

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL
701 EAST BROADWAY, COLUMBIA, MO
AUGUST 21, 2025

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Ms. Sharon Geuea Jones

STAFF

Mr. Pat Zenner
Mr. David Kunz
Mr. Kirtis Orendorff
Mr. Jesse Craig

I. CALL TO ORDER

MR. STANTON: Good evening. Welcome to the City of Columbia Planning and Zoning meeting, Thursday, August 21st, 2025.

II. INTRODUCTIONS

MR. STANTON: Introductions? Roll call, Mr. Secretary.

MR. BRODSKY: All right. We are getting to our voting slightly different than we've done in the recent past. We noticed that we are supposed to be voting in alphabetical order, and not in our seating arrangements. So at our last meeting, Commissioner Stockton voted first, and in this meeting, Commissioner Walters, you will be voting first on all our items, and we'll just cycle through every meeting. All right. So, Commissioner Walters -- attendance?

MR. WALTERS: Here.

MR. BRODSKY: Commissioner Wilson?

MS. WILSON: Here.

MR. BRODSKY: I am here. Commissioner Darr?

MR. DARR: Here.

MR. BRODSKY: Commissioner Geuea Jones is absent. Commissioner Gray?

DR. GRAY: Here.

MR. BRODSKY: Commissioner Ortiz?

MS. ORTIZ: Here.

MR. BRODSKY: And Commissioner Stanton?

MR. STANTON: Present.

MR. BRODSKY: And Commissioner Stockton?

MR. STOCKTON: Here.

MR. BRODSKY: We have quorum of eight.

III. APPROVAL OF AGENDA

MR. STOCKTON: Mr. Zenner, are there any adjustments to the agenda, sir?

MR. ZENNER: Yes, there are this evening, sir. We received a request to withdraw Case Number 267-2025. This was a publicly advertised short-term rental hearing at 3306 Belinda Court. As I indicated, the applicant has requested that this item be withdrawn from further consideration, so that item would be your last public hearing, so we will not have that item on the agenda. That is the only amendment.

MR. STANTON: Outstanding.

MS. ORTIZ: I move to approve the agenda as amended -- or is that okay?

MR. STANTON: Yeah.

MS. WILSON: Second.

MR. STANTON: It's been moved and properly seconded to approve the agenda as amended.

I'll take a thumbs up for that one. All those opposed, thumbs down.

(Unanimous vote for approval)

IV. APPROVAL OF MINUTES

MR. STANTON: Everybody should have had an opportunity to read the August 7th, 2025 regular meeting minutes. Are there any adjustments to the minutes? If not, I would entertain a motion.

DR. GRAY: I move to accept or approve the minutes.

MS. WILSON: Second.

MR. STANTON: It's been moved and properly seconded to approve the minutes from August 7th, 2025. All those in favor, thumbs up. All those opposed, thumbs down.

MR. STANTON: Okay. We're going to enter into our public hearings.

MS. ORTIZ: For the record, I abstained. Thank you.

(Seven votes for approval; one abstention.)

MR. STANTON: Oh. For the last meeting -- for the minutes?

MR. BRODSKY: I got it.

MR. STANTON: Thank you, Mr. Secretary. Thank you, Ms. Ortiz.

V. PUBLIC HEARINGS

Case Number 262-2025

A request by Steve Fleisher (agent), on behalf of VSP,LLC (owner), for approval of a Conditional Use Permit (CUP) to allow 11 Club Court 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 0.22-acre subject site is zoned R-1 (One-family Dwelling) located at the terminus of Club Court, and is addressed 11 Club Court.

MR. STANTON: Could I have a staff report, please?

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the CUP to allow 11 Club Court to be operated as an STR subject to:

1. Maximum occupancy permitted within the dwelling shall not exceed six transient guests regardless of potential occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IMPC); and
2. A maximum of 210 nights of annual usage.

MR. STANTON: All right. If any of my colleagues have any ex parte information relating to this case, I would like you to share that with the rest of the Commission at this time. I see none. Any questions for staff? Seeing none. Oh. Ms. Ortiz?

MS. ORTIZ: Have we seen a short-term rental on a private street yet?

MR. KUNZ: Not to my knowledge, no.

MS. ORTIZ: Is there any special consideration we should take in for that?

MR. KUNZ: I do not believe there is anything regarding particularly needing access to a public street within the criteria for approval for a conditional use permit for short-term rentals.

MS. ORTIZ: Thank you.

MR. KUNZ: Yeah.

MR. ZENNER: Any other questions for staff? We will open up public hearing.

PUBLIC HEARING OPENED

MR. STANTON: Are you waiting for me to slam that, Ms. Ortiz? So I'm going to behave this evening. Is there anybody from the public who wish to discuss this case? Going once. Excuse me?

MR. PROST: (Inaudible.)

MR. STANTON: Somebody. Okay. Sir, be sure and state your name and address. If you're for an individual, you get three minutes. If you're representing an organization, you get six.

MR. PROST: Yes, sir. I'm representing myself and my wife, Debbie Prost. We live at 6 Club Court.

MR. STANTON: Can you repeat your name, please? We're -- we're recording it, so we have to make sure we have it.

MR. PROST: Warren Prost, P-R-O-S-T, and my wife, Debbie, and I live at 6 Club Court.

MR. STANTON: Okay.

