

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

**Brentwood City Hall**

**Date: April 11, 2018  
7:00 PM**

Chairman Daming called the meeting to order at 7:00 PM and led the pledge of allegiance. Sheri Bilderback called roll with the following members present: Michael Daming, Sheri Bilderback, Mark Favazza, Jennifer Hansen, Michael Hart, Rebecca Jacobs, Jeff Moore, Paul Moran, Hart Nelson, John Ritter, Lisa Schuering, and Tom Shipley.

**APPROVAL OF MINUTES**

Meeting Minutes for March 14<sup>th</sup> were approved by acclamation.

Recognition to Jennifer Hansen for 5 years of service on the Planning and Zoning Commission.

Recognition to Clint Lewis for 4 years of service on the Planning and Zoning Commission.

**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 five previous Commission meetings.

At the end of the March meeting the Commission considered regulations on short term rentals. The subcommittee came up with regulations that may be incorporated in the event the Commission would like to encourage allowing short term rentals.

Ms. Koerkenmeier provided an overview of the regulations approved by the subcommittee. Currently, there is a prohibition of short term rentals in Brentwood. Under these text amendments they visit each zoning district where residential uses are allowed. The same language was put in each one of the zoning districts which allows short term rental. Regulations were added that a business license and a short-term occupancy permit would be required for short term rentals. A cap was established to allow only 20 short term rentals and only a person could apply for a short-term rental for their own primary residence. The property owner would be required to provide the City with contact information.

Ms. Bilderback was unable to make the last meeting and sent in her comments. She asked for a provision that a homeowner be present when the home is rented out be added. Having the homeowner present will add a responsibility to make sure any problem is taken care of. She brought up a registration in advance for anyone staying in this type of rental which is currently used in Europe and run by government entities. She suggested a simple form be required to be filled out on the city website which states their information and for them to disclose if they are on a registered sex offender list. She noted that a city complaint line could be established that residents could use anytime. Ms. Bilderback also asked how they would lose their business license?

Ms. Koerkenmeier stated if any short-term rental could not comply with code that would be a reason to revoke their business license. They would be notified and may have an appeal in front of the Ways and Means Committee. If there is a nuisance that would be brought up to the City Clerk and the Planning Director they would have a specific amount of time to remedy the issue.

Mr. Daming stated that with an ordinance violation occurring at these rentals the neighbors would be allowed to call the police.

Ms. Karr stated there is a provision in Section 400.3120 E. that each owner of the property used for short-term purposes shall ensure that the short-term rental does not cause a nuisance or otherwise disturb the peace of surrounding neighbors. If the City did receive a report, the City could move to revoke the business license or proceed to discipline the business license under this ordinance.

Ms. Hansen stated that this process needs to be based on facts, and the regulations proposed are well thought out. Allowing only 20 permits is a way to get started.

Mr. Shipley stated in the subcommittee discussion there was discussion about a penalty. A business license and registration are required and for any business found to be operating without there would be a penalty.

Ms. Karr stated a summons would likely be issued if someone is found to be operating without these. If found in violation, a maximum penalty is a \$1000.00 fine for each instance and up to 90 days in jail.

Karen Smith of 8930 Harrison stated her opposition to allowing short-term rental operations in the community. She would support the property owner having to be on site at least in the evening, while the renter is in the house. She would like a number to call in case of a violation. She asked if renters parking on the premises was discussed and maybe adding spatial distances between these types of rentals.

Jaqueline Winkler on Patton asked if the Airbnb's are illegal now what are we doing now?

Ms. Koerkenmeier said they suspect there are 5 operating in Brentwood and we are documenting them. The current language of prohibiting short-term rentals is not clear in the present code so legal advice was given to clarify the code regulations and then enforce the code.

Edith Covington on Harrison asked if the 20 Airbnb people would be in one area or is there a boundary? Is this something that could be considered.

Mr. Daming stated there is no boundary or spatial distance proposed. For a boundary or spatial distance to be considered a Commissioner would need to make a motion to amend the ordinance in front of them today.

Michelle on Moritz asked if they would know if there was an Airbnb would there be signs?

Mr. Daming stated that there would not be signs.

Mr. Shipley asked once the business license is issued would there be public information on the website.

Ms. Karr stated they are opened record so someone could come look at the business licenses and it would give the address of the Airbnb.

Ms. Hansen made a motion to approve to the ordinance amending certain sections relating to the regulations of short term rentals within the City as drafted in the sub-committee meeting and presented today. Mr. Shipley seconded.

**Roll Call:** 4 – ayes, 7 - nays, Bilderback – no, Favazza – no, Hansen – yes, Hart – yes, Jacobs – no, Moore – no, Moran – no, Nelson – yes, Ritter – no, Schuering – no, Shipley – yes.

**Motion failed.**

## **2.) City Comprehensive Plan- Brentwood 20/20, A Vision for the Future.**

Mr. Mohit Maheshwari, representative with Houseal Lavigne and Associates, gave a review of the Comp Plan since the December 2017 discussion and public hearing. There were some concerns on land use issues within the Brentwood Boulevard and Hanley Industrial Court sub-area plans which were incorporated into the revisions to the plan. The issues on Brentwood Blvd. was there is not enough depth to allow commercial or mixed use. The proposed public plaza at the parking lot for the Brentwood Recreation Center was taken out. A land use adjustment near Strassner and Brentwood Blvd. was made. Manchester Road provisions from the trail alignment due to the flood mitigation was shown in the plan. Property along Manchester Road that was identified to be redeveloped was removed due to feedback.

Land use adjustments made East of Brentwood Blvd on Manchester Road were changed to mixed use.

On Hanley Industrial Court changes were made for transportation and the one-way loop was removed and a two- way street is shown. A name change was recommended for Hanley Industrial Court to Hanley Business Park.

Ms. Koerkenmeier gave a staff report that the library had expressed interest in keeping the library facility in the Town Center which was addressed on page 80. The Hanley Industrial Association comments were addressed on page 54. Commissioner Bilderback had assisted with the review of future infill housing addressed on page 66. Commissioner Shipley commented about the possibility of a northeast trail which was addressed on page 55.

Mr. Daming asked if there were any revisions Ms. Koerkenmeier would like to recommend.

Ms. Koerkenmeier would like to propose one amendment on page 51, it is an exhibit which shows the development and redevelopment along Manchester. This exhibit is conceptual but she would like to include the proposed location of the tunnel under Manchester Road at Mary and Dorothy Avenue.

Ms. Bilderback made a motion to approve Resolution 01-18 adopting the April 2018 Comprehensive Plan with the amendment to page 51.

Mr. Nelson seconded.

**Roll Call:** 11 – ayes, 0 - nays, Bilderback – yes, Favazza – yes, Hansen – yes, Hart – yes, Jacobs – yes, Moore – yes, Moran -yes, Nelson – yes, Ritter – yes, Schuering – yes, Shipley – yes.

**Motion passed.**

**NEW BUSINESS**

None

**ALDERMANIC REPORT**

None

**CITY PLANNER'S REPORT**

Ms. Koerkenmeier reminded the Commission disclosure reports are due May 1<sup>st</sup>.

**SITE PLAN REVIEW SUBCOMMITTEE APPOINTMENTS**

None

**RATIONALE FOR THE BOARD OF ALDERMEN**

None

**OTHER BUSINESS**

None

**ADJOURNMENT**

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