



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 21, 2025

Re: 2301 Primrose Drive, Unit 7D – STR Conditional Use Permit (Case #98-2025)

Executive Summary

Approval of this request would grant a Conditional Use Permit (CUP) to allow 2301 Primrose Drive, Unit 7D to be used as a short-term rental for a maximum of four 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 (UDC). The dwelling unit proposed for STR purposes is not the applicant's principal residence and is a registered "long-term" rental with a certificate expiring in 2030 and has been used as an STR since December 2024 to the present. In 2024, the dwelling was not occupied by guests. 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 Jesse and Megan Walters (agents), on behalf of THE JAM Group LLC (owner), seeks 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 four (4) transient guests up to 210 nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code (UDC). 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. This desired rental nights and guest occupancy within the subject dwelling is consistent with the limitations established by Sec. 29-3.3(vv) of the UDC.

The subject dwelling is an approximately 1,080 sq. ft. two-story 2-bedroom, 1-bath townhome that is part of the Primrose Town Homes subdivision. The stated square footage of the bedrooms within the structure appear to conform to the minimum areas needed to support the desired level of occupancy when evaluated against the most current adopted regulatory requirements of the International Property Maintenance Code (IPMC). Final verification of compliance with the IPMC and the maximum transient guest occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code. 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 subject dwelling is not the owner's principal residence. The dwelling was acquired by the applicant in December 2024 and was not previously listed as an STR. The dwelling "long-



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term" rental with a certificate expiring in 2030 and has been listed as an STR since the applicant' acquisition in December 2024. No rental nights were book in 2024. There are no active code violations associated with this property. Evaluation of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com did not identify additional unregistered STR properties within a 300-foot radius of the subject property.

The subject dwelling is located in an area of mixed land uses and zoning designations. R-MF zoning immediately surrounds the dwelling and is improved with other townhome dwellings that are part of the Primrose Town Homes subdivision. Valley View Park is to the north and zoned A, IG zoning is to the east, R-2 zoning is south of Primrose, and an R-1 zoned single-family subdivision is to the west. The subject dwelling is consistent in size, style, and bedroom mix when compared to the other dwellings immediately adjacent and within the Primrose Town Homes subdivision.

There are 56 parcels within 185-feet and 1 neighborhood association within 1,000. Of the 56 properties, none appear to be owner-occupied. Dwellings located within the adjacent R-2 and R-MF districts are permitted a maximum "long-term" rental occupancy of 4-unrelated individuals and the R-1 zoned parcels are permitted a maximum occupancy of 3-unrelated individuals, respectively.

The use of subject dwelling as a short-term rental may be considered inconsistent with the tenancy of adjacent dwellings given the potential of higher occupant turnover. However, the transient occupancy sought by the applicant is consistent with that of the adjoining development immediately surrounding the dwelling and that permitted on property zoned R-2. Given no records can be identified that the subject dwelling has violated city regulations and there is no STR rental history and/complaints, approval of the requested CUP does not appear to be incompatible with the surrounding neighborhood which is generally other townhome rental units.

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 the requested CUP. The enacted 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.

As part of the staff's site-specific evaluation, it was observed that the property is accessed from Primrose Drive through a shared driveway leading to shared parking for all town home units on the site. Primrose Drive is a neighborhood collector that contains limited segments of sidewalk. Primrose Drive does not permit on-street parking on the north side of the street, but does for some segments along the southern edge of the street, but not near intersections, which is the case in front of the driveway for this multi-family development. The subject dwelling has access to a "shared" parking lot for the Primrose Town Home subdivision that is capable of supporting 2 Unified Development Code-compliant on-site/off-street parking spaces. Based on the desired occupancy of four guests, this level of parking meets the



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requirements of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC. Staff's site-specific analysis found that the design of the on-site parking and the site's access were consistent with other residential development within the surrounding neighborhood and is believed sufficient to support future traffic generation without compromising public safety.

A CUP is necessary to allow for the legal operation of the dwelling as an STR given it is not the owner's "principal residence". As such, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii) was performed. A full description of this analysis is found within the attached Planning and Zoning Commission staff report. Following this analysis, staff concluded that approval of the CUP would provide a means to "legalize" the existing use of the dwelling and would support the fulfillment of several policies, strategies and actions of the City's adopted comprehensive plan.

Approval of the CUP would constitute the property owners' "one and only" STR license within the municipal limits. The STR application indicates that the "designated agent" to address regulatory issues associated with the dwelling's use as an STR will be handled by a co-owner of the LLC who is a local Boone County resident. This designated agent meets the requirements of Sec. 29-3.3(vv) of the UDC.

Should the CUP be granted, the owners will be required to obtain full regulatory compliance with the provisions of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. As part of the required Business License, the owners will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The Planning and Zoning Commission held a public hearing on this matter at their March 20, 2025 meeting. Staff provided a report and described their findings related to what was shown on the STR application. The applicant spoke on the purpose of the request and was available to answer Commissioner questions. No members of the public spoke with respect to the request.

Following closure of the public hearing, a motion to approve the requested CUP to permit 2301 Primrose Drive, Unit 7D to be operated as a 210-night STR with a maximum of 4 transient guests was approved by a vote of 8-0.

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 2301 Primrose Drive, Unit 7D to be operated as a 210-night short-term rental for a maximum of four transient for STR purposes.