



MINUTES

A meeting of the Planning Advisory Commission was held Wednesday, August 01, 2018 in the Council Chambers of the Citizen Service Center.

Commissioners Present:

Chairperson: Kathleen Mason
Vice Chairperson: Ed Kinner
Commissioners: Wallace Davis, Michael Greenblatt, Robert Bollinger, Teddy Reese, Ralph King, Joseph Brannon & James Dudley

Staff Members: John Renfroe, Principal Planner

Commissioners Absent:

Others Present: Will Johnson, Chief Planner

CALL TO ORDER: Chairperson Mason called the meeting to order at 9:00 a.m. All in attendance stood for the pledge of allegiance to the American Flag. She explained the rezoning process to the audience.

APPROVAL OF MINUTES: Chairperson Mason asked for a motion on the minutes from July 18, 2018. Chairperson Mason made a motion to submit the minutes as accepted. No changes or additions by other commissioners. Motion carries, minutes accepted.

1. REZN-06-18-1137: A request to rezone 40.0 acres of land located at 9056 Veterans Parkway, Parcel # 079-002-001. Current zoning is RE1 (Residential Estate 1) zoning district. The proposed zoning is RO (Residential Office). The proposed use is Life Plan Community. The applicant is Joel Womack. This property is located in Council District 6 (Allen).

John Renfroe read the staff report for this case.

General Land Use:	Inconsistent Planning Area A
Current Land Use Designation:	Vacant / Undeveloped
Future Land Use Designation:	Single Family
Compatible with Existing Land-Uses:	Yes

Environmental Impacts:	The property does not lie within the floodway and floodplain area. The developer will need an approved drainage plan prior to issuance of a Site Development permit, if a permit is required.
City Services:	Property is served by all city services.
Traffic Impact:	No traffic impact.
Traffic Engineering:	This site shall meet the Codes and regulations of the Columbus Consolidated Government for commercial usage.
School Impact:	N/A
Buffer Requirement:	The site shall include a Category C buffer along all property lines bordered by the RO zoning district. The 3 options under Category C are: <ol style="list-style-type: none"> 1) 20 feet with a certain amount of canopy trees, under story trees, and shrubs / ornamental grasses per 100 linear feet. 2) 10 feet with a certain amount of shrubs / ornamental grasses per 100 linear feet and a wood fence or masonry wall. 3) 30 feet undisturbed natural buffer.
Fort Benning's Recommendation:	N/A
DRI Recommendation:	N/A
Attitude of Property Owners:	One Hundred Twenty-Nine (129) property owners within a half mile of the subject properties were notified of the rezoning request. The Planning Department received no calls and emails regarding the rezoning.
Additional Information:	N/A
Attachments:	Aerial Land Use Map Location Map Zoning Map Existing Land Use Map Future Land Use Map

Chairperson Mason asked the commissioners if they have any questions in regards to the

case. No questions. Chairperson Mason asked the applicant to come forward and describe their case. Applicant Joel Womack, EMC Engineering, address 3575 Macon Road Suite 15. This is a life plan community, 24 independent living cottages, 100 independent living apartments and 102 skilled nursing beds. Full service for end of life care. The resident will not have to move from this site unless they chose.

Chairperson Mason asked the commissioners if they have any questions for the applicant. Commissioner Kinner inquired that if this location, like a hospital would be required to get a certificated of need. Joel Womack said no, his client has done this throughout the nation, they do their own studies to figure locations for their facilities. Commissioner Bollinger inquired about the no traffic impact statement. John Renfroe responded with the type of development coming in the amount of cars generated would be very minimal. Commissioner Dudley stated does that mean there isn't enough traffic impact to move it from one category to the next? John Renfroe responded that is correct, if it is rate a Category C, the traffic counts may have changed one way or the other but it was enough to bump it into the next Category. Chairperson Mason asked the commissioners if they have any questions for the applicant. Chairperson Mason asked if there is anyone in the audience that would like to speak in favor or against the case.

Sam McQuegg, I live at 8880 Veterans Parkway, we have a common property line which is the north side of our property. There is a creek depicted on their application that runs through both of our properties. Three family owned properties all share one common driveway that has a culvert under it to release the creek water. Sam McQuegg showed the Commissioners some photos of rain capacity for the bottom area. He is concerned about the placement of the retention pond. Been in house since 1988, photos taken in 2009. Would like more information of how the water on the new development would be handled. Alexander Contracting said the pipes would withstand any rain event up to a 100 year flood event. How will they handle sewage on the site? Will it be connected to the city system, pumping station, or septic? Everything is downhill towards my property. What situation would they not have to obtain an approved drainage plan? John Renfroe responded that it will be required in this case and in all cases of new development. City engineering will approve or deny the drainage plan. Sam McQuegg asked if he attained an engineer of his own to look over the plans when he could have access to them. John Renfroe responded that once EMC Engineering submits the plans to the City they become public record, so yes you could. Lastly, will he have access to these proceedings online? John Renfroe responded that they will be uploaded to YouTube. I will email them to you as soon as I receive them. Sam McQuegg is not opposed to the project, thinks it is probably a good fit for the site and community, just wants to make sure the water is handled in an effective manner.

