minutes from our last session. Are there any changes or adjustments to the minutes? Seeing none. Is there a motion to approve?

MR. STANTON: I move to approve the minutes.

DR. GRAY: Second.

MS. GEUEA JONES: Motion to approve made by Commissioner Stanton, seconded by Commissioner Gray. A thumbs-up approval on the minutes?

(Six votes for approval; three abstentions.)

MS. GEUEA JONES: Unanimous with abstentions from Walters, Wilson, and Ortiz. Excellent. Moving on.

### **V. WITHDRAWN ITEMS**

MS. GEUEA JONES: Our first case is a withdrawn item. You still want me to read this though; right?

MR. ZENNER: Correct.

MS. GEUEA JONES: Okay.

### **Case Number 308-2025**

**A request by Lorenzia and Shelby Henderson (agents), on behalf of Much MO"W" Services, LLC (owner), to allow 1201 S. Old Highway 63, Apartment 301, to be used as a short-term**

**rental for a maximum of six transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The 0.02-acre subject site is located within the Lexington Square Condominiums development on the west side of South Old Highway 63, approximately 600 feet north of Stadium Boulevard. (Applicant has withdrawn item from further consideration.)**

MS. GEUEA JONES: Is there any kind of staff report on the withdrawn item?

MR. ZENNER: Other than the fact that it has been withdrawn. This wasn't advertised -- it was not an advertised public hearing, and we were able to catch that before it went for advertising. So this is information purposes only.

MS. GEUEA JONES: Very good. Thank you.

## **VI. PUBLIC HEARINGS**

### **Case Number 295-2025**

**A request by Stephen and Susan Bowles (agents), on behalf of SSBMO Properties, LLC (owners), to allow 502 South West Boulevard to be used as a short-term rental for a maximum of six transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The three-bedroom, two bath home has an attached one-car garage and driveway capacity to support two UDC-compliant on-site parking spaces. The 0.29-acre subject site is located on the east side of South West Boulevard, approximately 50 feet south of Ridge Road and 100 feet north of West Lathrop Road.**

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

Staff report was given by Mr. Ross Halligan of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 502 South West Boulevard to be operated as a STR subject to:

1. The maximum occupancy shall not exceed six transient guests regardless of occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC);
2. A maximum of 210 nights of annual usage;
3. The one-garage space shall be made available while the dwelling is in STR use.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with outside parties to this case, please disclose so now. Seeing none. Are there any questions for staff? Just to clarify, they got two letters and then applied and there is another unregistered nearby, is that --

MR. HALLIGAN: There is no other short-term rentals within 300 feet.

MS. GEUEA JONES: Okay.

MR. HALLIGAN: And after the second -- in the midst of the second letters being sent out, they were able to apply after -- or before the requested compliance date on the second set of letters.

MS. GEUEA JONES: Thank you. Appreciate that. All right. Seeing no other questions for

staff, we will go to public comment.

### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Will the first member of the public who wishes to speak on this case please come forward. Yes. Please speak into the microphone. We allow three minutes for individuals, six minutes for the applicant or any group.

MS. MATTHEWS: Okay. Thank you.

MS. GEUEA JONES: Name and address for the record. Sorry.

MS. MATTHEWS: Pardon?

MS. GEUEA JONES: Name and address for the record.

MS. MATTHEWS: Heather Matthews, 503 West Boulevard South. So being new to this, I have some questions and I'm hoping they are appropriate for this forum. I understand that there are -- or I don't understand. There are a maximum number of units that can be in an area; is that right?

MS. GEUEA JONES: No, not exactly. If there are -- if you are within 300 feet of another one, that is a reason for us to decide to deny you, but it's weighed against other factors, it's not an automatic.

MS. MATTHEWS: So obviously I have concerns because this is a residential area primarily, and from the research that I've done, short-term rentals are not necessarily beneficial to residential areas, and particularly since it is in, in my opinion, one of the beloved area being the older section of town, so what protections do homeowners have with regards to these Airbnbs or these short-term rentals. For example, let's say the Airbnb is rented and the -- there's a lot of noise, and a loud party, what -- what do we do in that case?

MS. GEUEA JONES: So we do have a hotline that you would be able to call. The owner has to have someone within city limits who can go and respond. If there are -- remind me of the number of violations -- two violations, they get their license pulled.

MS. MATTHEWS: And how quickly do they have to respond?

MS. GEUEA JONES: They have to respond immediately.

MS. MATTHEWS: Immediately.

MS. GEUEA JONES: Yes.

MS. MATTHEWS: Okay. So -- and we apply to them if there is property destruction or something that happens?

MS. GEUEA JONES: I would also report that Neighborhood Services through the hotline. In a lot of these cases, the Airbnb owners have given their personal information to the neighbors, and I would suggest that if the applicant is here tonight, you try to get that information from them.

MS. MATTHEWS: And what do we do about security? I mean, obviously, if we're in an area with only 300 feet separating these Airbnbs and the downtown historic area is definitely an appealing area to purchase in, what do we do as more and more of the properties are -- are purchased for essentially hotel purposes? Do we have any sort of plans for increased security or protection because, essentially, the area becomes a commercial area, and we are -- we already would suffer the effects of either

decreased property value because -- on the one hand, because people don't want to move into a commercial area, the area that has essentially been -- experienced a form of gentrification where the homeowners and the renters, the people who are invested in the community, have been pushed out by these -- these Airbnbs and/or increase value where people can't -- single families and renters with families can't move in. But we also have the problem of increased security. Now we have people who are coming in and out of the area who we don't know. Am I safe to put my young children in the backyard with strangers now who are now, you know, hotels around me? What type of provisions have been made to address those things?

MS. GEUEA JONES: I would say that that is a general policing problem, and it is the same as it would be if you didn't know your neighbors, even if they live next to you for years.

MS. MATTHEWS: I think it's a little different because they -- I would know who they are. I wouldn't know these strangers, up to six in this case, but in some cases, many more. So the City hasn't really made any provisions other than general policing? All right. Thank you for answering my questions.

MS. GEUEA JONES: Thank you very much for your comments tonight. Any questions for this speaker? Thank you very much. Next speaker? Oh, we do not -- please try not to applaud just so we can keep going on between as quickly as possible. Is there someone else who wants to speak on this case, please come forward.

MS. GRAVES: Rebecca Graves, 1108 Chantilly Court. I actually came for the case following this one, but they're similar short-term rentals, and I'd like to accentuate what the previous speaker said about the detriment that short-term rentals have on homeownership. So the City of Columbia already has a pressing need for affordable housing, and a lot of these short-term rentals are in places where people could hope to buy a house as a first time or maybe a second time homeowner, and I think this is going to cut into that because real estate gets more expensive because it's more lucrative when you rent it, especially short-term rentals. So I think that weighs against putting in short-term rentals. Thank you.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Seeing none. Next person to speak on this case, please come forward. Just come on up, ma'am.

MS. BOWLES: I'm Susan Bowles, I'm the homeowner. We have had the house for eight years. It is our second home. We spent Thanksgiving, Christmas there for the last five years. We learned about the house because we stayed there as an Airbnb person. The person had owned it for nine years before we bought it. So this home has been an Airbnb, it's nothing new. We've never had -- our neighbors, we know them. The house right next door to us just sold this fall, so I don't think it was a detriment to them. We are friends with both people on each side. They spoke to us and said they supported it, but they weren't -- they had other things going on and weren't going to come tonight. But they have met many of the people that have stayed there, especially if they've stayed longer than just the weekend. They even shared stuff from their garden with them. We've never had issues with guests that have been detrimental to the neighborhood. There hasn't been a problem, and I don't feel that -- we

have kept the house up. We have installed -- we have had dead trees cut down. We've had other things done which some of the owners that live there full time on the street have not. And I feel like we're good homeowners and that we don't just use it as an Airbnb. It is a second home.

MS. GEUEA JONES: Thank you. Questions for this speaker? Oh, please stay, ma'am. Commissioner Wilson?

MS. WILSON: Thank you for coming forward. You -- hopefully, you heard their questions about security. Do you guys have any security measures?

MS. BOWLES: We have automatic locks on the door, but we are going to install some lights, you know. We don't have those that record anything right now, you know.

MS. GEUEA JONES: Other questions? Commissioner Brodsky?

MR. BRODSKY: You mentioned that you have owned the house for eight years?

MS. BOWLES: Well, since 2018, so seven years. This is -- we're starting our seventh year -- or eighth year, we're starting.

MR. BRODSKY: Okay. And you've had it as an Airbnb this -- the whole time?

MS. BOWLES: Yes.

MR. BRODSKY: And the owner before you also had it as an Airbnb --

MS. BOWLES: Yes.

MR. BRODSKY: -- so it's going to --

MS. BOWLES: And I don't know how many -- I know we stayed there, like, nine years prior to that, so at least nine, ten years, and she had family in the neighborhood and we had two sons when we bought it and grandchildren here, and that's one reason we bought it.

MR. BRODSKY: Great. Thank you for that additional clarification. And then I did want to -- I'm not trying to put you on blast here, but just curious. You know, staff did send you a letter on June 30th and July 30th, and it took until late August to -- to submit for the CUP?

MS. BOWLES: We started gathering the stuff in July. We didn't see the one in June, so I don't know whether it went to our home here or our home there, but whatever reason. I had -- in May I had triple bypass surgery, and so things have been a little bit, you know, hectic and different at our house, and my husband had three stints two and a half weeks before I did, so we've had a great year. So I don't -- I didn't -- we didn't intentionally ignore it. I don't know whether we -- I don't know what happened. I don't know whether it got lost in the shuffle with cards and stuff, honestly, or if, you know, we thought it was just a flyer type thing, you know, from the City, but we didn't realize until we got the second one, and then we started the procedure and got stuff from the banks and got stuff from the -- from our trust and those kinds of things to get it together for them.

MR. BRODSKY: So thank you very much for -- for answering that. That's something I will probably ask of all the short-term rentals that we see going forward, so thank you very much.

MS. GEUEA JONES: Any final questions? Thank you very much for being here. Anyone else to speak on this case, please come forward. Seeing none. We will close public hearing and go to

Commissioner comment.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Any Commissioner comments on this case? Seeing none. Would anyone like to make a motion? Commissioner Brodsky?

MR. BRODSKY: I'll just make a quick comment. You know, I think we've had a lot of these cases where a property has been functioning as an Airbnb for quite a while, hasn't caused any issues in the neighborhood. And for me, at least, I think that's where I'm going to land on this one. So if there aren't any other comments --

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I just want to make a public service announcement that there is a hotline. You have been -- you have been introduced to the owner, if you didn't know who she was. Those are the fail-safes. She has the responsibility of being a good neighbor, so get her number and get the hotline number. There's things in place; we worked on this a long time. There are security measures to protect the neighborhood. And the system is in place, the system is working, so make sure you have all the tools you need to ensure that if she is allowed to have a short-term rental, that she's compliant and is a good neighbor. And all those places -- all those things are in place, so get with staff or one of us and we can get the number to you. You'll have the weapons you need.

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

MS. STOCKTON: I haven't really brought this up with all these short-term rentals, but I've lived next to several in a previous town, not Columbia, and also lived next to long-term rentals. And I'm here to testify to you that the long-term rentals were the issue, not the short-term rentals. And, in fact, they raised our home value because Airbnb owners, short-term rental owners tend to put a lot of money to be able to market those. So I'm not going to guarantee that that's going to be the case with this and all the other cases we're hearing tonight, but that was my personal experience. I think that there's a lot of safeguards around these, and I do understand the affordable housing argument, but that's why the City and this Commission, prior to me being here, has put in all these safeguards to make sure that there's not a huge high density of them. There's -- there's some guardrails, which other municipalities don't do. So I -- I think we are trying, but we still appreciate the feedback and want to continue to hear that, but I just wanted to let you know that was my own personal experience. So I can tell you lots of stories about that long-term rental, but I'll leave it there.

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

MS. WILSON: Are we ready to entertain a motion? All right. In the matter of 502 South West Boulevard, short-term rental conditional use permit request, I move to approve the requested short-term rental subject to the maximum occupancy of six transient guests, a maximum of 210 nights of annual rental usage, and the one garage space be made available while in short-term rental use.

DR. GRAY: Second.

MR. STANTON: Second.

MS. GEUEA JONES: Commissioner Gray already seconded.

MR. STANTON: Oh, okay.

MS. GEUEA JONES: Motion made by Commissioner Wilson, seconded by Commissioner Gray. Is there any discussion on the motion. Seeing none. Commissioner Brodsky, may we have a roll call?

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

MR. BRODSKY: The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Next case for the evening:

**Case Number 296-2025**

**A request by Kevin Dickherber (agent), on behalf of Par Five Properties, LLC (owner), to allow 1306 St. Michael Drive to be used as a short-term rental for a maximum of eight transient guests and up to 210-nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The four-bedroom, two-bath home has an attached one-car garage and sufficient driveway capacity to support one UDC-compliant on-site/off-street parking space. This request, if approved, would be subject to expansion of available on-site/off-street parking for two additional spaces to permit the eight desired guests. The dwelling is presently limited to four guests given available parking. The 0.23-acre subject site is located on the south side of St. Michael Drive approximately 510-feet west of the intersection of Crestland Avenue and South Christopher Street.**

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

Staff report was given by Mr. Kirtis Orendorff of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow the dwelling at 1306 St. Michael Drive to be operated as a STR subject to:

1. The maximum occupancy of eight transient guests regardless of occupancy permitted by the most recently adopted edition of the International Property Maintenance Code (IPMC);
2. A maximum of 210 nights of annual rental usage;
3. One parking space within the attached one-car garage be made available while the dwelling is in use as a short-term rental;
4. The construction of a driveway/parking pad on-site accommodating two additional parking spaces prior to issuance of an STR Certificate of Compliance or Business License for more than four transient guests.

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

MS. WILSON: I am doing the mental exercise of trying to understand where we actually fall. I see your recommendation of where we fall with regard to the maximum occupancy, but I'm looking at the recommendation of the report in item Number 4. And so, I'm just -- I'm trying to balance this out and understand, you know, are we saying they can only have four unless they do the construction, and if they do the construction, then they can have eight. What is the actual thing you're saying?

MR. ORENDORFF: Yes. That is the recommendation we're making. That is as presently constructed and laid out, they could have a maximum of four. If they wanted the eight that was in their request, they would need two additional parking pads before we would issue the Certificate of Compliance for that.

MS. WILSON: And so, just to follow up, and I apologize. Whenever we make this motion, I just want to make that clear because it's not clear in the recommendation that's on the screen, at least not in my opinion.

MS. GEUEA JONES: Uh-huh. Commissioner Stanton?

MR. STANTON: Yeah. I needed further clarification, because the way I'm looking at this, if I give you eight before you -- so he can't operate at four?

MR. ZENNER: They would be able to operate at four, because that is what he is compliant for.

MR. STANTON: Right now.

MR. ZENNER: He hits the maximum of eight, so what you are -- what you are approving is the maximum amount once he's fully compliant with all of the other regulatory standards.

MR. STANTON: Okay.

MR. ZENNER: Meaning he then does not have to come back to go through this process again once he has added those compliance features.

MR. STANTON: Got it. Okay.

MR. ZENNER: He will not be issued a certificate of short-term rental compliance or a business license for anything greater than what the capacity of the property is as of today.

MR. STANTON: Got it.

MS. GEUEA JONES: Commissioner Darr?

MR. DARR: The violations, were they all with the same owner?

MR. ORENDORFF: Yeah. That was from 2022 to now.

MR. DARR: Thank you.

MS. GEUEA JONES: I'm looking at street view, which I think was one of the slides that you had, as well. I'm not sure they could add two more parking spaces, given our other codes. Am I misunderstanding that?

