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PLANNING DEPARTMENT

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CLERK OF COUNCIL  
Planning Advisory Commission

December 07, 2022

## MINUTES

A meeting of the Planning Advisory Commission was held Wednesday, December 07, 2022, in the Council Chambers of the Citizen Service Center.

### Commissioners Present:

**Chairperson:** Larry Derby  
**Vice Chairperson:** James Dudley  
**Commissioners:** Ralph King, Brad Baker, Xavier McCaskey, Patricia Weekley, Gloria Thomas, Patrick Steed

### Virtually:

**Absent:** Shelia Brown

**Staff Members:** John Renfroe, Principal Planner

### Others Present:

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

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

- 1. REZN-11-22-2158:** A request for a text amendment to amend the text of the Unified Development Ordinance (UDO) in regards to Condominiums and Cryptocurrency Mining.

John Renfroe reads the staff report:

A request to amend the text of the Unified Development Ordinance (UDO) for various uses.

### UNIFIED DEVELOPMENT ORDINANCE REVISIONS (Explanation of Revisions)

- 1. Explanation of Revisions: Amend Section 13.1.1 by adding a definition for *Dwelling, condominium.***

When the UDO was adopted in 2005, a definition was not included for this use. The 1984

Zoning Ordinance (the prior ordinance) included said definition. The verbiage below is taken from said previous ordinance.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p><b>Sec. 13.1.1. Definitions.</b></p> <p style="text-align: center;">Section 13.1.1</p> <p><b>XXX</b></p>	<p style="background-color: green;"><b>Sec. 13.1.1. Definitions.</b></p> <p style="background-color: green; text-align: center;">Section 13.L.1</p> <p style="background-color: green;"><i>Dwelling, condominium</i> means a unit in a series or in multi-unit type structure which may be owned or leased by an individual, firm, or corporation who may have common use of all related activities associated with the structure.</p>

**2. Explanation of Revisions: Amend Section 3.1.1 by adding Banquet Facilities and Assembly Halls as permitted uses in the Central River District (CRD) zoning district.**

Use	H I S T	R E 1 0	R E 5	R E 1	R E T	S F 1	S F 2	S F 3	S F 4	R F 1	R F 2	M H P	U P T	C R D	N C	R O	C O	G C	S C A C	L A M C I	H M I	T E C H	N O T E S
Assembly Hall													P	P				P					
Banquet Facilities													P	P	P	S E		P					

**3. Explanation of Revisions: Amend Table 3.1.1 by adding Cryptocurrency Mining as a Special Exception Use in the HMI zoning districts.**

This proposed use establishes locations where cryptocurrency mining operations may be sited in Muscogee County and conditions that must be met in order to protect the public health, safety, and general welfare of county residents. The high energy consumption of cryptocurrency mining operations runs can be disruptive. Equipment at these facilities has the potential to create noise pollution that negatively impacts nearby residents, businesses, and wildlife. In addition, electronic waste from cryptocurrency mining operations contains heavy metals and carcinogens that have the potential to damage human health, and air and water quality if not handled correctly.

Use	H I S T	R E S T	R E S T	R E S T	R E S T	S R 1	S R 2	S R 3	S R 4	R M F 1	R M F 2	M H P	U P T	C R D	N C	R O	C O	G C	S A C	L M I	H M I	T E C H	N O T E S
Cryptocurrency Mining																						S E	*

**4. Explanation of Revisions: Add new Section 3.2.77 Cryptocurrency Mining to Chapter 3, Article 2. Additional Standards Applicable to Specific Uses.**

**Section 3.2.77 Cryptocurrency Mining.**

Cryptocurrency Mining shall comply with the standards listed below:

- A. *Distance from Residential Dwellings and/or Residential Zones.* Cryptocurrency mining shall be a minimum of 750 feet from a residential dwelling, units, institutional dwelling units, and residentially zoned properties.
- B. *Special Exception Use.* Cryptocurrency mining shall only be permitted as Special Exception Use as approved by City Council.
- C. *Renewable Energy.* These facilities shall be required to develop or purchase sufficient new renewable energy (from the appropriate utility) to offset 100 percent of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.
- D. *Sound Limit.* A sound limit emitted from this operation as measured at the property line shall not exceed 60 decibels.
- E. *Storage units.* The use of cargo containers, semi-truck trailers, and other storage containers for any component of the operation shall be prohibited.
- F. *Structures.* Mining operations shall take place in a permanent structure with a valid Certificate of Operation.