MR. PROST: Can we get this up on the screen? Thank you. I'm the resident that submitted the document -- lengthy document to -- to P&Z staff. I'm happy to answer any of those questions, and

questions you may have regarding that follow-up information that I previously submitted in writing. We have lived at 6 Club Court since 1992, so we have 33 years of first-hand experience and knowledge regarding our great small neighborhood and the private street, Club Court. It's -- the Club Court is 65 years old. It is narrow, only 20-foot wide. It has no curbs, no sidewalks. It is an unreinforced concrete pavement with many cracks. As you know, we are responsible for the maintenance of it. This includes snow removal. The section of Club Court in the very worst condition is on the west end, the cul-de-sac where the street narrows from 20 foot down to 16 foot wide. The turning radiuses were never constructed for any traffic other than normal passenger vehicles. City trash trucks discontinued driving on Club Court over 15 years ago with mutual -- with the mutual consent of the homeowners in the city in order to prevent to any further damage to the street. City trash collectors now drive a pickup and manually throw our trash bags into the back of it. All of this is to prevent further damage to Club Court. That is a high priority. We have worked hard to get to know our neighbors, both permanent residents and long-term residents, because knowing one's neighbors is a well-established basic building block for safe and secure neighborhoods. And we encourage one another to keep an eye out for unusual activities or vehicles. But the unpredictable stream of strange vehicles and short-term tenants going in and out of 11 Club Court this past year randomly showing up at any time of day, any day of the week, has fundamentally changed our neighborhood. We have no idea really who is in the house one or two doors away from us. Not only can this be unsettling, but it's nothing that any of us bargained for or expected. It is undermining the safe and friendly character of our neighborhood, in my opinion. We ask that you deny this -- this request. This request benefits us nothing. On the contrary, it adds extra burdens to the neighbors for us to monitor any possible damage to the street plus monitoring short-term tenant compliance. The bottom line is this: There is no one who can promise or warrant or guarantee that the -- that the incidents that I documented over the past 12 months will never happen again. There is the only way that can be -- we can be confident that our street will not be put at risk or damaged as it has been in the recent past. is to deny this request. Thank you.

MR. STANTON: Thank you. Are there any questions for this -- for this speaker?

MR. DARR: Is there a homeowner association?

MR. PROST: No.

MR. DARR: How is the maintenance of the private drive done now? Is there a formal agreement, or is it just --

MR. PROST: So as I put in writing, in my -- in my comments, sadly, in 1960, they constructed -- no, they organized no home -- no HOA. So there are no funds.

MR. DARR: So it's just however you guys collect it?

MR. PROST: We have no money.

MR. DARR: Yeah.

MR. PROST: Yeah. To be clear, we have no money set aside for any of this.

MR. DARR: So -- so, theoretically, even if -- if there is violations and you guys complain, but

there is already damage to the street. It's not a public street. You guys would be on the hook to fix that?

MR. PROST: We are -- we are 100 percent on the hook -- responsible for this, and we know this when we bought it, you know, in disclosure, this is a private street. And the very worst part is right at the nexus of where the applicant's driveway enters Club Court.

MR. DARR: Thank you.

MR. STANTON: Any other questions? Dr. Gray?

MR. PROST: Yes, ma'am.

DR. GRAY: Hi. Thank you. You said that you worked really hard to know your neighbors and talk to them and establish --

MR. PROST: Uh-huh.

DR. GRAY: -- a safe neighborhood. Have you talked to the applicant, the owners?

MR. PROST: So I can tell you that the -- twice that I've had a conversation with the applicant. Once was a year ago at a casual social event. I'm acquainted with him. I didn't -- he lives probably in the neighborhood. It was the first I learned that it was an Airbnb. So the applicant never initiated any discussion with neighbors on the front end. I'm not saying he should have, but that's what happened. A week ago, we had an informal meeting, and there's some positive things -- we mainly discussed the condition of the road. The applicant was there, and really some things were discussed, but no decisions were made or no actions or suggestions were initiated, but that's my memory of the discussion, so -- but, yeah.

DR. GRAY: And I was also just wondering, so you talked about the upkeep of the road, that the applicant would also have a vested interest in that.

MR. PROST: Sure. Anyone who uses it, yes. He's just one of the ten people that would be, you know, have to fork over part of the money. The last time anything -- there's only been money spent on it twice, once in 1989 and -- and then the asphalt patch you might have seen on some of the photos that I've sent. That was, like, 15 years ago.

DR. GRAY: And my last question -- thank you. You talked about the burden of monitoring the safety of this community and this neighborhood if this is approved, and I just wanted to make sure that you are aware of the enforcement and what that would look like with two verified claims.

MR. PROST: Yeah. Yeah. I guess to that, I would say we never bargained for that, you know. Our neighborhood didn't buy into that when we bought our homes here. So I -- long-term rentals, I -- they're great, you know. Never had a problem. Several -- several neighbors have long-term rentals, and they're -- so it's a different dynamic. I -- the -- if you may recall the one picture of the photo was a large truck. That's an example. That gentleman showed up at 8:00 at night, and they were gone by 6:00 or 8:00 the next morning. It just so happened that I was in the house and heard this loud noise and saw it. So that's -- that's the way it is.

DR. GRAY: Thank you.

MR. PROST: I don't think there's anything in the system that will prevent that from happening again. Yes, sir?

MR. BRODSKY: You mentioned that the applicant told you sometime last year at a social setting, and that was the first time you learned that it was an Airbnb?

MR. PROST: I -- I -- yeah.

MR. BRODSKY: Do you recall when that was?

MR. PROST: I don't -- not exactly. It was late -- late summer, early fall, I guess.

MR. BRODSKY: Okay. And the reason I ask is just because the -- the property has been operating as an Airbnb since December of 2023.

MR. PROST: Yeah.

MR. BRODSKY: So I was curious if -- or, yeah -- curious that you -- you --

MR. PROST: It could have been the summer. I really -- I don't -- you know, I was, like, what's going on? See what's going on and --

MR. BRODSKY: So you hadn't noticed any issues prior to that?

MR. PROST: I know there was a lot of strange vehicles going up. It is -- what triggered -- my main concern was the three weeks of the utility contractors. That was a bad deal. So that's when I realized that this was not -- I need to do something different. That was a bad deal.

MR. BRODSKY: Thank you.

MR. STANTON: Any other questions for this speaker? Thank you, sir.

MR. PROST: All right.

MR. STANTON: Anybody else from the public wish to speak on this case? Going once, going twice.

PUBLIC HEARING CLOSED

MR. STANTON: Fellow Commissioners, questions, comments, concerns?

MR. FLEISHER: (Inaudible.)

MR. STANTON: We already closed the public hearing, so do you --

MR. FLEISHER: (Inaudible.)

MR. STANTON: Well, you know -- do you want to open the public hearing again to hear this guy? Okay. We're going to reopen the public hearing.

PUBLIC HEARING REOPENED

MR. STANTON: You may approach, sir.

