



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 6, 2025

Re: 208 Redwood Road – STR Conditional Use Permit (Case # 26-2025)

## Executive Summary

Approval of this request would grant a conditional use permit (CUP) for the operation of a 210-night short-term rental (STR) with a maximum of 4 transient guests. The dwelling unit proposed for STR purposes **is not** the applicant's principal residence. The dwelling **is** a registered "long-term" rental with a certificate expiring in August 2026. The dwelling has previously been used as an STR for a total of 10 nights since September 2024 to the present. The subject property is zoned R-2 (Two-family Dwelling) and is addressed as 208 Redwood Road.

## Discussion

John Hooker (owner) seeks approval of a Conditional Use Permit (CUP) to allow 208 Redwood Road to be used a short-term rental for a maximum of 4 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.22-acre site is zoned R-2 (Two-family Dwelling), is located approximately 270-feet north of the intersection of Redwood Road and W. Ash Street, and is addressed 208 Redwood Road.

The subject dwelling is a 2-bedroom, 1 bath single-family home. A site-specific evaluation found that the existing driveway serving the dwelling is capable of supporting three off-street parking spaces. The dwelling is not the owner's principal residence; however, is currently a licensed "long-term" rental with a certificate expiring in August 2026. The dwelling has been used since September 2024 to the present as a Short-Term Rental for a total of 10 nights.

Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the Unified Development Code (Use-Specific Standards for Short-Term Rentals), prior to the "legal" use of the dwelling as an STR, the owner must be granted the requested Conditional Use Permit which would authorize its use for 210 nights per year. It is worth noting that no complaint record exists, aside from a single overgrown weeds violation in 2019 (resolved), with respect to this dwelling as rental unit.

If this request is granted, the Conditional Use Permit would constitute the property owners "one and only" STR license inside the city's municipal limits. The submitted STR application identified a compliant "designated agent" to address regulatory issues when the dwelling is being used as an STR. The designated agent is a local Boone County resident.

Following issuance of the required CUP, the owner will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR



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Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

As stated, the owner seeks to use the 2-bedroom home for a maximum of four transient guests. This desired occupancy is consistent with the occupancy permitted per Sec. 29-3.3(vv) of the UDC. Furthermore, the stated square footage of the bedrooms/sleeping spaces appears to support the desired occupancy when evaluated against the minimum floor area requirements for such spaces as indicated in the most recently adopted edition of the International Property Maintenance Code. Final transient occupancy will be established after a dwelling unit specific evaluation is performed in accordance with the provisions of Chapter 22, Article 5 of the City Code.

Furthermore, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. The maximum occupancy and authorized rental "nights" associated with the dwelling will be shown on the issued STR Certificate of Compliance and must appear on any website listing upon which the dwelling is offered for rental.

The site is accessed from Redwood Road via a traditional driveway approach. Redwood Road is a residential street that permits on-street parking. The design of the subject site's parking and the site's access is consistent with other residential development in the neighborhood and is believed sufficient to support future traffic generation without compromising public safety.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. There are 22 individual properties within 185-feet and 4 neighborhood associations within 1,000 feet of the subject dwelling. Given the R-2 zoning of the surrounding development, the maximum "long-term" rental occupancy of each dwelling unit abutting the subject dwelling is 4-unrelated individuals.

The use of 208 Redwood Drive as a short-term rental is consistent with the tenancy of adjacent development which consist of seven owner-occupied and 15 rental units. Approval of the requested Conditional Use Permit does not appear to be incompatible with the surrounding neighborhood.

Approval of the requested CUP would "legalize" the existing use of the property. The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of a CUP allowing the dwelling to operate as an STR. The regulations restrict nightly usage and include other restrictions for which violations can be reported which could result in enforcement action, up to and including, revocation of the STR Certificate of Compliance.



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As part of its standard CUP evaluation, staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and identified potentially one additional (unregistered) Short-term Rental property within a 300-foot radius of the subject property.

Given a Conditional Use Permit is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii), respectively, were performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of four transient guests would not be considered incompatible with the surrounding land uses. Furthermore, approval of the CUP would result in the fulfillment of several policies, strategies and actions of the City's adopted comprehensive plan. A full description of this analysis is found within the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its December 5, 2024 meeting. Staff provided its report. The Commission asked a question of staff regarding a connection from Redwood Road to the adjacent school property. Following clarification that it was a path to the school grounds and park, the owner then addressed the Commission and answered several questions. Following closure of the public hearing, there was Commission discussion regarding taking away housing opportunities within proximity of a school and the potential that approval of other STR applications along N. West Boulevard were creating a "concentration" of STRs within the area. After fully discussing their concerns, the Commission made a motion to approve the requested CUP permitting 208 Redwood Road to be operated as a 210-night STR with a maximum of 4 transient guests. The motion was approved by a vote of (6-2).

A copy of the Planning and Zoning Commission staff report, locator maps, STR application and Supplemental "Conditional Accessory/Conditional Use Questions", and meeting minute excerpts are attached for review.

## Fiscal Impact

Short-Term Impact: None are anticipated.

Long-Term Impact: Usage of the dwelling as an STR will result in the collection of accommodation taxes which will assist the Convention and Visitor's Bureau in their marketing efforts relating to the City. While increases in public service demand is possible, such demands are not foreseen to be greater than a typical single-family home. Such increases may or may not be off-set by increased user-fees or property tax collection.



## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Economic Development

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve the issuance of a conditional use permit to allow 208 Redwood Road to be operated as a 210-night short-term rental for a maximum of 4 transient guests as recommended by the Planning and Zoning Commission.