**5. Explanation of Revisions: Table 4.3.3 by adding Cryptocurrency Mining parking requirements.**

Off-Parking Street Parking Standards

Category of Use	Parking Spaces Required	Additional Standards
(GSF= Gross Square Feet)		
Recreation		
Cryptocurrency Mining	5 total spaces	N/A

**6. Explanation of Revisions: Amend Section 13.1.1 by adding a definition for Cryptocurrency mining.**

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p><b>Sec. 13.1.1. Definitions.</b></p> <p style="padding-left: 40px;">Section 13.1.1</p> <p><b>XXX</b></p>	<p style="background-color: green;"><b>Sec. 13.1.1. Definitions.</b></p> <p style="background-color: green; padding-left: 40px;">Section 13.1.1</p> <p style="background-color: green;"><b>Cryptocurrency mining</b> means the operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.</p>

**7. Explanation of Revisions: Amend Section 4.2.24 by adding *storage locations* requirements.**

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p><b>Sec. 4.2.24 Storage of Recreational Vehicles, Boats, and Trailers</b></p> <p>Section 4.2.24</p> <p>XXX</p>	<p><b>Sec. 4.2.24 Storage of Recreational Vehicles, Boats, and Trailers</b></p> <p>Section 4.2.24</p> <p><b>E. Storage Location.</b> Storage of Recreational Vehicles, Boats, and Trailers on the right-of-way is prohibited.</p>

Chairperson asked if the Commissioners have any questions.

Planning Department Director Will Johnson came forward to explain the proposed text amendment; the first proposed amendment simply places the definition of a condominium in the Unified Development Ordinance. The definition proposed is the definition from the 1984 Zoning Ordinance. The second text amendment adds banquet/assembly hall as a use to the Central Riverfront District to correct an earlier oversight. Commissioner Dudley received confirmation from Will Johnson that businesses were already operating in this manner in the Central Riverfront District. The third proposed text amendment concerns cryptocurrency mining, a nuisance operation with a number of negative externalities. The text amendment will, among other requirements, restrict cryptocurrency mining to heavy manufacturing issues, require a special exception and establish required buffers. Commissioner Dudley received confirmation from Will Johnson that any project would need to come before council ultimately to be approved. The final portion of the proposed text amendment would prohibit the parking of recreational vehicles in the right of way.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning? No one came forward.

Commissioner King moved to approve the proposed rezoning as presented and Commissioner Dudley seconded; Case passes (7-0 Physical / 0-0 Virtual).

- 2. REZN-11-22-2184:** A request for a text amendment to amend the text of the Unified Development Ordinance (UDO) in regards to Short Term Rentals.

John Renfroe reads the staff report:

Request to amend the text of the Unified Development Ordinance (UDO) to revise the text of Chapter 4 Section 9 – Short-Term Rentals.

UNIFIED DEVELOPMENT ORDINANCE REVISIONS  
(Explanation of Revisions)

**1. Explanation of Revisions: Add new Chapter 4 Section 9 – Short-Term Rentals.  
(Explanation provided by Inspections & Codes Director Ryan Pruitt)**

**ARTICLE 9. - SHORT-TERM RENTALS**

**Section 4.9.1. Intent; purpose.**

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

**Section 4.9.2. Definitions; general provisions.**

*Code compliance verification form* is a document executed by a short-term unit owner certifying that the short-term unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term rental unit if the premises is in violation of any applicable zoning, building, health or life safety code provisions.

*Owner-occupied property* refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Muscogee County Voter's Registration Card or 4) other documentation of permanent residence satisfactory to the Director.

*Short-term rental unit* means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types and shall exclude group living or other lodging uses, as described in Chapter 3 and defined in Chapter 13, respectively, of the Unified Development Ordinance of the Columbus Consolidated Government. A short-term rental unit may not include a motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated.

*Short-term rental permit* is the permit issued by the Director of the Department of Inspections and Code to applicants who have submitted the required documentation and met the requirements set for in this Article for the operation of a short-term rental unit.

*Short-term rental occupants* means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

*Short-term rental agent* means a natural person designated by the owner of a short-term rental on the short-term rental permit application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.

#### **Section 4.9.3. Short-term rental permit.**

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in Section 4.9.2, without first obtaining a short-term rental permit pursuant to the regulations contained in this Article and then obtaining a business license from the Revenue Division of the Department of Finance. No permit issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

#### **Section 4.9.4. Application for short-term rental permit.**

A. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the Director of Inspections and Code Enforcement. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee in the amount of \$40.00 or as may be revised in the city's annual budget ordinance or such other ordinance as may later be passed by Council. Both the applicant and short-term rental agent will consent to a criminal background check which will be reviewed by the Department before the application is accepted for processing. If any required background check reveals felonies within the last ten (10) years or a misdemeanor involving moral turpitude within the last five (5) the application will not be accepted for processing. Such application should include:

1. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
2. The address of the unit to be used as a short-term rental;
3. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements.

5. The number and location of parking spaces allotted to the premises;
  6. The owner's agreement to use his or her best efforts to assure that use of the premises by short- term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
  7. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- B Attached to and concurrent with submission of the application described in this section, the owner shall provide:
1. The owner's sworn code compliance verification form;
  2. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
    - (A) The occupant(s)' agreement to abide by all of the requirements of this chapter, any other Columbus Consolidated Government ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
    - (B) The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance;
    - (C) The owner and occupant(s)' acknowledgement that the unit is not being leased for and will not be advertised, promoted, or have any amenities provided for the purposes of providing any adult entertainment as defined in Article VI of Chapter 14 of the Columbus Code or providing Escort Services as defined in Article VII of Chapter 14the Columbus Code; and
    - (D) The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short- term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city.
  3. Proof of the owner's current ownership of the short-term rental unit;
  4. Proof of insurance satisfactory in accordance with administrative guidelines published by the Columbus Consolidated Government; and
  5. A written certification from the short-term agent that he or she agrees to perform the duties specified in Subsection 4.9.5.8.
- C. Permit holder shall publish a short-term rental permit number in every print, digital, or internet advertisement and any property listing in which the short-term rental is advertised.

**Section 4.9.5. -Short-term rental agent.**

- A. The owner of a short-term rental shall designate a short-term rental agent on its application for a short- term rental permit. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a natural person as his or her agent



who is over age 18.

- B. The duties of the short-term rental agent are to:
1. Be reasonably available to handle any problems arising from use of the short-term rental unit;
  2. Appear on the premises of any short-term rental unit within two hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Columbus Consolidated Government Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
  3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
  4. Monitor the short-term rental unit for compliance with this chapter.
- C. In the event the short-term rental agent is replaced by another agent, the Owner will apply for a new short term rental permit with the correct short-term rental agent designated within thirty (30) days of such change.

#### **Section 4.9.6. Grant or denial of application.**

~~Review of an application shall be conducted within two days and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.~~

All of-record property owners adjacent to a proposed [short-term vacation rental](#) shall be notified of the use prior to the issuance of an initial short-term vacation rental certificate. Notification shall be issued by the short-term vacation rental applicant and proof of notification provided to the city. The notification to the property owners shall include:

1. Street address of the proposed short-term vacation rental;
2. Location of any on-site parking for [short-term vacation rental occupants](#);
3. Maximum occupancy requirements;
4. Copy of the short-term vacation exemplar rental agreement;
5. Name of the property owner(s); and
6. Name of rental agent and contact information.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state, or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

**Section 4.9.7. Short-term rental units.**

- A. A legible copy of the short-term rental unit permit shall be posted within the unit and include all of the following information:
  - 1. The name, address, telephone number and email address of the short-term rental agent;
  - 2. The short-term rental unit permit number;
  - 3. The maximum occupancy of the unit;
  - 4. The maximum number of vehicles that may be parked at the unit; and
- B. Short-term rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.
- C. The short-term rental unit current business license shall be posted within the unit.
- D. A window/door sticker, provided by the Inspections and Code Department, shall be placed on the front door of the short-term rental unit for public safety purposes.
- E. Each rental unit is limited to no more than 16 occupants.
- F. There shall be no change in the exterior appearance of the dwelling and premises, or other visible evidence of the conduct of a short-term rental unit.
- G. A minimum stay is considered twenty-four (24) hours. Short-term rental units shall not be rented for less than 24 hours.

**Section 4.9.8. Short-term rental unit regulation procedure.**

- A. To ensure the continued application of the intent and purpose of this chapter, the Columbus Georgia Convention and Visitor's Bureau ("the CCVB") shall maintain and make available to appropriate Consolidated Government officials a list of all short-term rental units as defined by this Article, and the CCVB will also notify the owner of any short-term rental unit it identifies of the requirements of this Article and the permit application process.
- B. The Department of Inspections and Code shall maintain for each short-term rental location file a record of all code violation charges, founded accusations and convictions occurring at

or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the Department of Inspections and Code shall revoke any pending permits and reject all applications for the subject premises for a period of 12 consecutive months.

