

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 10, 2025**

SUMMARY

A request by Nick Timberlake (agent), on behalf of FiveFrisco LLC (owner), to allow 5 Fyfer Place to be used as a short-term rental for a maximum of 6 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 0.1-acre subject site is zoned R-MF (Multiple-family Dwelling), is located at the East Broadway and Fyfer Place intersection, and is addressed 5 Fyfer Place.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,588 sq. ft. multi-family dwelling to be used as a short-term rental for a maximum of 6 transient guests and up to 210-nights annually. The dwelling is 3-bedroom, 2.5-bathroom condominium located in the R-MF (Multiple-family Dwelling) zoning district and is not the applicant's primary residence. This request is being submitted concurrently with three additional requests (Case #'s 208-2025, 210-2025, and 212-2025) for CUP approval to allow all four dwelling units within the subject condominium building to be used as short-term rentals.

A site-specific evaluation of the property found that the subject unit has an attached 2-car garage. The driveway serving the property is shared with the adjacent "connected" condo unit; however, has sufficient on-site/off-street capacity to support 2-UDC compliant parking spaces outside of the public right-of-way on the half of the driveway associated with this request. A minimum of 3 UDC-compliant on-site/off-street parking spaces must be provided to meet regulatory requirements given the requested 6 guests. A "**condition of approval**" will be required that stipulates a minimum of 1 space within the garage is made available when the dwelling is used for STR purposes.

A review of available violation records from the Housing and Neighborhood Services Department and the Columbia Police Department, **specifically** associated with this property, has not identified any violation cases. The subject dwelling has been offered as a short-term rental since 2023. In 2024, the property was occupied for 245 nights as an STR.

Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, dwellings used prior to June 1, 2025 were allowed to operate without a CUP, STR Certificate of Compliance, or a Business License. Following June 1, 2025, any dwelling operated as an STR must fully comply with the provisions of the STR regulations which include acquisition of an STR Certificate of Compliance, Business License, and submission of accommodation taxes. Approval of this request is a required prerequisite to proceed forward in obtaining the STR certificate and business license.

While final action on this request is pending, enforcement action on the operation of the dwelling as an STR would be suspended. Continued operation of the subject dwelling as an STR following City Council action without acquiring the STR certificate of compliance and business license would constitute an **illegal** land use and would be subject to revocation of the CUP, if authorized, as well as other enforcement actions identified in the City Code.

APPLICATION EVALUATION

The submitted application is subject to both the general and conditional use permit provisions governing short-term rentals identified within Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2), as well as, Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and has previously been offered as a short-term rental since 2023. Online reviews for the dwelling show usage as an STR starting March 2023 and continuing to the present. According to the applicant, in 2024 the dwelling was used for 245 nights. The dwelling is listed on Airbnb (<https://www.airbnb.com/rooms/813859512385364683>) and Vrbo (<https://www.vrbo.com/3902704>). The listings' content matches that shown within the STR application. A periodic review of the listings will be done to ensure continued compliance with all issued STR CUPs and licensure conditions.

A review of online platforms such as Airbnb, Vrbo, Booking.com, and Furnished Finder identified 5 potential short-term rentals within a 300-foot radius. Of the 5 identified properties, 2 are listed on Furnished Finder with a minimum stay of 1 and 3 months, respectively. The minimum stay requirement outlined in the listings reflects a mid or long-term rental rather than a short-term rental. The remaining 3 unregistered STRs are located in the same 154' long condominium structure as the current request and are addressed 1, 3, and 7 Fyfer Place.

The owner is seeking approval for 6 transient guests which is within the limitations imposed by Sec. 29-3.3(vv)(2)(v) of the UDC and is supported by the number of available on-site/off-street parking spaces inclusive of a garage parking space being made available. Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the requested 6 transient guests based on the occupancy criteria contained in Sec. 404.4.1 of the International Property Maintenance Code (IPMC) as adopted by the City of Columbia.