MR. FLEISHER: My name is Steve Fleisher; I own VSP, LLC. I own 11 Club Court. I live 2007 South Country Club Drive. And thanks for being here tonight. It's a beautiful evening. Sorry you're inside. Do you guys have questions for me?

MS. WILSON: I do. So part of the documentation that we have for this evening is your supplemental questions that were asked, and question F is usually one of the questions that I am very keenly interested in because it asks if there will be significant impacts to the surrounding properties, and

you said yes. What was your -- what were your thoughts? Oh. Not cause. Never mind. You said yes. So what were your thoughts -- still the same question -- when you said yes?

MR. FLEISHER: That we have a --

MS. WILSON: That would not cause significant or adverse impacts to the surrounding properties?

MR. FLEISHER: I mean, I really haven't had any -- any problems there at all. A traffic count has been low. Warren referenced the three weeks of contractors. I never had anyone stay over three weeks that were contractors. The contractors that were there were laying fiber optics. I do think they stayed maybe seven to ten days. None of the vehicles were -- you know, we had a group meeting on the street -- right -- to talk about the street and my Airbnb, and I'm pretty flexible on -- on how we handle it. I asked at that meeting are we concerned about length of vehicle or weight of vehicle, because there's some -- some heavy equipment that has nothing to do with Airbnb that will be on our street, and the street is in not great shape. So I'm willing to adjust, and I told them -- told them that at the meeting. We put a comment in there before that it said this was after where -- where one of the neighbors actually approached one of the tenants in their U-Haul and started yelling at them to move. This was a professor moving across the country with his two small children, and after that, we put a comment in the notes that said please contact us if you've got oversized vehicles, something to that effect, so we can make arrangements. And I would like to note, too, I don't know if -- can that be zoomed in at all -- that image? That's good. I just -- so I also own 9 Club Court. I bought that house for my mother-in-law when my father-in-law passed away so she could be close to us. And then I had the opportunity to buy 11 Club Court, and I bought that for my mother, and that just didn't quite work out and I didn't want to put a long-term tenant in that property in case she does change her mind and wants to move there. I don't -- I don't want to be in a -- tied -- tied into a long-term lease. The contractors who were on the property went and shoveled my mother-in-law's snow, and she made them cookies. The same contractors. So I'm very conscious of who goes into that property. There are limits. I can't -- you know, our screening, we do the best we can. If someone has a lot of past reviews, they're all positive. It's usually a pretty straightforward deal. If someone has no reviews, they just joined Airbnb, I'm probably denying that stay. But I try to be very careful who goes in there. And at -- pretty much, I get a report card from my mother-in-law after every stay or during the stay.

MS. ORTIZ: When did you put the comment about if, like, you have oversize vehicles? Is that relatively new?

MR. FLEISHER: No. That was -- that was after one of my tenants was harassed on the street.

MS. ORTIZ: Okay. Because I just noticed that in the photos that were provided by the public, a neighbor, I do see oversized vehicles with the public hearing notification, like, placard in the yard. So how do you plan on --

MR. FLEISHER: I -- I don't understand.

MS. ORTIZ: So --

MR. STANTON: Notification about this hearing. Right?

MS. ORTIZ: Yes.

MR. FLEISHER: It is in the yard, and they took a picture of it in the yard with vehicles in it.

MR. FLEISHER: Right. Right.

MS. ORTIZ: Yes. And so we were provided from one of your neighbors photos of oversized vehicles outside of the property while the notification was in the yard, so that implies that it's recent, within the past couple of weeks. Right?

MR. FLEISHER: Right. I mean, it's -- that's kind of where I'm hoping that guest is going to notify us or -- or take heed. I mean, I can -- I can change the verbiage, or add it, but I didn't see the picture.

MS. ORTIZ: So my question -- right. Right. And so that's why I also explained it to you verbally. Right? My question is, how do you plan to enforce that there's not, like, a ton of big vehicles. Like, what kind of -- do you have, like, a camera? Is your mother-in-law going to call you, like, hey, there's a U-Haul right up the street?

MR. FLEISHER: She'll call. She'll call. But, I mean, that's -- I can guess that was probably someone moving their student here, I mean, that was coming to our Airbnb to move their kid. I mean, we only have really so much control, and we try to screen the best we can. And we do our best. I mean, it's -- it's an investment for me. I want to protect my property. I also am going to keep an eye out for -- for the neighboring house.

MS. ORTIZ: That's all for me.

MR. STANTON: Any other questions, comments, concerns? Dr. Gray?

DR. GRAY: Given some of the comments and concerns about safety, you talked about your mother-in-law not --

MR. FLEISHER: Right.

DR. GRAY: Would there be any additional measures or screening that you would be willing to implement in order to assure that your neighbors felt safe?

MR. FLEISHER: Absolutely. I'm open to suggestions. I said that at our -- at our meeting. So like any -- any work that's done on the street, I own two of the houses on the street, so I -- I pay twice what everyone else does for snow removal and -- and road maintenance just has not occurred. I also live on a private street where we pay for road maintenance. We actually replaced the asphalt a few years ago on our street. We pay for snow removal. We have large tractor-trailers drive down our street, you know. There was in -- on my street, on Club Street, just a week and a half ago, there was a tractor trailer on the street. Tore up the -- tore up the whole cul-de-sac. Nothing to do with me and I don't know if you got pictures of that.

DR. GRAY: The second thing I want to say -- thank you.

MR. FLEISHER: Yes, ma'am.

DR. GRAY: I understand that you have made adjustments in the listing, and asked people to

indicate if they have oversized vehicles --

MR. FLEISHER: Right.

DR. GRAY: -- but I just want to confirm that you understand with two verified violations within a 12-month period, your license would be revoked?

MR. FLEISHER: I mean, what would -- like, having -- I guess I don't know the definition of an oversized vehicle and are they -- are they not allowed on the road or parked? How -- those, I'm just -- I'm not seeing what you guys have seen. So would those two instances be violations, of someone parking on the street? I'm all to get along. I mean --

MR. STANTON: Yeah. I'm going to say this without giving a definitive answer, but I'll -- we'll give you a clear definition. It's very important with this process to get along with your neighbor.

MR. FLEISHER: Right.

MR. STANTON: I think communication is key in this short-term rental thing.

MR. FLEISHER: Right.

