

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
May 8, 2025**

**SUMMARY**

A request by Richard & Tamela Wyatt (agent), on behalf of The Wyatt Family Trust (owner), to allow 534 West Southampton Drive 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 Sec. 29-6.4(m)(2) of the Unified Development Code. The subject site is zoned R-2 (Two-family Dwelling), contains 0.28-acres, and is the west half of the existing duplex dwelling located on the corner of West Southampton Drive and Pear Tree Circuit address as 534 West Southampton Drive.

**DISCUSSION**

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,077 sq. ft. half of the two-family dwelling to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually. The applicant has stated that the dwelling has 2 bedrooms and 1.5 bathrooms; however, according to the Boone County Assessor's site, the dwelling contains 3 bedrooms and 1.5 bathrooms. The applicant indicates that one of the three bedrooms has been modified into a home office space. Compliance with the Building Code requirements with respect to this conversion will be evaluated as part of the STR licensing process. Following this inspection, corrective action may be required to ensure building code compliance. The home is located in an R-2 (Two-family Dwelling) district and is not the applicant's primary residence.

A site-specific evaluation of the property found that the home has a 1-car garage. The driveway serving the property has sufficient on-site/off-street capacity to support 1 UDC-compliant parking space outside of the public right-of-way. A minimum of 2 UDC-compliant on-site/off-street parking spaces must be provided to meet regulatory requirements which has been shown with usage of the garage. A **"condition of approval"** will be required that stipulates 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 Columbia Police Department **specifically** associated with this property has identified 2 violation cases which have both been resolved. The first, in 2021, was a Health Nuisance violation relating to having trash out early and loose at the curb. The second, in 2023, was a Residential Solid Waste Violation relating to having a bulky item at the curb.

The subject dwelling has been offered as a short-term rental since 2022. In 2024, the property was occupied for 80 nights as an STR. 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 this dwelling as an STR, while not fully compliant with the adopted STR regulations, is permissible without a license and is not considered **"illegal"**, but rather **"not regulatorily conforming"**.

Approval of this request would permit continued use of the dwelling as an STR subject to full compliance with the City's regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) post June 1, 2025. If these final regulatory steps are not completed, the STR would then be deemed to be operating **"illegally"** and in violation of the city code. Such **illegal** operation would be subject to enforcement actions, up to and including, fines and possible revocation of any issued CUP.

## **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 been previously offered as a short-term rental since 2022. Online reviews for the dwelling show usage as an STR starting in July 2022 and continuing to the present. According to the applicant, in 2024 the dwelling was used for approximately 80 nights. The dwelling is listed on Airbnb, Booking.com, Vrbo, and Evolve at the following links: <https://www.airbnb.com/l/L7ldxXKp>, <https://www.booking.com/hotel/us/stunning-townhome-about-5-mi-to-dtwn-columbia.html>, <https://t.vrbo.io/pwoLv0wFOSb>, <https://evolve.com/vacation-rentals/us/mo/columbia/471687>. The listing content matches that shown within the STR application and as a condition of licensure, the listing will be periodically evaluated to ensure its continued compliance with any issued STR CUP or licensure conditions.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com did identify 1 additional unregistered STR property. The property <https://www.airbnb.com/rooms/670903934628044330> is the other half of the duplex represented in this application. The owner has disclosed that this half of the duplex is now a long-term rental and no longer used as a short-term rental.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the requested 4 transient guests based on the occupancy criteria contained in Sec. 404.4.1 of the most current edition of the International Property Maintenance Code (IPMC) as adopted by the City of Columbia. The owner is seeking approval for 4 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 the garage parking space.

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 4 transient guests is all that this dwelling can accommodate based upon available on-site/off-street parking inclusive of the garage parking space. 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, the subject dwelling abuts 22 other properties of which 1 is owner-occupied and 21 are rental units. The property is also within 1000-feet of 2 neighborhood associations and homeowners associations, respectively. The immediately adjoining properties are zoned R-2 and north of West Southampton Drive is zoned R-1. Given these zoning classifications, the R-1 parcels are permitted a maximum of 3-unrelated individuals and the R-2 parcels are permitted a maximum of 4-unrelated individuals when the dwellings are used as long-term rental dwellings.

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. Sidewalks are installed on both sides of West Southampton Drive; however, none are installed on Pear Tree Circle. Additionally, parking is not permitted on West Southampton Drive, but is permitted on both sides of Pear Tree Circle.

The subject dwelling is owned by a trust. Based on this ownership, approval of the requested CUP would be the “one and only” STR license issued to the Trust or any of its trustees 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 upon the location information provided within the application, the designated agent is a resident of Boone County located approximately 6.8 miles (11 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(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-2 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 driveway parking capable of accommodating 1 UDC-compliant parking space outside the public right-of-way and a 1-car attached garage. A minimum of 2 UDC-compliant parking spaces must be provided to support the desired 4 transient guests; therefore, a “**condition of approval**” that stipulates the garage parking space must be made available while the dwelling is in STR use is necessary.