Chairperson Mason called Joel Womack back to respond to some of the questions Sam McQuegg had. Pertaining to the stormwater runoff, we are required to match or better the site conditions. We will not increase the water capacity in this area. We are not allowed too. Rain event gauged on the 100 year flood event by how many inches of rain fall in a 24 hour time period. The plan that was submitted was a conceptual design, we placed the detention pond at the lowest spot on the property. We are currently in the

process of surveying and to figure out where the best possible place is for the pond. More than likely we are going to have to install multiple small pocket detention ponds to reduce runoff throughout the site. Site plan placed on the monitors. We are assuming about 1.5 to 2.0 acre detention pond at this point. Joel Womack placed an updated design on the monitor. Commissioner Bollinger asked what is the black dashed line. Joel Womack responded that is the buffer we are staying within. The City enforces a 25' buffer and then the County enforces another 25' buffer on top of that. The idea is to have as much landscape buffer as possible. In the updated plan we slid the entrance drive way down Pierce Chapel Road as far as possible to make the area as safe as possible at the intersection. We are also in talks with City Forestry to thin out some site distance areas around the site. Commissioner King inquired what condition is the site in currently? Joel Womack responded that is currently all wooded. Commissioner Kinner asked about the sewage, the Staff Report says that it would be serviced by the city. Joel Womack responded that they are currently in talks with Columbus Water Works to extend that line to service their property. The goal is to not be on septic. Commissioner Kinner asked you will be connected to the city sewage before you go operational? Joel Womack responded that is the plan. Commissioner Bollinger asked if the plan was to clear cut the entire site or incorporate some trees. Joel Womack responded based on the terrain they want to keep as much as possible. They are currently in discussion with City Forestry to plan the best way to save as much as possible. John Renfro responded that they would have to get approval from Forestry for certain size trees from the Veterans Parkway Overlay District. Commissioner Reese just wanted to get a public commitment from Joel Womack that he is going to work with his neighbors on this project to reduce or eliminate rainwater runoff as much as possible. We are happy to provide or reports and plans to you directly once we submit them to the site and work with you. Sam McQuegg came back to the mic, one of the reasons I wanted to hire an engineer is because we don't currently know what the water capacity is of the site with the culvert that we have. The culvert has weathered through the years. Joel Womack responded we would be matching or better the site as far as rain water. We can guarantee that.

Chairperson Mason if there was anyone in the audience that is opposed to this case? No response. Commissioner King made a motion to approve the case. Commissioner Bollinger seconded the motion. The motion carried unanimously.

2. REZN-07-18-1397: A request for a text amendment to amend the text of the Unified Development Ordinance (UDO) in the regards to adding Section 4.9 – Short Term Rentals

John Renfro summarized the text amendment, we are trying to get in front of the AirBnB craze and make sure we are keeping our citizens and visitors safe. Director Hudginson from Inspections and Codes is going to give you a presentation.

Chairperson Mason the applicant to identify himself. John Hudginson director of Inspections and Codes. John Hudginson went through the PowerPoint presentation that was presenting to Council on July 10th. Short Terms Rentals are an accommodation for transient guests not to exceed 30 days. Over 30 days there is typically rental agreements. Requirements include a Short-Term Rental permit application, completion of a criminal background check and obtain a valid business license as well as renew the permit annually. Must be a residential property that is a partial or full dwelling,

no commercial properties are allowed. Code side they wanted to make sure they had smoke detectors, fire extinguisher, fire exist and escape plan. Complies with the UDO and all taxes are paid in full.

Commissioner Reese inquired about the sublease and why we as the city need to enforce that? John Hudginson responded that you are not supposed to be subleasing part of your master agreement. We don't want to authorize something that is violating another law. We covering ourselves by not going against agreements. Commissioner Reese stated that then really only the true property or home owner can engage in these types of activities.

Columbus Georgia Convention and Visitor's Bureau (CCVB) shall be responsible for tracking and checking the sites. They will be the eyes on the ground to track these rentals. Inspections and Codes will be the enforcement of any violations. Current it is structured that any 3 violations in a 12 month period then the permit will be revoked for a period of 12 months. Citation violations are as follows, first is \$500, second is \$750 and third is \$1,000. Appeal process for revocation, suspension or denial is to the City Manager or authorized designee.

