

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
June 5, 2025

Case Number 193-2025

A request by Kyle Bogner (agent), on behalf of Kyle and Bailee Bogner (owners), for approval of a Conditional Use Permit (CUP) to allow the dwelling addressed as 411 N Brookline Drive to be used as a short-term rental for a maximum of eight 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 subject property contains approximately 0.22-acres, is located directly north and slightly west of the intersection of Danvers Drive and N Brookline Drive, is zoned R-1 (One-family dwelling), and is addressed 411 N Brookline Drive.

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

MR. ZENNER: Before Mr. Kunz gives the staff report, I would like to let the Planning Commission know the next four applications were all received prior to the June 1st enforcement deadline. They were actually received at the end of April. And pursuant to the way that our process operates, these cases are to be considered as though they were compliant at the time that they were submitted, and we will have a similar situation that will occur on our July 10th agenda. I will repeat the same instruction. Half of the applications for short-term rentals were then received on May 12, but because of the holiday, they will not be able to be considered until almost a month later. With that, that is just my general instruction and guidance to the Commission as it relates to these applications. It's not that the applicants have tried to avoid submitting. Mr. Kunz?

MR. KUNZ: Thank you, Mr. Zenner.

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the CUP to allow 411 North Brookline to be operated as a STR subject to:

1. Maximum occupancy permitted within the dwelling shall not exceed 8 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; and
3. The parking spaces within the attached 2-car garage be made available when 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 contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Any questions for staff? Seeing none. Thank you very much. We will go to public

comment. Any members of the public here to speak on this case tonight, please come forward.

PUBLIC HEARING OPENED

MR. LYBARGER: Hi, I'm Denver Lybarger, 413 North Brookline Drive, neighbor. I just wanted to say I support it. I've -- they've been doing it for a while, no issues so far. I also use Airbnbs all the time. I love the ability to do so when I travel. I think it's much more convenient than using a hotel, and I think I get a lot more enjoyment with my family when using them, so I'm in support of it.

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

MS. CONNER: My name is Brooke Conner, and I live at 406 North Brookline Drive. If you're standing at my front door and looking out, the property, the Airbnb is across the street from me and one door to the left. We've owned our home and lived in our home for 20 years. We raised our -- we've put our roots there. We've -- we're raising our four children there with our youngest being seven years old. Our neighborhood is a very family-oriented neighborhood. It has a lot of children in it. Can I approach to bring paperwork to you?

MS. GEUEA JONES: Sure. If you just hand it to Commissioner Darr, then he'll pass it down.

MS. CONNER: I have marked where all the children are kind of located in the neighborhood, and a lot of North Brookline and Danvers, all the kids are back and forth between our house and, you know, each other's houses, all around. And you can see that just in that short amount of area, there's 36 children. And I have concern with what I -- what I, in my humble opinion call a glorified hotel room in the middle of my --my neighborhood. We are two and a half miles from the stadium, so it makes it a prime spot for football season, and we did have issues in the fall with a rental there. And I know that they're -- did bring a letter to the neighbors stating that they -- they tried to screen all the guests, but you can't truly screen all the guests, and one of the guests had rented -- it was a child that rented under their parents account, and had a party there. And I have some information because I did contact the police that night. Unfortunately, that's the night of the shooting at Buffalo Wild Wings, so the police didn't end up coming to my house because they were dealing with that at the same time. They were road racing in front of the house. I hit a brick wall of marijuana when I came out my door. It was in the middle of the night. Another neighbor went over and talked to the people. We've had some other issues with a lot of traffic over there. I will say over the wintertime, it has been quiet and calm. The fall, with the football season, is where we were kind of seeing a lot of traffic, a lot of people over there. And so that's a concern for me as far as, you know, what is that traffic going to be like when fall comes, we're so close to the stadium. And I'm just concerned for the safety of my children. I will tell you that I check their website regularly to see who is on the docket to -- you know, if it's rented because my children ride their bikes and they're back and forth, and I don't know who these people are that are coming and renting and staying in my neighborhood. At least if somebody was renting long term, you know, they would have to register as a sex offender if they were a sex offender. I would -- I would get to know my neighbors, but with the revolving door of in and out, it's a concern for me and for my children. And I -- I'm just sad to see a business being planted smack

dab in the middle of our family neighborhood that we've been so long and with all the kids there.