C. If a short-term rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code or other violations, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental permit.

D. Citations for code violations and any other violation of the city code shall be heard by the recorder's court of Muscogee County. Violations of this chapter, including but not limited to operating a short-term rental unit without obtaining a short-term rental permit and a business license are subject to the following fines, which may not be waived or reduced, and which may be combined with any other legal remedy available to the City:

(1) First violation: \$500.00.

(2) Second violation within the preceding 12 months: \$750.00.

(3) Third violation within the preceding 12 months: \$1,000.00.

E. A person aggrieved by the city's decision to revoke, suspend or deny a short-term rental permit may appeal the decision to the city manager or his appointed designee. The appeal must be filed with the city manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city manager.

F. The city manager or appointed designee shall consider the appeal within 30 days after receipt by the city manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The city manager shall render a determination, which will constitute a final ruling on the application.

G. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, police officer, or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

#### **Section 4.9.9. Taxes.**

Short-term rental unit owners are subject to state sales tax, city taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the

city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

#### **Section 4.9.10. Historic District Limitations.**

- A. In areas designated as Historic Districts as defined in Section 9.3.7, for parcels of land that are not owner-occupied, as defined in Section 4.9.2, short-term vacation rentals are limited within each Historic District as provided below:

Downtown Historic District – 44  
Weracoba/St. Elmo Historic District – 49  
High Uptown Historic District – 5  
Liberty Heritage Historic District – 7  
Waverly Terrace Historic District – 16  
Wildwood Circle Historic District – 11  
Wynnton Village Historic District – 27  
Peacock Woods/Diamond Circle – 12  
Dinglewood Historic District – 2  
Wynn’s Hill Overlook Historic District – 26

- B. Permits for non-owner-occupied short term vacation rentals subject to the above stated limits shall be issued on a first come first served basis with a preference being given to any owner who has a current permit from the previous year that has remained in good standing. In the event the property owner fails to timely make application for a new annual permit, then this preference is lost, and that owner must wait for the next available space.

#### **2. New definition: Add *Short-term rental unit* definition to Chapter 13.**

*Short-term rental unit* means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types and shall exclude group living or other lodging uses, as described in Chapter 3 and defined in Chapter 13, respectively, of the Unified Development Ordinance of the Columbus Consolidated Government. A short-term rental unit may not include a motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated. Such units shall be permitted and licensed in accordance with the requirements of Article 9 of Chapter 4 of this UDO.

Chairperson asked if the Commissioners have any questions.

Inspections and Code Director Ryan Pruett came forward to explain the proposed text amendment. Ryan Pruett explained the history of the short term rental issue in the city and

evolution of tax collection via the service providers instead of homeowners directly. Mr. Pruett explained the ongoing issues with proliferation of short term rentals including the use of them as “party houses”. The proposed text amendment will require notification of the adjacent property owners with contact information as well as placement of a sticker identifying the house as a rental. The proposed text amendment will also establish a maximum load capacity and minimum rental times. Another element of the proposed text amendment will limit the number of short term rentals in the cities historic districts with some exceptions for owner-occupied rentals.

Commissioner Baker asked about the number of short term rentals already active; Mr. Pruett provided the number (approximately 30 with another 15-20 operating without permit). Mr. Pruett also explained the application procedure for short term rentals to Commissioner Baker and potential penalties for operating illegally. Mr. Pruett also explained how the department enforces short term rental enforcement currently. Commissioner Thomas received clarification about how 3 citations may result in a homeowners business license being revoked. Commissioner Baker and Dudley asked about the cities recourse for short term rentals operating illegally; Mr. Pruett explained that the department will issue citations and review the publicly available listings in the city. Mr. Pruett also stated the department received letters of support from the Historic Preservation Society and the Weracoba-St Elmo Historic District society.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning?

Verona Campbell of 716 1<sup>st</sup> Ave came forward with concerns; she stated there are currently 50 operating in the downtown historic district. She stated the neighborhood is a growing, prosperous area with numerous young children now living in the district and that the commissioners should consider the detriment that potential “party homes” bring to the district. Commissioner King asked Mr. Pruett about the proposed percentage system; Mr. Pruett stated the proposed cap of 10% (44 parcels in the downtown historic district) is lower than Savannah and they feel an appropriate number. Currently legally operating short term rentals may continue to renew their licenses.

Richard Bishop of 609 Broadway came forward to express support of shutting down illegally operating short term rentals while expressing concern about involving the police with this issue while they deal with other high priority issues.