MR. ZENNER: So based upon the lot frontage that this parcel has, it is a relatively wide lot. And so we allow parking within the required front yard setback provided you are not over the impervious surface that is created is the greater of 30 percent of the lot frontage within the -- or, yeah -- 30 percent of the required front-yard setback not -- or 500 square feet, whichever is greater. So adding two additional

compliant parking spaces in this picture to the right of the van where the mailbox is is possible and it still would rely -- it would still allow the property to be in compliance. You would not have paved over 30 percent of the required front yard. It definitely will change if that is what would be pursued. It will change the characteristic of this street based upon that. Now again, as we had talked in the development stage of these regulations, this is an option that we needed to consider to be made available. And if you can maintain compliance with the UDC and the parking standards that are within for a driveway, an owner who wants to expend this money that is either potentially not going to be the long term owner of the property has just put in a very large expense. However, if they intend on holding this property for a length of time, that expense may very well be worth it. The other alternative way to look at that is if you put in a driveway that actually has capacity to support the actual use of the home as a typical residential development, you have probably also provided a benefit to the neighborhood you have pulled parking off of the street, but you are changing the composition and the character of the street with that type of improvement. But an owner can pave over the front yard. They can park within 30 percent or the greater of 30 percent or 500 square feet of their front yard. That's what the Code says today and that's what the applicant would be able to do. We -- I calculated that myself when we took the application in, and identified the issues associated with this property.

MS. GEUEA JONES: Thank you. Any other questions for staff? Commissioner Gray?

DR. GRAY: Thank you. I know that with the STR CUP, we have the ability to impose additional conditions if they are reasonable. Does that also apply to potentially the number of guests?

MR. ZENNER: So as a conditional use, yes. So everything is open for option here. You could reduce it from the 210 that has been asked to 90 nights if you so chose. You could ask and you could -- you could recommend for Council's consideration a reduction in the total occupancy. That is entirely within the purview of the conditional use.

DR. GRAY: Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Walters?

MR. WALTERS: Real quick question. Do you know the width of the street, St. Michael's?

MR. ORENDORFF: Off the top of my head, I don't recall. If I had to guess, probably 36.

MR. WALTERS: Yeah. We rotated a camera here on -- it looks like it's, like, 26 feet, 28 feet, do you think?

MR. ZENNER: I would suggest probably 28, back of curb to back of curb.

MR. WALTERS: All right. Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Darr?

MR. DARR: Just measuring on Google maps, it's 28 feet.

MR. WALTERS: Twenty-eight. All right. Thanks.

MS. GEUEA JONES: Final thoughts? No. Okay. We will open the floor to public comment then.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: Would the first member of the public that wishes to speak on this case, please come forward.

MS. DOYLE: Good evening, Commissioners. I am Mary Kay Doyle, the owner of the house at 1308 St. Michael Drive. I am appearing here in opposition to the application. I also have sent a letter in which you should have your packet which has some additional information which I shall not include in my remarks. I'm concerned about the quiet peacefulness of the neighborhood. It will become a very loud and difficult place for my tenants and my neighbors who live on the dead-end block of St. Michael Drive. Despite the statement that the neighborhood is predominantly rental, there is no excuse to inflict an STR of up to eight unrelated guests on -- on a home that is about 1,400 square feet, including the basement. The application notes the usual party for the residents is four and it will go to eight. During the last four months, there have been four and like -- and most likely 12 guests at one time inhabiting this home. And there have been eight to ten cars of those guests parked on the street. The number of guests make a lot of noise when they party outside late in the evening. It's disruptive to the usually quiet family neighborhood. The requirement for four additional parking places on the property will destroy the single value -- I'm sorry -- single family residents' ambience. The place will look like a parking pad for an apartment. The application points out prior violations are not a prediction of future events. I disagree with that. When you eight or more people standing in a 1,400 square foot home on a quiet street, the partying will be at the same level as noisiness as had occurred in the past. Regarding the 10:00 p.m. banging on the door, there was no indication from the City staff a need to have a written document about the police reported incident. I thought the information from the police department would be sufficient. When it takes two letters from the City and three months for the agent to respond to a code violation, according to the application, I am doubtful about the neighborhood continuing to be a quiet refuge for the inhabitants of St. Michael Drive and its surroundings in a short-term rental is allowed. Please vote no on this application. Thank you.

MS. GEUEA JONES: Thank you. Are there any --

MS. DOYLE: I'll go for questions.

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

MS. WILSON: I have a question.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: Thank you for coming. You had mentioned the 10:00 p.m. knocking at the door. Was that your residence?

MS. DOYLE: Yes. I do not live at -- at this residence. It is my second home. My sons live there now currently. Previously, I've had tenants that are not related to the family in that home, also. But my son, who is going to speak after me, will tell you he was the one at -- that responded to that banging.

MS. WILSON: I have another question. How long ago was this estimated 12 guests?

MS. DOYLE: It -- it happened between June of this year and now.

MS. GEUEA JONES: Thank you. Next person to speak?

MR. DOYLE: My name is Jeffrey Doyle, and I'm the one who was witnessing what she described. Members of this body, neighbors and the public, my name is Jeffrey Doyle. I have come to express my adamant opposition to --

MS. GEUEA JONES: I'm sorry, Mr. Doyle. I know that we know where you live because of what your mother said, but could you say it for the record?

MR. DOYLE: I am -- okay. And was just -- I live at 1308 St. Michael Drive, and I have lived there for 23 years.

MS. GEUEA JONES: Thank you very much.

MR. DOYLE: Members of this body, neighbors, and the public, my name is Jeffrey Doyle. I've come to express my adamant opposition to 1306 St. Michael as a short-term rental. My letter has already been submitted, and I make these remarks to highlight the main points. I have lived at 1308 St. Michael, a property immediately adjacent to 1306, for 23 years. I grew up on Rollins Road nearby, and as a boy, I spent a great deal of time in the neighborhood I presently live in. Friends live there. We rode bicycles there in 1970s. I value this neighborhood and I don't wish to see it degraded by a limited liability corporation's aim to profit from it for the benefit of a group of shareholders, the expense of our way of life, our property values, and our peace of mind. This is a neighborhood that once has had as a resident Darwin Hindman, a name you might be familiar with. Parking issues have been made much of, but that's only the tip of the iceberg. It is fundamentally incompatible to have a short-term rental in this family-child neighborhood. These transients treat this neighborhood as a vacation place with their loud parties, marijuana smoke coming over the fence, and their loud boom-boom stereos waking us from sound sleep even late or night or early in the morning where we live, raised children here, tried to live out our peaceful lives. That's why we moved here, to have peace and quiet. I take exceptions to two counts in the Commission's report, one, that my -- one that my past experiences are not relevant because the law had not yet been applied. And I have seen 12 people exit this because I happen to live next door and I went outside and worked in the yard and I counted 12 get into those cars, and that was not that long ago. And I wanted to talk about that. I was the victim of an attempted forced entry. This was not a mere, you know, accident on their part. They attempted to force my door down. They were pulling as hard as they could, they were loud, they were big guys. I'm also 60 years old and I have bad arthritis. I was forced to call the police to deal with that. That's the only time in my entire life that I ever feared for my safety in this city -- only time. And I don't -- and let me see. Let me get back to what I was having to say. Everyone I've spoken to in this neighborhood, and that's many, is likewise adamantly opposed to this. The choice -- your choice is stark, clearly delineated. You can choose to side with an old established family neighborhood, or you can choose to side with an accumulation of capital, of Par Five, LLC of St. Louis, they can further enrich their shareholders the expense of one of Columbia's finest neighborhoods. And lastly, to those in other neighborhoods that feel nothing could be done to fight City Hall, I submit we can fight back and must to defend our way of life. I await your vote. You can take one of two sides,

and I hope you will pick the sensible choice for our neighborhood. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you very much for being here tonight. Next speaker on this case?

MS. GRAHL: Hi. My name is Teki Grahl; I live at 1303 St. Andrew Street, which is directly behind this property.

MS. GEUEA JONES: Would you pull the mic a little bit closer? I apologize.

MS. GRAHL: Sorry. I live at 1303 St. Andrew, which is right behind this property. This is a very sweet neighborhood. It's sleepy, it's quiet, it's full of, you know, starter families and older people. We would really like to keep it that way. I can see into their windows, so I know that this is going to impact my life further. And I'm not trying to be the fun police, I'm here for everybody to make their buck, but not on the backs of the rest of the residents of our neighborhood. We do know each other. We do have each other's back. And we really would like to keep it as a nice residential area. By allowing this many nights, 210 nights, you've turned this into a small hotel and we don't need that in our neighborhood. We need more small families. We need more children. We need, you know, retired people so that we can have that community and continue with it. And I appreciate that they want to improve, and that they would keep the property nice. I have no doubts about that, but I do have concerns about the transient nature of people coming in and not caring about the rest of us. So I appreciate you taking the time. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this speaker -- oh, before you run off? Commissioner Ortiz?

MS. ORTIZ: You said that you know your neighbors. Do you know the owner of this home?

MS. GRAHL: I knew the owner previously, the couple that lived there.

MS. ORTIZ: But not the current owner?

MS. GRAHL: No.

MS. ORTIZ: Okay. Thank you.

MS. GEUEA JONES: And, ma'am, I'm sorry. I also have a question.

MS. GRAHL: I'm sorry.

MS. GEUEA JONES: Oh, it's okay. This has been in operation for three or four years. Have you seen problems increase, decrease, stay the same?

MS. GRAHL: I've seen there was a significant decrease after the couple passed away, like, their son kind of stayed there. And the yard got worse and worse and worse, honestly, and it hasn't really improved until we started hearing about this and then things started to improve on the exterior of the home.

MS. GEUEA JONES: And when you say started hearing about this, do you mean, like, in the last couple of months or --

MS. GRAHL: When I started receiving notification that they wanted to have a short-term rental.

MS. GEUEA JONES: Thank you. Commissioner Stockman, did you have something. No?

Okay. Sorry. I thought somebody down -- I thought you were trying to get my attention. No? Okay. Thank you very much. Anyone else to speak on this case, please come forward.

MR. COLTON: Tim Colton, 1307 St. Andrew. I appreciate the chance to express my opinion on this. We talked with a few neighbors around. That St. Michael's is a dead-end street, and that intersection there is a kind of a -- can be a nightmare getting around. No sidewalks, and there are children up and down the street, bicycles, walking. It's just a family activity up and down through there and a lot of extra traffic won't be a good thing for that area. I oppose it. I guess I should have said at the start of it.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Seeing none. Thank you. Next speaker to come forward?

MR. RODEMAN: Zack Rodeman; I live at 1311 St. Andrew Street. My wife and I bought the house in 1999. In terms of knowing the neighbors, I know both Teki and Tim who just spoke. In terms of St. Michael's, the people that own the home directly behind me, don't know the gentleman's name, but I've talked to him quite a bit. My concern is, I guess, echoing everything that everybody else has already said. What I would like to add is that despite the nature of property values, if we're always concerned about profits rather than the people, we lose the tenor of our neighborhood. The idea that this person who owns this home -- have not met them, but if they are not responsive in the last two years at this level with four residents, what is indicating that they're going to be responsive in the future even though these safeguards are in place if they're expanding it? And so that's my concern. This has not been proven over the first two years that this person's incorporation as an LLC to be responsive to the issues heretofore. Echoing everything about the children, I raised my two sons, along with my wife here. There are kids everywhere. As I was coming down here -- I teach at Hickman. Stayed late tonight. Right? My kids were out of school, working till almost 7:00, come home and grab a bite to come down here and try to speak, four kids out on their bikes with their families, and the intersection that Tim was talking about, people roll through there as it is right now, not stopping at the stop signs. And so echoing those concerns. That would be the only addition I would have.

MS. GEUEA JONES: Thank you. Are there any questions? Commissioner Brodsky?

MR. BRODSKY: Just real quick, because I missed it. You live at 1311 St. Michael?

MR. COLTON: Yeah. So my property, if you're looking out the backyard of the property that is applying for this, I guess I would be on the southwest corner.

MR. BRODSKY: Thank you.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much, sir. Next speaker, please come forward.

MR. MORRIS: Tim Morris, 1312 St. Michael Drive. I'd be just two doors down from the 1306 property. I'm here to oppose this proposal and to support my neighbors. I think they've said concerning security, trash, children. But I am curious how this parking would work, and I do disagree with you, sir, that -- that paving over the front yard is going to advance anything in our neighborhood. I don't think

that's true. And I'm curious, you know, how this parking is determined. You had a slide up earlier with a van parked. I mean, you can clearly get two cars. I've seen two cars in that driveway multiple times, and we have had numerous guests, well over four guests in that property for the last year or more. And I'll support what the Doyles had said, over the summer, I think we have a football camp there. We had a dozen big guys there with six, seven, eight cars. It's a -- it's a -- you all have touched on that. I appreciate it. It's a narrow land, it's a dead-end lane. Any more congestion to that is going to make it all the more tougher, and we are going to lose our -- our community, our sense of community in a neighborhood that means a lot to the rest who have been there over 20 years. So I -- that would -- hope that you would oppose this.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you. Okay. Next speaker on this case?

MS. BROWN: I'm Marilyn Brown, and I live at 1308 St. Andrew Street. I would be one street across, but, you know, my back -- they don't touch my -- their back fence doesn't touch my yard, but I'm just across the street. I have lived in this neighborhood since 1983, raised three children and two grandchildren there. And we had so many children on that street over the years. Then for a period of time, there weren't too many, but we have lots of new families who have come in with small children. We have no sidewalks on either of these streets, and we -- the children ride their bicycles. They play basketball. They have these little motorized vehicles and maybe they're four years old, similar to that, almost catty-corner from me. And they have to play in the street if they're going to use those vehicles, even if you teach them to be on the side of the street. And then there are -- you know, we have a 25 mile-per-hour speed limit; however, not everyone goes 25 miles-per-hour. And St. Michael Street, being a dead-end street, and the location of the property where it is with the cars, when they leave that street, how many of those are going to go to the end of the dead-end street or go into other people's driveways to turn around so they can get out, since that is not a through street. And again, that corner or that -- that intersection is really kind of a caddy-wampus kind of cross. I mean, it's not like a typical four-way where two streets come together. It's caddy cornered. And there are a lot of close calls even with cars there if people don't stop, which they usually don't stop. So I'm very concerned about the safety for the children and the walkers in the neighborhood. A lot of people walk dogs. Older people as well as younger people jog and, you know, take walks. I'm not saying they have a right to walk in the middle of the street, but, you know, it's still, when a car comes down pretty fast and especially in the evening or when it's getting close to dark, I think it's -- can be -- could be very tragic.

MS. GEUEA JONES: Thank you, ma'am. Have you noticed any problems with this property in particular, or I know you don't touch it, but --

MS. BROWN: I don't touch it, no. So --

MS. GEUEA JONES: Okay.

MS. BROWN: I have smelled marijuana, whether it's coming from that place or somewhere else, I'm not sure.

MS. GEUEA JONES: Okay.

MS. BROWN: Significant smell of marijuana in the evening sometimes. But I haven't heard -- I mean, I haven't had any other. I do walk up and down that street with my dog, but it just -- you know, I just can't imagine cars having to turn around.

MS. GEUEA JONES: Uh-huh.

MS. BROWN: There's no -- I think the fact that it's not a through street is -- adds to the traffic problem and the congestion.

MS. GEUEA JONES: Okay.

MS. BROWN: And I am against this. So for those reasons, as well as other reasons I had in my letter that I sent, which other people have already addressed.

MS. GEUEA JONES: Yes, ma'am. Any other questions for this speaker? Seeing none. Thank you very much. Anyone else to speak on this case, please come forward. Is the applicant or one of their representatives here? Would you please come forward?

MR. DICKHERBER: Good evening.

MS. GEUEA JONES: You're going to need to pull that way up. Thank you.