MS. GEUEA JONES: Thank you very much. I'm right at three minutes. Any questions for this speaker? Commissioner Stanton?

MR. STANTON: The testimony that you just gave is directly related to this address --

MS. CONNER: Yes, sir.

MR. STANTON: -- or to the neighborhood. This address that is up for --

MS. CONNER: Yes. It's right across the street from me, one door to the left if you're looking out my front door.

MR. STANTON: Okay. Thank you.

MS. CONNER: I live right on the corner of Danvers and North Brookline, but my door faces North Brookline.

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

MS. ORTIZ: I noticed on the papers that you gave to us, that you indicated that there's day care -- a day-care facility.

MS. CONNER: Oh, goodness, I forgot about that. Yes, ma'am. So there's also a day care facility on Falmouth Drive a couple of doors down that I marked on there, as well. They have two children of their own, but they also have an in-home day care there, as well. So not only do we have 36-plus children, because I think there's still more children. I marked what I was aware of, what some of my neighbors, because most of the kids that we play with or my kids play with are Danvers and North Brookline. A neighbor here with me tonight would help me with the Falmouth. We know some neighbors on Falmouth, but not all of them, so I believe there are more kids, but, yes, there is the child-care facility there, as well.

MS. ORTIZ: Just to follow up. So that would be a business. Correct?

MS. CONNER: I don't know. I didn't know about it until tonight. I didn't know about it until tonight, so --

MS. ORTIZ: Thank you.

MS. CONNER: Yes, ma'am.

MS. GEUEA JONES: Any further questions for this speaker? Seeing --

MS. CONNER: Can I make comment to the business?

MS. GEUEA JONES: Very quickly, please.

MS. CONNER: Okay. I think there's a difference between how -- taking care of children, and people that you don't know coming in and out of your neighborhood on a regular basis.

MS. GEUEA JONES: Thank you. Any further comments or questions? Seeing none. Thank you very much. Anyone else to speak on this case, please come forward.

MS. FOWLER: Good evening. My name is Pat Fowler; I live at 606 North Sixth Street. And what strikes me about this application is that the nice person who just talked with genuine concerns about her neighborhood is echoing the concerns of every neighborhood, including mine that has been zoned R-

MF, even though we persist in having single-family uses. So what I'm seeing long term, and I know we have an ordinance up for discussion at the end of the meeting. Sadly, I won't be able to stay, but I have written remarks that someone else will deliver to you when that item comes up, is that we're more likely to put these in R-2 and R-MF neighborhoods and less likely to put them in R-1 neighborhoods. So if we want to be an equitable city, and if we want to allow this industry to continue to prosper in our community, we have to have an even hand, that all neighborhoods have to attend to the impacts of this, both the positive and the negative, equally. In my neighborhood and where I put my head at night is as safe and sacred a place to the families on my street as they are to the families that live on North Brookline Drive and the adjacent streets. And I think we keep forgetting that, which is one of the reasons it concerns me that we're ready to change an ordinance while it has just come into full operation. And, again, I'm sorry I can't stay. I'm 65 years old and still working full time, and it takes more out of me than it used to. I used to do my time here until 1:00 at night, and I can't do it anymore and keep my full-time job. So someone else is going to bring you my written comments about what you're going to do. It's the last agenda item here. But please think about the fairness to those of us who live in family neighborhoods with little kids on bicycles like we have on North Sixth Street, and we have problem properties and we have all the same concerns they have, and make sure that if we're going to do this, we spread them equally across all zoning areas in proportion to the number and size of that zoning area in our City. Thank you.