Fran Carpenter of 739 Broadway came forward to speak on the issue. She explained the tight knit character of the district and the importance of their neighborhood watch and knowing community members. Fran Carpenter inquired about what constitutes a violation, the frequency of the violation over time and how fines are levied. Mr. Pruett explained any violation of ordinance would constitute a violation, including nuisance offenses and operating illegally. Commissioner Dudley received clarification that owner occupied rentals would not contribute to the cap and Mr. Pruett stated a large majority of short term rentals are whole

homes and the owner occupied units typically do not cause any trouble. Commissioner Baker received clarification that accessory dwelling units are not approved as short term rentals.

Suzanne Widenhouse, chief tax appraiser, came forward to express concern with the ability of people to rent out portions of their home and still retain the homestead exemption illegally on the rented portion as well as people avoiding tax on real property, including furnishing, inside short term rentals. She also stated that large numbers of rentals in a community drive down home values. She also recommended the cap on short term rentals be lowered below 10%.

Commissioner King asked what could be done now about people operating without a license; Mr. Pruett stated they are currently operating on a complaint basis. Commissioner Baker received confirmation that the various websites offering short term rental services do not require proof of local licensure. Commissioner Thomas received clarification that the short term rental license is good for one year and renewed yearly and Mr. Pruett explained how enforcement works. Commissioner King stated he believed the 10% cap was too high.

Chance Chancellor of 732 Broadway came forward to express support of lowering the cap, particularly with the exception for owner occupied, to avoid situations like an entire block being short term rentals. Mr. Chancellor also explained they have had issues with hourly rentals in the district. He also explained many of the short term rental owners are out of town LLCs that are not responsive to enforcement. Mr. Pruett explained that out of town owners are a challenge and the permitting process does require an accessible contact in town.

Verona Campbell of 716 First Ave came forward to speak regarding ADU (Accessory Dwelling Units); she stated that allowing accessory dwelling units constitute a good use of property, allow aging in place and diversity of incomes to live in a community. She stated that the community already has a mixed use character and the commissioners should consider the heavy load rentals place on the community.

John Stewart of 1608 Springer St came forward to speak against the proposed text amendment. He stated the park district is a strong residential district and should be kept that way and that the cap should be lower than 10%. Commissioner Dudley asked commissioners to consider the district residents and be flexible in their recommendation.

Commissioner King moved to approve the text amendment with the amendment that the cap be lowered to 5%; Commissioner King also asked the Inspections and Code department to enforce these rules. Commissioner Baker received clarification that the currently legally operating short term rentals would be able to renew their license and operate in good standing indefinitely (contingent on meeting all requirements). Commissioner King added a recommendation to revoke business licenses indefinitely for home owners that have 3 violations.

Commissioner Dudley received confirmation from Mr. Pruett that these caps only apply to historic districts and the department would have to respond to a new concentration of short

term rentals by establishing new districts to meter them.

Commissioner King restated they have a motion to approve the text amendment with the amendments that the cap be lowered to 5% and licenses be revoked permanently after 3 violations of ordinance.

Commissioner King moved to approve the proposed rezoning as presented and Commissioner Baker seconded; Case passes (7-0 Physical / 0-0 Virtual).

**3. REZN-11-22-2066:** A request to rezone 0.83 acres of land located at 1200 / 1226 6<sup>th</sup> Avenue. Current zoning is LMI (Light Manufacturing / Industrial). Proposed zoning is UPT (Uptown). The proposed use is Office, Business & Professional. Jack Hayes is the applicant. This property is located in Council District 7 (Woodson).

John Renfroe reads the staff report:

<b>General Land Use:</b>	Consistent Planning Area D
<b>Current Land Use Designation:</b>	Public / Institutional
<b>Future Land Use Designation:</b>	High Density Mixed Use
<b>Compatible with Existing Land-Uses:</b>	Yes
<b>Environmental Impacts:</b>	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.
<b>City Services:</b>	Property is served by all city services.
<b>Traffic Impact:</b>	Average Annual Daily Trips (AADT) will increase to 118 trips up from 63 trips if used for commercial use. The Level of Service (LOS) will remain at level A.
<b>Traffic Engineering:</b>	This site shall meet the Codes and regulations of the Columbus Consolidated Government for commercial usage.
<b>School Impact:</b>	N/A
<b>Buffer Requirement:</b>	N/A

**Fort Benning's Recommendation:** N/A

**DRI Recommendation:** N/A

**Surrounding Zoning:**

<b>North</b>	UPT (Uptown)
<b>South</b>	LMI (Light Manufacturing / Industrial)
<b>East</b>	LMI (Light Manufacturing / Industrial)
<b>West</b>	LMI (Light Manufacturing / Industrial)

**Attitude of Property Owners:** **Fifteen (15)** property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no (0) calls and/or emails regarding the rezoning.

<b>Approval</b>	<b>0 Responses</b>
<b>Opposition</b>	<b>0 Responses</b>

**Additional Information:** N/A

Chairperson asked if the Commissioners have any questions.

Jack Hayes with G2 Commercial Real Estate of 5607 Whitesville Road came forward to explain the proposed rezoning. Mr. Hayes stated the area around the parcel in question is being rapidly redeveloped and the change from LMI to UPT would allow the parcel to be better used in the changing district.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning? No one came forward.

Commissioner Baker moved to approve the proposed rezoning as presented and Commissioner McCaskey seconded; Case passes (7-0 Physical / 0-0 Virtual).

- 4. REZN-11-22-2067:** A request to rezone 0.40 acres of land located at 1947 Wynnton Road. Current zoning is RO (Residential Office). Proposed zoning is GC (General Commercial). The proposed use is Market (Package & Liquor Store). Wesley Godwin is the applicant. This property is located in Council District 3 (Huff).

John Renfro reads the staff report:

**General Land Use:** Consistent  
Planning Area D

**Current Land Use Designation:** General Commercial

**Future Land Use Designation:** Mixed Use



<b>Compatible with Existing Land-Uses:</b>	Yes	
<b>Environmental Impacts:</b>	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.	
<b>City Services:</b>	Property is served by all city services.	
<b>Traffic Impact:</b>	Average Annual Daily Trips (AADT) will increase to 153 trips up from 23 trips if used for commercial use. The Level of Service (LOS) will remain at level B.	
<b>Traffic Engineering:</b>	This site shall meet the Codes and regulations of the Columbus Consolidated Government for commercial usage.	
<b>School Impact:</b>	N/A	
<b>Buffer Requirement:</b>	N/A	
<b>Fort Benning's Recommendation:</b>	N/A	
<b>DRI Recommendation:</b>	N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	RO (Residential Office)
	<b>South</b>	RO (Residential Office)
	<b>East</b>	GC (General Commercial)
	<b>West</b>	RO (Residential Office)
<b>Attitude of Property Owners:</b>	<b>Thirty (30)</b> property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no (0) calls and/or emails regarding the rezoning.	
	<b>Approval</b>	<b>0</b> Responses
	<b>Opposition</b>	<b>0</b> Responses
<b>Additional Information:</b>	N/A	

Chairperson asked if the Commissioners have any questions.

Commissioner Dudley inquired as to the nature of the calls received in opposition; Mr. Renfroe stated the calls were simply generally in opposition to the amount of traffic generated and the

lack of need for liquor stores. Mr. Renfroe explained how the proposal is not simply a package store but the classification is needed due to zoning ordinance.

Commissioner Dudley asked staff about the ongoing development in the area and what actors are involved; staff stated the developers appear to be separate entities.

Chandler Riley of Paige Scrantom law firm at 1111 Bay Ave came forward to explain the proposed rezoning. Mr. Riley explained the history of the property in question and showed visuals of what the proposed "market" would look like upon completion. Mr. Riley also described the applicant's history as a resident of the neighborhood and detailed the firms involved in the project. Mr. Riley proceeded to show a zoning map of the area and detailed what the surrounding uses are and how the project is compatible with those uses.

Mr. Riley detailed the proposed "market" development called "Midtown Provisions" that would feature high end and locally sourced items and explained the actors collaborating on the project; Mr. Riley stated the developers anticipate approximately 60% of sales to be alcohol; he further explained the proposed market would not sell cigarettes or lottery tickets. Mr. Riley stated the proposed operating hours should be about 9AM to 9PM contingent on demand; they do not intend to be a late night store and will feature security and a clean, safe environment. He further detailed how the property is served by utilities and will not reduce the traffic rating of B and how the proposal would generate jobs, both temporary and permanent while reactivating a now unused office building and increased revenue for the city.

Mr. Riley detailed the applicants outreach effort to Councilor Huff, Midtown Inc., neighbors and other community stakeholders. Mr. Riley also detailed the deed restrictions currently placed on the property that preclude a number of uses as well as restricting the future use of the property as a package store by future owners beyond Mr. Goodwin.

