

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 20, 2025**

SUMMARY

A request by Jesse and Megan Walters (agents), on behalf of THE JAM Group LLC (owner), for approval of a Conditional Use Permit (CUP) to allow 2301 Primrose Drive, Unit 7D to be used as 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 29-6.4(m)(2) of the Unified Development Code. The approximately 0.01-acre subject site is located in the R-MF zoning district, is located approximately 350-feet to the east of the terminus of Tulip Court within the Primrose Town Homes subdivision, and includes the address 2301 Primrose Drive Unit 7D.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their approximately 1,080 sq. ft. two-story dwelling unit located in a multifamily structure to be used as a short-term rental for a maximum of four (4) transient guests up to 210 nights annually. The applicant has stated that the dwelling has two bedrooms, 225 and 250 sq. ft each. According to the Boone County Assessor's site, the dwelling contains two bedrooms, one full bathroom and 5 total rooms with no record of a finished basement.

As part of the STR Licensing process, a full inspection of the dwelling will be performed by Housing and Neighborhood Services Department and Building and Site Development Division. It is worth noting, that the subject dwelling was issued a "long-term" rental certificate of compliance on January 1, 2025. The home is located within the R-MF (Multi-family Dwelling) district.

Given the number of desired guests (4), a minimum of 2 UDC-compliant on-site/off-street parking spaces must be provided. A site-specific evaluation has determined that the home has sufficient on-site/off-street capacity to support 2 UDC-compliant parking spaces outside of the public right of way. The dwelling itself is 20 feet in width, and two cars could reasonably park in front of the structure perpendicular. There is additional on-site parking available for tenants/guests on the site, as the site is a single structure within a townhome subdivision that shares parking in common. So, while the parking is technically not on the subject structure's property, it is on a common lot that residents/patrons are allowed to access/utilize.

Review of available code violation records associated with this property has not identified a single violation. There have been 3 rental inspections, in 2020, 2022 and 2025, all of which were passed. According to the applicant, the property is currently operating as a short-term rental and mid-term rental since at least December of 2024. The property also possesses a long-term rental licensure expiring in 2030.

Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, full compliance with the adopted short-term rental regulations was delayed until June 1, 2025. As such, the operation of an STR until June 1, 2025, is permissible without a license. Approval of this request would ensure the current STR has obtained the required CUP approval in advance of the June 1, 2025 licensure deadline. The applicant must become fully compliant with the City's regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) by June 1, 2025. If these final regulatory steps are not completed, the STR would be operating in violation of the city code and would be subject to enforcement action which may include fines and revocation of the CUP if granted.

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, respectively. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and was disclosed as having been previously offered as a short-term rental since December 2024.

According to the applicant, in 2025 the dwelling has been used for around 20% of the nights of the year-to-date thus far. The property was acquired by the applicant in December of 2024, and was not used as an STR in 2024. There are no online reviews for the property. The dwelling is listed on AirBnB at <https://www.airbnb.com/rooms/1334078779312695266>, FurnishedFinder at https://www.furnishedfinder.com/property/800709_1 and on VRBO <https://www.vrbo.com/4386188>. The listings note that no parties or events, or pets are allowed on site. The owner also notes that parking is encouraged to take place in front of the property, but that the entire lot is privately owned by the complex and may be utilized, but some spots do not permit guest parking.

A final verification of the maximum occupancy allowed within the dwelling will be determined by the City's Housing and Neighborhood Services Department in conjunction with the required compliance checks for conformance with the provisions Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. 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. If the Commission desires to restrict the occupancy, such action may be addressed via a **"condition of approval"** with justification stating why such condition is offered. Any condition of approval proposed is subject to final approval by the City Council.

Within the required 185-foot notification radius, the subject dwelling abuts other multi-family structures to the west and south, and is bordering IG zoning to the east and O zoning to the north containing Valleyview park, which has pedestrian access to this R-MF site. The subject property is on a site containing 9 multifamily structures with 4 dwelling units each. The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with the available capacity to serve the dwelling as an STR.

Based on public notification letters, there are 56 individual properties within 185-feet and 1 neighborhood association within 1,000 feet of the subject dwelling. Of the 56 properties, none are owner-occupied. All dwelling units on the site are in the R-MF district and are permitted to house 4 non-related individuals. The dwelling units have been condominiumized and are all owned by TRJV Investments LLC, with the exception of the subject parcel which was transferred to The JAM Group LLC in December of 2024. The land is all owned by TRJC Investments LLC

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 that any member of the LLC would be entitled to within the City 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 on the location information provided within the application, this agent is located within Boone County approximately 4.9 miles (10-15 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 require ascending steps to enter the structure. As such, compliance with the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC may be required. A final determination of required compliance will be completed 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 of the dwelling no signage was identified advertising the dwelling as an STR.

Sec. 29-6.4(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 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 width in front of the property capable of accommodating 2 UDC compliant parking spaces within the common lot for the townhouse subdivision, sufficient for the requested 4 maximum transient guests per night.

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.

(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 multi-family structures with dwellings on individual parcels. Based on a search of typical listing platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as a listed short-term rental on AirBnB, FurnishedFinder and VRBO. The applicant indicated the dwelling has been used for approximately 20% of the nights (18) since its acquisition in December 2024. However, review of online listings for this property could not confirm this usage.