MR. STANTON: Really, it's in the eye of the beholder, because, as Dr. Gray just said, a violation is in the eye of the beholder. If they feel like they want to complain about it, they can go through the proper channels, then, and it's -- it's a verifiable complaint, it's a verifiable complaint. I kind of see what you're getting at, like, what is that? That is communication with the neighbor. That's working that out, seeing what triggers them, I guess, is the best way I could say, you know. When the picture I seen, it looked like a -- like a U-Haul, like, attachment to a -- like to a tow hitch. It's not the big U-Haul truck. It's just a -- you know, it's a U-Haul attachment. Okay. To me, that's not oversized.

MR. FLEISHER: Right. And I would agree.

MR. STANTON: To me, it's not; you know what I mean.

MR. FLEISHER: Right.

MR. STANTON: But to somebody else, that may. And I -- you know, with this being a private road that's not in the most pristine, you know, condition, you know, there's probably a little sensitivity to the use of that road with those kind of things. That's communication with the neighbor. That's really hashing it out with them.

MR. FLEISHER: All right.

MR. STANTON: That's kind of what I would suggest. Dr. Gray, did you have anything else? I'm sorry; I kind of jumped in.

DR. GRAY: No, thank you. No, thank you.

MR. WALTERS: I had a question of staff. It's an interesting point is that -- so a vehicle parks in the street, and it creates difficulty in access, but it doesn't block access. And so someone would call, they could call the number to complain, they could call the police, but the police can't enforce parking on a private street. Correct?

MR. ZENNER: That is correct.

MR. WALTERS: So what constitutes a valid complaint here regarding oversized parking if

access is still possible?

MR. ZENNER: So the access easement is afforded to all of the properties that are on Club Court. That is provided through the plat that went with this subdivision when it was created. If there is no active homeowner's association, it's a problem. Because a homeowner's association would be one that would be able to muster the troops, so to speak. A verified complaint, as it relates to this particular topic, is going to be -- it would be -- a complaint will be submitted to our Office of Neighborhood Services or submitted to the Community Development Department. That complaint's veracity would be compared against what is in the Code by definition. So we have weight limits, we have tire limits that constitute what a heavy vehicle is and what is and is not permitted in a residential neighborhood. If it doesn't meet that criteria, yes, it's a frustration to those adjoining neighbors, but it is not a verified complaint. Verified complaints really are going to more man up to the idea of noise violations that trigger a police report to be filed over occupancy complaints that actually can be verified through evaluation of booking calendars and following up with the applicant and the operator as to how many people did you actually have during that weekend stay. Those are the types of complaints that are verified based upon neighbors participating in the enforcement process by either photography, which is going to be the best means of verification, so there is photographic evidence. Hearsay doesn't really make it in court. So we're going to have to have something filed, and it is going to have to have veracity. We've been doing enforcement for four months. I'm sure that there are a lot of folks out in our community that would love to see their neighbors who are operating on licensed short-term rental shut down immediately. That's not how it works in reality. We have to mount a meaningful case and then we have to have it prosecuted. The way we get prosecution is by evidence. And so evidence is gained by looking at our Code and what constitutes actual code violations, not by just a neighbor calling and being upset that their neighbor is operating a short-term rental in a way that they don't like. And that is how we will have to approach solving these problems as we move forward in the enforcement phase.

MR. WALTERS: Okay. Thank you.

MR. STANTON: Any other questions for this speaker? The main thing I see with this case is that it's a private street. Do you guys have weight limits for that street? You know, like have you ever seen a street that will say, hey, no -- no truck beyond X amount of pounds allowed, because a semi rolling down that street --

MR. FLEISHER: There was a semi on there two weeks ago, a tractor-trailer with a backhoe.

MR. STANTON: Yeah. You know, that probably wouldn't have been my choice, but he probably was just, like, hey, I didn't see any weight limit, I'm going to go for it, you know.

MR. FLEISHER: Well, at our meeting, we discussed putting -- because there is no signage at the end of the road that says no turnaround.

MR. STANTON: Yeah.

MR. FLEISHER: It doesn't -- so it's, you know, no alley, no turnaround. So we talked about putting those signs up at the end of the street.

MR. STANTON: Yeah. I think that -- so that, number one, you know, kind of answered the question what's oversized, what's not. That -- and I know that's not your problem. I'm going to get back to know thy neighbor --

MR. FLEISHER: Right.

MR. STANTON: -- and work with thy neighbor on what that is. I mean, you could probably say, hey -- I don't know. You know what big is. You know --

MR. FLEISHER: And this -- this particular property, so the turn-around he's talking about is in -- is right in front of kind of between 7 and 8 Club Court is where the cul-de-sac is.

MR. STANTON: Oh, I see. Okay.

MR. FLEISHER: So from 9 Club Court to 11 Club Court, there's only two driveways coming off of that, and that's 9 and 11. So there's a small part of the street that probably 70 years ago was a through street. I don't know how long ago. Nine doesn't drive a car, and then 11, I've got plenty of parking and a two-car garage that -- that the guests have access to. But the whole front of 9 is part of the asphalt drive and it's -- it just has those two driveways. 12 Club, their driveway comes off of the road behind us.

MR. STANTON: Any other questions, comments?

MR. WALTERS: Yes. Looking at -- I found a clear image on Google Maps, and looking at that, it looks like the properties most adversely affected by large vehicles related to your property would be the people who own Lot 9, that's you, 11, that's you, and 12 next to you. Because of the little loop road, the little cul-de-sac loop that you were referring to earlier, everyone there appears to be able to have some say out of here without being impacted by -- and I'm not justifying illegal parking, I'm just trying to think of this out loud. Anyway, I -- I don't think I have a more concrete comment to make than that. I'm done. Thanks.

MS. ORTIZ: I would just add next time I would lead with that, because that is very helpful, that there is a turnaround between -- or at -- between 6 and 8.

MR. FLEISHER: Between 7 -- between 7 and 8, there is a small cul-de-sac, and it's -- and it's small and narrow. It's -- it's hard to navigate, especially like if the tenants at 8 Club Court are parked in the -- in the grass on the street.

MS. ORTIZ: But what I'm hearing is really the only traffic that would go down to 9 and 11 are -- those are your properties?

