

**MINUTES OF THE PLANNING AND ZONING
COMMISSION MEETING**

Brentwood City Hall

**Date: January 10, 2018
7:00 PM**

Chairman Daming called the meeting to order at 7:01 PM and led the pledge of allegiance. John Nuernberger called roll with the following members present: Michael Daming, Sheri Bilderback, Mark Favazza, Jennifer Hansen, Michael Hart, Rebecca Jacobs, Clint Lewis, Paul Moran, Hart Nelson, John Nuernberger, Lisa Schuering and Tom Shipley.

APPROVAL OF MINUTES

Meeting Minutes of December 13th minutes were approved by acclamation.

OLD BUSINESS

None

NEW BUSINESS

- 1) Case #18-01** – Text Amendments to Chapter 400 Zoning Code, Article I, Section 400.020; Article II, Section 400.1230; Article III, District Regulations, Section 400.1320, Section 400.1330, Section 400.1340, Section 400.1350, Section 400.1400; and Article V, Section 400.2020, Relating to the Prohibition of Short-Term Rental of Dwelling Units.

Ms. Koerkenmeier presented the proposed text amendments to various sections of Chapter 400 all related to regulating short-term rentals in Brentwood. She informed the Commission the current zoning code does not allow short-term rentals and the proposed text amendments would clarify short-term rentals are prohibited. Short term rentals cannot currently comply with the present zoning requirements nor the City’s occupancy permit requirements. She explained the text amendments include establishing a definition for short-term rentals; adding language in each zoning district which permits residential use, that dwellings used for residential purposes may not be used for short-term rentals; short-term rentals are not a permitted home occupation; and no certificate of occupancy may be issued for short-term rentals.

Ms. Hansen asked where the text amendments originated from. Ms. Koerkenmeier explained the Public Works Committee of the Board of Aldermen were made aware short-term rentals were available in the City and they inquired if the current zoning allows this use. The Committee directed staff to draft text amendments which would make it clearer short-term rentals are not permitted under current zoning and occupancy permit requirements.

Ms. Hansen asked what is a tourist home. Ms. Koerkenmeier stated she was unsure. Tourist home is not defined in the Code, but she presumes it is a use similar to a short-term rental.

Ms. Hansen asked why short-term rentals are not allowed by code requirements. Ms. Koerkenmeier noted that short-term rentals cannot comply with the City's occupancy program and none of the zoning districts list short-term rentals as permitted by right or by conditional use permit. Ms. Hansen asked if short-term rentals are expressly permitted or expressly exclusive or prohibited. Ms. Koerkenmeier stated this use is not addressed in these terms which is part of problem. The text amendments would address this and make it clear short-term rentals are prohibited.

Ms. Hansen asked why are short-term rentals not allowed in the City. Ms. Koerkenmeier replied the Committee discussed if short-term rentals are appropriate for neighborhoods, noted occupants are transient, and cited general safety and security reasons. It was also noted the City has hotels for lodging which pay taxes and supports the community.

Ms. Hansen asked what the Commission's task is this evening. Ms. Koerkenmeier stated to act on the proposed text amendments and forward a recommendation to the Board of Aldermen.

Ms. Hansen informed the Commission Clayton allows short-term rentals and inquired about ordinances in other communities.

Mr. Nuernberger asked if someone currently would be allowed to rent out one room. He feels renting out a room is different than renting out an entire house and the renter is on their own. Ms. Koerkenmeier confirmed the current code does not allow one to rent out one room.

Ms. Bilderback stated in general she thought the amendments were a good idea and cited safety concerns; the use is not controlled such as a hotel with security and surveillance cameras, etc. She would like to have further discussion on the matter and appreciate it was sent to the Commission for consideration.

Mr. Shipley stated he was not in favor of the prohibition of short-term rentals and accounted his positive experiences with Airbnb's. He noted short-term rentals would allow visitors to the area to stay in Brentwood and support local restaurants and businesses. He desires for the City to look at this more progressively and supported making zoning regulations clearer regarding this use.

Mr. Nelson asked how many complaints has the City received regarding short-term rentals. Ms. Koerkenmeier responded there are seven addresses or properties staff is aware of, there may be more operating, but staff is reviewing the properties reported by residents.

Mr. Nelson commented if our area is becoming a more common tourist destination then we may anticipate this use or market to grow.

Mr. Hart asked if the Brentwood Forest by-laws prohibit short-term rentals, and if the by-laws would prohibit this use, then this would address a large number of residential units in the City.

Ms. Hansen accounted her positive experiences with short-term rentals. As an owner of rental property, she believes allowing short-term rentals would be a compelling reason to invest in those communities as it supports the business traveler and contributes to the community.

Mr. Nuernberger asked if we allow month to month rentals which can occur following the expiration of a lease, or is this considered short-term rental. He also inquired about the occupancy permit program and the procedures for obtaining an occupancy permit. Ms. Koerkenmeier stated a month to month lease which results following the expiration of a one-year lease would not be considered a short-term rental. She noted each time there is a change in occupancy or tenancy, the occupant is to obtain a certificate of occupancy.

Ms. Hansen made a motion to table the petition for this evening, ion of short-term rentals, seconded by _____.

Ms. Karen Smith stated her concern that all code requirements and inspection procedures are not in place to ensure all rentals are inspected for building and safety codes. Some units do not get inspected. She is not supportive of residential rentals in general. Short-term rentals in her neighborhood have resulted in renters not obeying maximum occupancy restrictions and contributing to parking related issues.