MS. GEUEA JONES: Thank you, Pat. Any questions for this speaker? Seeing none. Thank you. Anyone else to speak on this case, please come forward. I'm about to call it. If you're coming, please come. No. One at a time. If you're coming, please come. Come on.

MS. BOGNER: Sorry. This man said we could come up together.

MS. GEUEA JONES: No.

MR. STANTON: One to speak at a time.

MS. GEUEA JONES: One at a time. You can come and sit on the front row, but you can't come up to the podium together. Please, name and address for the record.

MS. BOGNER: My name is Bailee Bogner, and my husband and I are the owners at 411 North Brookline. Am I allowed to just hand you all a --

MS. GEUEA JONES: Yes, please. Commissioner Darr will take it from you. We forgot to tell you that's the role you get sitting on the end.

MS. BOGNER: I just want to begin by saying thank you so much for your time and for all the ways that you serve our city. Both Denver and Brooke that spoke tonight are neighbors that we have had the opportunity to get to know and chat in our front yards over the last six years since we bought the home, and so they are special important people to us and we do respect their opinion. So my husband and I bought the home on 411 North Brookline six years ago, just after we got married. It was our very first house. We updated inside and out with our own hands, and drank coffee on the front porch and had late-night conversations around the bonfire and that's where we welcomed our first baby and it's more than just a house to us, it's really where we became a family. It's not just a house that we bought to turn

into an Airbnb. So last year, as our family started to grow, we moved outside of town. We live off the Midway exit. And we have a one-year-old who keeps us very busy, and another baby due in July, and so our hearts are still very much tied to Brookline. We still spend a lot of time there as we take care of the property, and it's a big part of our story. So when we moved out to Rocheport, we decided to keep the home and open it as a short-term rental through Airbnb. We've hosted with one clear goal, and that has been to be good neighbors to people like Brooke and Denver. And we do our best to carefully screen every guest. We set our prices in a way that attracts quiet families, and many of whom are visiting loved ones in Columbia, and we're very clear about expectations -- no parties, no pets, no smoking, and quiet hours from 9:00 p.m. to 7:00 a.m. You can see our little house rules section on page two of your handout. That's the welcome sheet that's inside our Airbnb when people arrive. So we don't just hand over the keys and hope for the best. We're actively involved, always reachable by our guests and our neighbors, and we're deeply invested. So since becoming a full-time rental, last year we received nothing but five-star reviews from our guests, and we have verbal support from every direct neighbor that we have, as we've just encountered them in our neighborhood. And the last page of your handout is a letter that we hand delivered to all of our neighbors this past week just because we were -- they were, you know, chatting with us about confusion of, like, what does this postcard mean and why is there a sign in your yard, and it was just sort of shocking to our neighbors, so we went and handed out letters to everyone and one of them texted me and just said, hey, my husband and I just -- she lives -- it's a direct neighbor right to the left of our home, and she said just want you to let you know you have full support of a rental. We haven't had any issues with the renters, and appreciate how engaged you are with maintaining the situation. Let us know if you ever need assistance, and she even asked for our listing link so she could share it with her family when they are visiting. That support means so much to us. And we're also honored that we just last week, we got to host a family member of another direct neighbor, so something we enjoy getting to do. This home has helped us support our young family, and allowed me the privilege of staying home with our babies during this tender and fleeting season of life, and we're just trying to use something that we already have loved in a way that helps others and honors the community that we have been a part of. And so thank you for hearing from us and we do hope that you allow us to continue to do something that we care about in a way that reflects the values of our family and the city of Columbia.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Do you have any comment that you wanted to make about the party that was held? I guess the police were called?

