CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
Resolution No. 2021-016 – Special Use Permit (1st Request)

MEETING DATE:
October 4., 2021

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager Nicholas Edwards.

SUMMARY REQUEST:
Case 048-21: 4477 Bradley Dr. - A request for a Special Use Permit (1st Request) for the operation of a short-term rental – Rachel Bemo.

BACKGROUND:
Short-term rentals are generally offered in residential areas as an alternative form of short-term stay compared to typical hotels and motels. While it is some distance via road route to the property, its location within a residential area is consistent with the majority of short-term rentals found across the country.
The residential character of the structure and property will remain unaltered with this proposed use. Conditions set forth below limit the number of individuals that may occupy the rental at any one time based on the number of bedrooms, further securing the residential nature.

This short-term rental has been in operation prior to the application for this special use permit, and large groups, sometimes exceeding 20 individuals, have stayed at this location. Additionally, the applicant has advertised that the home could sleep up to 26 total people between the upper and lower levels of the house. That number of people staying on a property zoned R-1 is not compatible.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Bolander stated that his office received word today from her manager and they are now looking at a long-term rental. In Joplin, anything rented over 28 days does not require a Special Use Permit. A public hearing is still required, and we did advertise it. We will take public comment, but this office is changing the recommendation to either be stricken or denied.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit is issued to Rachel Bemo for the operation of a short-term rental at 4477 Bradley Dr.
2. The permit shall be valid for 1 year upon approval, being eligible for renewal in October 2022.
3. Off street parking for at least two (2) vehicles shall be provided.
4. Occupancy shall be limited to 6 persons total, or another limit as set by the City Council.

5. The property owner shall ensure the following information is conspicuously posted within the short-term rental:
    a. Special Use Permit Determination Form.
    b. City of Joplin Noise Ordinance.
    c. Contact info for person(s) responsible for day-to-day operation of the short-term rental.
    d. Trash collection schedule.
    e. That the short-term rental may not be rented solely for weddings, receptions, parties, or another similar event.
6. The compliance with all provisions of the Fire/Safety codes as required by the State Fire Marshal is required.
7. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
8. Any other conditions set by the City Council of the City of Joplin.

PUBLIC COMMENT:

Kyle Cox, 4509 Bradley Dr., Joplin, MO. The unease of coming home to different neighbors every night is a feeling this commission has probably not had.

Deborah Ferguson, 4480 Bradley Dr., Joplin, MO. Basically, when you look at the special use permit, there is criteria on there. Some of those criteria could be given some heavier weight or serious consideration. Going down the check list, it is unnecessary. She doesn't live at the house, nor does the manager. The house was put up for sale and the asking price was so high it didn't sell. It is not about helping other people or opening it up to missionaries or something like this, it is about money. It also causes a significant nuisance to the surrounding homeowners. The house is on a dead end and since this rental has been going on there has been so much traffic going down there. They are operating this like a hotel. This began on July 4th, another rental on July 10th, 17th, 20th and then the 27th. Then two in August. They are not medical students or someone coming in for a seminar. July 4th was a party; July 10th was a monster truck get together. July 14th was a baseball team that walk through the neighborhood and played tag in our yards. There is also a fire hydrant and they routinely park in front of the hydrant. On August 13th there were 4,5,6-year-old got out of an SUV, went to the back of the house into the basement door. They could not get into the house from the front door. Our neighborhood has little kids that play out in the yard and there is so much traffic. This also poses a threat to health, safety, and welfare. There is no on-site manager. This is not a personal issue this is the Integrity of our neighborhood.

David Darch, 4470 Bradley Dr. Joplin, MO. I have worked in Joplin for 15 years for Eagle Picher. We bought there in the cul-de-sac because we do have two little girls, 3-year-old, and a 6-year-old. We just felt the safety when the girls go out to play in the front yard. The big parties that she's been having makes everyone nervous.

Matt Furguson, 4480 Bradley Dr. Joplin, MO. Change vs. Chaos. In 2008 we moved here to raise our children. Looked for a safe community, tight knit community, and vison of a quiet neighborhood. That is what we found. All the kids played in the street because it was a dead-end road, neighbors watch out for everyone. We annexed into the City of Joplin and now imagine someone opening an unlicensed business on your street. Property destruction, mailbox hit multiple times, garbage all over the neighborhood, not to mention all the cars. Compare this to a virus, we are all becoming infected.

Angelee Corkle, 3006 Keller Dr., Joplin, MO. She has lived in Silver Creek since 1963 and on the outskirts and has Wheelan's business next door to me. There is only "one business" that is in the neighborhood of Silver Creek and that is a church. To have an Air B&B with temporary people coming in, if you let them in then what else will want to come into our neighborhood. We want to keep Silver Creek like it was single family.

Gary Jordan, 4467 Bradley Dr., Joplin, MO. The area has been explained to you, there are 10 houses, one faces Ivy Lane, the other nine (9) houses have driveways on to Bradley Dr. It is wide open there, all the lots are 1 acre plus, there are no fences around any of the houses except for the house with the pool and there is one around the pool. I had to put no trespassing signs in my yard. Constantly, people are in my yard and the people's yard behind me. We are facing additional liabilities for her business.

Penny Amiet, 3295 Ivy Lane, Joplin, MO. Lived here since 2016. We bought the property with the intention of being safe, secure residential area. There needed some improvements and we worked with the City of Joplin, and it worked out well. We wanted to do the petitions and the process correctly and I have spoken with Keegan several times. She will take a loss on the money, charging $349.00 per night is what she is charging. Two separate adjoining areas, upstairs and downstairs. There is no fire department that will approve that type of accommodations for occupancy. She continues to rent it out at this price, which is $10,740.00 per month that she stands to make on that property. A lot of money at our expense. We pick up trash, there were 47 cars coming in and out in a half hour up and down that road. We just want to be respected as we do our neighbors.

Cheryl Ayotte, 4510 Hickory Lane, Joplin, MO. I live a couple of blocks from this resident. I feel it is necessary to come. These people talk about the safe, quiet neighborhood that Silver Creek is. It is the most violent, hateful neighborhood I have ever lived in. For three years I have delt with the Community Building that is rented out basically to anyone and they throw wild parties there. This has affected my property, drunk people park/walk onto my property and was literally attacked by a woman on a motorcycle in my own yard. I don't find it to be this peaceful quiet neighborhood. I have put up privacy fence. They are all concerned about the quality of people who live in Silver Creek. Three out of four of my neighbors are all living together. There aren't any married couples, the guy directly across from me two years ago was arrested, and it took seven (7) police officers to load him in the vehicle, he was that drunk. I had a restraining order against him for six (6) months, that has expired, and I live daily in fear. His teenage children shooting at my truck less than a month ago. The city allows what they call a home-based business, 10 years ago a roofer moved in next door to me. He runs a business off that property. Workers come in daily, parking their cars there, trailers in and out, there is a dump trailer sitting there now and two other trucks. This defaces my property. When I received this petition on my front door, I took the time to drive past this property. This property that all these people are talking about is immaculate.

FUNDING SOURCE:
These payments are included in the FY 2020-21budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends Denial (6 Favor, 1 Absent)

ATTACHMENTS
RS 2021-016, Staff Planning Report, P&Z Commission Minutes.