



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
300 PARK DR ♦ BALLWIN MO 63011**

APRIL 2, 2018

The meeting was called to order by Chairman Weaver at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Lisa Zimmerman
Commissioner Tracy Bolte
Commissioner Lynn Goetz
Commissioner Olivia Pieknik
Commissioner Chad Silker
Commissioner Mike Utt
Alderman Ray Kerlagon
Mayor Tim Pogue

Assistant City Administrator Andy Hixson
City Engineer Gary Kramer
City Attorney Robert E. Jones

ABSENT

Commissioner Vern Young

Approval of Minutes

A motion was made by Mayor Pogue and seconded by Commissioner Bolte to approve the minutes of the December 4, 2017 meeting of the Planning & Zoning Commission as submitted. The motion received unanimous approval from the Commission members present.

Z 18-01 – Zoning Ordinance Regulation Change

Zoning Ordinance: Appendix A, Article XIV, Section 8

Petitioner: Mr. Andy Hixson, City of Ballwin, 14811 Manchester Rd, Ballwin MO 63011

Mr. Hixson stated that City Attorney Jones noted that an incorrect section was referenced. City Attorney Jones noted that there was a typographical error in the petition review report noting the section to be repealed and replaced: it should read "Appendix A, Article XIV, Section 8 (not A)." City Attorney Jones stated that what is being replaced in the body of Section 8 is to refer to Subsection 11 of Section 4, rather than Subsection 3 of Section 7. This error occurred in 2007 when the zoning code was rewritten following the last comprehensive plan.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 18-01. No one came forward. Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward and Chairman Weaver closed the public hearing.

Mayor Pogue made a motion to recommend approval of Petition Z 18-01 to the Board of Aldermen. Alderman Kerlagon seconded the motion, which received unanimous approval from the Commission members present.

Z 18-02 – Zoning Ordinance Regulation Change

Zoning Ordinance: Section 30, Article XVI, Appendix A

Short-Term Residential Rentals in Single Family Zoning Districts

Petitioner: Mr. Andy Hixson, City of Ballwin, 14811 Manchester Rd, Ballwin MO 63011

Assistant City Administrator Hixson stated that the Board of Aldermen asked City Attorney Jones to research short-term residential rentals. While it is against the City's ordinances, it is happening. City Attorney Jones compiled information from other cities, and created the ordinance that is under review. Chairman Weaver asked how many short-term rentals occur in Ballwin. Assistant City Administrator Hixson said it's not known for sure, but is in the double digits.

Commissioner Goetz asked if there have been problems with short-term rentals in the City of Ballwin. Assistant City Administrator Hixson said there have been some complaints, but he feels that they were resolved after speaking with the homeowners.

Commissioner Zimmerman asked if any HOAs have indentures against such rentals. Assistant City Administrator Hixson said that some do, and those indentures would supersede the City's regulations. In that case, it is up to the HOAs to enforce their indentures.

Commissioner Pieknik asked about the occupancy limit. Assistant City Administrator Hixson said that the occupancy limit is based on the size of the home and number of bedrooms. This limit would include any overnight guests to whom the home, or any portion thereof, is rented.

Commissioner Goetz asked how the 2-year inspection schedule for short-term rentals was determined. Assistant City Administrator Hixson said the Board of Aldermen discussed the timeframe and three years seemed too long and one year seemed too short a time period, so the two year schedule was settled on. Commissioner Goetz asked what the rental log of guests would accomplish. Mr. Hixson said that it would be a reference in case of any problems.

Commissioner Pieknik asked if the 24-hour contact person didn't respond to a complaint within 45 minutes, would that be considered a violation. Assistant City Administrator Hixson said that it would, but mainly in the most extreme cases, such as if the police or code enforcement department had to become involved.

Secretary Zimmerman asked if homeowners would be required to carry additional insurance. Assistant City Administrator Hixson said no, the City will not require a specific level of insurance. Commissioner Goetz asked if a neighboring property is damaged by rental guests, does that open the City up for liability. City Attorney Jones said no; this would be no different from any other business license granted by the city. They are independent entities. Mr. Hixson agreed, stating that it would be no different than if someone residing in a household caused damage to a neighbor's property.

Secretary Zimmerman asked if there is a financial benefit to the City to allowing short-term rentals. Assistant City Administrator Hixson said no, other than bringing more people into the City to patronize Ballwin restaurants and businesses.

Commissioner Bolte asked if there is a provision for revocation. City Attorney Jones referred to the portion of the ordinance that addressed that issue.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 18-02.

