

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

Brentwood City Hall

**Date: March 14, 2018
7:00 PM**

Chairman Daming called the meeting to order at 7:00 PM and led the pledge of allegiance. John Nuernberger called roll with the following members present: Michael Daming, Sheri Bilderback, Jennifer Hansen, Michael Hart, John Nuernberger, Tom Shipley, John Ritter and Jeff Moore.

APPROVAL OF MINUTES

Meeting Minutes for January 10th were approved by acclamation.

OLD 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.

Chairman Daming noted short-term rentals has been on the agenda and discussed comprehensively at two previous Commission meetings.

Ms. Bilderback stated there is a current Missouri House Bill (Bill No. 2457) which is under consideration for the spring legislature related to operation and taxation of short-term rentals. She explained how a bill becomes a State law. She stated she is opposed to the operation of short-term rentals in Brentwood for the reasons provided at previous meetings and noted it may be better to adopt local regulations following action by the State.

Ms. Hansen stated her support for adopting regulations to permit short-term rentals for reasons stated at previous meetings and that allowing short-term rentals would show the diversity of the Brentwood community. She feels it is a matter of time before the State will adopt regulations for communities to follow and would rather be in front of the action taken by State lawmakers. Hansen noted Airbnb recently agreed to taxation of short-term rentals listed through their website.

Mr. Shipley stated his support of implementing some regulations to allow short-term rentals. He noted these visitors spend money at local businesses and it is a way to promote and showcase the community.

Edith Covington of 8935 Harrison asked if short-term rentals are currently prohibited in Brentwood why is the short-term rental at 8931 Harrison allowed to operate.

Ms. Koerkenmeier stated staff is aware of five possible short-term rentals operating in Brentwood and continue to document the activity. It was advised from the City's legal counsel the current ordinance be clarified that short-term rental activity is prohibited and the City would be in a better position to enforce the Code.

Kathy Thomas of 9016 Madge stated her support for short-term rentals, and a regulation should be imposed to require owner occupancy. She noted code enforcement could include declaring these code infractions as nuisances and impose penalties. Ms. Thomas added guests contribute to the local economy and allowing guests to stay in residences is environmentally sound.

Karen Smith of 8930 Harrison stated her opposition to allowing short-term rental operations in the community. She cited issues with transient guests not obeying maximum occupancy restrictions, parking regulations and overall security concerns. She commented that even if regulations are in place, the enforcement of the regulations are very difficult.

Chairman Daming asked the Commission if they desire to vote or bring the amendments back to the next meeting.

Ms. Hansen noted the short-term rental issue has been discussed at several previous meetings and the proposed amendments allow the Commissioners to vote either way.

Ms. Bilderback made a motion, seconded by Mike Daming or Michael Hart to approve the proposed text amendments clarifying the existing prohibition of short-term rentals in Brentwood as presented.

Roll Call: 3 – ayes, 4 - nays, Bilderback – yes, Hansen – no, Hart – no, Nuernberger – no, Ritter – yes, Moore, yes, Shipley – no.

Motion failed. Ms. Koerkenmeier will verify with the City Attorney that although the motion failed, the bill prohibiting short-term rentals will move forward to the Board of Alderman for consideration with an unfavorable recommendation to approve from the Commission.

Mr. Moore noted his vote to approve the prohibition was based upon the City's housing stock and the potential ineligibility for most residences to be able to comply with an owner-occupied provision if included in the revisions to the Code.

Mr. Shipley made a motion, seconded by Ms. Hansen, to table the draft bill to "regulate" short-term rentals.

Roll Call: 7 – ayes, 0 - nays, Bilderback – yes, Hansen – yes, Hart – yes, Nuernberger – yes, Ritter – yes, Moore, yes, Shipley – yes.

Motion passed.

Ms. Hansen requested the short-term rental discussion to consider regulations to permit short-term rentals be placed on the March 28th Site Plan Sub-Committee meeting agenda.

The Commission deferred the draft bill regulating short-term rentals to the March 28th P&Z Subcommittee meeting for further discussion and revisions to the bill. Once the P&Z vote on this bill, it too would be forwarded to the Board of Aldermen for consideration. The March 28th P&Z Subcommittee Meeting will be posted and is open to the public.

NEW BUSINESS

None

ALDERMANIC REPORT

None

CITY PLANNER'S REPORT

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

Ms. Koerkenmeier informed the Commission remaining comments for the three (3) Sub Area Plans in Chapter 5, the Residential Area Plan in Chapter 6 and several exhibits were sent to the Houseal Lavigne Associates (HLA). The consultants committed to a delivery date of the Final Draft of the Comp Plan on or before Monday, April 2nd. She noted as soon as the final draft plan is available, a copy will be sent to the Planning and Zoning Commission members and will be posted on the City's website. Ms. Koerkenmeier asked what the Commission's desire was to move forward with adoption. Chairman Daming directed the Comp Plan be placed on the April 11th agenda and presented for adoption.

SITE PLAN REVIEW SUBCOMMITTEE APPOINTMENTS

A Sub-Committee meeting will be held on March 28th. Short-term rental regulations will be discussed. The meeting will begin at 6:30 PM.

RATIONALE FOR THE BOARD OF ALDERMEN

None

OTHER BUSINESS

None

ADJOURNMENT

Ms. Bilderback made a motion to adjourn the meeting at 7:47 p.m. Seconded by Mr. Nuernberger. Unanimous vote in favor was taken; motion passed.