Ms. Bilderback also noted she has concerns of drug activity occurring. The residents who will have issues with the short-term rentals will be the residents who live near the rentals. She would like to see this topic be sent to the Sub-Committee for more discussion.

Roll Call: 11 – ayes, 1- nay, Bilderback – no, Daming - yes, Favazza – yes, Hansen – yes, Hart – yes, Jacobs- yes, Lewis – yes, Moran – yes, Nelson – yes, Nuernberger – yes, Schuering – yes, Shipley – yes.

Motion passed.

ALDERMANIC REPORT

None

CITY PLANNER'S REPORT

Discussion – City Comprehensive Plan – Brentwood 20/20, A Vision for the Future

Ms. Koerkenmeier informed the Commission all comments received on the November draft of the Comp Plan were consolidated and provided to Houseal Lavigne. Andy Franke, the City's Landscape Architect had also provided comments. One outstanding issue is the discussion of the S. Brentwood Blvd. Corridor Sub-Area Plan and the establishment of a land use boundary to accommodate the recommendations in the sub-area plan. Staff provided exhibits depicting the expansion of the mixed-use land use category and the implications to individual properties in residential areas. Boundaries depicted generally a 350' and 400' setback from the right-of-way and discussion followed on what type of land use designation should be assigned to this area. Ms. Koerkenmeier noted what she sees as a discrepancy between the recommendations in the sub-area plan to encourage more building density and the construction of two and three-story buildings and the future land use plan map not expanding the mixed-use land use category to accommodate that type of density and development.

Mr. Daming summarized the land use map as recommended by the consultant does not address the lot depth required to accommodate the type of redevelopment proposed in the sub-area plan.

Mr. Shipley stated at community meetings it was discussed the parcels along S. Brentwood Blvd. are too shallow to accommodate redevelopment. If we keep the status quo, redevelopment is unlikely and the appearance of the Corridor will not change.

Ms. Bilderback stated she thought the red line depicting the greater setback was too much and the blue line depicting the lesser setback seemed a good compromise. She noted Brentwood already has large areas for commercial purposes and the Hanley Industrial Court transformation is available for commercial growth. She noted Brentwood Blvd. is our Main Street and providing too great of land area for commercial use would allow for big box retailers and would not be appropriate backing up to the residential areas. She had concerns expanding the commercial corridor would result in displacing too many residential units and that the remaining residential uses in this area would likely convert to rental properties. She noted that although people at meetings spoke in favor of redevelopment of the commercial corridors, if people knew how many residential units would be impacted they may feel differently.

Mr. Daming asked Ms. Koerkenmeier of the map exhibits presented, which one represented the properties within the blue line and which one was representative of the red line.

Ms. Koerkenmeier responded the zoning map, with the parcels denoted, is the best representation of the properties included within the blue and red lines. The teal/blue color fairly represents the blue line with an approximate setback of 350 feet, and the green color fairly represents the red line with an approximate setback of 400 feet.

Mr. Moran asked if the consultants should clarify which is their recommendation. If they have recommended one setback but then have said a different setback would work, which is it. If we expand the land use, but don't really need to, is that a bad idea, or if commercial development still would not work, then the compromise is not good.

Mr. Daming concurred the consultants should address the matter and the Commission should receive clarification.

Ms. Koerkenmeier stated the consultants had noted a setback of approximately 350 feet would work. If the Commission concurs, then the consultant should be asked to place this boundary on a parcel map, not an aerial, so the Commission may see how many parcels would be included in the expanded mixed-use land use boundary.

Mr. Favazza stated his residence is located in the expanded mixed-use land use boundary, specifically within the blue line area. He understands if the corridor is to change, the lot depth of the parcels will need to increase and the mixed-use land use boundary may need to expand. He felt the area included in the red line though may be too much and referred to children walking to school through commercial parking lots and more traffic.

Mr. Daming asked staff to consult with Mohit and ask for clarification of how far the mixed-use land use boundary should expand and the justification for the expansion. The topic will be discussed further at the Site Plan Sub-Committee meeting.

Ms. Bilderback referred to the Comp Plan comments she submitted to the Commission. Along with the item discussed tonight, she also remarked about the Residential Area Plan and references to over regulation, or layers of regulation, for review of residential construction and improvements. She would like to take this topic up as well at the Site Plan Sub-Committee meeting.

Mr. Shipley noted his participation at the UMSL classes covering the basics of planning and zoning. The classes covered ex-parte communication and the use of email among Commission members.

Mr. Daming asked staff to confer with legal on the matter to ensure laws continue to be followed.

Mr. Daming directed staff to place Comp Plan and short-term rental discussion on upcoming January 31st Site Plan Sub-Committee meeting agenda.

SITE PLAN REVIEW SUBCOMMITTEE APPOINTMENTS

A Sub-Committee meeting will be held on January 31st. Short-term rentals and the Comprehensive Plan will be discussed. The meeting will begin at 6:30 PM.

RATIONALE FOR THE BOARD OF ALDERMEN

Mr. Daming stated it might be helpful to pass on to the Public Works Committee how many Commissioners at this point would support a continued prohibition of short-term rentals. With a show of hands, 3 members supported continuing the prohibition, and 9 members desire to continue discussion on the matter.

OTHER BUSINESS

Staff reminded Commissioners to complete Disclosure Reports for the period of January 1st to December 31st, 2017.

ADJOURNMENT

Mr. Nuernberger made a motion to adjourn the meeting at 8:12 pm. Seconded by Ms. Bilderback. Unanimous vote in favor was taken; motion passed.