

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 5, 2024**

SUMMARY

A request by John Hooker (owner) for approval of a Conditional Use Permit (CUP) to allow 208 Redwood Road 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) of the Unified Development Code. The 0.15-acre subject site is zoned R-2 (Two-family Dwelling), approximately 270-feet north of the intersection of Redwood Road and W. Ash Street, and is addressed 208 Redwood Road.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 768 sq. ft one story single-family dwelling containing 2-bedrooms and 1 bath to be used as a short-term rental for a maximum of 4 transient guests up to 210-nights annually. The home is located within an R-2 (Two-family Dwelling) district.

A site-specific evaluation of the property found that the home does not have a garage, but rather a long driveway serving the property. The existing driveway has the capacity to support 3 UDC compliant on-site/off-street parking spaces outside of the public right of way. The applicant is seeking 4 transient guests. Given the number of desired guests, a minimum of 2 UDC compliant on-site/off-street parking spaces must be provided.

Review of available code violation records associated with this property has identified a single violation from October 22, 2019. This violation was associated with the applicant's yard having weeds over 12 inches tall which was resolved October 31, 2019. No other violation records have been identified for this property. It is worth noting that the property has operated as a short-term rental for 10 nights this year and was a long-term rental previously. Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, full compliance with the adopted short-term rental regulations has delayed until June 1, 2025. As such, operation of the subject dwelling as an STR up to June 1, 2025 is permissible without a license. Approval of this request would ensure the current STR is compliant in advance of the June 1, 2025 licensure deadline.

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 September 2024. According to the applicant, in 2024 the dwelling was used for 10-nights. Online reviews of the dwelling confirm usage as a STR starting in September 2024 continuing to the present. The dwelling is listed on AirBnB at <https://www.airbnb.com/rooms/1227559777335611984>. Review of online rental platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com has identified potentially up to 1 additional STR within a 300-foot radius of the subject dwelling.

Based upon the stated bedroom square footages shown within the application, it would appear that the dwelling would be capable of supporting 4 transient guests. This conclusion is made following review of the of the most current edition of the adopted International Property Maintenance Code (IMPC) and Sec. 404.4.1 thereof in which it is stated that every bedroom shall contain not less than 70 sq. ft. of floor area and for every bedroom occupied by **more than one** occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. The request to offer the dwelling to a maximum of 4 transient guests

is within the occupancy limitations imposed by Sec. 29-3.3(vv)(2)(v) and would be supported by available on-site/off-street 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. Given the available on-site/off-street parking, a maximum occupancy of 6 transient guests may be permitted provided sufficient floor area within bedrooms and potential "sleeping spaces" is verified.

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 to that stated in the application, 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 single-family and duplex structures of similar size and lot area to the east, south, and west which are located in an R-2 zoning district. The subject dwelling abuts a school and park along its northern lot line which is also located in an R-2 zoning district. The subject dwelling has mature vegetation surrounding the north and the eastern boundaries of the property. The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with available capacity to serve the dwelling as an STR. There are no sidewalks installed on the site.

Based on public notification letters, there are 22 individual properties within 185-feet and 4 neighborhood associations within 1,000 feet of the subject dwelling. Of the 22 properties, 7 are owner-occupied and 15 are rental. 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 subject dwelling is owner by an individual. Based on this ownership, approval of the requested CUP would be the owner's "one and only" STR license within the City pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The dwelling is registered as a long-term rental with a rental certificate expiring in August 2026. Given this status, the applicant could offer the dwelling to an individual for a period of 30 days or greater without impacting the number of available STR rental nights and would not be required to pay accommodation taxes for such stays.

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.

Based on a site-specific evaluation, it would appear that access to the dwelling does not require ascending or descending steps to enter the structure. As such, compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC may not 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 identify 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 was 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 a driveway parking capable of accommodating 3 UDC compliant parking spaces outside the public right of way. Given this amount of on-site/off-street parking, the desired 4 transient guests can be accommodated with 1 excess parking space being available. A minimum of 2 UDC compliant parking spaces must be provided to support the desired 4 transient guests.

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. 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 single-family and duplex residences, except for the school and park to the north, on lots of similar size and square footage. All adjoining development is within the R-2 zoning district. Based on a search of typical listing platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as being a listed short-term rental. The applicant has indicated that the home has been previously used as a STR since 2024. Since September 2024 the dwelling was used for approximately 10 nights. Based on online reviews the dwelling has been actively listed and made available since September 2024 to the present.

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 were 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 raise to the level requiring action, such action may include in addition to fines, revocation of the STR Certificate of Compliance.

Aside from the single regulatory landscape management violation in 2019, 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 upon property owner notification letters, of the 22 surrounding parcels within 185-feet of the subject dwelling, it appears 7 are owner-occupied and 15 are rental units. The 15 rental units, per the UDC definition of "family" and the R-2 zoning, are permitted to be occupied by up to 4-unrelated individuals each.

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

The site is accessed from Redwood Road via a traditional driveway approach. Redwood Road is a residential street that does not have sidewalks and permits on street parking. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR. The design of the parking and the site's access is consistent with other residential development and 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.**

15 of the 22 parcels within 185-feet of the subject site are used for rental purposes. The structures located on these parcels are zoned R-2 and are legally permitted to have up to 4-unrelated individuals living within each dwelling unit. While approval of a CUP allowing the

subject dwelling to be used as a 210-night STR with a maximum of 4 transient guests could be considered more intense than adjacent owner & rental occupied single- and two-family dwellings, due to a higher occupant “turnover”, there is no evidence to suggest that such usage would create adverse impacts. The number of desired occupants is consistent with that allowed in other housing adjacent to the subject dwelling. Furthermore, the dwelling has been used since September 2024 as an STR for 10-nights with apparent incident or complaint and has adequate on-site/off-street parking to accommodate potential guests.

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. Furthermore, the subject site has a vegetative screened-in rear yard and parking sufficient to accommodate the required on-site/off-street parking outside the public right of way.

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 identified potentially 1 additional STR property within the 300-foot radius.

- (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 late 2024 and that there have been no complaints or city code violations with the exception of a resolved 2019 landscape management matter. The property has an active “long-term” rental certificate that expires in August 2026.

- (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 approval of the CUP and use of the property as an STR “...will greatly reduce traffic and property use. . .”. 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 dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes. Furthermore, according AirBnB on-line reviews the dwelling has been offered as STR since September 2024 with a cumulative total to date of approximately 10 rental nights. This level of use has not generated a complaint on record.

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

The owner states the property across the street, to the west, is supportive of using the subject dwelling as an STR; however, no correspondence has been provided to support this claim. Furthermore, the applicant has noted the dwelling is the last house on a dead-end street adjacent to Again Street Park, it abuts a parking lot along its eastern property line, and that he owns the adjacent property to the south. There has been no correspondence received in support of or opposition to this request.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 208 Redwood Road to be operated as a short-term rental with a maximum of 4 transient guests and rental usage up to 210-nights annually would be appropriate. The property is located within a neighborhood of mixed tenancy consisting of 7 owner-occupied and 15 rental structures of similar size and bedroom mixture.

The dwelling unit has operated since September 2024 as an STR. 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 the CUP to allow 208 Redwood Road to be operated as a short-term rental subject to:

1. 210-nights of annual usage
2. Maximum of 4 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC)

ATTACHMENTS

- Locator maps
- STR Application
- Supplemental "Conditional Accessory/Conditional Use Questions"

HISTORY

Annexation date	1946
Zoning District	R-2 (Two-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Lot 25, Strobel Subdivision

SITE CHARACTERISTICS

Area (acres)	0.15 acres
Topography	Sloping westward from front to rear.
Vegetation/Landscaping	Grass, trees, and natural ground cover
Watershed/Drainage	County House Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Redwood Drive	
Location	Along western edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Clary-Shy Community Park, Again Street Park-School
Trails Plan	None
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

30 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 4 letters were provided to City-recognized neighborhood associations within 1000-feet of the subject property and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on November 18, 2024. The public hearing ad for this matter was placed in the Tribune on November 19, 2024.

Public Notification Responses	None
Notified neighborhood association(s)	West Ash, County House Branch, Gary-Atkins
Correspondence received	None

Report prepared by: Ross Halligan

Report approved by: Patrick Zenner