MR. DICKHERBER: My name is Kevin Dickherber; I am the owner -- one of the owners of this property. I've been a resident in Columbia since January of 2012. I -- while I stand here and obviously, I'm listening to everybody speak, and I appreciate everybody coming and -- and speaking towards my property. I will not sit here and, you know, go back and forth with residents of the area. I'm not disregarding anything that they're saying. I will say that I can certainly make very good rebuttal statements to every statement that's made on this property. I don't think that that's productive. I think going towards the security, the overall security of the property, we have security cameras. We do have very strict property code rules. In terms of partying, we do not allow parties. So is -- could there be an isolated incident? I'm sure there could be, but we have very strict rules against parties. We have very strict rules against smoking, not just marijuana, but cigarette smoking. We have fines that are imparted on guests that have been caught doing that. We have not had to assess any fines. I've heard more than one person talk about smelling marijuana. Okay. I don't have any proof that I can say that that came from our property. We don't have proof that that came from another property. So again, I don't think it's prudent to sit here and just argue meaninglessly against any of these statements, but I will say that our purpose with this home is not to bother the neighbors, it's to improve the neighborhood, improve the home, make the home beautiful, but also provide adequate accommodations for the City of Columbia. Again, as I said, I've been in Columbia for almost 14 years now. I know that everybody here has seen the improvements going on in the City of Columbia; namely, Faurot Field, and The District. My office was off of Fay Street for some time. I had an office off of Wilkes Street for some time. My personal opinion, I don't think that there's an adequate amount of accommodations for the different events that we have in the City. You know, with football games, forget about it. We're in the SEC. We can't -- we just simply do not have the capacity to provide accommodations for the SEC that comes in for football games, let

alone basketball, baseball, and all the Division I sports that come through Mizzou. And that's not to mention we have Columbia College here. We've got Stephens. You know, down the road, we've got colleges down the road, as well. You have events like True/False that take up a week-long -- you know, they go through The District for an entire week. Where are these people staying? There is not enough room in hotels for these individuals. So speaking -- being here as a representative of this property, obviously, I'm for the property's, you know, proposed conditional use. But as a resident of Columbia, don't we think that we need more accommodations for these guests? We have a fantastic town. We have fantastic sports. We have fantastic events. Are these people just going to stay in Jeff City or in Montgomery City or in Fulton, or where are these people going to stay? Wouldn't it be better for our town for these people to stay here in Columbia, spend their money and their time here in Columbia?

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Stanton, you can start.

MR. STANTON: I'm a strong believer that you play like you practice, and you did bring up points about things that are kind of on the fence and that couldn't be proven. But we have a list of violations and other things that can be proven. I'm going to make a statement. It is almost essential that the owner speak upon their property. I thank Madam Chair for even -- if you hadn't have came up here, my vote would have been no -- automatic. So you being up here is greatly helping your case. So we're in the ninth inning. You're down by three runs. You have two outs. Make your case based on what you've heard tonight and what we have in the records right now concerning violations -- or property violations, noise violations, police reports, citizen testimony. How are you going to -- how are you going to win this game?

MR. DICKHERBER: Thank you. I would -- addressing the violations, the trash is -- is -- first and foremost, is the most -- I mean, what did we have, nine?

MR. ORENDORFF: Eight.

MR. DICKHERBER: Eight trash violations. I would make the comment that those all happened prior to the new trash system that we have. Correct?

MR. ORENDORFF: Yeah. They were all, I believe, before roll cart implementation, and if my memory serves of our discussion, a lot of those were, like, overflowing trash, because you were trying to contain it.

MR. DICKHERBER: Right. Right.

MR. ORENDORFF: But, anyway --

MR. DICKHERBER: We made arrangements not knowing that you weren't allowed to have a trash can. I've never lived in the city, essentially. I lived downtown, but I -- trash was very different for me back then. Outside of that, I did not know that you couldn't have a trash can, and that was one of the biggest issues that we had. Now that we have the new system, I -- I think that's going to alleviate that. The violation for parking, again, we are doing everything that we can. We have made notices on our listing. It is not allowed. We do not allow people to park in the street. If it comes up on the camera --

we can see the street parking. If it comes up, we immediately notify the guests that they are not allowed to park in the street, make -- make due with the parking that we have. We have reduced our number of -- of guests to four. If and when this -- this expansion does happen, then we will expand that, but until then, it will be stuck at four, which we have adequate parking for -- for four guests. So with parking, you know, the only thing I would say to that is if I lived in this house personally, I'd be allowed to park on the street. That's not what I'm saying that we want to do, but that's kind of a legitimate statement. There are cars that are parked on this street, so that's all I'll say about parking. As for the police report with the guest that was trying to get into the neighbor's home, I hate to say this, I was not made aware of that. I did not receive a letter on that, didn't receive a call on that. I didn't receive a call from the neighbor on that. I did not know that that happened. What I will say is that looking from the street to the homes, they look -- they do look identical. So what I will do, given that situation, we are making plans to identify our house better, painting the front door a bright color, making a big sign that goes onto the mailbox, something that -- some kind of a -- I call it a decoration, just call it a sign, whatever we need to do to identify this house so that that doesn't happen again. I have ten properties. Okay? I have never had a situation like that happen prior to this. That's a one-off isolated incident. What I can say about these guests is they're not here to bother the neighbors. They're here to go to a football game. They're here to go to graduation, to see their kids graduate. They're here to see family. They're here to go to True/False. They're here to go to the Show-Me Games. They are not here to bother the neighbors. It's just as much as I appreciate the neighbors in the neighborhood, and I want to do what's right by those individuals, these guests are not here to bother them. They did not pay us money to stay in this home to torment the neighbors. That just is not the case. They're here to be in Columbia, visit -- they're tourist or they're family. They're here to support Columbia.

MR. STANTON: Of the people that testified, how many do you know?

MR. DICKHERBER: Personally, I do not know the residents in the neighborhood.

MR. STANTON: Have you made any effort to talk to or create a relationship with any of the surrounding adjacent or surrounding neighbors of said property?

MR. DICKHERBER: When we first bought the property, we did a neighborhood campaign just walking -- and I say neighborhood loosely -- the street that we are on. Did not visit St. Christopher or St. Andrew's, but the street that we are on. We made a campaign to walk around and knock on the doors and just give our information out.

MR. STANTON: The way this works is you have every right, because it is a legal use of the property, you have every right to apply -- to have a short-term rental. The success of this is that you're a good neighbor. It's essential because as these increase, and you've heard the testimony, the view of you is that you're a corporation. You know, and I understand LLCs. To protect corporate veils, I would do the same.

MR. DICKHERBER: Sure.

MR. STANTON: But it's essential that you're a good neighbor. It's essential that you

communicate. At this time, what I see and what you're -- what the evidence shows me, that you haven't been. So convince me. I want a win-win, but I'm not --

MR. DICKHERBER: I appreciate that. I -- I -- my partner and I will do everything in our power to make our names, our faces, our phone numbers, our e-mails, everything known to the neighbors, whether that's again taking another campaign around the neighborhood, expanding that to the streets surrounding our street, as well as sending a mailer out to everybody, here's our name, here's a picture of us, here's our phone numbers, e-mails. We want to be that first point of contact. The last thing I want is a neighborhood that's unhappy with me. I just -- I don't want that. That's not good for me, that's not good for them, that's not good for our guests, it's not good for Columbia. That's not what I want. I want to make every single effort so that every neighbor in the area, if they have an issue, they come to me first.

MR. STANTON: Start in this room tonight.

MR. DICKHERBER: Okay.

MS. GEUEA JONES: Commissioner Gray?

DR. GRAY: Hi. So you said that you didn't know about the police incident and you didn't know about the trash can situation. I'm curious if you knew about the regulations and the enforcement starting back in June.

MR. DICKHERBER: Sorry. I may have mis-spoken. I did know about the trash can issues.

DR. GRAY: Okay.

MR. DICKHERBER: Yeah. Those -- we knew about those. We were actually called about those. Joe Cagle, I believe, is the -- is the guy that was running that, and he came -- he gave us a call personally, so that's how I knew about the trash situation. As far as the regulations for the conditional use permit, those were sent to my partner's house, so we knew about it, we just weren't sure how we were supposed to go about -- there were so many different things that we had to get done first, namely, the parking. We were actually under the impression that we had to get the parking done before coming here, which kind of threw us through a loop because we've been through that situation before with another property, but it's been corrected now. It's been better communicated now. We understand how it needs to -- we need to proceed with that.

DR. GRAY: Thank you.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I'm looking at your application, and there's a question that asks has this been used as a short-term rental before. It's marked as yes. And then there's a follow-up question that says, if it has, how many days in the previous calendar year was it a short-term rental? And your answer is two years. So can you give us the number of days that it was used as a short-term rental?

MR. DICKHERBER: It -- we corrected that. It's 190 nights is how many nights it was used last year.

MS. WILSON: Okay. And I do have another question.

MR. DICKHERBER: Sure.

MS. WILSON: Given the information that you have received, and I appreciate you coming. And like my fellow Commissioner said, thank you, because, yeah, I was a no. I was a hard -- hard no. But given what you've heard from your neighbors, the concerns about the children, and the fact that it is a terminal street, all of the things. Would you consider fewer days as a rental to sort of help ease the tensions and work with your neighbors and kind of work with their concerns?

MR. DICKHERBER: What I would say to that is it's very difficult to identify the nights that are necessary. I will say that reducing, because I don't know that this was made mention, but prior to going through this process, it was, I believe, at 12 was how it was listed. So that may have been sort of the issue at hand. Bringing it down to four and, ideally, bumping that to eight at some point when the parking is situated, that, in and of itself will reduce the number of nights the house gets used. Just simply the number of -- of guests that it can accommodate will, in my professional experience, that will reduce the number. But reducing the number from 210, I think is what you're asking, I don't know that that's going to really effect anything, because it's -- last year, it was used 190 nights, and that number is quite high because we did have a -- a concrete company, I believe, that was in for, like, three of those months consecutively. So had they not been in the house for those three months, consecutively, you're probably looking at more like 150 nights that the house would be used. But reducing the number from 210, I -- I don't know how that really works because I can't say one way or the other is it going to be -- how are the nights going to get used. But again, it would be my professional opinion that it's going to get used less with lesser listed accommodations.

MS. WILSON: Then that brings up another question, if a -- curiosity. So do you also have a long-term rental license?

MR. DICKHERBER: I have a -- I have ten total. I have two that are -- one that's a long-term, one that's a mid-term, so it's 30 nights or more or 28 nights or more, and then the others are short terms.

MS. WILSON: Yes. I meant specifically for this property, because you said that there was a concrete company that was there for 90 days?

MR. DICKHERBER: Right.

MS. WILSON: So that's greater than the short-term rental time, so that would require --

MR. DICKHERBER: Right. They just happened to book on the platform, yeah.

MS. WILSON: Okay. Okay.

MR. DICKHERBER: It wasn't like a leased situation, it was -- they booked through the platform.

MS. WILSON: So they booked for 29 days, and then --

MR. DICKHERBER: They actually booked for, like, three weeks, and then called us after the fact and said our job was extended significantly, can we stay longer?

MS. WILSON: Okay. Okay. Thank you.

MS. GEUEA JONES: So you have ten properties. Two of them are in Columbia?

MR. DICKHERBER: I have a residence in Columbia at this property. I have seven in St. Louis. I have one in Branson.

MS. GEUEA JONES: I'm looking on Airbnb. You have two in Columbia.

MR. DICKHERBER: That property is my personal residence that I use -- I use when I'm in -- sorry. My girlfriend lives in St. Louis. Sorry. Not to just disclose my personal information, but --

MS. GEUEA JONES: You're listing two properties on Airbnb?

MR. DICKHERBER: That house is outside of the city limits.

MS. GEUEA JONES: It's outside of the city limits.

MR. DICKHERBER: Yes. Yes.

MS. GEUEA JONES: Okay.

MR. DICKHERBER: I was made aware that you can't have more than one in the city limits.

MS. GEUEA JONES: Yeah.

MR. DICKHERBER: That's -- wouldn't be here if that were the case.

MS. GEUEA JONES: Just making sure we're all clear, because we did have to come find you.

MR. DICKHERBER: Yes.

MS. GEUEA JONES: To get you to get in compliance, so you understand why I'm, like --

MR. DICKHERBER: I do, yes. I do understand.

MS. GEUEA JONES: Okay. If we were to say you can only have four guests, period, would that -- I mean, that puts you where you're at now; right -- where you're advertising now?

MR. DICKHERBER: Yes. Yeah, it does. I would -- obviously, I would be against that. And this is -- I should preface. This is my livelihood. Reducing the property from where it's at now to four, we've seen a significant downturn in the -- in the bookings in the house. So that's immediately taking money out of my pocket. This is what I do for a living. I -- you know, you're asking would I take less money, would I take a lower salary. The house is a four-bedroom. It does have the space to accommodate at least eight guests. Now, we are more than happy to comply with what the regulations are, and we're fine with eight.

MS. GEUEA JONES: Uh-huh. Our -- our whole job is to balance your right to use the property that you co-own with others with the rights of the neighbors to be able to enjoy and use their property and not be disturbed by your guests.

MR. DICKHERBER: Absolutely.

MS. GEUEA JONES: By the very nature of this business, you are responsible for your guests' behavior.

MR. DICKHERBER: Absolutely.

MS. GEUEA JONES: And it's not been great. And so trying to balance those two things, because we're not interested in just randomly and, you know, without real thought, denying people the right to use their property as a short-term rental.

MR. DICKHERBER: Sure.

MS. GEUEA JONES: That's why we have you come before us. It sounds like this has not been a good track record on this property. And I'm not saying that you're doing it maliciously or that you're not

a good business owner. I understand the things that you're saying. It's had an impact on your neighbors, they all showed up. So we're -- that's what we're -- you're going to hear us struggle with is how do we balance these two rights and needs. So that's why I asked about the four. But I understand what you're saying. It is -- it is by the math, half as many people.

MR. DICKHERBER: Right. Right.

MS. GEUEA JONES: Thank you. Any other questions? Thank you very much.

MR. CRAIG: Mr. Dickherber, before you step down, it was pointed out to me. I think we established for the transcript and record here that we got your name and that you owned the subject property, but we didn't get your address for the record -- I believe your home address.

MR. DICKHERBER: 7571 North Fall Creek Drive.

MR. CRAIG: Thank you.

MS. GEUEA JONES: Thank you, Jesse. That's my job, I messed up.

MR. DICKHERBER: That's okay. Sorry.

MS. GEUEA JONES: Thank you very much for being here tonight.

MR. DICKHERBER: Got it. You got it.

MS. GEUEA JONES: Anybody else -- yep. You're good. Anybody else to speak tonight? Oh, you're -- thank you.

MR. DOYLE: May I make a statement of rebuttal?

MS. GEUEA JONES: We don't allow people to come up a second time. I'm sorry. But if anybody who hasn't spoken yet tonight would like to speak, please come forward. Seeing nobody else. We will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comments? Anyone want to start? Commissioner Darr?

MR. DARR: I'm in support of four. I don't know that I'm in support of eight guests just because I think the -- the number of neighbors that came out and the testimony, it just doesn't seem like infrastructure supports eight. He would have to build additional driveway and parking. It's not in the character of the neighborhood. So I would be support of four guests.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: I am not liking this one. Thank you to all the neighbors that came out today and to the applicant for coming up to speak, but I do think that this has an adverse impact on the surrounding properties and there's insufficient infrastructure to support a short-term rental on this block.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I agree with my colleagues. I don't like eight, but I'm sure that our motion will be as it is written, and I think the applicant made it clear that he wants to ride or die on eight transient guests. I think we need to let the voting gods go from there.

MS. GEUEA JONES: Commissioner Brodsky, anything?

MR. BRODSKY: I'll go next. Yeah. I'm leaning towards no on this one, but I could be

convinced of four. For me, this is very similar to the case that we had over by Stephens Lake -- dead-end street, narrow road, lots of families, no sidewalk. And a lot of those -- those things are even more so with this case. So I'm leaning towards no, but I could be convinced of four.

MS. GEUEA JONES: Anyone else? Commissioner Stockton?

MS. STOCKTON: I know I'm flipping, but I think the nature of West Boulevard South and this neighborhood are different cases, and that's the whole reason we're sitting here today because it's not just an automatic robot that says yes or no. We're humans and making this evaluation, and I agree with what's been said about the nature of the community. And looking and studying this a little bit, in combination with the violations, I'm leaning towards no. I'm not even sure. I think I'm with Ortiz on this with the four residents. It just doesn't seem like it's going to add quality to the neighborhood, and I think there's other ways to make money in other -- in other locations. And I know that this one was probably -- met the budget, but in this case, I don't think it's worth it, so --

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: I'm voting no regardless, and a big reason why is the owner could be -- could have been proactive. It's not that hard to develop a mailing list of labels, send out postcards twice a year, just to make sure everyone around you is aware of how to reach you, and they haven't done that. They haven't made much of an attempt at all, so I'm voting no.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I have concern. My concern, the first is all of the violations, and I cannot just allow that to pass. That's number one. Number two, the statement regarding the construction workers who were there for 90 days, but there's no long-term rental license bothers me very much because that then lends itself to another violation. So this is -- this one is very tough for me. I am struggling.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I just want to say this for the record, that owners of properties have the right to have a short-term rental. Conditional use is the buy-in from the community. Yes, the residents had great weight. Technically, he has met all the criteria, but I feel, again, I'm going to say, you practice how you -- you play how you practice, and a practice isn't there. Had not Madam Chair asked him to come up, I don't think he would have came up here, which speaks volumes, and I say this for anybody else that's doing STRs. If you're here, and you own this place, it's detrimental for my decision. Speak, and, yeah, we have to be good neighbors, and you have to make those moves, and you have to make those calls, you have to make those relationships because you are acting as a business in a commercial -- I mean, you're acting like a business in a residential area, so you have additional responsibilities. And I'm just saying that for the record for other people that hear me over the TV or in the room that are going to speak, and ignorance is not innocence. I'm flabbergasted when I hear you didn't about the regulations. This stuff has been on the news. It has haunted me for four years. I -- there's just no way you didn't hear about STRs being a hot topic in Columbia, Missouri. There's no way, unless you're not here, or unless you're not paying attention to your business. So with all that being said, looking tough.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I have a question for staff. A denial of this application this evening, would that be prohibitive of the applicant trying again with different criteria?

MR. ZENNER: No, it would not. So they would be able to revise their application and be able to resubmit. Circumstances for compliance are still going to be the same, obviously. And because it is not their principal residence, the only method by which to be able to operate this dwelling as a short-term rental is through the conditional use process, regardless of what level of usage. Because it is not their principal residence, they must come through this process.

MS. GEUEA JONES: I -- anybody else, or if not, I'll say something. I am very concerned. This is certainly the agent's business. He's got ten properties across the state. He seems to be very interested in making this business work. And yet, to Commissioner Stanton's point, did not seem aware we were working on regulations, did not come forward until after a second notice, has eight trash-related violations, plus a police report that one of his guests -- or a set of his guests were apparently unable to get ahold of him to find out why they couldn't get into what they thought, giving them the benefit of the doubt, was their Airbnb. All of this gets me to a point where I don't think this is an example of a good neighbor. I think this is someone who has already had a detrimental impact on the neighborhood, and will continue to do so. And the whole point of the conditional use process is to allow us to evaluate the individual who is asking for the license and what they're wanting to do with their property, and determine whether it fits with not only the technical specifications of the short-term rental regulations, but also our conditional use criteria part of which is about neighborhood impact. And I think the neighborhood impact here is very detrimental. Perhaps I might be convinced to do four. Applicant doesn't want to do four. Even at four, I'm not 100 percent there. I'm certainly not there if we're going to pave over what is the walkway to the house right now so that there can be additional parking so we can get eight in there. There is a different impact from eight people living in a house especially when we're talking about a four-bedroom. They're not going to be, you know -- I don't know. There -- it just -- there is definitely a different impact on the parking, on the way that you would arrange yourself if that were the case, and you lived there full time and had to figure it out day in and day out versus you show up, had no idea that there wasn't going to be a place to park, and you've got to figure it out spur of the moment. So all that to say, to my mind, we put the CUP criteria in place so we could measure neighborhood impact. This has a pretty strong negative impact based upon the violations history, based upon the lack of coming forward at the beginning of the CUP application period, and based upon the fact that it would appear that people are not able to get ahold of the agent when they're trying to get into the home that they think they rented. So I'm not assigning any kind of intention to any of that, but the record speaks for itself. And, to me, it indicates denial. With that, I'll stop talking. Anybody else have any comments or would like to make a motion? For the audience, we make all motions in the affirmative. We have to do it that way so we don't confuse ourselves with the record. Commissioner Stanton?

MR. STANTON: Madam Chair, I would like to entertain a motion.

MS. GEUEA JONES: Please.

MR. STANTON: As it relates to Case 296-2025, 1306 St. Michael Street, STR conditional use permit, I move to approve, and request the STR CUP subject to the following: Maximum occupancy of eight transient guests; a maximum of 210 nights annual rental use; one parking space within the attached one-car garage to be made available while the dwelling is used an STR; and the construction of a driveway parking pad on site accommodating two parking spaces prior to issuance of an STR Certificate of Occupancy or Business License.

DR. GRAY: I'll second.

MS. GEUEA JONES: Motion made by Commissioner Stanton; seconded by Commissioner Gray. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Geuea Jones, Dr. Gray, Ms. Ortiz, Mr. Stanton, Ms. Stockton, Mr. Walters, Ms. Wilson, Mr. Brodsky, Mr. Darr. Motion fails 9-0.**

MR. BRODSKY: The motion fails.

MS. GEUEA JONES: That recommendation will be forwarded to City Council. Because that was unanimous but for denial, it will appear on old business; is that correct, Mr. Zenner?

MR. ZENNER: That is correct, ma'am.

MS. GEUEA JONES: Thank you very much. Which means it will have a full hearing at City Council, and not be included on the consent agenda. With that, unless there is any further business on that case, we will move on to the next one. Very good.

#### **Case Number 301-2025**

**A request by Engineering Surveys and Services (agent), on behalf of J. Gordon Arbuckle Living Trust (owner), seeking approval to rezone 63.11 acres of A (Agriculture) to IG (Industrial). The subject site is located northeast of the Highway 63 and Paris Road interchange on the east side of Paris Road and is addressed 3815 Hinkson Creek Road.**

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

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the requested rezoning to the IG district for 63.11-acres of the 83.66-acre subject site, subject to technical corrections to the legal description.

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

MR. BRODSKY: Just for clarification, and I have no doubt that this is, you know, completely acceptable, but I notice the southern parcel, we're only rezoning half of that parcel. Just curious about the mechanics of that. Will they have to do a plat and split that parcel, or can we -- can we zone half of a parcel one thing and the other half another?

MR. KUNZ: Yeah. You can zone not the entirety of a parcel. The area that's zoned is dependent upon the legal description that's provided. Since it's not platted right now, I -- I can't speak to the intent to plat this property necessarily. I think it would be reasonable to -- to suggest that everything that's zoned with in the industrial district would be platted into one lot or perhaps a combination of lots, leaving the southern portion on perhaps an unplatted lot, but yeah.

MR. BRODSKY: All right. Thank you.

MR. KUNZ: Thank you.

MS. GEUEA JONES: Yeah. Any other questions? Commissioner Ortiz?

MS. ORTIZ: You said that in Columbia Imagined that it was -- it was neighborhood district, like, that's what it was intended to be. Why is that not the case? Like, why isn't it -- why did Columbia Imagined say that if it's not appropriate?

MR. ZENNER: Columbia Imagined was based -- the future land-use map was not based on anticipated future land uses, it was based upon what was generally existing based on zoning at the time that it was created. So that is why there is the disconnect that Mr. Kunz is referring to. If we had looked and idealized what we wanted the corridor to be, it would have been identified as IG, but using the zoning that existed in 2013 is why it is actually Ag and identified on the -- and identified as residential because residential fit within that -- the Ag district fit within the residential category.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Any other questions for staff? Seeing none. We will go to Public Hearing.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Any members of the public who wish to speak? Just as a reminder, name and address for the record.

MR. FUEMMELER: Chad Fuemmeler, 1113 Fay Street. I'm with Engineering Surveys and Services on behalf of Gordon Arbuckle's Living Trust. I'm here to answer any questions that you guys may have of us, but just a couple of things that I wanted to allude to is we -- there will be a final plat once this is complete. That's the next phase in our -- in our development plan. And also, too, there is no planned use. This is just about the zoning map amendment. That's the other things that are going around. It's just kind of news to everybody else, so --

MS. GEUEA JONES: Thank you.

MR. FUEMMELER: I think that might be all I have. Is there any questions from you all?

MS. GEUEA JONES: I -- or if nobody else has a question. I just want to ask, and I think you probably semi-answered it just now. But you -- you say you have a plan, but you don't have, like, planned buyers or anything? You're just getting this use, getting it ready.

MR. FUEMMELER: No. No. Really, all this doing is trying to close that corridor.

MS. GEUEA JONES: Yeah. We recognize that, well, obviously, our client recognizes that there is a hole there. It really is not the best use at its current agriculture, just to fill that corridor in. And the

other -- the other opportunity, though, is that because of where it's located, the -- the topography going down to Hinkson, is, as the staff has said, is going to limit the actual developable parcel of land, so -- but we wanted to stay out of that FEMA regulated flood way. And then one other point I wanted to add is that, currently, based on Plaza Commercial Realities release that they do every -- every year, we are at a vacancy of 1.5 percent for industrial land. And really what they say is a condition to demonstrate a need for more industrial would be about six percent, so everything is occupied at the moment, and it would be good to have some more just available for the community.

MS. GEUEA JONES: Any other questions for the applicant? Seeing none. Thank you for being here.

MR. FUEMMELER: Thank you.

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

MS. ELLIS: Esther Ellis, 2309 Nelwood Drive. My first question is for places that are zoned industrial, what is the decibel level requirement? Is there one at the property line, like a maximum level outside?

MR. KUNZ: I'm not sure, off the top of my head, but it looks like Mr. Zenner is going to get the specific language.

MS. ELLIS: Okay. So, currently, my interest in the property, I submitted a letter. My husband and I currently lease a property that is just to the southeast. It's directly east of the space that will remain agriculture, so it will be catty-corner to the industrial. Currently, my house on Nelwood Drive abuts industrial. The actual small businesses that are in those spaces have been fantastic and communicative. I really worked to build relationship with them. However, some of the people who own the properties haven't necessarily been invested as in a few years ago, there was a large vacuum that was put outside, less than 20 feet from our property line. Noise, et cetera, so I had to work with the City to get that resolved. My concerns are with industrial, there are a lot of regulations in place. I recognize that. I think they're fantastic. I recognize that, likely, this will be rezoned to industrial or homes at some point in the future, and that's necessary for the growth of Columbia. My concerns are that with whatever moves in, we have regulations, but the companies who move into those spaces don't necessarily always abide by them, and I recognize that we have things in place to remedy that. However, during the time that it takes to remedy, there's still an impact on the people and animals that are nearby, so that would be us, our animals on the property. The Alspaugh land is directly to the south of there, which is meant to prioritize the wild life nature in that space. So, in summary, I recognize that this likely would be rezoned. My concerns are that whatever moves in there, will they actually want to uphold the regulations as there's been discussion. Were you able to find that answer?

MR. ZENNER: Unfortunately, no. There is not anything specific under our heavy industrial or under our light industrial categories. In our prior Code, there were particular noise limitations as it related to a planned industrial zoning district. There are other noise-related standards within the City's municipal code that would likely be able to be evaluated and applied, which is probably what was being used with

our building or site development department in addressing the other issue that you referred to. There is nothing within the zoning code that I can make reference to to assist you in answering that question.

MS. ELLIS: So that would be part of my concern. Thank you.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you for being here tonight. Anybody else to speak on this case, please come forward.

MR. GORDON: Good evening. My name is James Gordon; I live at 703 West Boulevard North. I moved to Columbia 13 years ago with my spouse, Reverend Doctor Molly Housh Gordon, who ministers the Unitarian Universalist Church of Columbia. Molly and I started our family here. We have two kids, nine and seven years old. We love the city and we have felt loved by the city, and we care deeply about the growth of this city and sustaining the community where we have made our home. I want to be up front and acknowledge that I only learned about this case a few days ago, a shout out to Mike Murphy at CoMo Buz who reported this, and I think it's a reminder that we should all be supporting local journalism and maybe, you know, throw a subscription Mike's way, yeah, if you get a chance. And I have, however, had time to speak to a lot of parties who are -- have a direct and immediate interest in this matter. And given what we know and what we do not yet know, I believe we would be wise to deny this application to rezone this property located at 3815 Hinkson Creek Road. So I'll start with what we do know. We know this property is part of a border between land on the east side, which has been farmed by multiple generations, and land on the west side adjacent to Paris Road, Route B, which, in more recent years, has been developed for commercial and industrial use. We know that allowing industrial use of this land will move that boundary even closer to the Hinkson Creek and that floodplain. And we know that folks who live and farm on nearby land have felt and continue to experience negative impact from this encroaching industrial development. And I spoke to several people who have complaints about the -- the smell of some of the other industrial facilities nearby, and I know this is not exactly what we're talking about for this particular land use, but I think we should be -- we should be more considerate about the people who are -- who actually live in this area. Some of these folks have submitted public comments, and I hope some of them will continue to stand up and speak tonight. I also want to say that we know that the applicant, Mr. Gordon Arbuckle, who I have no relationship to, by the way, he does want to build a data center on this property. I spoke directly with Mr. Gordon Arbuckle on the phone yesterday, and he was very candid and clear about his intentions to pursue a data center development on this property, and that this project is part of a much larger initiative stretching beyond Missouri involving some big players in the tech industry. He specifically mentioned Nvidia and Oracle. It's not my place to speak to the details of Mr. Gordon Arbuckle's plans, and so this is where we start to wade into more uncertain territory, and I believe we would do well to proceed with an abundance of caution. And I do want to speak about -- this is where my vocational expertise may come in handy because, you know, I am somebody who is a technologist, who works with digital technology every day, and I believe that the possibility of a new data center in our community might sound exciting to some of us, but I would urge you to reconsider that if you believe that. There are many reports and outlets like the Financial Times and Bloomberg and the Wall

Street Journal that are revealing that this nationwide trend, the data center build-out is built on the shaky economics of the generative AI industry, and it's important to understand that the -- all the, like, computationally intensive processes of generative AI, those are the things that are the primary drivers of these new data center construction projects. And these reports that are coming out every day have very clear empirical evidence that all the demand for this computing capacity is about to drop very dramatically, which I think begs the question, if we are to allow this rezoning and if this data center project ultimately is built, is anybody going to need this facility in a year? I don't pretend to know the answer to that question, and I encourage, you know, Mr. Gordon Arbuckle and his partners to provide more information about what they plan to do with this land, how they plan development, and, you know, how they plan to navigate all these economic challenges. If they do come forward and have -- with more details, we should really expect to hear some precise details about how they will mitigate environmental impact on the neighbors' land lives, and how they will mitigate the potential strain on our city utilities. For instance, are we going to be able to -- are we all going to see our electricity and water rates go up because of this new facility which is something that has been experienced by other communities that have gone forward with these sorts of developments. You know, right now, I think we don't -- don't know very much, and I think the most reliable source of information are the people who actually live close to this property, the people who live on Hinkson Creek Road, and so we should listen to them. We should listen to folks like Ms. Reece Miller, who I know has submitted a public comment --

MS. GEUEA JONES: And, I'm sorry. I'm going to have to cut you off. That's your three minutes.

MR. GORDON: Oh, sorry. Forgive me.

MS. GEUEA JONES: It's okay. It's okay. Any questions for this speaker? Seeing none. And I just want to apologize. For some reason, I could not reply to your message. I don't know why it locked me out.

MR. GORDON: That's okay.

MS. GEUEA JONES: But I was trying to tell you to get together with the staff, but it sounds like you did.

MR. GORDON: I didn't, but I showed up anyway.

MS. GEUEA JONES: Okay. Thank you. Appreciate that. Appreciate that.

MR. GORDON: Yeah.

MS. GEUEA JONES: I didn't want you to think I was ignoring you.

MR. GORDON: That's okay.

MS. GEUEA JONES: Any further questions for this speaker? Seeing none. Thank you for being here tonight. Next?

MR. PATTERSON: Commissioners, my name is Josh Patterson. I am the owner of the property -- I don't know if it was intention or unintentional acknowledging at 3411 North Hinkson Creek Road. This is this little pizza slice right below the proposed property right here. I don't necessarily know

that I'm for or against this particular one. I was coming to this meeting as more educational to try and understand a little bit more about this. I'm glad that some of my other neighborhood members, because we are a very small neighborhood. There's just a couple of houses. Quite frankly, I'm the only residential right there that would be directly impacted by this as they slightly mention on the topography, the water drainage area is not adequate whatsoever as it is right now from that industrial area. As it comes down the hill, it floods my property terribly. There's a little drainage ditch off the side of the pizza slice that floods into my yard and floods up to my house. I would hope that this Board would pay close attention to that. I know that Hinkson Creek is very kind of a hot topic right now with the DNR and everything going on. And the Alspaugh land, this is kind of a nature area to pay close attention to. We want to -- it's an area that we may want to preserve and not be polluted with kind of a major industrial where we already have that much over there already, but this is then going to be draining into the Hinkson and honestly directly onto my property right there to the south of that border.

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

MS. ORTIZ: If -- if the storm water was addressed, would you have any opposition to industrial?

MR. PATTERSON: If they're trying to clean up the area and maintain and especially if they want to improve that storm-water drainage, that would be nice, because right now, when it floods too badly, and I have footage if you really want to see it, it will actually flood across the road and, like, in around my house and stuff. Honestly, it's just the house that stays; otherwise, everything else kind of goes under water. I'm just learning this. I bought this property in December of '23 is when I -- my girlfriend and I are starting a family. And this is still residential, this is not just an industrial park. There are residences around here that is still a family area. And if there is access on that Hinkson Creek Road, they're definitely needs to be development. There's a single-lane bridge right there coming off, and there's already problems with people dumping and thinking that it's not part of the city, and they just kind of throw trash and a freezer and fryer were thrown out on that road, and I'm constantly trying to clean stuff up.

MR. CRAIG: Sir, can you -- can you get up on the mic a little bit more for our court reporter. Thank you.

MR. PATTERSON: Oh, sorry. Yeah. As I was saying, like that gravel road right there, North Hinkson Creek Road, really would need to be improved if it's -- even if it's, like, a secondary access to that industrial site. Like, I understand the growing of this, this may get approved, but something for this Body to keep in mind, the -- the neighborhood around there is going to be impacted, and I appreciate your time thinking of this.

MS. GEUEA JONES: Thank you. Any further questions for this speaker? Seeing none. Thank you very much. Next person to speak on this case, please come forward.

MR. ELLIS: My name is Isaac Ellis; I live at 2309 Nelwood Drive. I -- my wife has just been up here. I actually farm and raise cattle on the southwest of the zoned -- what will be zoned agriculture space of this if it goes to a vote here. I'm sorry -- southeast. Excuse me. So I raise cattle there on Ms. Janie Reece Miller's property. So I understand the corridor being -- and therefore industrial. I

understand what Mr. Arbuckle is trying to do. I am a little bit fearful of the data center, the water requirements, the energy requirements, the possible pollutants. We already receive in the Hinkson Creek River PVC particles from the extruding of PVC up the road. Swift Meats Company, during the building of that, saw incredible amounts of garbage, trash, foam in the Hinkson Creek River floating right next to the farm. I understand that development will happen in Columbia. I understand that it will grow, but it sounds like we're just going to rezone it without understanding what the property will be used for. And I would appreciate more explanation, more understanding of how the property will be used. Will it encumber the creek? Will it encumber the small neighborhoods that are around? Would it be better served to move further north or further south of Columbia rather than continuing to move in on those communities? Those are my main questions. I would hope that this -- this group would seek more information on how the property would be used.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you for being here tonight. The next person to speak on this case?

MS. DARLAND: Hello. My name is Hallene Darland; address is 558 West Crofton Hall. And I just wanted to come up here and say that I understand that rezoning this as industrial is neither here nor there in terms of a data center. Right now, we're not talking about what's going to be built there, we're talking about rezoning. But obviously the word of the data center has gotten out. The owner himself has stated. It's even in the official notes of this meeting. So I'm actually the network infrastructure specialist with the Columbia Public Schools, so I really understand how these operations run, and I also understand that cities don't have a lot of infrastructure or regulation in place to support or kind of keep them in check. And I know that we -- they have said that, you know, that there's no -- there is no obvious intention to -- to build a data center or anything, but I'm very concerned hearing about that. Just when they went over the industrial regulations that this zone would take on if it was rezoned. The thing about data centers is they don't have a lot of lights, they don't have a lot of noise, and they don't have a lot of waste. They -- they -- they have other impacts that can really harm a community. A lot of data centers will come into an area and say that they're bringing jobs and that they're bringing growth to a community, but I can say that even as a network specialist, they wouldn't hire me at their data center. They would bring in their own staff, their own people, especially places like Nvidia and Oracle, like, they're not going to be trying to hire local Columbians to run their data center. They're going to come in and set up shop, and they're going to close their doors, and they're going to do what they do. So I am not against rezoning this parcel. I think that with the flood plain being what it is, and a lot of people attributing to there not being a lot of, like, development in the area, and also that there is just uncertainty about what exactly this land is going to be used for. I think that I would like to see a little hesitancy going into it, and I -- I mean, obviously, people have questions and concerns. So, yeah. That's all I have to say.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you for being here tonight. Next person to speak on this case, please come forward. Seeing none. We will close public comment.

## **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comment. Are there any Commissioner comments on this case? Commissioner Darr?

MR. DARR: I guess this is for staff. Is data center listed as a specific use in the UDC?

MR. KUNZ: No. It would be classified under light industry, and that's where I pulled up the use specific standards here for -- I went past it.

MR. DARR: Does staff feel like the light industrial is robust enough to handle what a data center is?

MR. KUNZ: Yeah. It would involve the -- like, I guess, it says the storage of things in, like, a large capacity is one of the explicit uses in the definition for light industry. So -- and I believe that that would be classified under that definition. I don't know. Mr. Zenner, do you have any other comments about that?

MR. ZENNER: Use is not defined specifically within the Unified Development Code. They are evaluated against similar uses found elsewhere within it, and then they are categorized appropriately. I would suggest that if we look at what other types of uses are categorized as industrial, the director at that time would conclude that light industrial is the appropriate zoning classification. This is not a heavy industrial use because it is not extracting raw materials, nor doing anything outside. The building is -- or the use would be entirely within an enclosed building, which is one of the principal differentiations between light and heavy industrial uses. You must have 80 percent of your operation interior to be considered light industrial. So when we look at 3M, and we look at some of our other manufacturers up on the corridor, they're further to the north of this, they all fall into a light industrial categorization. I don't believe we could state that a data center, if that is what is to be built here, is any more intense than potentially the manufacturing facilities that are to the north, with the exception potentially of the utility infrastructure demands that they may draw. That would be an issue that would be discussed and determined -- it's adequacy, the adequacy of our systems would be determined before permitting would be issued. It would be something that we would have to address as a part of actual, formal consideration of a development project in permitting. We do not have any of that in front of us, so, yes. What this record shows, what the presses carried, what the owner is suggesting, has not been reviewed by staff at this point. We do not have the information specifically, and as has been discussed also, this decision is based about the appropriateness of a land use designation, not a use specifically. So light industrial is where this would likely fall, based on all of the characteristics that the use that has been being discussed would likely comport with when we look at it from a broader perspective of uses within the zoning ordinance that is defined.

MR. DARR: Thanks.

MS. GEUEA JONES: Any -- Commissioner Wilson?

MS. WILSON: Would the property owner or developer have to come back to us with any type of plans for us to understand? And I am asking this as a person who has worked in technology similar to

the person who works for the school district. Data centers do not bring jobs, and I would be very concerned that we've got a large parcel of land in our community being used that's not of benefit to us.

MR. ZENNER: The only action that this Body will have brought before it is a platting action, and you will not see development plans. The development plan process for this is through our other regulatory processes that are not within the purview of this Body. And so, the zoning of this property is a decision that this Commission must make a recommendation on and Council must weigh based upon the public comment. If Council does not believe that this is an appropriate industrial parcel, that is their purview. It is yours, as well. And at that point, possibly acquiring or attracting a use that does not offer a great value to the City is something that would be addressed. If the project is otherwise compliant with our regulatory standards and is proposed by an applicant, unless they are asking for something unique, such as a Chapter 100 bond to help offset the tax costs of infrastructure or things of that nature, there may be very limited involvement of the City Council once a zoning action and a platting action has been approved. We're going to assure through the platting side of it, all of our requirements -- access and all of the other things that we would typically require -- will have been addressed and the site will be set up then for development of some nature. So that is the way that this plays out. Will the future development of this site be contributing to the City's economic value? That is yet to be seen. We don't have that information because we don't have a formal request before us on a use specific nor the circumstances by which that use may seek assistance.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: This is like planning and zoning for dummies for me because -- so if we approve the zoning and I understand what we're up against, but the public would have -- assuming they do -- someone would follow through with that data center, there would be no other public -- a point in the future where the public would have an opportunity to speak opposing that once the zoning tonight might be approved?

MR. ZENNER: Not -- not unless there is another triggering event that would require hearing and a public decision to be made by an elected body.

MR. WALTERS: Okay. That's what I thought. Thank you.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: What can this Body consider in this case? Like, what are we actually deciding on?

MR. CRAIG: Sure. As pointed out, the -- the zoning action and the data center are two discreet issues.

MS. ORTIZ: Uh-huh.

MR. CRAIG: So by state law, straight zoning requests or applications for straight zoning, this Commission can't do any conditions upon that. It's -- it's a yes or not. And the criteria for approval is very simple. It's in Chapter 29, Article 6, subsection 4 and 1, and it's simply that the zoning request conforms -- does the zoning request conform with the Comprehensive Plan, and is there adequate utilities, drainage, water, sewer, electricity, and other infrastructure to support the IG -- an IG

development. That's -- that's it.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: So adequate utilities is -- is a -- it would be a consideration both for the Council to approve it at some point in the future, or at the time of approving the zoning? I mean -- I'm sorry. So consideration of adequacy of utilities would be pertinent at the point --

MR. CRAIG: For the zoning -- for the zoning application, yeah. So, I mean, it's the same criteria for this Commission and for Council moving forward.

MR. WALTERS: Okay.

MS. GEUEA JONES: For tonight. Commissioner Wilson?

MS. WILSON: If we don't know what's going in -- are we assuming adequate utilities for light industrial?

MR. CRAIG: Right.

MS. WILSON: Okay. Thank you.

MR. ZENNER: If I may, because I think where you're going here. The ability to bring adequate -- there may be inadequate utilities at this site today. It's because it is an undeveloped agricultural parcel of property. There is not an identified capacity issue with serving this property for a series -- a spectrum of uses in the IG district, which contain commercial and light industrial uses. So to conclude that because the parcel is presently not served by high capacity services does not mean that this site is not capable of having it being served by those to support a commensurate development. We've got to be very careful about if it doesn't have any utilities, that's one thing. It has access to utilities. It has access to road, water, sewer, and electric utilities. Do they need to be potentially upgraded to support a more intense use than what currently exists? Very likely, but that is all part of the future development of the property as the zoned tract -- as the zoning is being sought. Your zoning -- your future development will control -- I should say the adequacy and the availability of upgraded infrastructure will control the uses that go on that property in that zoning district. So drawing that distinction potentially may be helpful. Does the parcel have no infrastructure seek a zoning classification that would require at least a minimum of infrastructure, or does it have the ability to get that infrastructure to be able to grow into its future use. That's what I'm suggesting may be a valuable evaluation that you go through.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: Sorry. Real quick. So this Body, you outlined what we can consider, but City Council has more discretion than this Body does. Correct?

MR. CRAIG: Not necessarily, no.

MS. ORTIZ: Oh. Okay. Okay. Thanks.

MS. GEUEA JONES: So -- oh, go ahead, Commissioner Brodsky.

MR. BRODSKY: Just want to weigh in on this one for the benefit of my fellow Commissioners.

I -- I think I'm supportive of this. I mean, it -- the City, for a long time, has promoted this area as where we want industrial to go. We've increased sewer, we've increased water, we've increased electrical capacity in this area. But I -- and I'm speaking from somewhat of a place of ignorance here. I -- I do think this community needs to get out ahead of the potentiality for data centers to come to Columbia. For me, it's a pure supply-demand economics with electricity and water. And there seem to be credible reports that electrical and water can be severely affected for the surrounding community. So while I am supportive of this rezoning, I would urge City Council to get ahead of these data centers and make sure that we have the tools as a city to set proper bounds on that particular use.

MS. GEUEA JONES: Anybody else? Okay. Sorry. I don't -- I mean, I know why we do staff questions at the beginning, but we're now grilling you at the end. I apologize. Remind me, before a building permit is issued, they're going to do storm-water run-off, they're going to require improvement of the Hinkson Creek Road at the cost of the developer potentially, depending on factors?

MR. KUNZ: Yeah. That's correct. They'll have to have a storm-water prevention plan that approved by Building and Site Development before they could start building in the first place, and that will have to ensure that any of the impacts created on this -- it doesn't have greater flow off after they develop it than it did before. Regarding improvements to Hinkson Creek Road, they will have to dedicate their right-of-way for the road. If they do want to utilize it for commercial traffic, I think that that's -- it may require improvements just due to the size of potential vehicles that would be on the street, but --

MS. GEUEA JONES: But the building permit may say you have to access it from Route B?

MR. KUNZ: Or the -- the plat configuration could --

MS. GEUEA JONES: Plat. Yeah.

MR. KUNZ: -- I believe, potentially limit the access, but --

MR. ZENNER: Platting could have that impact. I think, again, at the time of building permitting, we know what we're -- what we're getting. So there is the opportunity at that point, if it does trigger a traffic -- a traffic impact assessment, it's at that point that what the traffic impact assessment specifies is necessary improvements to serve the site, those would have to be installed at the applicant's expense. Obviously, if their intention is to develop up on the corridor, the improvements are likely going to be focused on the Paris Road corridor, not on Hinkson Creek. So under standard City practices, existing substandard roadways that traverse one's property, unless they are integral to that development's improvement, dedication of right-of-way is all that is required, but the substandard nature of the travel way would be left in place until likely a future capital project would be built within that dedicated space. So platting will dictate a little bit about what happens to Hinkson Creek Road if it is left segregated, as Mr. Kunz pointed out, is possibly an unplatted agricultural land parcel, and the northern part is the northwestern portion of the property is replatted that's sought to be IG, it's -- the focus is going to be on the IG as we're dealing with improvements, not necessarily on the unplatted tract of land. Our development code does require acreages up to 80 acres owned and controlled under the same individual must be platted at once, and so I believe if when we do a more deep analysis to the platting standards,

the entire acreage that is owned by the Arbuckle Trust will be required to be platted, so you're going to get an agricultural parcel. To Mr. Brodsky's question, it will be segregated based upon the legal description that is being used with the zoning request, and that would then segregate that to a lot in and of itself, so all of the flood plain and all of the environmental features would be in a lot, and the developable portion of the property, less the areas that are encumbered by stream, would be in the other one. But by platting, all of those streams and requirements would be addressed per the way that the Code is structured -- Chapter 12-A of our Code.

MS. GEUEA JONES: Well, and I think that was my next question. So any environmental impact would come at the time of platting and/or site development plans?

MR. ZENNER: Correct.

MS. GEUEA JONES: Okay. What is the -- the most intense use that could come into IG as heavy industrial?

MR. KUNZ: Which would require a conditional use permit, as well. Yeah.

MS. GEUEA JONES: Okay.

MR. KUNZ: Yeah.

MS. GEUEA JONES: So if they wanted to do something that was classified as heavy industrial, they would have to come back to us?

MR. KUNZ: That is correct.

MS. GEUEA JONES: We think, and I -- I have lots of things that I want to do with my life and business and property and whatever. So, you know, it doesn't sound like, unless we were just boldface lied to tonight, it doesn't sound like there's a buyer lined up to do any of this. It sounds like this is all wish-list stuff. But I would be much more concerned about the impacts on Hinkson Creek of just plain water run-off, of, you know, frankly, a heavy industrial or even a larger version of Swift, I think, would have more of an impact. I'm looking at what else is around here. It doesn't show on the map in front of us, but the landfill is not far from here. We've got an auto salvage yard that is, you know, within close range of all of this. I mean, this -- this is an industrial area that is bordered by residential, and we've got a buffer between the two in that agricultural plat. So I'm leaning towards yes and trusting our Code and our site development and our use specific standards to put some safeguards in place. All that said, if City Council is listening, I agree with Commissioner Brodsky that if, in fact, not just data centers, but large computing spaces are likely to be something that we have to deal with in the future, whether it's because of, you know, large language learning models, whether it's because of generative -- whether it's because of just processing power. And I think it's worth doing some real looking at what are the requirements that we want to put around those. How much water do they actually use? How much electricity do they actually use? Do we need to think about land use for, you know, multiple acres of computers? I mean, they're heat sinks, if nothing else. Right? So I think it's worthwhile to do some research, not that we don't have enough of it on our plates, but do some research into do we need to put use specific standards around this use. That said, thank you to everyone who made us think about that. That is not what we're

talking about tonight. What we're talking about tonight is what do we do on this parcel that is surrounded by IG, but is close to Hinkson Creek? And I just -- I don't see a reason to deny the zoning, especially since our IG zoning is so broad. It sounds -- but industrial could mean an auto parts yard. Like, it's so broad in our Code that I don't have a problem with the IG, especially given all the safeguards in place once they go to pull permits to actually break ground. And that's my -- thank for indulging us. Commissioner Wilson?

MS. WILSON: We have a lot of complicated ones this evening, and this one is tough, too. It's tough because I recently watched a documentary about another community that went through this exact same thing. They were told one thing and the results were different. Part of it was because they have these backup generators that are used in the development of the property, and those have diesel fuel and a lot of waste, and they were not taken away. They're continuing to be used. So although I know we're not specifically considering and talking about the data center, because that conversation has been introduced, it gives a whole different spin to this conversation to me for multiple reasons, and the largest one being that the benefit is just not there. We're not getting anything from our land being used by a large conglomerate. And again, this is -- I've worked in this industry for almost 20 years. So this is -- this is just difficult for me.

MS. GEUEA JONES: Any further Commissioner comment? Commissioner Gray?

DR. GRAY: Sorry, staff, again. I just have a question. So in terms of your support, it aligns with the Comprehensive Plan goals related to economic development. I'm curious about that there's kind of a tension between the policies around environmental management, particularly around one of their policies that suggests, like, strategies for maintaining agricultural areas. So I guess I'm wondering is the underutilization of this land and its current zoning kind of what is the, like, weighing on this?

MR. KUNZ: The fact that it's not utilized for agricultural purposes, I would say was a consideration that we made in support of this, but I also think there is a potential it wouldn't be requesting rezoning to IG if it were being utilized for agricultural purposes. I suppose it's a little bit difficult to say exactly the extent to which, but when looking at this, it's particularly thinking about the economic development goals of getting industry nearby roads that have the capacity to move things quickly and easily without impacting neighborhoods. I understand the data center doesn't -- if that were to be what were pursued, doesn't necessarily result in a lot of vehicular traffic. However, if we're just comprehensively looking at the industrial zoning district, which may require larger commercial vehicles and increased traffic induced by that, this is a prime location for that. The applicant has made the request for it, so -- and it's not being used for agricultural purposes, as well. So, yeah. I'd say that's -- (inaudible) -- to my analysis.

DR. GRAY: Thank you.

MR. ZENNER: I think, as well, Dr. Gray, what we -- what we have to understand is, as you pointed out, there is a tension between the cap, which is a policy and aspirational document, and the adopted City Comprehensive Plan which functions as a component of regulatory administration. We

have to rely on our Comprehensive Plan's goals and objectives as we evaluate requests. The CAP does not have those same considerations. And so, this is a -- this is a dilemma that as we embark on rewriting our City's Comprehensive Plan, there will be a tension chapter. And that tension chapter, based on current comprehensive planned structure is to address this exact issue. When you have two equally viable objectives, which takes precedent over the other? And so what we would have to look at, and I think as Mr. -- (inaudible) -- pointed out with the applicant's engineering firm, you have an industrial vacancy rate that is extremely low. I think if we had our representatives from REDI here, our representatives from REDI would have other perspectives to provide here for why this is an appropriate additional industrial addition to the city of Columbia. If we are going to continue to try to cultivate industrial uses, possibly not a data center, but market acreage for other industrial uses, we have to have land that is zoned or ready to accommodate that. This does provide that. I think, again, the warning and the request of Council that you all are asking that they take into consideration possibly the impacts, should we venture down the path of a data center in this community, I think that is warranted. I think it is something that we can be asked to look at if Council so chooses to do that. But right now, we have to weigh what we are obligated to look at and that is the Comprehensive Plan. That does not negate, and I do not want to upset the mayor because the mayor obviously was one of the champions behind our CAP. But it is not the regulatory basis by which we make land use decisions. That is the Comprehensive Plan. And so if we align through our new Comprehensive Plan how we strategize to evaluate both, I think we are in a much better position moving forward, but we're just not there yet.

DR. GRAY: Thank you.

MS. WILSON: There is another consideration, again, given the scenario of a data center. There is a lot of waste. With the turnover of servers, and given how quickly technology advances and turns over, that metal, those batteries, there's a lot of electronic waste, there's a lot of metal waste. That's a lot of waste and what do you do with all of that. So that's just another consideration.

MS. GEUEA JONES Commissioner Stanton?

MR. STANTON: I completely agree with all my colleagues, but the task at hand is the zoning of this parcel, which I do support, but I just want to cry out and put on the record so that our Councilmen and women will definitely don't fall for the shiny objects and the typical marketing mumbo-jumbo that comes with this kind of availability of land. We do need to look at data centers a little closely. They do not generate the jobs that somebody may tell you they do. Even if this not a data center, make sure that the use of this land is for the benefit of the community in its highest capacity just like we want to use our land to as high a capacity. What we do put on this land, if approved, needs to have those same requirements. And I do support the study of data centers and don't fall for it without further study.

MS. GEUEA JONES: I would just add, like, what -- I'm guessing that the trust is going to sell to the highest bidder. You could also put a hotel or a heavy equipment retailer, like, you know, someone to compete with, God forbid, EquipmentShare could be on this parcel. You could have a drive-in theater. You could have a nursery, like, you know, a garden nursery, not the kind with children, but there's a lot of

things that could go there. We have regular requests for and occasional presentations from Plaza telling us please, please make more IG land. We have people calling us asking can they buy IG land. I have no doubt that we need it. I have no doubt that Mr. Arbuckle has plans. I have every belief that he will sell to the highest bidder who comes in as fast as possible. I have every belief that there are people waiting to buy IG property in Columbia, and it's not just Nvidia. In fact, it's probably not Nvidia because they're not here. So, I mean, I hear the concerns about one particular use, and I'm not taking those lightly or saying that those aren't founded in fact. I also believe that there are so many other uses that are more likely in the real world just based on what we hear from the various developers in the community who say that -- and the realtors who say that they have people coming to them all the time asking to buy this. I think the best thing we can do is zone it for what's appropriate. Everything around here, you know, this is a commercial area. I think IG makes sense. I think we need use specific standards especially if we believe that this is likely to become -- likely to be purchased by a data center. We need to get use specific standards and as quickly as possible related to load. Here's the other thing I'll say, and, Commissioner Brodsky, I think you'll agree with me on this. There are other things we have in our Code, like, marijuana cultivation facilities, that use so much water and electricity, they often have to have their own substations built out just to open up and operate. We created use specific standards for them. This is something we can do. It is not a reason to not allow this parcel to be used like the parcels around it in a way that is responsible and makes sense. And I am especially more comfortable given that that entire flood plain parcel is going to be left zoned Ag, which means that they can't even try to figure out an exception to expand into that floodplain. So that's -- that's where my head is at. I -- you know, I think this is going to be one of our rare split decisions, and -- but that's where my head is at. Any further comment, or would someone like to make a motion? Commissioner Gray?

DR. GRAY: Okay. Let's see if I can do this. In the case of 301-2025, 3815 Hinkston Creek Road, I move to approve the request to rezone 63.11 acres of this subject site from agricultural to IG.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Gray; seconded by Commissioner Stanton. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, when you're ready, may we have a roll call?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Dr. Gray, Ms. Ortiz, Mr. Stanton, Mr. Walters, Mr. Brodsky, Mr. Darr. Voting No. Ms. Stockton, Ms. Wilson. Motion carries 7 to 2.**

MR. BRODSKY: The motion carries seven to two.

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

#### **Case Number 303-2025**

**A request by Curt Krehbiel (agent), on behalf of Curt Krehbiel Properties, LLC (owner) to allow 1205 East Ash Street, Unit A, to be used as a short-term rental for a maximum of two transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and Section 29-**

**6.4(m)(2) of the Unified Development Code. This request seeks authorization to offer one-half of a two-family structure as a short-term rental. The one-bedroom, one-bathroom dwelling has driveway capacity to support two UDC-compliant on-site parking spaces. The 0.14-acre subject property is located on the north side of East Ash Street, approximately 120 feet east of the St. James Street and East Ash Street intersection.**

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

Staff report was given by Mr. Ross Halligan of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow 1205 East Ash Street, Unit A, to be operated as an STR subject to:

1. The maximum occupancy shall not exceed two transient guests regardless of the occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC);
2. A maximum of 210 nights of annual usage.

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

MR. BRODSKY: You said that this was a multi-unit property. Where -- where are the other tenants, I guess, is what I'm trying to figure out. Are they behind the building or --

MR. HALLIGAN: Yes. So it's off to the -- so the entrance to the one -- the short-term rental is to the left, and the entrance to the other side of the dwelling, the long-term side, would be on the right side kind of following that red rectangle where the driveway is located. There is another door located on that side of the structure.

MR. BRODSKY: Okay. So it's within the same -- the same building.

MR. ZENNER: Front -- front to back -- front to back duplex.

MR. BRODSKY: Okay. Perfect. Thank you. I think I know the answer to this, but I'm going to ask it anyway. There's nothing in the ordinances about mixing uses with parking and the conflict between potential long-term tenants and an STR tenant?

MR. HALLIGAN: No, there is not. It's just, again, as I kind of alluded to. As long as they're not taking away from the required parking for the other use, should be good to go.

MR. BRODSKY: That's all I had. Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Stanton?

MR. STANTON: What is your final statement relating to the owner or the agent not being present?

MR. HALLIGAN: He is present. He informed me that he was involved in an accident prior to the rezoning and he is not going to be able to speak. He is in attendance today at the meeting still.

MR. STANTON: Is his agent or -- here?

MR. ZENNER: He -- he is the agent as well.

MR. HALLIGAN: He's here.

MR. STANTON: Oh, okay. So if something hits the fan, he's the one that's going to come and fix it? Okay.

MS. GEUEA JONES: Okay. Any other questions for staff? Seeing none. We will open the floor to public comment.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: Are there any members of the public that are here to speak on this case, please come forward. Seeing none. And I understand you can't speak, but would the owner please wave. Hi. Thank you for being here tonight. We appreciate you and hope you get to feeling better soon. Any other questions or comments from staff or from -- or the public -- sorry. Public first. Sorry, McKenzie. Public, no one else, closing. Commissioner Ortiz?

MS. ORTIZ: Have we talked to the person that lives in the other, like, unit?

MR. HALLIGAN: I have no notification regarding that if it's currently occupied or the status of that.

MS. ORTIZ: Okay. Okay. Thanks.

MS. GEUEA JONES: Any other comments from Commissioners? Commissioner Brodsky?

MR. BRODSKY: Generally speaking, I think I'm okay with this. My only concern and it's in relation to what I asked staff, is the fact that we have one parking lane and that the short-term rental person is going to have to coordinate with the long-term tenants. And, you know, if the short-term tenant is blocking the long-term tenants, and they're gone doing whatever they're doing for the day, you know, how is that going to work out? So that -- I am a little concerned about that.

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

MR. STANTON: The reality is they'll probably park on the street.

MS. GEUEA JONES: Uh-huh.

MR. BRODSKY: Sorry to say -- I cut you off. The -- I do. I live very close to this. All of the street parking on this street, and I could be wrong about this, but I believe that is all permit parking on that street.

MR. STANTON: Oh.

MR. HALLIGAN: That does sound correct. I believe I recall there's a city ordinance sign posted relating to the parking, so it follows that -- an ordinance.

MR. BRODSKY: The -- the -- my -- I believe the closest meter parking is going to be on Ash west of St. James, so not terribly far, but I will also say that those parking spots are generally completely full.

MR. ZENNER: Mr. Brodsky, if I may ask, is that -- is the parking permit based on a neighborhood parking permit program?

MR. BRODSKY: I believe so.

MR. ZENNER: That means then that the -- that the dwelling unit is provided, most likely, parking

permits for their long-term tenants. And so the long-term tenants, I think this is one of the things that we have had to unpack in some of these requests. Long-term rental housing, yes, they are required to have on-site parking. They are not required to park in it. And so if they do have parking permits associated with this dwelling unit to park in those permanent spaces, I would imagine, I think as Mr. Stanton pointed out, that is likely they will park on the street where they have that availability. The reason I asked Ross to pull this graphic up is because as you will note, the driveway does lead back to a larger backyard area where may be the opportunity to be able to jockey the cars around without having to back them in and out of the driveway. Again, the long-term tenant of the remaining duplex and the occupant of the short-term rental, should this be approved, that's going to be -- it's likely going to be stated that you have -- you have to park on-site, because that's what we require. The tenant in the rear is going to know that, and so one would think that they will work that out on their own. We can't -- we can't ask the applicant, because the applicant apparently can't speak to that effect, and we can't ask them about the parking permit situation either. If we could have those two answers, I think there would be great illumination on the situation here. However, the standard of practice that we would ensure, and I did ask Mr. Halligan to ensure this, that the parking to meet the demand for the remaining half of the duplex was capable of being met in full, not displaced by the short-term rental. If it has been displaced by the short-term rental, this would be an entirely different application.

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

MR. WALTERS: I'm ready to make a motion.

MS. GEUEA JONES: Please do.

MR. WALTERS: Regarding Case Number 303-2025, I move to approve the conditional use permit to allow 1205 East Ash Street, Unit A, to be operated as an STR subject to: One, the maximum occupancy shall not exceed two transient guests, regardless of occupancy allowed by the most recently adopted edition of the International Property Maintenance Code; and two, a maximum of 210 nights of annual usage.

DR. GRAY: Second.

MS. GEUEA JONES: Motion made by Commissioner Walters; seconded by Commissioner Gray. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call?

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

MR. BRODSKY: Motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Just as a reminder, we have a full dais, so if you need to take a break, please step out and do so. It won't stop us from continuing, but we will wait for you for votes.