Commissioner Baker asked about the proposed egress/ingress of the proposal; Mr. Riley states the current driveway located on Eberhart Avenue would be retained to reduce impact to Wynnton Road. Commissioner McCaskey received confirmation the proposal would not feature a drive thru.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning?

Lizzie Holmquist of 1192 Munroe Ave came forward to speak in opposition to the proposal. She stated the closure of the adjacent Sunoco gas station had improved the character of the area and they finally feel comfortable in their home and fear a further increase of traffic in the area.

Commissioner Brown inquired as to the operating hours of the proposed development; Mr. Riley stated the proposal anticipates operating between 9AM to 9PM with potential to shrink that range and being open 7 days a week.

Commissioner King moved to approve the proposed rezoning as presented and Commissioner Thomas seconded; Case passes (7-0 Physical / 0-0 Virtual).

**5. REZN-11-22-2068:** A request to rezone 0.35 acres of land located at 8223 Cooper Creek Road. Current zoning is RO (Residential Office). Proposed zoning is SFR1 (Single Family Residential 1). The proposed use is Single Family Dwelling. Bernard Jones is the applicant. This property is located in Council District 6 (Allen).

John Renfroe reads the staff report:

<b>General Land Use:</b>	Consistent Planning Area A
<b>Current Land Use Designation:</b>	Rural Residential
<b>Future Land Use Designation:</b>	Single Family Residential
<b>Compatible with Existing Land-Uses:</b>	Yes
<b>Environmental Impacts:</b>	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.
<b>City Services:</b>	Property is served by all city services.
<b>Traffic Impact:</b>	Average Annual Daily Trips (AADT) will decrease to 10 trips down from 20 trips if used for commercial use. The Level of Service (LOS) will remain at level B.
<b>Traffic Engineering:</b>	This site shall meet the Codes and regulations of the Columbus Consolidated Government for residential usage.
<b>School Impact:</b>	N/A
<b>Buffer Requirement:</b>	The site shall include a Category A buffer along all property lines bordered by the NC zoning district. The 3 options under Category A are:  <ol style="list-style-type: none"><li>1) <b>5 feet</b> with a certain amount of canopy trees, under story trees, and shrubs / ornamental grasses per 100 linear feet.</li><li>2) <b>10 feet</b> with a certain amount of shrubs /</li></ol>

ornamental grasses per 100 linear feet and a wood fence or masonry wall.

3) **20 feet** undisturbed natural buffer.

**Fort Benning's Recommendation:** N/A

**DRI Recommendation:** N/A

<b>Surrounding Zoning:</b>	<b>North</b>	NC (Neighborhood Commercial)
	<b>South</b>	SFR1 (Single Family Residential 1)
	<b>East</b>	SFR1 (Single Family Residential 1)
	<b>West</b>	RO (Residential Office)

**Attitude of Property Owners:** **Fifteen (15)** property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no (0) calls and/or emails regarding the rezoning.

**Approval** 0 Responses

**Opposition** 0 Responses

**Additional Information:** N/A

Chairperson asked if the Commissioners have any questions.

Commissioner King asked about the requirement of the category A buffer; staff indicated it applies to the neighboring NC property.

Bernard Jones of 8215 Cooper Creek Road came forward to explain the proposed rezoning and the desire for the additional buffer. Commissioner King received confirmation that the applicant does not plan on building on the land in question aside from expanding an existing garden.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning? No one came forward.

Commissioner Weekley moved to approve the proposed rezoning as presented and Commissioner Baker seconded; Case passes (7-0 Physical / 0-0 Virtual).

**6. REZN-11-22-2069:** A request to rezone 1.78 acres of land located at 4030 Veterans Court. Current zoning is RO (Residential Office). Proposed zoning is GC (General Commercial). The proposed use is Auto/Truck Paint & Body Shop. Jon Rasmussen is the applicant. This property is located in Council District 2 (Davis).