MR. FLEISHER: Correct. But you've got to get there.

MS. ORTIZ: Okay. Thank -- okay. I see what you mean. And then 12 has access through --

MR. FLEISHER: Twelve's driveway is on Charles.

MS. ORTIZ: Charles. Okay. So -- okay. Sorry. Now I'm understanding. So the people that live going up to your properties are the ones that have the problem. Okay. Working through this out loud.

MR. FLEISHER: Right. And -- and, for the most part, from 7 Club down to Country Club Drive,

there's -- there's no reason for anyone to be driving back there.

MS. ORTIZ: Okay.

MR. FLEISHER: And we get, you know, the post person and Amazon and UPS are on the street all the time. Any time I have guests there, I take a loop and make sure there's -- just trying to protect the property, make sure we don't have ten cars or a party going on.

MR. STANTON: Is there access from McAllister Street? I'm seeing kind of --

MR. FLEISHER: Not street access.

MR. STANTON: So to get back to that, they have to go around the Circle Court -- I mean, Club Court?

MR. FLEISHER: I'm not following you. I'm sorry.

MR. STANTON: How do I get to 11 and 9? Give me the options to get there.

MR. FLEISHER: Off of Country Club? Country Club Drive is your option. And when you get to 8, there's a small cul-de-sac there.

MR. STANTON: So I guess the question, because I'm -- because these markers are in the way, I can't see the other street. The way I'm looking at this, and please correct me, if counsel sees it, and/or my Commissioners see it, if I were to try to get to 11 or 9 or -- yeah -- 11 or 9, I have to go from Country Club Drive up Club Court? I have to go through to 1, 2, 5, 4, 6, 7, 8 to get to your properties at 9 and 11. Correct?

MR. FLEISHER: Correct.

MR. STANTON: There is no other way to get to that from any other way but to take Club Court; is that what I'm seeing?

MR. FLEISHER: Right.

MR. STANTON: Okay. That's what I didn't know. Any other questions? Questions for this speaker? Thank you, sir.

MR. FLEISHER: Thank you.

MR. STANTON: I've got public hearing opening. Anybody else have anything else to say before I -- please state your name and your address, and you have three minutes, ma'am.

MS. PAPE: Okay. My name is Kirsten Pape, and I live at 7 Club Court, and Steve is my neighbor, one of my neighbors. Clara is his mother-in-law, who is directly right next to me. And I would have to say that I was at the meeting when we discussed the streets and the conversation. It was a great conversation. I feel like there are lines of communication that are open, and I would like to continue to see those lines of communication be open. And so I do want to say, for the record, that I enjoy having Steve and Clara as my neighbors. Steve is wonderful, has helped me with my property, he is a great neighbor. I do have some concerns about how the property is managed. I have less concerns about the street necessarily, and more about the property management in the sense that while I think that Steve and his company have made great lengths to manage the property under Airbnb, I know it's somewhat restricted as far as what can be involved. But because we are a cul-de-sac, we have no

lighting on our street at all. There is no public lighting. When strange cars come up, it can be concerning. When we don't know someone in the neighborhood, that can be concerning. I wasn't originally going to come to this meeting. My neighbors encouraged me to come. But last night, for just an example, the people staying in the property, because there are no streets, Clara was asleep when this happened, but I came out to let my little dog go to the bathroom, and they backed out of that road and then didn't know how to turn around, so they continued to back out around the cul-de-sac right in front of my property, and because there are no street lights, one of the gentlemen in -- and I -- it was man's voice in the back of the -- at the car, had it go phone with the camera on the phone with the flashlight on the phone, trying to guide the driver so that they didn't hit the median, and they were kind of screaming and kind of loud because he was, like, your flash -- I can't see. You're blinding me. And then he was, like, I'm trying to show you where to go. So that's just an illustration; right -- about how that can be slightly disturbing for the neighbors and the neighborhood. It has nothing to do with Steve and his Airbnb, but it just has to do with some concerns that I have in the neighborhood about navigating a street that's not lit, that may be not familiar to them. And then on top of that, there is no on-site management, so no one is greeting them as they come in. They do come late at night, so that's a concern, and what that looks like. And I know that that's a challenge in the industry and what's going on, but that's kind of my concern. Could there be more put in place, and I think Steve is open to this, in the ad. You mentioned cameras, and I think that's great idea. I think neighborhood participation and Clara is a wonderful idea, but also are there guidelines where you have to arrive by 8:00 p.m., you have to be checked in by someone instead of just have a code to get into the home. Are there some things that we can be doing and talk to the management company about doing when there is active management of the property, can we lean into that more. So that's kind of where I'm coming from within the neighborhood, because it is a cul-de-sac, because we have no street lighting, and it doesn't get a lot of traffic. I'm probably at the end of my time. Thank you so much. I appreciate it. Any questions?

MR. STANTON: Any questions for this speaker?

DR. GRAY: Hi. Thank you.

MS. PAPE: Hello.

DR. GRAY: I understand how your example and your story could be disconcerting. I'm curious about this kind of recommendation to perhaps, like, limit when people could check in or out, given that if it were a long-term renter or another owner, you're not going to be able to police when they can come in and out of their home. So, yeah, I'm just -- I wanted to be a little bit curious about that solution.

MS. PAPE: So one of my thought processes, and I'm the one who actually recommended the signage at the meeting, so I'm very open to kind of ideas and how this will come across. But my idea was if they got there before nightfall when everything was still lit up, they would be able to see, they would see the cul-de-sac, they would see how challenging it is to actually get around, how they might maneuver their vehicles within the driveway setting. So my thought process was is before the sun sets, if they check in and someone is there to help give them some guidance on the property, that might be helpful.

That was my thought process on having a check-in time. I know that that can be challenging because people are traveling late at night, but I also know there are lots of Airbnbs that have that in place. I know most of them are residence occupied, and so that makes it a little bit easier for the people managing the company. But my thought process was is that it would just be better if it was daylight and they could see things, and they could kind of see some of the obstacles that might be in their way as they're maneuvering that spot, because it is kind of challenging. We have talked about various different things that we can put in place like the signage.

DR. GRAY: Thank you.