**Case Number 307-2025**

**A request by Kirsten Craver (agent), on behalf of HAE properties, LLC (owner) to allow 308 North Ninth Street to be used as a short-term rental for a maximum of eight transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The 4-bedroom, 2-bath home has a driveway with sufficient capacity to support four UDC-compliant on-site/off-street parking spaces. The 0.14-acre subject site is located on the east side of North Ninth Street approximately 200 feet north of Park Avenue.**

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

Staff report was given by Mr. Kirtis Orendorff of the Planning and Development Department. Staff recommends approval of the conditional use permit to allow the dwelling at 308 North Ninth Street to be operated as an STR subject to:

1. The maximum occupancy of eight transient guests;
2. A maximum of 210 nights of annual rental usage.

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

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: If any members of the public are here to speak on this case, please come forward.

MS. CRAVER: Good evening. I'm Kristen Craver, 7400 Jimmy Ridge Road, Columbia. If I can answer any questions for you. I obviously don't rent it out of town. I'm just trying -- I don't -- it's not my job. I don't make money doing it. I'm just trying to keep it alive until maybe my kids need it someday. So it's not the greatest investment.

MS. GEUEA JONES: Thank you very much for being here tonight. Are there any questions? Commissioner Stanton?

MR. STANTON: So we do have previous violations. We do have -- as I mature in this analysis, I can kind of see, like, things that are attributed to communication.

MS. CRAVER: Uh-huh.

MR. STANTON: Some -- a lot of violations really deal with communication. So tell me -- convince me that you have that taken care of before I make my vote.

MS. CRAVER: Okay. Well, as for the landscaping, that was a one-time deal that I was out of town for extended time with my children. And I mow it myself and I haul the mower over there in the back of SUV, and I just know it was just a one-time deal. As for the trash, I don't even know about that, to be -- so, yeah. It's a communication problem because I don't know. I don't know if that was before I owned it or -- or if it's with the new stuff. I have had an agreement in the past with a neighbor, a long-term renter next door that would pull my stuff, my new can in after -- because I'm not over there all the time. I'm not able to be over there necessarily on a Monday morning. He has moved out and I didn't realize it, so maybe something has happened there, but I have not gotten notification that I'm aware of

about any trash issues or unless something --

MR. STANTON: Well, okay. So we address the violations. I guess what I mean is, my concerns from this point forward, is --

MS. CRAVER: Uh-huh.

MR. STANTON: -- your communication network better, up to date, up to speed? If I have a problem -- I've asked this for over a year. If the stuff hits the fan and I call you, how fast are you going to get there and who is going to get there?

MS. CRAVER: Oh, I get there.

MR. STANTON: All right.

MS. CRAVER: Yeah. I have had -- I mean, I have never had a complaint from outside of my renters, but I've had renters who have -- you know, the air is not working as well, and I went out and bought five fans. And at 10:00 at night, I went and installed them. Yeah. No, I mean, as far as the neighborhood, though, I -- it's a very -- it's all rentals as far as I know. So I've at different times had good communication because I'm -- I'm there physically. I'm outside working on the yard, and I've met them at different times, but I don't know when they change out, so I don't know as well. I don't know the -- I don't know the property owners. So --

MR. STANTON: I want to -- I want to vote for you.

MS. CRAVER: Okay. I want to help you.

MR. STANTON: You've got to make me feel warm and fuzzy inside that you have all your ducks in a row, all your communications in line, because we have to -- you had to get a letter before you came in.

MS. CRAVER: Uh-huh.

MR. STANTON: And like I've been saying all night, there's no way you've never heard about the -- the stink that the STR situation has brought up. So it took us getting you a letter. Why did it take you so long to come to the light, and --

MS. CRAVER: I did know about it, that it was happening. I didn't -- I don't watch the news that well -- that often. I didn't know I had to apply. And I'm an attorney. I have no excuse. I -- I just didn't know. I mean, I --

MR. STANTON: So you're an expert on STR laws, regulations, --

MS. CRAVER: No, I am not.

MR. STANTON: I need to hear; you know what I mean? Because if I -- because I need to know that if I approve an STR permit --

MS. CRAVER: Uh-huh.

MR. STANTON: -- you're going to be a good example. You know what I mean? Like, I don't want to -- I don't want to hear I didn't know. I mean, this ignorance is --

MS. CRAVER: Oh, you won't. Now I know I need to know. So, yes, I --

MR. STANTON: So you're going to be -- your communication, everything is --

MS. CRAVER: Yes. I -- yes. I absolutely am. I'm aware that now there -- I knew there was talk of something being passed. I -- I just started a new job, going back to practicing law after 20 years off in July, so I'm now an attorney -- practicing attorney, and I'm very much more aware of things going on, and I absolutely am -- I mean, I'm dedicated to keeping that house. It was -- it was a project for me that I redid over Covid and I love it and I want to keep it. And the only way I can do it is if I keep just enough people renting it. So, yes. I have -- I have a lot of heart and soul in that place, and now that I know that I have these regulations to follow, I am absolutely going to.

MR. STANTON: It only takes two and you're out of there -- license; you know what I mean?

MS. CRAVER: Well -- yeah. And I guess I need to look into what those -- what specifically constitutes all of that. I need to be more up on it than I am, but I -- I absolutely have the commitment.

MR. STANTON: Thank you.

MS. GEUEA JONES: Anyone else? Thank you very much for being here tonight. We appreciate it. Anyone else to speak on this case, please come forward.

MR. KELLEY: I'm Devin Kelley, 9955 East Stone School Road in Hallsville. I own 302 North Ninth Street, the one that has an application right up the street. And it's a lovely home. I think she does a great job. I -- I'm really active on the street and have a business right next door. And although I've not met Kirsten, I believe it was, I might be able to help her out a little bit with some of the unfamiliarity that she has with some of those things, and my goal is to get, you know, to know all the neighbors, which I've done quite a bit of until -- anyway just saying, whether my application works out or not, I'm in the area all the time with my business next door, so I think I could help her out a little bit, and I support her application because -- I mean, she barely rents it out, so anyway.

MS. GEUEA JONES: And your application is in and being processed?

MR. KELLEY: Yes.

MS. GEUEA JONES: Okay. Any questions for this speaker? Seeing none. Thank you for being here. Anyone else to speak on this case? Seeing none. We will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comment. Any Commissioner comments? Seeing none. Commissioner Stanton?

MR. STANTON: Well, I'm kind of shaky still, but I'm going to give the process a shot because if she don't do what she needs to do, and she gets the complaint, she's out of there. So I'm going to play the system -- I'm going to work system, see what happens.

MS. GEUEA JONES: Would you like to make a motion to that effect?

MR. STANTON: I would, Madam Chair. Thank you.

MS. GEUEA JONES: Thank you.

MR. STANTON: As it relates to Case 307-2025, as it -- 308 North Ninth Street, STR conditional use permit, I move to approve the requested STR CUP subject to a maximum occupancy of eight transient guests; a maximum of 210 nights annual rental usage.

DR. GRAY: Second.

MS. GEUEA JONES: Motion made by Commissioner Stanton; seconded by Commissioner Gray. Is there any discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call?

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

MR. BRODSKY: The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded -- I'm sorry. That recommendation will be forwarded to City Council. Moving on to our last case of the evening, if I can get to the right page.

#### **Case Number 310-2025**

**A request by Trueman Orson (agent, on behalf of Trueman Orson and Julie Allen (owners), to allow 4216 Forum Boulevard to be used as a short-term rental for a maximum of six transient guests and up to 210 nights annually pursuant to Section 29-3.3(vv) and Section 29-6.4(m)(2) of the Unified Development Code. The three-bedroom, two-bathroom home has an attached two-car garage and driveway capacity to support four UDC-compliant on-site parking spaces. The 0.41-acre subject site is located on the east side of Forum Boulevard, approximately 1,200 feet south of Nifong Boulevard.**

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

Staff report was given by Mr. Ross Halligan of the Planning and Development department. Staff recommends approval of the conditional use permit to allow 4216 Forum Boulevard to be operated as an STR subject to:

1. The maximum occupancy shall not exceed six transient guests regardless of the occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC);
2. A maximum of 210 nights of annual usage.

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

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Any members of the public here to speak on this case, please come forward now. Name and address for the record.

MR. GUMP: Max Gump, 4215 Forum Boulevard, right across the street from the house in question. I've been there for 28 years as an owner, a resident of this community for 50 years, college here back in the '70s and seen the town grow from 40,000 to 120, and traffic would take ten minutes across town 40 years ago, and now it's 50. So I'll try to boil this down a little bit. You've got notes in the

packets. I've sent letters to Mr. Halligan, and other people have, too. Two concerns. First of all, why are we allowing short-term rental in a residential neighborhood? We have zoning laws. Doing this is circumventing and running in and around of our zoning laws because you're going into a residential neighborhood, allowing something that was never there, and never should have been there. In my opinion, it's too late now, but if you're going to do Airbnb, and VRBOs, you ought to be in the part of town that allows it, not into a residential area. Another question. It's going to lower property values. I've done a little research. Other states are requiring you to disclose if it was in close proximity of your house, you or your agent at the time of sale. I've asked a real estate lady friend of mine. She hasn't gotten back to me yet. She didn't know. Been in business a few years. This is new. Okay. So if I go sell my house -- I've been in it for 28 years -- and I go to sell it, and I've got to deal with you for X number of dollars. And I say, by the way, there's a transient Airbnb across the street, you're going to lower your bid. You just are. I've bought and sold property and houses in my previous years. It's everybody wants a good deal. So I'm concerned about the disclosure. You're going to have to do it if it's within proximity. If it's five or six houses down the street, it's not. Right across the street or next door, it is. You're going to cause residents money. So that's that about allowing to come in. Also, there's a traffic situation here on Forum. I wish I had a video. I work out of my house. People going down that street 60 miles an hour. There was an accident two weeks ago. If I had been in my front yard, I probably wouldn't be here today. But, I mean, four or five cops, Highway Patrol. What had happened, a man was going south, lost control, ran into the side of that Mill Creek bridge, and crossed the northbound lane right by the house in question -- close to it. Came back across in my front yard. Tore the front end of the car on the sidewalk. I was speaking to one of the officers and, yeah, he said I've written tickets for sixty miles an hour in this place. It's a 30 mile speed limit. Now, if you're a full-time resident and rental there, you know how to navigate some of this stuff, the lay of the land. But if you've got people in and out of there during the week, they don't know. And, you know, I extended my driveway 26 years ago, two years after I moved in. You couldn't get out of the damn thing. Most of the houses on Forum are short. They had to back out. And they fly off that hill coming north. And right there where that place is, it's a problem. And the people that own the place are nice. I've met them before. I don't have any -- any issues with them, and they've been doing short-term rental and, overall, the guests have been -- been good. Okay? I have no issues with that. I am merely arguing on the nuts of bolts of lowering property values, increased traffic, which is going to cause accidents on that. That's kind of the gist of what I'm on, and there's other rental properties down the street, at least three I know of before you get up to Southampton, and two of them outside of the 300-foot radius of this property. So that means somebody else could come in there and put an application in, and I just don't want Forum Boulevard to become Airbnb Avenue. And, you know, it's close to town, it's close to campus, the Walgreen's, restaurants, bars, you know. Anyhow, that's -- I'm going to shut up now because it's getting late, but any questions?

MS. GEUEA JONES: Thank you very much for being here tonight. Any questions for this speaker? Seeing none. We appreciate you. Thank you. Next person to speak on this case, please

come forward.

MS. JANSEN: Good evening. My name is Colleen Jansen, and I reside at 4201 Forum Boulevard, which is across the street and about two houses north of the location you're speaking of. And I have to say I agree with Mr. Gump as to his concerns, so I would be against this -- this choice this evening. Part of the reason is also for me, because I do have a five-year-old grandson that lives in my house, and he was autistic, and the concern about traffic is a big deal. The -- like Mr. Gump was saying, we -- this is a 30-mile-an-hour area, or at least in -- I have to say that most times, I see people going over 40 to 50 to 60 miles an hour down the street. And it just -- my concern is adding this additional tenants -- these tenants would cause an addition to that traffic problem. I have myself difficulty getting sometimes out of the -- out of my driveway onto Forum Boulevard. Sometimes I have to plan on how to do it by backing into my driveway, those kind of things. I like to plan ahead. So those are my concerns in regards to the situation this evening.

MS. GEUEA JONES: We really appreciate you being here.

MS. JANSEN: Thank you.

MS. GEUEA JONES: Thank you. And this is Forum south of Nifong?

MS. JANSEN: Yes. It's just south of Nifong. My residence is just past the medical park that's there.

MS. GEUEA JONES: Perfect. Yeah. Yeah. yeah. I am --

MS. JANSEN: And no. I do want to enjoy -- I'm sorry. Part of my concerns is also the future. Okay? The reason I say that is because my neighbor has made improvements to their home, which includes an in-ground pool, as well as a backyard outdoor living space, and they are in the process of trying to sell that property. And that property would be very, very good, but they're in kind of the same situation. So that would be my concern, too, is the future of the other homes and in the same -- in the same neighborhood.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Seeing none. Thank you for being here tonight. Anyone else to speak on this case?

MS. ALLEN: Hi. My name is Julie Allen; I live at 3602 Longford Mill. I am the owner of this house. We love this house. I just want to start with that. Like, we are not a big business kind of people. This is a house we see ourselves probably retiring in. It's a slab home in a really great neighborhood. My dream is that my children -- one of my children would assume our home -- it is a two-story home at some point, and this will be where we live. So that's why we chose it. The lady that we bought it from, her great-niece was the realtor. They have come back and stayed in the house over the holidays last year, just to see it. Like we -- we really respect -- to proactively address the two letters of notice. I have no idea about the first one at all. Like, I don't know about that at all. The second one, we immediately started getting the stuff together and submitting the information. We did less than 100 times last month -- or last year. I think it was actually 49. We're probably on track for about 100 this year. We are not trying to pack it in. Part of the reason we love the short-term rental piece is that we

are in it often. We hand mow the yard ourselves. We take the trash in and out. It is in between my work and our home, and so we're able to go by it frequently, make sure that it's maintained, all of those things. Like, we really take a lot of pride in the house, and my parents are aging, so when they come watch my son play soccer, they live an hour and a half away, sometimes they stay there because it is all on one floor. We're not targeting big parties. One of the bathrooms has a walk-in shower for elderly people, like it lists on the listing. So we're really not trying to target big parties, all those things. The folks that stayed there last were visiting their 92-year-old parents on that side of town. We have people that have come back, live away, and have parents that live here, and it's a pretty great location for that. People know where Forum and Nifong is, that kind of thing, so --

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

MR. STANTON: So it took two letters to get you to bring -- come to the light?

MR. HALLIGAN: I will add -- I believe that was a typo in my notes. I believe she's correct that there was just one letter.

MS. GEUEA JONES: Yeah.

MR. HALLIGAN: So that was a typo on my behalf in my notes here.

MR. STANTON: You better get it right over there.

MR. HALLIGAN: I know. I wanted to interject before this got carried away.

MS. ALLEN: I swear, my husband called me the day we found out, and he's, like, we've got to do this thing, and we started putting it together. I promise, I do not know about two.

MR. STANTON: Well, outside of that, you've got everything under control now?

MS. ALLEN: Absolutely. We have -- I would just mention that we have our whatever super hosts on the Airbnb, which you have to have at least a 98 percent response rate, which we -- I responded all the time, so they would always know how to get ahold of us. Like the thing says, we live very close. If there's any emergencies, we would be right there. My sister also lives about five miles from there, so if we were out of town, she's our backup. She works at John Warner Middle School, so she's very close all the time. Absolutely, we are very attentive to the house, and, like I said, we just love that little house. It's a cute little yellow house.

MS. GEUEA JONES: Thank you. Any other questions for this speaker? Thank you for being here tonight. Any other member of the public to speak on this case, please come forward. Seeing none. We will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comment. Any Commissioner comments on this case? Commissioner Ortiz?

MS. ORTIZ: Okay. I might be sleepy, but did I -- did I miss -- okay. It says maximum occupancy of two transient guests?

MR. HALLIGAN: That was a typo, as well. It's for six.

MS. GEUEA JONES: It should be six.

MR. HALLIGAN: I'm sleepy, as well, so I guess I need this.

MS. ORTIZ: I wasn't sure guys, like, had talked about that already, and I'm, like, wait, was I here for that?

MR. HALLIGAN: Yeah. I'm strike two for this presentation here, so --

MS. GEUEA JONES: Someone has been copy-pasting his slides. You do a great job.

MR. HALLIGAN: I know. It's --.

MS. ORTIZ: And then I guess the other question, and I think I know this, but I'll ask anyway. So the -- there -- there's a public works project on Forum. Is this -- this is not the section of Forum? No. Okay. And then do you happen to know the street classification for this portion of Forum?

MR. HALLIGAN: Yes. It is a minor arterial.

MS. ORTIZ: Okay. So it would be, like, eligible for traffic calming?

MR. ZENNER: Most likely, Ms. Ortiz, I would tell you, based upon the volume that this road carries --

MS. ORTIZ: No?

MR. ZENNER: No way. And, you know, I -- I mean, I think we -- yeah. That would be -- that would be probably a disaster for the southern portion of the City, but for traffic movement, not for the neighbors maybe. And so --

MS. GEUEA JONES: That launches somebody into their --

MR. ZENNER: Probably. And if the owners have suggested that they need it. I mean, I will say this much, with the improvements, I used to live down in this area, as well. I actually lived off of Chadwick. So, you know, as many of you are probably aware, if you come down Forum over Nifong, you have now the ability to take Southampton out to John Warner. You'll have access to the new elementary school. You also have access to Gentry and Rock Bridge. So when, as a part of the improvements to Southampton, that were considered as a part of Legacy Farms, which is off of Sinclair, there were a series of roundabout projects that would be being built on Southampton. That doesn't help this particular segment, but that's helping to manage overall traffic along the southern corridor, in essence. The span between the signal at Forum and Nifong to the intersection at Southampton, if that was controlled by a roundabout, that may not necessarily reduce speed. The nature of this street, based on its lack of deflection, doesn't help, and then it is -- the valley of the street is actually just a little bit beyond where this property is located, and it goes down in both directions. And so acceleration from the intersections adjoining it to the north and the south is probably the problem. What needs to be done here if the traffic speed continues to be an issue is it needs to be more of a target of enforcement area for the police department, and that's the unfortunate reality. I think we probably -- if we had the ability to do something on a -- if this was a neighborhood collector, not a minor arterial, I think there would be a higher probability for traffic calming. This is a minor arterial. It is designed to carry a high volume of traffic, maybe not at this speed, but it is designed for that purpose. And I think hindsight being 20/20, as we have grown in development over time, you would have never seen driveways accessing this roadway if this had been at

a different era because this is the problem we run into, that conflict of through traffic with driveway traffic, that there's very few opportunities here to mitigate that effectively.

MS. ORTIZ: Follow-up. Have we seen any short-term rentals on this, like, heavy traffic, like that being the primary access?

MR. ZENNER: I can't answer that directly, but the closest one that I can think of was one that was across from -- on Arbor Point Parkway across from Alpha Hart Lewis, which was denied. That was the second one within 300 feet of another existing site, so that may have been a very similar street classification, but I would have to go back and look at our specific applications to give you a complete answer.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Any other -- where are we at -- Commissioner comments? Anyone want to make a motion? Commissioner Gray?

DR. GRAY: In the case of 310-2025, 4216 Forum Boulevard, STR conditional use permit, I move to approve the requested STR CUP subject to maximum occupancy of two transient guests, maximum of 210 nights of annual rental usage.

MR. BRODSKY: Did you mean to say six transient guests?

MS. GEUEA JONES: It should be six. You just read the slide. It's okay.

MR. HALLIGAN: It's my -- I take the blame. I take the blame.

DR. GRAY: Do I have to do the whole thing?

MS. GEUEA JONES: No. You can take it as an amendment. Do you take Mr. Brodsky's amendment?

DR. GRAY: I accept the amendment.

MS. GEUEA JONES: Would someone like to second Commissioner Gray's amended motion?

MR. STANTON: I'll second the amendment.

MS. GEUEA JONES: Okay. A motion was made by Commissioner Gray, amended by Commissioner Brodsky, and the motion, as amended, was seconded by Commissioner Stanton. Is there any discussion on the motion? Commissioner Ortiz?

MS. ORTIZ: I -- okay. Controversial opinion. I don't like this one. I think that the speeding traffic is actually a problem here, and having more people access this property is potentially dangerous, so that is -- my vote will reflect that.

MS. GEUEA JONES: Any other discussion --

UNIDENTIFIED AUDIENCE MEMBER: (Inaudible.)

MS. GEUEA JONES: Not at this time, ma'am. I'm sorry. Any other discussion on the motion? Seeing none. Commissioner Brodsky, may we have a roll call?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Dr. Gray, Mr. Stanton, Ms. Stockton, Mr. Walters, Ms. Wilson, Mr. Brodsky, Mr. Darr.**

**Voting No: Ms. Ortiz. Motion carries 8-1.**

MR. BRODSKY: The motion carries eight to one.

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

Moving on to our next order of business.

## **VII. PUBLIC COMMENTS**

MS. GEUEA JONES: If any member of the public has a comment that they would like to say of a general nature or otherwise, now would be the time. Going once, going twice. Okay.

## **VIII. STAFF COMMENTS**

MS. GEUEA JONES: Mr. Zenner, enlighten us.

MR. ZENNER: The next meeting will be October 23rd. What a surprise, it's two weeks from now. We will have some items on that agenda. But before we have our tantalizing meeting of the public nature, we will have a work session. We will start talking about changes to our subdivision regulations and the texts associated with small lot development that we have previously discussed. As mentioned in work session, we introduced this evening to you all, and the public was introduced to our new Community Development Director on Monday through his swearing in at Council, Clint Smith. Clint will be attending our meetings, at least for the time being, just to get his feet reacclimated underneath him as it relates to City business. I will beat my staff with wet lasagna noodles, so they do not produce PowerPoints that have errors in them anymore.

MS. GEUEA JONES: Oh, it's fine.

MR. ZENNER: And I would like to extend appreciation to the Commissioner this evening as it related to your discernment as it relates to the plight that we from the staff are placed in as it relates to short-term rental evaluations. I think as it was very aptly pointed out this evening, our evaluation comes from a technical side. My staff is reminded by me regularly that we do not make the subjective decision. The subjective decision is left to this body, based on the evidence that is presented during the hearings. And I appreciate that you have -- you defend that situation or that perspective on our behalf. Our recommendations< I think as Mr. Orendorff pointed out this evening on our St. Michael request; there was a lot of discussion how did we want to unpack that. And at the end of it, it was we needed to unpack it like we unpack every other requests, facts and the facts only. And so when we evaluate things from a technical component, that is why you see the recommendations you see. There was a great moment of pause, do we need to do something different. And I think we will learn more as we move forward. There are going to be potentially ones that may come to you with a different recommendation, even though, technically, it meets the compliance standards. And I think those really are the ones which is why we have the conditional use process. Those are the ones that require the discernment. To Mr. Stanton, to your point, our applicants are told in every acceptance e-mail that we send back out to them that their short-term rental application has been received and is being processed. You shall attend this meeting. And so, that e-mail will be amended to indicate you shall attend and present, because I think what we have is we have a situation where an applicant realizes they may have to be here, they do not understand that you expect them to talk. I try to do that the best I can with the applicants that I interact

with to ensure that they know what is going to happen here and what is expected, so we are setting standards. We're not coaching, we're setting an expectation. And so, hopefully, you will not have to wait. You will hopefully have the applicant come forward. The decision is in their hands. And so if they choose not to come forward, that's something that you all have to weigh as well. And trust me, we are, I think, all collectively looking at this process from the same perspective. We want to make sure people can operate, but we also have to make sure that they are not impacting a neighborhood. So that is part of what my role and my staff's role is, and, again, I appreciate your understanding and your willingness to defend how we technically evaluate these applications and then make the tougher decisions that sometimes have to be made. That is greatly appreciated. With that, your upcoming projects are three more short-term rentals, and a returning item, maybe. We still do not know if we have the full final plat and design adjustment issues worked out as it relates to the water district's parcel immediately adjacent to Boone Electric. There are some issues with a utility easement that needs to be relocated, and an easement to be vacated that's a private easement before we can bring the plat to you. So it is possible that the October 23rd meeting will only have three items on it. Worse is we'll have several less than we had this evening and hopefully less complicated. Just so you know where we are, our water district parcel there on the left, our first short-term rental on Anderson, which we do not have another one around this, and then our last two short-term rentals. We actually may end up with only two because the one slide on your left may be withdrawn. We did have a contact from the applicant earlier this week, and they are weighing options. If they want to proceed with their short-term rental application, that is a multi-family building and they are looking at taking one unit out of the building for short-term rental purposes. However, that graphic should look familiar. That is at the corner -- it is on Wilkes, and the roadway that you can see running diagonally is Paris. We just recently approved a short-term rental request at Paris and Wilkes, so they will be within 300 feet. That is part of what is the decision-making process for the applicant. With that, those are my comments. I appreciate your contributions this evening, and we will be looking forward to seeing you on the 23rd.

MS. GEUEA JONES: Thank you very much.

#### **IX. COMMISSIONER COMMENTS**

MS. GEUEA JONES: Any Commissioner comments? Commissioner Darr?

MR. DARR: Just real quick. Regarding the data center thing, I know we talked about it, but I would suggest looking at a conditional use process. If you add a specific use standard, I mean, maybe, you know, until it's a more accepted and it's, you know, been around longer, that people know what it is, that you -- we have a conditional use process so that we would see it again if you could zone something to IG, so --

MS. GEUEA JONES: Thank you for that. Any other Commissioner -- Commissioner Brodsky?

MR. BRODSKY: Just a quick comment, and I don't want to resolve it tonight. But I know we keep saying that if there's -- if there's two violations with an STR, then they -- you know, they lose their permit. And I -- I looked into this many months ago and I couldn't find it and I kind of let it go by the

wayside, but I -- I looked at it a little bit more tonight as our meeting was going, and I've looked at the ordinance for short-term rentals, I've gone back and looked at the Code that references the revocation in 29-6.6, and I'm just not seeing this -- this if there's two violations, they get --

MR. ZENNER: There -- so to answer this question, and I need to add clarity to this because we have to be careful with what we are presenting and projecting to the public as to the -- the ease in the revocation of one short-term rental permit. So first and foremost, Chapter 22, Article 5 is where the revocation criterion is that would apply to a rental certificate, be it long-term or short-term. Clearly, within that section of the Municipal Code, which is not the purview of the Planning Commission, that is our Housing and Neighborhood Services Division, it clearly indicates that that is two verified violations authorizes the Director of Housing and Neighborhood Services to proceed to revoke. It does not say shall, it does not say may. And so with all enforcement processes through our Neighborhood Services Unit, you must collect the evidence, you must submit the evidence, and a decision must be made. That is not something that just happens automatically after somebody calls with a snapshot of more vehicles or people walking out of a dwelling unit. It has to be verified. That may require going to municipal court. And so I want to make very clear, we make the statement that two violations, if you have two verified violations, you are subject to having your license revoked. It does not mean, however, that you may. The Director of Housing and Neighborhood Services is not obligated to do so. They present the case, and all cases on violations of the housing ordinance, long-term and short-term, are handled generally by the municipal judge. And so with that in mind, I caution you on continuing to project to the public possibly that it's that easy to just have a license revoked, because it really is not.

MR. BRODSKY: And could you cite that section one more time for me, Pat?

MR. ZENNER: It's Chapter 22, Article 5, and then it would be -- I don't know the section specifically. I have it here in my ordinance though for you.

MR. BRODSKY: That gives me enough. Thank you.

MR. STANTON: So a proper -- so a proper way to say this would be two verifiable complaints would subject you to losing your short-term rental license?

MR. ZENNER: Correct.

MR. STANTON: Okay.

MR. ZENNER: It will definitely most likely result in, and I would suggest that we don't have enough case history at this point, as it relates to this -- these types of infractions. The ordinance is structured such that -- and I think the section that Mr. Brodsky is referring to, it does make reference to monetary fines, which is what is in Chapter 29-6. That's the monetary fine section for operating without the license. The process of enforcement for violations, however, is probably a combination of fines ultimately resulting in the revocation. But until we have gone through enough prosecutions of those that have accumulated verified complaints, I can't tell you how that process will play out. I can't tell you actually how the process of prosecution of operating a short-term rental without a license, which we have several right now pending on the court docket, I do not know how that is going to play out either. And so,

you know, this is -- this is a bigger issue as it relates to ignorance is bliss until you're caught, and so you can ask the question how did you live under a rock for five years and not know the City of Columbia was developing short-term rental regulations? Well, people can be a snail, and they don't have to come out to get sunlight occasionally, and that, you know, ignorance is one of those things that we're going to continue to go -- we're going to continue to round up the renegades, as you say, Mr. Stanton, and our Neighborhood Services Staff is doing an excellent job of working with the lists that we have provided them to get these people to come into compliance. Until we have a better track record of how we are handling enforcement, it's going to be a little bit of a learning curve here. It's what's going to work. Now what I can tell you, and I think somebody had asked this evening, the short-term rental vendor contract is tentatively scheduled to be placed onto the Council's October 20th agenda for first reading. That is going to open up potentially by the beginning of the new year. That would be January, and it's going to take us roughly sixty or so days to get the vendor on board and functional. We will have a different set of sources that we will have available for tracking. And so there are a lot of things that are -- that are happening here, or in the pipeline to happen. The amendment to the ordinance that may create relief, that is still in a pending state. So I don't know. I can't give you any information.

MR. STANTON: Mr. Zenner, I was -- I liked your statement concerning applicants. I'm not really -- I'm not really in support of making them. I think it gives further insight on the business practices of that -- of that person that's coming to us with an STR. If you don't -- I think you recommend highly that you come and you present. But if you don't, that tells me a lot. It tells me that either, A, you're not really vetted into this business. I mean, it -- it speaks volumes. I tried to stop Madam Chair from saying anything. I couldn't get to her fast enough. If she had not suggested that that owner come up, that would have had a great impact.

MR. CRAIG: And that's fine. I'm going to step in here. We can't create an ad hoc ground for denial. I mean, we have -- we have our criteria before us. We can't make the applicant testify and make that a ground for denial of the permit. It can be a factor if you have in the short-term considerations you have support with the neighborhood. And without testimony to counteract the lack of support or people speaking out against it, then you consider whether -- then I think that -- that goes to the -- ameliorating the weight of -- of the lack of support. But we can't -- we can't make an ad hoc ground for denial that's not in the ordinance. So --

MS. GEUEA JONES: Okay. Well, it's -- so --

MR. STANTON: And it's not. It's a ground for me to make my decision, which I do have a right to do. But it's just like being in a court of law and you're saying I have a right to defend myself in a court of law or I don't have to say anything, you know, if I'm -- you know, in a criminal case.

MS. GEUEA JONES: Okay. So it's quarter to 11:00.

MR. CRAIG: Yes.

MS. GEUEA JONES: This is a great discussion to add to work session. Any other Commissioner comments?

MR. STANTON: I go to work at 4:00 in the morning.

**X. ADJOURNMENT**

MS. GEUEA JONES: Commissioner Gray?

DR. GRAY: I'd like to move to adjourn.

MS. ORTIZ: Second.

MS. GEUEA JONES: Are we okay with adjournment? We are adjourned.

(The meeting adjourned at 10:44 p.m.)

(Off the record.)