Maximum occupancy within the dwelling will be determined by the City's Housing and Neighborhood Services Department as part of the required compliance checks for conformance with the provisions of Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. A maximum occupancy of 8 transient guests is what this dwelling could accommodate based upon available on-site/off-street parking inclusive of the garage parking spaces and the stated bedroom sizes which exceeds the requested 6 guests. Should this request be approved, it would be conditioned upon the maximum occupancy not exceeding that desired by the applicant regardless of permitted occupancy by the IPMC or available parking. The authorized occupancy will appear on the STR Certificate of Compliance and is required to be included on any website or other media advertising the dwelling for STR usage.

Within the required 185-foot notification radius, there are 25 properties, of which 1 is owner-occupied and 24 are used for rental purposes. The property is within 1,000-feet of 3 neighborhood associations and is not within 1,000-feet of a school. Adjacent properties to the west are zoned R-MF and located within the East Campus Urban Conservation Overlay (UC-O). This zoning designation would permit 4-unrelated individuals living together. Adjacent properties to the south and southeast are zoned R-1 and permit 3-unrelated individuals to live together. Properties immediately east, across Fyfer, are zoned R-MF and permits 4-unrelated individuals living together. The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, and water), and there are no known issues with the available capacity to serve the dwelling as an STR. Sidewalks are only installed in front of the subject site along Fyfer Place. Additionally, parking is permitted on both sides of Fyfer Place.

The subject dwelling is owned by an LLC. Based on this ownership, approval of the requested CUP would be the “one and only” STR license issued to the LLC or any of its ownership interests pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that the owner will use a designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based upon the location information provided within the application, the designated agent is a resident of Boone County located approximately 10 miles (20 minutes) from the dwelling if the need arises to address compliance matters.

Based on a site-specific evaluation, it would appear that access to the dwelling does not require ascending a step to enter the structure. Compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC will be determined prior to issuance of a STR Certificate of Compliance by the Housing and Neighborhood Services Department and Building and Site Development Division of Community Development. During the site-specific inspection, no signage was identified as being present to advertise the dwelling as an STR. Such signage would be permissible provided it is no greater than 1 sq. ft. in area and is non-illuminated.

Sec. 29-6.4(m)(2)(i) General CUP Review Criteria:

As noted, given this application triggers approval of a conditional use permit (CUP) the following analysis of the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC have been performed. The owner has provided their analysis of these criteria (see attached) and the staff’s analysis is provided below. The standard criteria are shown in **bold text** followed by staff’s response.

(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;

A short-term rental that is not a long-term resident’s principal residence is permitted within the R-MF zoning district subject to the approval of the requested conditional use permit (CUP). The submitted application (see attached) has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv). A site-specific inspection finds that the dwelling has driveway parking capable of accommodating 2 UDC-compliant parking spaces outside the public right-of-way and a 2-car attached garage. A minimum of 3 UDC-compliant parking spaces must be provided to support the desired 6 transient guests; therefore, a “**condition of approval**” is necessary that stipulates one garage parking space must be made available while the dwelling is in STR use.

Additional regulatory review to ensure full compliance with the provision of Sec. 29-3.3(vv) and Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code will occur if the CUP is granted prior to issuance of a STR Certificate of Compliance. The subject dwelling is not located within an overlay district that would otherwise prohibit the proposed use of the dwelling as an STR.

This request, if approved, would potentially result in this dwelling unit being authorized to operate as a STR within 300-feet of 3 other proposed STRs that are all within the same condominium building. While the owner of this dwelling is a single, unique LLC and would appear to meet all “technical” requirements necessary to be authorized a CUP, the mere fact that approval of this application and any of the adjoining three would result in the “concentration” of dwellings being used for STR purposes in a single location. This outcome may be considered inconsistent with the underlying purpose of the current STR regulations which sought limitations on concentration and distribution of STRs within existing residential neighborhoods.