MS. PAPE: Thank you.

MR. STANTON: Any other questions? Ms. Wilson?

MS. WILSON: In that same vein, I wonder if, and I suspect this would be for the homeowner. When people are booking, if we could provide pictures to say, hey, this is an issue, and this is how you would turn around should you need to turn around. That could also be an option.

MS. PAPE: Yes. And that's a great idea.

MR. STANTON: Any questions for the speaker? Thank you, ma'am.

MS. PAPE: Okay. Thank you so much. I appreciate it.

MR. STANTON: Anyone else? Going once, going twice. Closing the public hearing.

PUBLIC HEARING CLOSED

MR. STANTON: Fellow Commissioners, let's talk about it, or make a motion, either way. Oh, we've got one, two, three -- let's talk about it. Is that a motion or something? Ms. Wilson?

MS. WILSON: So all of the concerns that we have about vehicles are applicable to any home in the neighborhood. It's not singled out just for this homeowner. So I'm not inclined to make a decision based on vehicles and traffic because it's applicable to everyone. Hence, you know, when the homeowner shared with us that there was a semi-tractor trailer on the street and it had nothing to do with him. So I'm not persuaded by -- by that argument.

MR. STANTON: Mr. Brodsky?

MR. BRODSKY: In a similar vein, I am very sympathetic to that, that, you know, the entire neighborhood is going to use the road and -- and say that this one applicant is going to damage the road anymore. I'm just -- I'm not -- I don't know that I'm on board with that. And I do think that this particular owner also has the incentive owning two homes to also protect the road just the same as the neighbors. And then I will remind all of us that, you know, these licenses are with the applicant on that property. It doesn't stay with the property forever and ever. I'm okay with this. A lot of things that I'm hearing are things that I think can be worked out between the neighbors and the applicant, and communication with the short-term tenants, you know, just communicating with them about the condition of the road, and, hey, there aren't street lights, so, you know, be careful if you're coming in after -- after sundown. So I'm -- I'm comfortable with this. I think a lot of the issues that we're hearing are -- are things that can be handled with communication.

MR. STANTON: Mr. Darr?

MR. DARR: See, I am a little bit moved by the parking concerns and it being a private road. Even in a subdivision with public roads, I am very familiar with people having issues with semis being parked and trying to get recourse for that from the City is very difficult because you're allowed to be there for, like, 24 hours or something, so -- and then, you know, so if you just come and the police say okay, well, you know, if we come back tomorrow and they're not there, maybe we can do something, or, you know, maybe they moved -- they moved and then come back and park in a different spot. So even on a public road, and this being a private, I think is going to make it even more difficult to -- for the City to enforce that type of thing. And with the testimony that we've had about parking being such an issue on this road, and it being private, it really, for the first time, I'm kind of nervous about voting yes for this, so I'm kind of leaning towards no.

MR. STANTON: Any other Commissioner comments? I'm kind of conflicted because -- and the reason why I asked this series of questions I asked is, basically, they have to go around the whole cul-de-sac to get to the property. Yes. There is already normal traffic, but with the Airbnb, can we not say there's going to be increased traffic to the back of the cul-de-sac? If he's successful, you know, he's going to have people back there. So I'm kind of conflicted with that because -- but this is what's got me, and I'm -- I hate leaning on trust and faith. I'm leaning to a yes if I can look the guy in the eye and say you're really going to talk to your neighbors, you've heard the testimony, you've heard your neighbors, you heard our opinion. You are going to come up with a solution about big vehicles parking and addressing the management of the property. I'm trying to get a vibe that I'm going to get this from the owner because if I don't feel it, I'm going to go no. But I am inclined to give this guy a chance because we have systems in place that if he doesn't do what he's supposed to do, we take his license. I believe in the system. So I'm inclined to let the system work and snatch it if he doesn't do what he's supposed to do. Ms. Ortiz?

MS. ORTIZ: Okay. I feel -- I feel conflicted, as well. The question I ask about how do you plan on enforcing the oversized vehicles, that was kind of to see how the applicant would respond. And, to me, the response did not inspire any confidence. However, I do have trust in our system that if the applicant does not take care of the property or doesn't -- is not being a good neighbor, I do think that the system we have in place will revoke that license appropriately. So I am leaning yes. I'm leaning yes, but it's not --

MR. STANTON: Don't worry about me folks.

MS. ORTIZ: I'm sorry. Oh, no. I am leaning yes only because I have trust in the system, but I want to make it very clear it is not because I am confident in the applicant.

MR. STANTON: Any other questions, comments?

MR. BRODSKY: A quick comment for staff. I saw Pat just stepped out. You know, if -- if this applicant has tenants and they are parking on -- using off-street parking, and because their vehicles are too large to be accommodated by the off-street parking on property, and the neighbors take pictures of

that, I mean, that would be considered a verified violation that would count towards two, I'm assuming.

MR. KUNZ: If they are parking on the -- on the private street off of the site.

MR. BRODSKY: Correct.

MR. KUNZ: I do not believe -- I mean, again, from Pat's response earlier, if the City does not deal with the enforcement of private streets, I'm not necessarily sure that's something that could warrant a complaint.

MR. BRODSKY: I guess I would look at it more as a, you know, they're -- they're not using their off-street parking and that would be -- that is the violation, because they're not using their off-street parking and they're allowing vehicles that are too large to be accommodated by their off-street parking.

MR. ZENNER: That would -- that would be a -- constitute a violation. So again, part of the -- part of the technical evaluation that our staff does, as I've said previously, we evaluate this from the technical and not the -- not the subjective side. So the site has adequate parking. If the applicant's tenants decide that they don't want use that adequate parking, that then becomes a verifiable violation, because if -- now if you -- if you have capacity for the three vehicles, so you have six people; two come in one vehicle, two come in another, and two more come in their own individual vehicles, that fourth vehicle could park on the street, because that fourth vehicle, we can't anticipate how travel will occur. They have to have three compliant parking spaces. And so there's a point at which, again, this is the veracity of the comment given the conditions. And so we cannot anticipate every permutation of how a violation may occur. You may have six people that come from six different directions in the country, and they all drive themselves. And so, at that point, what the applicant needs to be aware of, as Mr. Stanton pointed out, there is sensitivity within this neighborhood. That is communicating with your neighbors. And you need to counteract that through how you list and how you describe what your property is available to accommodate. And that is what we would encourage the applicant to do if that type of report was submitted to us, and we concluded there was nothing technically that we could do from an enforcement perspective. Address it through this means.

MR. BRODSKY: Thank you.

MR. STANTON: Dr. Gray?

DR. GRAY: Yes. I am -- yeah -- empathetic to the neighbors' testimony and also find myself returning to the staff's report that there is adequate infrastructure and that if there are violations, if people are not doing what they're supposed to or using this appropriately, that we have neighbors who are willing to do an amount of surveillance and hopefully follow through in reporting that and supporting the enforcement. So for that reason, I am comfortable with moving forward.

MR. STANTON: I have one more comment and this is to kind of wrap up what we talked about. So we understand what a violation is, it has to be verifiable. There is processes in place to document these things. Yes, you're not getting paid to police someone else's property, but if we want to make this work, and in a win-win situation, we may have to be more vigilant neighbors. I am reaching out to the owner and hope he's heard all of this. I am leaning yes, but, man, if he doesn't do what he's supposed to

do, neighbors, get him out of there. I hope he's heard everything, and he's digested all of this. He has all the information to make an accurate, clear, specified guest list or whatever you want to call it. All the time we spent in this hearing, you have all the tools to make a great short-term rental. If you do not, I will be the first to come to Club Court and let's have a party. Let's get them out of there. But I am inclined to give him a chance and work the system. I hope the owner has listened and he's modified his business model to make this a win-win for his neighbors. I pray that he does tonight.

MR. WALTERS: I'd like to make a motion.

MR. STANTON: Let's go ahead, Mr. Walters.

MR. WALTERS: Could we change the screen?

MR. KUNZ: Oh, back there? Hold on.

MR. WALTERS: No. I mean the -- well, anyway. I can improvise here. In regarding Case Number 262-2025 -- there you go -- I move to approve the requested STR CUP subject to maximum occupancy of six transient guests and maximum of 210 nights of annual rental usage.

MS. ORTIZ: I second.

MR. STANTON: It's been moved and properly seconded. Mr. Secretary -- oh, excuse me. Any more discussion on this motion? Seeing none. Mr. Secretary?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Walters, Ms. Wilson, Mr. Brodsky, Dr. Gray, Ms. Ortiz, Mr. Stanton. Voting No: Mr. Darr. Abstention: Ms. Stockton. Motion carries 6-1-1.

MR. BRODSKY: The motion carries.

MR. STANTON: The motion will be forwarded to City Council.

Case Number 265-2025

A request by A Civil Group (agent), on behalf of Kory & Kathleen McDonald (owners), for approval to rezone 0.96 acres of property from the PD (Planned Development) to R-1 (One-family Dwelling) to allow a single-family dwelling to be developed on this site. The subject site is located approximately 220 feet northeast of the intersection of Forum Boulevard and Old Plank Road, and is presently unaddressed.

MR. STANTON: Could I have a staff report, please?

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the request to rezone the subject acreage to the R-1 (One-family Dwelling) district.

MR. STANTON: I would like to say if there's colleagues of mine up here that have had ex parte information relating to this case, would you disclose that at this time and share that information with your fellow Commissioners? If no one has any additional information or does not need to recuse themselves, are there any questions for staff? Dr. Gray?

DR. GRAY: Thank you. I just wanted to clarify. So you mentioned in the report and also just now about the access to Forum. If that weren't so, would there be any other access points or it has to be

that way?

MR. KUNZ: No. The stipulation in the Code is that it -- it can be considered for residential units if it's not necessarily feasible or practical. There are some avenues I would say they would not be feasible or practical in this way. It would either involve waiting on other lots to subdivide and/or granting of easements and extension of streets that wouldn't really make a lot of practical sense, so that's why the exception is being considered appropriate here.

DR. GRAY: Great. Thank you.

MR. KUNZ: Thank you.

MR. STANTON: Any other questions for staff? If there's no more questions for staff, I'm going to open up public hearing.

PUBLIC HEARING OPENED

MR. STANTON: If you are working as an individual, you have three minutes. If you're here for an organization, you get six, sir.

MR. GEBHARDT: Thank you, Anthony.

MR. STANTON: State your name and your address, please.

MR. GEBHARDT: Jay Gebhardt, A Civil Group, 3401 Broadway Business Park Court, Suite 105. I'm here tonight with Cory, and Cory and his wife would like to build their home on this lot. It's not going to be a short-term rental, so we don't have to worry about that. But, yeah, it's currently -- there was a plan that expired on this, but that plan had three homes on it. They do not intend to follow that, and they want to build a single-family home. They applied for a permit to build the home under the PD, but it had been expired, so this was the most logical choice, and I think it's pretty straightforward. So not to belabor anything, if anyone has any questions, I'll be happy to answer them.

MR. STANTON: Any questions for this speaker?

MR. GEBHARDT: Thank you.

MR. STANTON: Thank you, sir. Anyone else who would like to speak on this case? Going once, going twice. Closed.

PUBLIC HEARING CLOSED.

MR. STANTON: My colleagues, any questions, comments relating to this case?

MR. WALTERS: I'd like to make a motion.

MR. STANTON: Outstanding.

MR. WALTERS: Regarding case number 265-2025, Lot 1 of Rocky Creek Estates, I move to approve the recommended rezoning of the property from PD to R-1.

DR. GRAY: Second.

MR. STANTON: Moved and properly seconded. Any questions on this motion? Seeing none. Mr. Secretary?

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

8-0.

MR. BRODSKY: The motion carries.

MR. STANTON: The recommendation will be forwarded to City Council. All right. Moving right along here. This is the last case in our public hearing section, and last case of the evening, I do believe.

Case Number 266-2025

A request by Ashley Ann Perry (applicant) on behalf of Marvin Tyler Perry and Ashley Ann Perry, as co-Trustees of The Tyler and Ashley Perry Living Trust, U/A dated October 25, 2023 (owners), to allow 2613 N. Creasy Springs Road to be used as a short-term rental for a maximum of six transient guests 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 0.83-acre R-1 (One-family Dwelling) zoned subject site is located 390 feet north of the intersection of Creasy Springs Road and Proctor Drive, and is addressed 2613 Creasy Springs Road.