The adopted STR regulations provide standards by which potential negative impacts of operating the dwelling as an STR may be mitigated and afford a method of regulatory reporting/enforcement that prior to February 2024 was nonexistent within the City's municipal code. The regulatory standards ensure added scrutiny is placed on the dwelling's operation as a commercial use. 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.

The dwelling has been used as an STR without apparent incident. Given the lack of identified/reported violations, there is nothing to suggest that the continued operation of the dwelling as an STR would be non-compliant or incompatible with the surrounding neighborhood. Based on public notification letters, there are 56 individual properties within 185-feet and 1 neighborhood associations within 1,000 feet of the subject dwelling. Of the 56 properties, none appear to be owner-occupied. All dwelling units on the site are in the R-MF district and are permitted to house 4 non-related individuals.

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

The site is accessed from Primrose Drive via an internal driveway network for the multi-family development. Primrose Drive is classified as a neighborhood collector in the CATSO Major Roadway Plan and does not have sidewalks presently, and does not permit on-street parking on the north side of the street and for some segments along the southern edge of the street, particularly near intersections, which is the case in front of the driveway for this multi-family development. The site has adequate off-street parking to meet the regulatory requirements for use as an STR provided the common lot may be utilized by prospective tenants. The design of the parking and the site's access from Primrose is consistent with other multi-family residential developments where driveway access leads to a shared parking area in a common lot for all residents, with parking spaces often fronting the townhomes. This access is believed 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 approval of the CUP.

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

Based on public notification letters, there are 56 individual properties within 185-feet and 1 neighborhood associations within 1,000 feet of the subject dwelling. Of the 56 properties, none appear to be owner-occupied. All dwelling units on the site are in the R-MF district and are permitted to house 4 non-related individuals.

A CUP allowing the subject dwelling to be used as a 210-night STR with a maximum of 4 transient guests would be considered consistent in intensity of use compared to adjacent rental dwellings. There is no evidence to suggest that such usage would create adverse impacts. The applicant states the dwelling has been operating for less than a year as an STR. As noted, the dwelling has been made available since acquisition in December 2024 for approximately 20% of nights (18) without apparent incident or complaint.

If the CUP is approved, potential negative impacts can be mitigated through the adopted regulatory provisions which provides a means by which to report and address those impacts including fines and revocation of the STR Certificate of Compliance.

Sec. 29-6.4(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 owner has stated that the proposed STR has not been used as their personal residence for any duration of time throughout their ownership.

- (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 owner indicates that they are unaware of other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and did not identify any additional STR properties within 300-feet.

- (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 owner has stated that the dwelling has been operated as an STR since December 2024 and that there have been no complaints or city code violations. Staff’s review of city complaint records has not revealed complaints associated with the property.

- (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 “no” to this question and has indicated that it is located in an apartment complex where people move in and out on a regular basis. The proposed level of intensity (i.e. number of occupants) within the dwelling would be consistent with what is

allowed within the remaining long-term rental dwellings surrounding the subject site which are in the R-MF district.

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually could result in increases in activity due to higher occupant turnover; however, how significant is unknown. The significance of this possible impact 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. Since the STR has not previously been used, there is not a means to compare the past intensity to the proposed intensity.

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

The applicant has indicated that he spoke with the property owners of the other units in the complex, and they did not have an issue with him applying for this. It should be noted, that aside from the applicant, this property is owned by a single entity that leases out all other dwelling units within the development. There have been no public inquiries in writing, email, or telephone relating to this request.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, staff supports granting a conditional use permit to allow 2301 Primrose Drive Unit 7D to be operated as a short-term rental with a maximum of 4 transient guests and rental usage up to 210-nights annually. The property is located within a multi-family development of rental units and use of the subject dwelling as a short-term rental would be no more intense than what is otherwise permissible for all other surrounding dwellings.

Approval of the CUP would grant “legal status” to this use and afford neighbors as well as the City additional regulatory tools to ensure compliance with the adopted standards governing STRs. Authorization of the CUP is not seen as being detrimental to adjacent properties and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

RECOMMENDATION

Approve of the CUP to allow 2301 Primrose Drive Unit 7D to be operated as a STR subject to:

1. Maximum occupancy permitted within the dwelling shall not exceed 4 transient guests regardless of potential occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IMPC)
2. A maximum of 210-nights of annual usage.

ATTACHMENTS

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

HISTORY

Annexation date	1966
Zoning District	R-MF (Multi-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Primrose Townhomes

SITE CHARACTERISTICS

Area (acres)	0.01 acres
Topography	Sloping to west
Vegetation/Landscaping	Mostly paved
Watershed/Drainage	Harmony Branch
Existing structures	Multi-family townhome structures

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Primrose Drive	
Location	Along southern edge of property
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	Partial near southern edge of property – access to park to north

PARKS & RECREATION

Neighborhood Parks	COSMO Park, L. A. Nickell Golf Course, Valleyview Park
Trails Plan	Rhett's Run, Cosmo Hard Surface Trail, L. A. Nickell Cart Path
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

56 “public hearing” letters were distributed with respect this matter. 54 letters were mailed to property owners and tenants within 185-feet of the subject property, 1 letter was provided to a City-recognized neighborhood association within 1000-feet of the subject property, and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on March 3, 2025. The public hearing ad for this matter was placed in the Tribune on March 4, 2025.

Public Notification Responses	No responses or inquiries
Notified neighborhood association(s)	Valley View
Correspondence received	None

Report prepared by: David Kunz

Report approved by: Patrick Zenner