Chairperson Mason asked the commissioners if they have any questions for the applicant. Commissioner Dudley asked what the total cost of the total permit be. John Hudginson responded that the application is \$40, plus \$20 per person that is background checked. The yearly fee would be the same. Yvonne Ivey with Finance approached the podium, the processing fee for a business license is \$75 per year. It expires at the end of the year. They also have to report to use the amount of revenue they generated this year as well as the projection for next year. Tax rate for lodging transient us \$3.21 per \$1,000 on their taxable gross receipts.

Commissioner Greenblatt gave the example that if his brother's house burned down and he moved him into his house and he charged him rent, would he need this permit and pay the fees and taxes associated? Yvonne Ivey stated that with a natural disaster they are allowed to exempt that portion of the gross receipts because of that causality that took place. Chairperson Mason responded that if you are renting and not advertising, isn't that the different here? Commissioner Greenblatt doesn't mention advertising, that if I am renting I need to have a permit. Yvonne Ivey responds if you are generating revenue that's taxable income. Commissioner Kinner stats the key to this is having a business license. Chairperson Mason stats that if your college age kid is paying rent to stay in your house then you should be reporting that on your taxes. Commissioner Brannon asks do we have some type of rampant AirBnB problem. Why just the 30 days, why doesn't it apply to everyone 30 days or 120 days?

Yvonne Ivey if you rent out property that someone is using as transient living and go beyond 30 days. By law, they are no longer subject to hotel/motel taxes on the 31st day. If they go beyond the 31 days, then that is consider their abode and that is where they live. Commissioner Brannon understands the taxes and all fees associated by why doesn't the fees enforced by Inspections and Codes apply to every single renter in Columbus? Yvonne Ivey responded because anyone who rents their property for residential stay they are exempt from occupation tax and business licensing. Commissioner Brannon, why is this

only applying to 1 to 30 days and not 1 year or more? John Hudginson responded that anyone who is renting a property and there are deficiencies they are more than welcome to call our office with a complaint, we will come out and expect the home and alert and fine the home owner to repair the problem.

Commissioner Kinner gave an example of someone in his neighborhood die, the daughter inherited the house. The daughter doesn't want to sell it right away but would like to rent it for 6 months to a year. What applies to this case vs the short term rentals? Chairperson Mason, the length of stay determines it. If you stay anywhere, a camp ground for more than 30 days you jump into a residential category. You are no longer a temporary renter. This is when a lease comes into play vs needing the short term permit application. Commissioner why wouldn't this apply across the board for one night or 300 nights? Commissioner Greenblatt stated why is it different if I rent a house up the street from me to someone for 2 years, they use all the city facilities but I am not required to get a background check. Commissioner Reese said that this permit could potentially end up being more harm to the city than helpful. Chairperson Mason inquired why the background check is not across the board. John Hudginson responded that typically rental agreements and lease agreements between two private citizens. We don't check everyone's lease. The only time the city sees a private lease is when a home business is opened. Commissioner Brannon responded that AirBnB is just that, it is a private agreement between 2 private citizens. There are currently no regulations on AirBnB locally. Commissioner Brannon says that currently there are no regulations on me renting my home longer than 31 days either. Commissioner Reese stats that it seems overly burdensome for someone to be able to rent their home using these types of services for under 30 days or less. Commissioner Kinner believes the difference is set whether it is Commercial or Residential activities. Commissioner Greenblatt stated that often times a person could have multiple rental houses and then that would be considered a business. Yvonne Ivey added we are trying to do this fairly across the board. Our hotels play by the rules and pay their taxes and fees. We are trying to have the short term rentals abide by the same rules. Commissioner Reese asked if we make hotel owners go through a background check. Yvonne Ivey responds no. Commissioner Brannon asks if this permit is the same as the hotel permit. Yvonne Ivey responds everything except the background check. Commissioner Brannon says that it seems like you are providing responses to the rare one off situations while hindering everyone else. There are also laws, city and state, that they should be paying their fees and taxes but we just aren't enforcing it. Why are we adding yet another level of regulation? Yvonne Ivey says that this is a hot topic across the country and Georgia is trying to step up and be at the front of this. We looked at other cities like Savannah and New Orleans and tried to mimic what they put into place.

Chairperson Mason stats in Summary that this being brought forward to get Short Term Rentals compliant with Codes and Inspections and get their business license. Also be able to appropriately collect taxes. Outside the background check is that it? Commissioner Brannon stats that is not just the background check. I have a problem with restricting the economy with red tape. If you are under 30 days you should be following the hotel laws.

Chairperson Mason asked if the Commissioners had any other questions. No response.

Chairperson Mason asked if anyone in the audience would like to speak in favor or against this case. No response. No motion. Chairperson asked if there is a motion to deny. Commissioner Greenblatt made a motion to approve the case. Commissioner Davis seconded the motion. The motion carried unanimously to deny.

NEW BUSINESS: N/A

ADJOURNMENT: 11:00 a.m.

Kathleen Mason, Chairperson

John Renfroe, Principal Planner