



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 3, 2025

Re: 5406 Gemstone Way– STR Conditional Use Permit (Case #68-2025)

## 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 eight transient guests. The dwelling unit proposed for STR purposes is not the applicant's principal residence. The dwelling unit is a registered "long-term" rental with a certificate expiring in 2027. The dwelling has been previously used as an STR since 2022 to the present. In 2024, the dwelling was used for a total of 226 nights. The subject property is zoned R-1 (One-family Dwelling) and is addressed 5406 Gemstone Way.

## Discussion

Courtney Pulley (owner) seeks approval of a conditional use permit (CUP) to allow 5406 Gemstone Way to be used as a short-term rental for a maximum of eight 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 0.24-acre site is zoned R-1 (One-family Dwelling) and is located south of the intersection of Gemstone Way and Agate Way. The property is addressed 5406 Gemstone Way.

The subject dwelling is a 4-bedroom, 2-bath single-family home with an attached 2-car garage. A site-specific evaluation found that the existing driveway serving the dwelling is capable of supporting 2 UDC compliant 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 2027. The dwelling has been previously used as an STR since 2022 to the present. In 2024, the dwelling had been used for a total of 226 nights.

If this request is granted, the Conditional Use Permit would constitute the property owner's "one and only" STR license inside the city's municipal limits. The submitted STR application indicates that the "designated agent" to address regulatory issues associated with the dwelling's use as an STR will be handled by the owners of the property who are local Boone County residents. Such representation is permitted per Sec. 29-3.3(vv) of the UDC.

Following issuance of the required Conditional Use Permit, the owners 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 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.



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Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-night is consistent with the limitations established by Sec. 29-3.3(vv) of the UDC.

As stated, the owner seeks to use the 4-bedroom home for a maximum of eight transient guests. This desired occupancy is consistent with the occupancy permitted per Sec. 29-3.3(vv). 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.

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 Gemstone Way via a traditional driveway approach. Gemstone Way is a local residential street that has sidewalks along both sides. Parking is permitted on either side of the street. Given the requested transient guest occupancy and inability to meet required on-site parking within the existing driveway, the Commission recommended that approval of the Conditional Use Permit be conditioned such that the 2 parking spaces within the attached 2-car garage being made available at all times the dwelling is used for STR purposes. A minimum of four (4) on-site parking spaces must be provided to meet the requirements of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC and the desired occupancy.

Staff finds that the design of the on-site parking and the site's access is consistent with other residential development within the surrounding neighborhood. Given the recommended "condition" of Conditional Use Permit approval, staff finds that the parking to be provided coupled with the site's access is 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 26 individual properties within 185-feet and 2 neighborhood associations within 1,000 feet of the subject dwelling. Of the 26 properties, 14 are owner-occupied and 12 are rental. The subject adjacent properties are located in both the R-1 and R-2 zoning districts. Those dwellings located within the R-1 zone are permitted a maximum "long-term" rental occupancy 3-unrelated individuals whereas those dwellings located in the R-2 zone are permitted a maximum of 4-unrelated individuals. The subject dwelling adjoins R-2 land to the south and is surrounded by R-1 zoned property to the north, east and west.



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The use of 5406 Gemstone Way as a short-term rental may be inconsistent with the tenancy of adjacent dwellings in the R-1 and R-2 districts given the potential of higher occupant turnover. However, the subject dwelling has operated since September 2022 as an STR without incident. Given there is no identified record of violation of other city regulations, approval of the requested CUP does not appear to be incompatible with the surrounding neighborhood.

Approval of the requested Conditional Use Permit 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 its standard Conditional Use Permit evaluation process, a review of typical listing platforms such as Airbnb, VRBO, booking.com, and Furnishedfinders.com was performed. This review did not identify additional STR properties within a 300-foot radius of the subject property.

Given a CUP 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 eight 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 February 6, 2025 meeting. Staff provided its report and described its findings related to what was shown on the STR application attached to the staff report and what was shown within the Boone County Assessor's records and city permit files. Staff noted that the home was issued its "long-term" rental certificate after correcting several life/safety deficiencies. Additionally, staff explained given no permit for the conversion of the lower level into a living space could be found, the applicant, should the CUP be granted, may be required to provide supplemental documentation or perform remedial actions to ensure building code requirements for the lower level had been met. The applicant gave a presentation on the purpose of the request and was available to answer Commissioner questions. No members of the public spoke with respect to the request; however, two written comments objecting to the short-term rental were provided to the Commission.

Following closure of the public hearing, a motion to approve the requested CUP to permit 5406 Gemstone Way to be operated as a 210-night STR with a maximum of eight transient guests subject to two parking spaces within the attached 2-car garage being made available at all times was approved by a vote of (9-0).



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A copy of the Planning and Zoning Commission staff report, locator maps, STR application and Supplemental "Conditional Accessory/Conditional Use Questions", public correspondence, 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 5406 Gemstone Way to be operated as a 210-night short-term rental for a maximum of eight transient guests subject to the 2 garage parking spaces within the attached 2-car garage being made available at all times the dwelling is used for STR purposes as recommended by the Planning and Zoning Commission.