John Renfroe reads the staff report:

<b>General Land Use:</b>		Consistent Planning Area A
<b>Current Land Use Designation:</b>		General Commercial
<b>Future Land Use Designation:</b>		General Commercial
<b>Compatible with Existing Land-Uses:</b>		Yes
<b>Environmental Impacts:</b>		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.
<b>City Services:</b>		Property is served by all city services.
<b>Traffic Impact:</b>		Average Annual Daily Trips (AADT) will increase to 123 trips up from 101 trips if used for commercial use. The Level of Service (LOS) will remain at level C.
<b>Traffic Engineering:</b>		This site shall meet the Codes and regulations of the Columbus Consolidated Government for commercial usage.
<b>School Impact:</b>		N/A
<b>Buffer Requirement:</b>		N/A
<b>Fort Benning's Recommendation:</b>		N/A
<b>DRI Recommendation:</b>		N/A
<b>Surrounding Zoning:</b>	<b>North</b>	RO (Residential Office)
	<b>South</b>	GC (General Commercial)
	<b>East</b>	RO (Residential Office)
	<b>West</b>	GC (General Commercial)
<b>Attitude of Property Owners:</b>		<b>Ten (10)</b> property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no (0) calls and/or emails regarding the rezoning.
	<b>Approval</b>	<b>0</b> Responses
	<b>Opposition</b>	<b>0</b> Responses

**Additional Information:** N/A

Chairperson asked if the Commissioners have any questions.

Scott Boyce of 3580 Massie Lane came forward to explain the proposed rezoning on behalf of his client Mr. Rasmussen. The proposed development would be the applicants second body shop in Columbus and third in the region. Mr. Boyce stated the use is consistent with the future land use map and current uses.

Commissioner Dudley received confirmation from staff that a neighboring apartment development being finished did not comment on the proposed rezoning.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning? No one came forward.

Commissioner Steed moved to approve the proposed rezoning as presented and Commissioner King seconded; Case passes (7-0 Physical / 0-0 Virtual).

- 7. REZN-11-22-2070:** A request to rezone 0.18 acres of land located at 6330 Lynnridge Avenue. Current zoning is SFR3 (Single Family Residential 3). Proposed zoning is RO (Residential Office) with conditions. The proposed use is Office, Business & Professional. Columbus Botanical Gardens is the applicant. This property is located in Council District 5 (Crabb).

John Renfroe reads the staff report:

<b>General Land Use:</b>	Inconsistent Planning Area A
<b>Current Land Use Designation:</b>	Multifamily
<b>Future Land Use Designation:</b>	Single Family Residential
<b>Compatible with Existing Land-Uses:</b>	Yes
<b>Environmental Impacts:</b>	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.
<b>City Services:</b>	Property is served by all city services.
<b>Traffic Impact:</b>	Average Annual Daily Trips (AADT) will increase to 10 trips up from 9 trips if used for commercial use.

The Level of Service (LOS) will remain at level C.

**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 SFR3 zoning district. The 3 options under Category C are:

- 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

**Surrounding Zoning:**

**North**  
**South**  
**East**  
**West**

SFR3 (Single Family Residential 3)  
SFR3 (Single Family Residential 3)  
SFR3 (Single Family Residential 3)  
SFR3 (Single Family Residential 3)

**Attitude of Property Owners:**

**Twenty (20)** property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no (0) calls and/or emails regarding the rezoning.

**Approval**    **0** Responses  
**Opposition**    **0** Responses

**Additional Information:**

N/A

Chairperson asked if the Commissioners have any questions.

Commissioner Dudley received confirmation the proposed rezoning is to allow an administration office for the Botanical Garden that will not have signage. Commissioner Baker

received confirmation that the condition relating to signage is only for free standing signage and would allow a sign to be placed on the front door.

Austin Gibson with Paige Scrantom of 1111 Bay Ave came forward to explain his client's proposed rezoning. Mr. Gibson displayed an overview of the future layout of the Botanical Garden and the location of the property to be rezoned as well as the uses of the surrounding properties. He also displayed a proposed site plan of the property to be rezoned and explained how the renovation of the property will not change it's appearance as a single family home. Mr. Gibson reiterated the proposed development is only for back office work, will have limited hours of operation and not host visitors.

Chairperson asked if anyone in the audience would like to speak against or in favor of this rezoning? No one came forward.

Commissioner Baker moved to approve the proposed rezoning as presented and Commissioner Thomas seconded; Case passes (7-0 Physical / 0-0 Virtual).

**NEW BUSINESS:**

Mr. Renfroe explained the proposed meeting schedule and application deadlines for 2023.

Commissioner Baker moved to approve the meeting schedule and Commissioner Dudley seconded; the motion carried unanimously.

Commissioner Thomas moved to adjourn, and Commissioner Baker seconded; the motion carried unanimously (7-0 Physical / 0-0 Virtual).

**OLD BUSINESS:** None

**ADJOURNMENT:** 10:40 AM

**RECORDING:**

  
\_\_\_\_\_  
Larry Derby, Chairperson

  
\_\_\_\_\_  
John Renfroe, Assistant Planning Director