Analysis of the submitted application for this request as well as those of the adjacent 3 dwellings appear to be owned by a single family and have only been divided into separate ownerships to afford each family member an opportunity to obtain their single STR license. Approval of more than one STR CUP in the subject 4-unit condominium building would, ostensibly create a “hotel” in a residential zoning district for the majority of a year given the number of nights sought for STR approval. If the dwelling were used for its maximum STR rental nights, only 155 days (5 months) would remain for long-term tenant occupancy.

(B) The proposed conditional use is consistent with the city's adopted comprehensive plan;

The comprehensive plan does not speak directly to the use of residential dwellings for alternative purposes such as an STR; however, does contain policies, strategies, and actions relating to the topics of livable and sustainable neighborhoods, land use and growth management, and economic development. The adoption of the regulatory provisions governing the use of a residential dwelling for STR purposes is seen as addressing several of these policies, strategies, and actions.

With respect to the goal of creating **livable and sustainable neighborhoods**, approval of the requested CUP would support the mixed-use concepts of Policy # 2, Strategy # 1 (page 144) of the Plan. While this strategy focuses on the concept of creating “nodes” of neighborhood scale commercial and service uses as a high priority, the first “action” within the strategy recommends using planning tools and decision-making to locate small-scale commercial and service businesses adjacent to residential development. STRs have been determined to be a commercial use and offer a “community-wide” service by providing supplemental housing for visitors to Columbia. Staff believes adoption of the STR regulations and their requirement of a CUP are relevant planning and decision-making tools consistent with the intent of this Policy and assist to fulfill the idea of supporting mixed-uses within residential neighborhoods.

With respect to **land use and growth management**, Policy # 3, Strategy # 3 (page 146 of the Plan) would be fulfilled given the regulatory limitations on occupancy and rental nights that are contained within Sec. 29-3.3(vv).

And finally, with respect to **economic development**, Policy # 3, Strategy # 2 (page 149 of the Plan) would be fulfilled by supporting local entrepreneurial ventures. The adopted regulatory provisions governing the use of a residential dwelling for STR purposes were created with options to allow owners and/or renters the ability to participate in the STR market subject to reasonable regulation. This ability for participation not only supports individual entrepreneurial ventures, but also broader city-wide economic objectives relating to tourism and tourism-related activities.

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

The properties surrounding the subject site are improved with a mixture of one, two, and multi-family dwellings. Adjoining developments are within the R-1 and R-MF zoning districts. 24 of the surrounding properties are rental units and 1 is owner-occupied. The current parking accommodations on-site would support the requested 6 transient guests provided a single garage parking space is provided when the dwelling is used for STR purposes.

A search of listing platforms such as Airbnb, Vrbo, Booking.com, and Furnished Finder identified the dwelling as being listed as a short-term rental. According to online reviews, usage of the dwelling as an STR appears to have begun in March of 2023. In 2024, the applicant indicated that the home was used for 245 nights.

The adopted STR regulations include provisions intended to mitigate the negative impacts of STR operations as a commercial use and afford a method of regulatory reporting/enforcement previously nonexistent within the City's municipal code. Should violations of the regulatory provisions rise to the level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance following 2 **verified** complaints within a 12-month period.

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

The site is accessed from Fyfer Place through a traditional, two-lane, driveway approach. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR with a maximum of 6 transient guests provided a single garage parking space is provided when the dwelling is used for STR purposes.

Fyfer Place is a local residential street that does not have sidewalks installed on either side of the street except for in front of the subject site. Fyfer Place also permits on-street parking. Staff finds that the design of the parking and the site's access is sufficient to support future traffic generation without compromising public safety.

(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and

The site is sufficiently served with public infrastructure to support its use as an STR. There are no known infrastructure capacity issues associated with the site that would be negatively impacted by the approval of the CUP.