MR. STANTON: May we have a staff report, please?

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 2613 Creasy Springs Road to be operated as an STR subject to:

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

MR. STANTON: Thank you, sir. Any questions for staff? If there are any Commissioners that have any outside information, ex parte information related to this case that you would like to share with your fellow Commissioners, or you would like to recuse yourself from this case, you can do so at this time. If there is none, any questions for staff? I'm going to open up for public hearing.

PUBLIC HEARING OPENED

Mr. Stanton: State your name and address.

MS. PERRY: I am Ashley Perry, and my address is 3001 West KMJ Road. I am the owner of this Airbnb, but I am also the owner of the some sort towing company next door, which is Doug Perry Towing. So we kind of --

MR. ZENNER: I'll give you his address later, and you can tow his vehicle.

MS. PERRY: We kind of bought that. It came up for sale and we kind of bought it as a buffer for us, and that is why I turned it into an Airbnb, because who wants to live next to a tow company where we could potentially be dragging in cars at 1:00, 2:00 a.m.?

MR. STANTON: I kind of like the quarry in the back. That's pretty cool.

MS. PERRY: Yes. It would make a great impound lot, and I heard it recently got purchased by Quikrete --

MR. STANTON: Yes.

MS. PERRY: -- so it's been not operating, which has been great because when they blast, we

shake, and then the dust is, like, everywhere all the time still, even when they're not so -- but that's fine. I'm not complaining. No neighbor wars.

MR. STANTON: Any questions for this speaker? All right. Thank you, ma'am. Any other people that want to speak on this case? I think I'm going to close public hearing.

PUBLIC HEARING CLOSED

MR. STANTON: Are you guys laughing at me up here? Commission, discussion? I would just love to entertain a motion.

DR. GRAY: Oh. I'd like to make a motion.

MR. STANTON: Outstanding.

DR. GRAY: Great. As it pertains to case number 266-2025, 2613 Creasy Springs Road, STR Conditional Use Permit, I move to approve the requested STR CUP subject to maximum occupancy of six transient guests and maximum of 210 nights of annual rental usage.

MS. ORTIZ: Second.

MR. STANTON: It's been moved and properly seconded. Any discussion on this motion? I see none. Mr. Secretary?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Walters, Ms. Wilson, Mr. Brodsky, Mr. Darr, Dr. Gray, Ms. Ortiz, Mr. Stanton, Ms. Stockton. Motion carries 8-0.

MR. BRODSKY: The motion carries.

MR. STANTON: Recommendation will be moved to City Council. All right.

VI. PUBLIC COMMENTS

MR. STANTON: Any public comment? Oh, excuse me. Yeah. Let me do my thing, Ms. Ortiz. Are there any public comments?

VII. STAFF COMMENTS

MR. STANTON: Are there any comments from staff?

MR. ZENNER: You know I can't make a meeting go by without them. It's not even 10:00 and you all are punchy. I mean, you know. Can't I -- can't I hear you're marvelous, I would like to see all those comments. Your next meeting is September 4th. Enjoy the holiday. We will be closed on September 1st, so Council meets on Tuesday, the 2nd. We have some upcoming cases. Fortunately, they will not be much -- well, I shouldn't say that. We have three short-term rentals, so it could be a challenging evening, but we'll begin the night off with the -- the -- (inaudible) -- project. This was tabled at our last Planning and Zoning Commission meeting. This is the rezoning request to the north of the Burke Subdivision, western portion of Tract 5 of the Richland Road annexation, so we will be unpacking that. We have continued to receive public comment that will be shared with you as we post the agenda before the holiday weekend. We are probably 100-plus comments now, so we should expect to probably have a lively conversation for 231. So just so we can be familiar with where we're going to be talking about in the world, your request that was tabled there at the backside of the Burke's. Then we have our

short-term rental off of South Heather, which is just south of West Broadway west of Stadium, and between Stadium and Fairway -- Fairview, Paris Road, and then we have our last request at Parkview Drive, and this is just north of Stephens Lake Park. So those are your four cases. What I can tell you is the agenda for our second meeting in September has also been set, and that actually is only three items. So we are seeming to get to a little bit of a more normal volume of cases as we have seen. However, the volume of short-term rentals is about equivalent. Each of the cases normally more than half, and we continue to receive applications in. So on the 4th, I will know what will be your first meeting in November as our application deadline for that first meeting in November is August -- or September 2. We will bring you back, as we discussed this evening in work session, an updated version of the memo for the Commission comments as it relates to the amendments to the short-term rental. And as I did mention during work session, we do anticipate by the time we get to our September 4th meeting, we will have posted to the BeHeard website a summary of the changes and how they are -- how they were created and why. We will also likely have available at that point a correspondence piece as it relates to the definition of family to begin the collection of the public comment on that before we bring that back to you at the beginning of October. So with that, that is all we have to offer this evening. Thank you very much. Another meeting that we have ended two and a half hours early from what was scheduled in the video.

VIII. COMMISSIONER COMMENTS

MR. STANTON: I just have one comment. I really like how the rookies are coming along. We're really going through these STRs and learning from them. As you run into unique situations, this is what it's going to take for us to get this ordinance really refined. So hats off to the rookies. You guys are doing good -- great job.

IX. ADJOURNMENT

MR. STANTON: I would entertain a motion to adjourn.

MR. BRODSKY: I did have one quick comment.

MR. STANTON: Oh, excuse me.

MR. BRODSKY: I already e-mailed, I think, Pat and our Chairperson. I will be absent at the next meeting, but just wanted Commissioner Stanton or whoever was going to fill in for secretary that --

MR. STANTON: I'll take over the mic, young man.

MR. BRODSKY: All right. I figured. Commissioner Wilson will be first to vote at the next meeting.

MR. STANTON: Okay. Outstanding.

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

MR. STANTON: Second. All those in favor of adjournment, thumbs up? All opposed, thumbs down. Have a good evening.

(Unanimous vote for approval)

(The meeting adjourned at 8:34 p.m.)

(Off the record.)