MS. BOGNER: Yes. Sure. So just to be fully transparent, Brooke described it pretty well. A young gal that goes to high school in town got her mom's Airbnb account and logged in and booked our home, and had a conversation with me about her plans as an adult and lied about what they were doing. And then they booked the house for one night. And so then by the time the next morning came and we realized what was happening, it was -- it was really devastating for me. You know, I'm, like, walking up on the driveway, and going what's happening? And -- and so that was really unfortunate. That was our fifth -- so we've hosted about 60 guests last year, I believe, and since going full time, and that was our fifth

guest ever since we had moved out of the house, and so it happened really early on. And I'm glad that it happened -- I don't -- I wish it wouldn't have, but I'm glad it happened early on, because since then, it has just allowed us to use a lot more wisdom and discretion in who we allow. And so Brooke did call the police, rightfully so. Like we've told neighbors, if you ever see anything going on that makes you feel uncomfortable, please call the police, you know. Like call them before you call me. And so, yeah, they smoked marijuana in the home and they were loud and in the front yard, and it was super unfortunate. And so we did our very best to give our sincerest apologies to our neighbors, and we haven't had a single incident happen since then, and I do believe that is because of our screening. We receive a message from everyone about why they are coming, and you have to have perfect five-star reviews as a guest in order to book our home. So if you don't have it, stayed at Airbnb before and haven't received five-star reviews, then you aren't allowed to book our home. So that's something that we have implemented. And then I just am messaging them and asking them questions, and trying to get clarity. And the people who are happy to answer all of my questions have been very kind guests, and usually the ones who don't want to answer my questions just never book. And so that's just one of the ways that we've increased our screening process, because I think something that's different for us is that the house means so much to us and our neighbors mean so much to us, that the last thing that we want is just, like, you know, \$250. It's not worth it for us to have guests that -- so I hope that answers your question.

MS. GEUEA JONES: Yes. Thank you. Any further questions? Commissioner Wilson and then Brodsky.

MS. WILSON: Thank you for coming. I wondered if you were aware, and I'm also making a statement for the neighbors, that had you already had your license and someone made this complaint, this would be strike one of two where if you had two strikes, there's the opportunity for you to lose your license. So I just wanted to make you aware that that's an opportunity, and to find out if you were aware and to say that so that everybody is aware.

MS. GEUEA JONES: Commissioner Brodsky?

MR. BRODSKY: I noticed on one of the handouts we got that -- but it looks when there was this issue, folks did have your contact information to reach out to you directly?

MS. BOGNER: Yeah. Both Brooke and another neighbor, his son stayed in our home recently, both reached out me, like, personal phone number and was, like, hey, is everything okay because it was so early on that there was just like had they moved out completely, or is this an Airbnb. Yes. And so they were also concerned for our safety. And we were able to talk to them both after the incident. But, yeah, I have records of the messages that we exchanged when the incident occurred.

MR. BRODSKY: Thank you for just giving your neighbors your contact information because we have seen many cases where that isn't the situation, so thank you.

MS. BOGNER: Yeah. All of our direct neighbors have our personal phone numbers. Yeah.

MS. GEUEA JONES: Any further questions? Commissioner Walters, go ahead.

MR. WALTERS: Although this is not required, but do you -- you have a doorbell cam on the

house?

MS. BOGNER: Yes, sir. And a garage camera

MR. WALTERS: Now were they active at the time of this -- that incident occurred?

MS. BOGNER: They were. The details, there's a detailed --

MR. WALTERS: That's okay. I don't mean -- I just.

MS. BOGNER: The reason that there was no red flags is because the mother, who -- whose account that it was booked on, eventually saw the charge on her credit card, and was, like, what is this, \$400 on Airbnb? And then the daughter was, like, oh, yeah, I booked this to host my 18th birthday party. And against her better judgment, the mother allowed her to continue to be in my home alone, but her mother brought her to the Airbnb. So when they showed up on my -- on my camera, the mother and the daughter both arrived. And so I'm, like, oh the mother and daughter checked in. And then later at night, the mother left and the daughter invited all of these people, and I was asleep and we didn't know. It was - it was very unfortunate, yeah.

MR. WALTERS: All right. Thank you.

MS. BOGNER: So it -- then, you know, two weeks ago, somebody is, like, hey, can I have my 18th birthday party there, and my parents are going to be there. And I was, like, no, I'm sorry. Like, even if you say your mom is going to be there, I don't believe you, so -- yeah. Yeah. Thank you for your question.

MR. WALTERS: Thank you.

MS. GEUEA JONES: Any further questions for the applicant?

Seeing none. Thank you very much./

MS. BOGNER: Thank you.

MS. GEUEA JONES: Would you like to come up?

MR. BOGNER: Kyle Bogner, representing 411 North Brookline. I think she said most of -- of everything that we could say. Obviously, I'll throw in my vote for support, but really, I maintain it, and I'm there all the time and do all the maintenance and moving the lawn and all that stuff. We're actually paying one of the neighborhood kids to mow the lawn this summer, which is amazing for me. But to keep it short, I can answer any other questions specifically that you guys might have, but otherwise, I know your agenda is busy.

MS. GEUEA JONES: Any further questions? Seeing none. Thank you very much for being here. Anyone else to speak on this case? Last call. Very good. We will close public comment and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Any commissioner comments on this case? Commissioner Darr?

MR. DARR: So I'm still trying to catch up a little bit on the short-term rental stuff, but would this - these conditional use permits, is there any paperwork that has to be done if there's a change in ownership?

MS. GEUEA JONES: The license does not transfer if there's a change in ownership of the property. They would have to start all over.

MR DARR: Thank you.

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

MR. STANTON: The testimony that I heard seems to be surrounding one incident. Maybe I'm wrong, maybe I'm right. Seems like one incident.

MS. GEUEA JONES: Uh-huh.

MR. STANTON: Say it again. The first applicants are the ones that set the tone, and if they don't, that makes it look bad and then it hurts everybody else. Kind of on the fence with this one because we do have neighborhood interaction, but I think it was based on one issue.

MS. GEUEA JONES: And we also had neighborhood support. Did you want to make a motion?

MR. STANTON: No. I'm going to let it ride a little bit. I might come back around when I see what my Commissioners say.

MS. GEUEA JONES: Would anyone like to make a motion or comment on this case?

MR. WALTERS: I can make a motion.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: In regard to Case Number 193-2025, I move to approve the requested STR CUP subject to the following: Condition that maximum usage shall not exceed 210 nights annually; a maximum of eight transient guests regardless of allowance permitted by the IPMC; and that two garage parking spaces be made available while the building is used as an STR.

MS. WILSON: Second.

MS. GEUEA JONES: Motion made by Commissioner Walters, seconded by Commissioner Wilson. Is there any discussion on the motion? I would just state for the record that -- oh, sorry.

MS. ORTIZ: You can go ahead if -- or I can go.

MS. GEUEA JONES: Go ahead, Commissioner Ortiz.

MS. ORTIZ: All right. I just want to say thank you to the -- to the neighbors that gave their feedback, and I feel like when I was asking about the day care, that came off way sassier than I meant it to. And I share your concerns and they are valid, and I just want to validate that, but I do plan to support on the short-term rental, and there is recourse if they have a license that if something were to happen, you would have an avenue to go through.

MS. GEUEA JONES: Last call for discussion. Then I'll do mine. I just wanted to state for the record that there is both opposition and support from direct neighbors on either side of this property. And while I am concerned that it sounds like there was pretty significant incident early on, it also sounds like the applicant and neighbors were able to work that out between themselves. And as Commissioner Wilson pointed out, and Commissioner Ortiz both, there will be significant recourse if they violate the ordinance in the future in the way that they would not be if they continued to operate illegally at this point. So also thank you to the applicant for meeting the June 1st deadline. We do appreciate that. And with

that, if there's no further discussion, Commissioner Brodsky, may we have a roll call?

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

Voting No: Mr. Stanton. Motion carries 8-1.

MR BRODSKY: The motion carries.

MS. GEUEA JONES: Thank you. By your vote of 8-1, that recommendation will be forwarded to City Council. Moving on to our next case.