(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

24 of the 25 parcels within 185-feet of the subject site are used for rental purposes. The structures are located within the R-1 and R-MF zoning districts. The R-1 zoning would legally permit 3-unrelated individuals living together within a dwelling if used for rental purposes and 4-unrelated individuals in the R-MF. Given the dwelling has been a listed STR since 2023 and was made available to the present without any apparent incident, there is no evidence to suggest that such usage has created adverse impacts.

Potential negative impacts of the dwelling's use as an STR can be mitigated through the adopted regulatory provisions which provide a means by which to report and address violations as well as impose fines and possibly revoke the STR Certificate of Compliance after 2 **verified** violations of the regulations within a 12-month period of time. The subject site has a fenced-in rear yard and parking sufficient to accommodate the required on-site/off-street parking outside the public right-of-way inclusive of making a garage parking space available to STR guests.

Sec. 29-6.4(m)(2)(iii) Supplemental STR CUP Review Criteria:

- (A) Whether the proposed STR is used for any part of the year by the registrant as a residence. If so, for how long?**

The applicant has stated that the proposed STR is not used by them

- (B) Whether or not there are established STRs within three hundred (300) feet of the proposed STR measured in all directions from property lines “as the crow flies.”**

The applicant replied there are currently no STRs established within 300-feet of the proposed STR. Within the same structure as the current request, there are 3 additional short-term rentals. Staff would also like to note that there are potentially two other unregistered short-term rentals within 300-feet that appear to be advertised as mid-term rentals from the subject site.

- (C) Whether the proposed registrant has previously operated an STR and if such operation has resulted in a history of complaints, a denied STR certificate of compliance, or revocation of an issued STR certificate of compliance.**

The applicant has stated there has been zero complaints associated with this property and they have not had an STR certificate of compliance revoked or denied. A review of City code violations supports this answer. The property currently possesses a long-term rental certificate of compliance expiring 10/01/2026.

- (D) Whether the proposed STR will increase the intensity of the use of the property and cause increased traffic or noise coming from the property.**

The owner has responded that operation as an STR has not and will not increase intensity of traffic or noise. As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually could result in increases; however, how significant is unknown. The significance of possible impacts is subject to many factors such as dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes.

- (E) Whether there is support for the establishment of the proposed STR from neighboring property owners.**

The owner has stated that there is support from neighboring property owners/tenants.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 5 Fyfer Place to be operated as a short-term rental with a maximum of 6 transient guests and rental usage up to 210-nights annually, subject to requiring that a garage parking space be made available, would be inappropriate. The use of multiple, individually-owned dwelling units within the same structure as short-term rentals is inconsistent with the underlying intent of the STR regulations.

If the requested CUP is granted, it would confer “legal status” to the existing use of this dwelling and afford neighbors as well as the City additional regulatory tools to ensure compliance with the adopted standards governing STRs. Authorization of the CUP, while “technically” compliant, is believed

inconsistent with the objectives of reducing STR concentration and would result in removal of long-term rental opportunities for local residents.

RECOMMENDATION

Deny the conditional use permit to allow 5 Fyfer Place to be operated as an STR.

ATTACHMENTS

- Locator maps
- STR Application
- Supplemental “Conditional Accessory/Conditional Use Questions”

HISTORY

Annexation date	1906
Zoning District	R-MF (Multiple-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Fyfer Place Plat 1

SITE CHARACTERISTICS

Area (acres)	0.1 acres
Topography	Flat
Vegetation/Landscaping	Natural ground cover
Watershed/Drainage	Hinkson Creek
Existing structures	Multi-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Fyfer Place	
Location	Along eastern edge of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Stephens Lake Park, Cliff Drive Park, Paquin Park, Lions-Stephens Park, Clyde Wilson Memorial Park
Trails Plan	SLP Perimeter Trail, Hinkson Creek Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

36 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on June 16, 2025. The public hearing ad for this matter was placed in the Tribune on June 24, 2025.

Public Notification Responses	0 emails in opposition
Notified neighborhood association(s)	East Campus, East Campus Traditional, Benton-Stephens
Correspondence received	None

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner