



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 21, 2025

Re: 206 Third Avenue, Unit 100 – STR Conditional Use Permit (Case #97-2025)

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 four 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 and has been used as an STR since June 2024 to the present. In 2024, the dwelling was used for a total of 45 nights. The subject property is zoned R-2 (Two-family Dwelling) and is addressed 206 Third Avenue, Unit 100.

Discussion

Kelso Holding LLC (owner) seeks approval of a conditional use permit (CUP) to allow 206 Third Avenue 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 Sec. 29-6.4(m) of the Unified Development Code (UDC). The 0.15-acre site is zoned R-2 (Two-family Dwelling) and is located west of the intersection of Third Avenue and Providence Drive. The property is addressed 206 Third Avenue, Unit 100. This desired rental nights and guest occupancy within the subject dwelling is consistent with the limitations established by Sec. 29-3.3(vv).

The subject dwelling is one half of an existing duplex structure and contains 3-bedroom, 2-baths. 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; however, is currently a licensed "long-term" rental with a certificate expiring in 2027. The dwelling has been used as an STR since June 2024 to the present. In 2024, the dwelling had been used for a total of 45 nights. 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.



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The subject dwelling is located in an area of mixed land uses and zoning designations. R-2 zoning is immediately adjacent to the subject site in all directions that is improved with single- and two-family dwellings. M-N zoning, improved with a commercial building, is to the northeast. A split-zoned M-OF parcel is located at the southeast corner of Third Avenue and Providence Road that contains a rental dwelling and vacant land. The subject dwelling is consistent in size, style, and bedroom mix as those duplexes adjoining it which all appear to have been constructed at approximately the same time as the subject dwelling.

There are 21 individual properties within 185-feet and 2 neighborhood associations within 1,000 feet of the subject dwelling. Of the 21 properties, two are owner-occupied and 19 are rental. Given the adjacent zoning designations, dwellings located on the surrounding parcels are permitted a maximum of 4-unrelated individuals.

The use of 206 Third Avenue, Unit 100 as a short-term rental may be considered inconsistent with the tenancy of adjacent dwellings in the R-2 districts given the potential of higher occupant turnover. However, the density sought by the applicant is consistent with that of the adjoining 19 rental properties. Furthermore, the subject dwelling has operated since June 2024 as an STR without apparent 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 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 Third Avenue via a traditional driveway approach. Third Avenue is a local residential street that has sidewalks along both sides and permits on-street parking. The subject site has an existing driveway serving the dwelling that is capable of supporting two UDC compliant on-site/off-street parking spaces. Based on the desired occupancy of four guests, this level of parking meets the requirements of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC. Neither the owner's agent or the owners attended the Planning Commission meeting and were unable to respond to parking-related questions asked by Commissioners. 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”



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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 owner's "one and only" STR license within municipal limits. The submitted STR application indicates that the individual named as "agent" in this application would also serve as the required "designated agent" to address regulatory issues associated with the dwelling's use as an STR. The designated agent is a local Boone County resident which 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 requirements 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 owner 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 its March 20, 2025 meeting. Staff provided its report and described its findings related to what was shown on the STR application, shown within the Boone County Assessor's records, and the city's permit files. Neither the owner's agent or the owner's attended the public hearing. As such, several Commissioner questions related to the operation of the dwelling as an STR, its impacts upon the adjacent properties, and its impacts specifically on the other half of the duplex in which the STR was proposed to operate could not be asked or answered. Staff noted that the applicant's agent was notified of the meeting with the distribution of the published Planning Commission agenda. No member of the public spoke with respect to the request.

Commissioners sought procedural clarification on possible outcomes if the request were denied or if a tabling of the matter would be more appropriate. It was noted that a CUP request, unlike a rezoning action, was not subject to the 12-month delay in resubmission if withdrawn from Council consideration following a Commission recommendation of denial. Following additional discussion and closure of the public hearing, a motion to approve the requested CUP to permit 206 Third Avenue, Unit 100 to be operated as a 210-night STR with a maximum of four transient guests was denied by a vote of (0-8).

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.



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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 two-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

Deny the issuance of a conditional use permit to allow 206 Third Avenue, Unit 100 to be operated as a 210-night short-term rental for a maximum of four transient guests as recommended by the Planning and Zoning Commission.