

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 10, 2025**

SUMMARY

A request by Marla Battles (agent), on behalf of Battles Holdings LLC (owner), for approval of a Conditional Use Permit (CUP) to allow the dwelling at 212 Park De Ville Drive to be used as a short-term rental for a maximum of 8 transient guests for up to 210-nights annually subject to the conditional use standards in Sec. 29-6.4(m)(2). The approximately 0.33-acre subject site is located in the R-1 (One-family Dwelling) district southeast of the intersection of Park De Ville Drive and West Worley Street, and includes the address 212 Park De Ville Drive.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their approximately 1,964 sq. ft. one-story single-family home to be used as a short-term rental for a maximum of eight (8) transient guests up to 210-nights annually. The applicant has stated that the dwelling has four bedrooms containing 280, 280, 120 and 80 sq. ft, respectively. According to the Boone County Assessor's site, the dwelling contains four bedrooms and three full bathrooms.

As part of the STR Licensing process, a full inspection of the dwelling will be performed by Housing and Neighborhood Services Department and Building and Site Development Division. It is worth noting, that the subject dwelling has not been registered as a "long-term" rental with the Office of Neighborhood Services. The home is located within the R-1 (One-family Dwelling) district.

Given the number of desired guests (8), a minimum of 4 UDC-compliant on-site/off-street parking spaces must be provided. A site-specific evaluation of the property found that the home has an attached 2-car garage and the existing driveway serving the property has sufficient on-site/off-street capacity to support 2 UDC-compliant parking spaces outside of the public right of way. Based on this finding and the desired number of transient (8), should approval of the requested CUP be considered, it will be necessary to recommend a **"condition of approval"** that ensures both parking spaces within the attached 2-car garage are made available at all times the dwelling is in use as an STR to ensure compliance with the minimum parking standards of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC. Any condition of approval is subject to final approval by the City Council.

Review of available code violation records associated with this property has not identified any violations. The property has operated as a short-term rental since 2023 and was booked for 75 nights in 2024.

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 an STR until June 1, 2025, is permissible without a license. Approval of this request would ensure the current STR has obtained the required CUP approval in advance of the June 1, 2025 licensure deadline. The applicant must become fully compliant with the City's regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) by June 1, 2025. If these final regulatory steps are not completed, the STR would be operating in violation of the city code and would be subject to enforcement action which may include fines and revocation of the CUP if granted.

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 2023. Based on review of online listing records from Airbnb, the dwelling has operated as an STR since 2023 and was used as such in 2024 for approximately for 75 nights. The dwelling is listed on Airbnb at [the link here](#). It should be noted that the Airbnb listing for this dwelling indicates that 4 bedrooms are available for use with a maximum of guest occupancy of 8. These listed features are consistent with STR application. The listing description will be required, as a condition of licensure, to be modified to accurately reflect the listing and will undergo periodic review to ensure compliance with the issued CUP and corresponding licenses.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com did not identify additional licensed STRs within a 300-foot radius of the subject site, although there were at least 3 units from the Park De Ville PUD to the north that were listed on FurnishedFinders. In communications with the registrant, it was confirmed that they were not operating more than one STR in the Columbia.

Approval of the requested CUP will constitute the registrant's "one and only" STR license which will also extend to any members of the Battles Holdings LLC. Administrative procedures have been established to ensure that the licensure limitations imposed by the adopted standards will be enforced as part of future STR applications. If a member of the registrant's LLC were to begin operation of a second STR following June 1, 2025 without an STR Certificate of Compliance or a Business License such action would be a violation of the City Code and could result in enforcement action including fines and possible revocation of the STR Certificate of Compliance being sought against the registrant and Battles Holdings LLC.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the maximum transient guests allowed by the ordinance. This conclusion is made following a review of the most current edition of the adopted International Property Maintenance Code (IPMC) 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 every bedroom occupied by **more than** one occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. The bedrooms were all listed as being greater than 70 sq. ft. Given the limitations imposed by Sec. 29-3.3(vv)(2)(v) with respect to maximum occupancy, the owner is seeking approval for 8 transient guests which is the maximum permitted. Available on-site/off-street parking, inclusive of the garage spaces, would support this number of guests.

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. No occupancy over 8 transient guests would be permitted. 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. If the Commission desires to restrict the occupancy such action may be addressed via a "**condition of approval**" with justification stating why such condition is offered. Any proposed condition of approval is subject to final approval by the City Council.

Within the required 185-foot notification radius, the subject dwelling abuts other single-family structures of similar size and lot area that are located within the R-1 zoning district to the south, east and west, and detached single-family homes with R-2 on the north side of West Worley Street. 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. Sidewalks are installed on both sides of

West Worley Street and Park De Ville Drive, and on-street parking is allowed along portions of West Worley, but not along the southern edge of Worley by this site. On-street parking is allowed on Park De Ville Drive, north of the crosswalk by Mary Paxton Keeley Elementary School, but not within 30 ft of the stop sign.

Based on public notification letters, there are 28 individual properties within 185-feet and 2 neighborhood association within 1,000 feet of the subject dwelling. Of the 28 properties, 9 are owner-occupied and 10 are rentals. Given the zoning of the surrounding dwellings, the maximum "long-term" rental occupancy of each dwelling unit would be 3-unrelated individuals for R-1 zoned parcels or 4-unrelated individuals for the R-2 zoned properties. The subject property is within 1,000 feet of two schools (Mary Paxton Keeley Elementary and Smithton Middle) and is within a listed school zone.

The subject dwelling is owned by an LLC and indicates that the LLC 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 approximately 8.5 miles (15 minutes) from the dwelling if the need arises to address compliance matters per Google Maps.

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

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-1 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 2 UDC compliant parking spaces outside the public right of way and an attached 2-car garage. As such, and given the desired transient guest occupancy (8), a **"condition of approval"** is deemed necessary to ensure that sufficient on-site parking is provided at all times the dwelling is used for STR purposes. A minimum of 4 UDC compliant parking spaces must be provided to support the desired 8 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 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 are improved with detached single-family structures. Based on a search of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as a listed short-term rental on AirBnB only.

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

The dwelling has been used as an STR since 2023 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 on public notification letters, there are 28 individual properties within 185-feet and 2 neighborhood associations within 1,000 feet of the subject dwelling. Of the 28 properties, 9 appear to be owner-occupied.

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

The site is accessed from Park De Ville Drive via a private driveway. Park De Ville Drive is classified as a local residential street in the CATSO Major Roadway Plan, has sidewalks, and permits on-street parking on both sides of the street and for the segment north of the crosswalk for Mary Paxton Keeley Elementary School.

The site has adequate off-street parking to meet the regulatory requirements for use as an STR provided the attached 2-car garage and its parking spaces are made available at all times the dwelling is used as an STR. The design of the parking and the site's access from Park DeVille is consistent with other detached single-family dwellings within the neighborhood. This access 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.

9 of the 28 parcels within 185-feet of the subject site are used for rental purposes. The 19 remaining structures are owner-occupied. Adjacent dwellings are located within either an R-1 or R-2 zoning district permitting a maximum of 3 (R-1) or 4 (R-2) unrelated individuals, respectively, if used for rental purposes. While approval of a CUP allowing the subject dwelling to be used as a 210-night STR with a maximum of 8 transient guests could be considered more intense than adjacent owner and rental-occupied single-family dwellings there is no evidence to suggest that such usage would create adverse impacts. The dwelling has been operating as an STR since 2023 without apparent incident or complaint and was occupied as an STR in 2024 for approximately 75 nights.

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.

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 they stay occasionally at the dwelling to visit family and update the home, totaling for approximately 3 weeks of the year.

(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 did not identify any additional licensed STR properties within 300-feet; however, did identify at least 3 units from the Park De Ville PUD to the north that were listed on FurnishedFinders.

(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 2023, that it is the LLC's only STR, and that there have been no complaints or city code violations. Staff's review of city complaint records has not revealed complaints associated with the property.

(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 applicant has responded that the use of the dwelling as an STR has not increased the intensity of use and that they have very strict guest rules regarding quiet hours and don't allow parties so as not to cause any disturbance to our neighbors.

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually could result in increases in activity due to higher occupant turnover; how significant is unknown. The impact is subject to many factors such as dwelling unit desirability, pricing, rental occupancy, etc. According to Airbnb online reviews, the dwelling has been offered as an STR since 2023 and based on the application information was rented as an STR in 2024 for approximately 75 nights. This level of use has not generated a complaint record. If regulatory issues were to arise, the current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes.

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

The applicant has indicated they have had limited engagement with their neighbors, but there has not been any negative feedback from the neighbors regarding the usage as a STR. Since submission of the application, mailing of property owner notification, and posting of the property, one written public comment (attached) has been received in opposition to the request. Aside from this single public comment no other public inquiries in writing, email, or telephone have been submitted.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, staff supports granting a conditional use permit to allow 212 Park De Ville Drive to be operated as a short-term rental with a maximum of 8 transient guests and rental usage up to 210-nights annually. The property is a single-family detached dwelling that has been used as an STR since 2023 and was rented in 2024 for a approximately 75 nights.

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 of the CUP to allow 212 Park De Ville Drive to be operated as a STR subject to:

1. Both garage parking spaces within the attached 2-car garage and the driveway be made available at all times the dwelling is used for STR purposes; and
2. Maximum occupancy permitted within the dwelling shall not exceed 8 transient guests regardless of potential occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IMPC); and
3. A maximum of 210-nights of annual usage.

ATTACHMENTS

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

HISTORY

Annexation date	1966
Zoning District	R-1 (Single-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Park DeVille SD Plat 1 Lot 21 (legal lot)

SITE CHARACTERISTICS

Area (acres)	0.33 acres
Topography	Sloping down NW
Vegetation/Landscaping	Some trees, maintained lawn
Watershed/Drainage	Harmony Creek
Existing structures	Detached SF Home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Park DeVilleDrive	
Location	Along western edge of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	On both sides

PARKS & RECREATION

Neighborhood Parks	Smithton Park, Fairview Hollow Nature Area
Trails Plan	Smithton Park Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

31 “public hearing” letters were distributed with respect this matter. 28 letters were mailed to property owners and tenants within 185-feet of the subject property, 2 letters were provided to a City-recognized neighborhood association within 1000-feet of the subject property, and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on March 24, 2025. The public hearing ad for this matter was placed in the Tribune on March 25, 2025.

Public Notification Responses	No responses or inquiries
Notified neighborhood association(s)	Park De Ville
Correspondence received	1 written (attached)

Report prepared by: David Kunz

Report approved by: Patrick Zenner