Ms. Becky Jecha, 509 Kingridge Dr, said she is an AirBnB host. She spoke highly of AirBnB in particular and said they have excellent protocols in place for management of rentals. She noted that AirBnB has begun collecting occupancy taxes that are paid to the host's city monthly. She addressed the insurance question, stating that there are riders to homeowner's insurance that can be purchased, and AirBnB also carries insurance so that any damages not covered can be remediated.

Ms. Leslie Hanlon, 9 Springlake Ct, said she is also an AirBnB host. She researches each guest before allowing a rental, because she only rents a portion of the home and will be on-site. She shared an article from the St. Louis Post-Dispatch regarding the occupancy taxes collected by AirBnB. She feels that allowing short-term rentals is very good for the community.

Secretary Zimmerman noted that Ms. Hanlon said they have hosted guests for longer than 30 days, and asked how that would be handled. City Attorney Jones said that there is no restriction on the amount of rental time in this ordinance.

Mr. Ronald Radford, 734 Henry Ave, said he has been an AirBnB host for more than two years. He said it is very well-run. He has had only very good experiences with his guests. He noted that Ballwin does not have any hotels or motels within the city limits. He feels that Mr. Hixson underestimated the number of AirBnBs in Ballwin.

No other proponents came forward. Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Ms. Pat Fergus, 115 Deer Meadows Ct, said she is the secretary of Fox Creek subdivision HOA. She is concerned about those who are not using AirBnB. How does a neighbor know that those utilizing short-term rentals have been vetted? How do they know whether to call the police? She is concerned about parking being an issue.

Mayor Pogue addressed Ms. Fergus' concerns. He said homeowner can always call the police department about suspicious activity; they will have the list of homes registered as short-term rentals. Parking is addressed in the ordinance in Section B (5). Homeowners can call about any violations.

Mr. Ronald Birke, 413 Oakmont Circle, said he has contacted the previous City Administrator regarding violations on numerous occasions. One of his neighbors does not keep up the property, and also advertises rooms for rent on Craigslist.

Chairman Weaver said that since short-term rentals are not allowed by the Claymont HOA, Mr. Birke should contact the trustees to enforce their indentures. Mayor Pogue said if there's a maintenance issue, the code enforcement department should be contacted. City Attorney Jones said the way the ordinance is drafted, the homeowner would have to live on the premises at least 180 days out of the year.

Mr. Ron Dierker, 419 Oakmont Circle, said he has called regarding the same neighbor as Mr. Birke. Notices are posted at Logan College for rooms to rent. He said if it's illegal, he wants it stopped tomorrow.

Secretary Zimmerman and Commissioner Goetz asked if Mr. Dierker had contacted the Claymont HOA. Mr. Dierker said the HOA said it was a Ballwin problem. Assistant City Administrator Hixson gave Mr. Dierker his business card.

Ms. Kathy Ruoff, 156 Country Creek Ct, said she is a trustee of the Country Creek subdivision. She feels that this ordinance should not be passed until after subdivision trustees have had a chance to discuss it at an upcoming meeting.

No other opponents came forward and Chairman Weaver closed the public hearing.

Secretary Zimmerman asked if this is a topic that warrants some kind of public forum outside of board meetings. Mayor Pogue said that an email was sent to trustees for whom the City had contact information. City Attorney Jones said that it was discussed at two Board of Aldermen meetings, at which the same people spoke, and was in the newspaper. It will go to the Board of Aldermen again.

Commissioner Bolte noted that we are creating a permitted use if this ordinance passes. Commissioner Utt said that people will have the opportunity to speak to the Board of Aldermen when it goes before them. Commissioner Silker voiced his support for the ordinance, stating that it will address the concerns of everyone in the room – it will allow the short term rentals, and will offer a source of regulation for them. He feels that it is a positive move for the City to address this issue.

Mayor Pogue said that there is a bill being debated in Jefferson City that prohibit cities from prohibiting short term rentals. City Attorney Jones said it's wise for the City of Ballwin to be proactive in this issue.

Commissioner Bolte asked if the City will be actively looking for non-compliant short term rentals. City Attorney Jones said that the City of Ballwin has a complaint-based system of enforcement, so the inspectors don't look for violations, but the department is responsive to complaints.

Commissioner Utt made a motion to recommend approval of Petition Z 18-02 to the Board of Aldermen. Commissioner Silker seconded the motion, which received approval from the Commission members present, with Secretary Zimmerman abstaining.

Other Business

Assistant City Administrator Hixson gave an update on planned changes to Ballwin Plaza.

Adjournment

Commissioner Bolte made a motion to adjourn the meeting. Alderman Kerlagon seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 8:00 p.m.

Mark Weaver, Chairman
Planning & Zoning Commission