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 to the east, west, and south are all improved with two-family residences on lots of similar size and square footage. Adjoining development is within the R-2 zoning district. North of the subject site, across West Southampton, are R-1 single-family dwellings. Of the 22 surrounding properties within 185-feet of the subject site 1 is owner-occupied and 21 are rental units. The use of the subject dwelling as a short-term rental is equal to the occupancy permitted within the immediately adjacent dwellings south of West Southampton Drive.

A search of listing platforms such as Airbnb, Vrbo, Booking.com, and Furnishedfinder.com 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 July of 2022. In 2024, the applicant indicated that the home was used for 80 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 West Southampton Drive through a traditional driveway approach to a single-lane driveway not unlike any the majority of construction within the R-2 district surrounding the site. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR inclusive of the 1-car attached garage being provided to support the desired 4 transient guests.

West Southampton Drive is a neighborhood collector that has sidewalks installed on both sides of the street, though does not allow on-street parking. Pear Tree Circle allows on-street parking on both sides; however, is not improved with sidewalks. These conditions are consistent with surrounding development south of West Southampton Drive within the R-2 district. 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.**

21 of the 22 parcels within 185-feet of the subject site appear to be used for rental purposes. The 1 remaining parcel is owner-occupied. The structures are located within the R-1, R-2, and R-MF zoning districts. The R-1 zoning would legally permit 3-unrelated individuals within each dwelling if used for rental purposes, whereas the dwellings within the R-2 and R-MF permit 4-unrelated individuals. The requested occupancy for the subject dwelling is consistent with that legally allowed within dwellings immediately adjacent in the R-2 and nearby R-MF zoning districts. West Southampton is a significant transportation corridor and provides a buffer between the subject dwelling and the R-1 zoned property north of the roadway. Given the dwelling has been a listed STR since July 2022 and, as noted, was made available throughout 2024 for 80 nights without 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 allow imposition of fines and possible revocation of 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 the garage parking space available to STR guests.

**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 registrant has stated that the proposed STR will not be 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 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 Furnishedfinder.com and identified 1 additional unregistered STR property. This identified listing is the other half of the duplex represented in this STR request. The owner has disclosed that this half of the duplex is now a long-term rental and no longer used as a short-term rental.

- (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 stated their property has been used as an STR and there have not been any complaints. Review of City code violation records supports this answer.

- (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. It is worth noting that the proposed transient occupancy sought is no greater than what is permitted within any adjoining R-2 zoned dwelling.

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

The owner answered that the surrounding units are rental properties with tenants and they are not aware of any owners or landlords that live in the area. As of writing this report, there have been 4 letters supporting the STR.

**CONCLUSION**

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 534 West Southampton Drive to be operated as a short-term rental with a maximum of 4 transient guests and rental usage up to 210-nights annually, subject to requiring that the garage parking space be made available, would be appropriate. The property is located within a neighborhood that is predominantly rental dwellings and zoned R-2 permitting an equal number of unrelated individuals per dwelling as sought for the STR.

Approval of the CUP would grant “legal status” to this existing 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 the conditional use permit to allow 534 West Southampton Drive to be operated as a STR subject to:

1. The maximum occupancy permitted within the dwelling shall not exceed 4 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC)
2. The garage be made available while in short-term rental use
3. A maximum of 210-nights of annual usage

### **ATTACHMENTS**

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

### **HISTORY**

<b>Annexation date</b>	1984
<b>Zoning District</b>	R-2 (Two-family Dwelling)
<b>Land Use Plan designation</b>	Residential District
<b>Previous Subdivision/Legal Lot Status</b>	Cedar Lake Block 4

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.28 acres
<b>Topography</b>	Flat
<b>Vegetation/Landscaping</b>	Trees and natural ground cover
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	Two-family home

### **UTILITIES & SERVICES**

All utilities and services provided by the City of Columbia

## ACCESS

Southampton Drive	
Location	Along northern edge of property
Major Roadway Plan	Neighborhood collector
CIP projects	N/A
Sidewalk	Installed

## PARKS & RECREATION

Neighborhood Parks	Cosmo-Bethel, Molly Bowden Memorial Park
Trails Plan	None
Bicycle/Pedestrian Plan	None

## PUBLIC NOTIFICATION

40 “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. 4 letters were sent to neighborhood associations and homeowners associations within 1,000 feet of the subject site. All “public hearing” letters were distributed on March 24, 2025. The public hearing ad for this matter was placed in the Tribune on April 22, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	Cedar Lake, Bedford
Correspondence received	4 emails in support

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner